



CITY OF SEATTLE

City Council

Agenda

The Council may participate remotely

Monday, March 16, 2020

2:00 PM

Council Chamber, City Hall
600 Fourth Avenue
Seattle, WA 98104

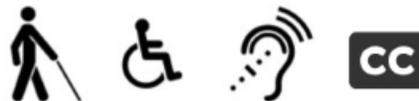
M. Lorena González, President
Lisa Herbold, Member
Debora Juarez, Member
Andrew J. Lewis, Member
Tammy J. Morales, Member
Teresa Mosqueda, Member
Alex Pedersen, Member
Kshama Sawant, Member
Dan Strauss, Member

Chair Info: 206-684-8809; Lorena.González@seattle.gov

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CITY OF SEATTLE

City Council

Agenda

The Council may participate remotely

March 16, 2020 - 2:00 PM

Meeting Location:

Council Chamber, City Hall, 600 Fourth Avenue, Seattle, WA 98104

Committee Website:

<http://www.seattle.gov/council>

A. CALL TO ORDER

B. ROLL CALL

C. PRESENTATIONS

D. APPROVAL OF THE JOURNAL

[Min 267](#) February 18, 2020

Attachments: [Minutes](#)

[Min 268](#) February 24, 2020

Attachments: [Minutes](#)

[Min 269](#) March 2, 2020

Attachments: [Minutes](#)

E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR

Introduction and referral to Council committees of Council Bills (CB), Resolutions (Res), Appointments (Appt), and Clerk Files (CF) for committee recommendation.

[IRC 245](#) March 16, 2020

Attachments: [Introduction and Referral Calendar](#)

F. APPROVAL OF THE AGENDA**G. PAYMENT OF BILLS**

These are the only Bills which the City Charter allows to be introduced and passed at the same meeting.

[CB 119755](#)

AN ORDINANCE appropriating money to pay certain audited claims for the week of March 2, 2020 through March 6, 2020 and ordering the payment thereof.

H. COMMITTEE REPORTS

Discussion and vote on Council Bills (CB), Resolutions (Res), Appointments (Appt), and Clerk Files (CF).

CITY COUNCIL:

1. [CB 119754](#) AN ORDINANCE relating to employment in Seattle; amending Sections 14.16.010 and 14.16.030 of the Seattle Municipal Code to strengthen and clarify labor standards requirements for paid sick and paid safe time for employees working in Seattle; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

Supporting Documents:

[Summary and Fiscal Note](#)
[Central Staff Memo \(3/16/20\)](#)
[Proposed Amendment 1](#)
[Proposed Amendment 2](#)

TRANSPORTATION AND UTILITIES COMMITTEE:

2. [Res 31932](#) A RESOLUTION relating to the City Light Department; acknowledging and approving City Light's adoption of a biennial energy conservation target for 2020-2021 and ten-year conservation potential.

The Committee recommends that City Council adopt as amended the Resolution (Res).

In Favor: 4 - Pedersen, Strauss, Herbold, Morales

Opposed: None

Supporting Documents:

[Summary and Fiscal Note](#)

I. ADOPTION OF OTHER RESOLUTIONS

J. OTHER BUSINESS

K. EXECUTIVE SESSION

Executive Session on Pending, Potential, or Actual Litigation & Labor Negotiations*

**Executive Sessions are closed to the public*

L. ADJOURNMENT



SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor
Seattle, WA 98104

Legislation Text

File #: Min 267, **Version:** 1

February 18, 2020

SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor
Seattle, WA 98104



Journal of the Proceedings of the Seattle City Council

Tuesday, February 18, 2020

2:00 PM

Council Chamber, City Hall

600 Fourth Avenue

Seattle, WA 98104

City Council

M. Lorena González, President

Lisa Herbold, Member

Debora Juarez, Member

Andrew J. Lewis, Member

Tammy J. Morales, Member

Teresa Mosqueda, Member

Alex Pedersen, Member

Kshama Sawant, Member

Dan Strauss, Member

Chair Info: 206-684-8809; Lorena.González@seattle.gov

A. CALL TO ORDER

The City Council of The City of Seattle met in the Council Chamber in City Hall in Seattle, Washington, on February 18, 2020, pursuant to the provisions of the City Charter. The meeting was called to order at 2:05 p.m., with Council President Pro Tem Juarez presiding.

B. ROLL CALL

Present: 7 - Herbold, Juarez, Lewis, Morales, Pedersen, Sawant, Strauss

Excused: 1 - González

Absent: 1 - Mosqueda

C. PRESENTATIONS

Senior Deputy Mayor Mike Fong delivered Mayor Jenny A. Durkan's 2020 State of the City Address to the City Council.

D. APPROVAL OF THE JOURNAL

[Min 265](#)

February 3, 2020

Motion was made, duly seconded and carried, to adopt the proposed Minutes (Min) by the following vote, and the President signed the Minutes:

In Favor: 7 - Herbold, Juarez, Lewis, Morales, Pedersen, Sawant, Strauss

Opposed: None

Councilmember Strauss left the Council Chamber at 2:08 p.m.

E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR

[IRC 241](#)

February 18, 2020

Motion was made, duly seconded and carried, to adopt the proposed Introduction & Referral Calendar (IRC) by the following vote:

In Favor: 6 - Herbold, Juarez, Lewis, Morales, Pedersen, Sawant

Opposed: None

Absent(NV): 1 - Strauss

F. APPROVAL OF THE AGENDA

ACTION 1:

Motion was made and duly seconded to adopt the proposed Agenda.

Councilmember Strauss entered the Council Chamber at 2:16 p.m.

ACTION 2:

Motion was made by Councilmember Sawant, duly seconded and carried, to amend the proposed Agenda by adding Resolution 31934 as the first item on the Agenda.

Resolution 31934, A RESOLUTION supporting the taxation of big businesses in Seattle to fund housing and essential services, urging the Washington State Legislature to oppose any “preemption” or other ban on Seattle’s ability to raise revenue through big business taxes or other progressive revenue sources, and requesting the Office of Intergovernmental Relations communicate this resolution to Washington State Lawmakers.

ACTION 3:

Motion was made, duly seconded and carried, to adopt the proposed Agenda as amended.

G. PUBLIC COMMENT

Councilmember Pedersen left the Council Chamber at 2:17 p.m.

Alex Finch addressed the Council regarding Agenda item 2, Council Bill 119656.

Sean Butterfield addressed the Council regarding Introduction and Referral Calendar item 2, Resolution 31934.

Vivian Korneliussen addressed the Council regarding Introduction and Referral Calendar item 2, Resolution 31934.

Councilmember Pedersen entered the Council Chamber at 2:21 p.m.

Barb Oliver addressed the Council regarding Agenda item 2, Council Bill 119656.

Lorene Kay addressed the Council regarding Agenda item 2, Council Bill 119656.

Asukaa Jaxx addressed the Council regarding Agenda item 2, Council Bill 119656.

Alycia Lewis addressed the Council regarding Introduction and Referral Calendar item 2, Resolution 31934.

Jon Mannella addressed the Council regarding Introduction and Referral Calendar item 2, Resolution 31934.

Jake Brintzenhofe addressed the Council regarding Introduction and Referral Calendar item 2, Resolution 31934.

Negist Berihun addressed the Council regarding a non-Agenda item.

Ed Mast addressed the Council regarding Introduction and Referral Calendar item 2, Resolution 31934.

Sharon Lee addressed the Council regarding Introduction and Referral Calendar item 2, Resolution 31934.

Altan Orhon addressed the Council regarding Introduction and Referral

Calendar item 2, Resolution 31934.

Allan Martin addressed the Council regarding a non-Agenda item.

Fred Cade addressed the Council regarding Agenda item 2, Council Bill 119656.

Howard Gale addressed the Council regarding a non-Agenda item.

By unanimous consent, the Council Rules were suspended to extend the Public Comment period for an additional 20 minutes.

Brent McFarlane addressed the Council regarding Introduction and Referral Calendar item 2, Resolution 31934.

Peggy Hotes addressed the Council regarding Agenda item 2, Council Bill 119656.

Cassandra Gaspard addressed the Council regarding Agenda item 2, Council Bill 119656.

Michelle Bacsik addressed the Council regarding Agenda item 2, Council Bill 119656.

Eric Pattin addressed the Council regarding Agenda item 2, Council Bill 119656.

Councilmember Pedersen left the Council Chamber at 2:40 p.m.

Kyle Malone addressed the Council regarding Agenda item 2, Council Bill 119656.

Prashant Nema addressed the Council regarding Agenda item 2, Council Bill 119656.

Alycia Roberts addressed the Council regarding Agenda item 2, Council Bill 119656.

Mona Lee addressed the Council regarding Agenda item 2, Council Bill 119656.

Becca Finkes addressed the Council regarding Agenda item 2, Council Bill 119656.

Councilmember Pedersen entered the Council Chamber at 2:48 p.m.

Naomi See addressed the Council regarding Agenda item 2, Council Bill 119656.

Juan Lopez addressed the Council regarding Agenda item 2, Council Bill 119656.

Chris Caculite addressed the Council regarding Agenda item 2, Council Bill 119656.

Theresa Hohman addressed the Council regarding Agenda item 2, Council Bill 119656.

Josh Castle addressed the Council regarding Agenda item 2, Council Bill 119656.

Calvin Priest addressed the Council regarding Introduction and Referral Calendar item 2, Resolution 31934.

Councilmember Strauss left the Council Chamber at 2:54 p.m.

Sjyatha addressed the Council regarding Introduction and Referral Calendar item 2, Resolution 31934.

Beth Reis addressed the Council regarding Agenda item 2, Council Bill 119656.

Michael Foster addressed the Council regarding Introduction and Referral Calendar item 2, Resolution 31934.

By unanimous consent, the Council Rules were suspended to extend the Public Comment period to allow the remaining speakers to address the Council.

Joe Read addressed the Council regarding a non-Agenda item.

Dick Burkhart addressed the Council regarding Agenda item 2, Council Bill 119656.

Councilmember Strauss entered the Council Chamber at 3:00 p.m.

Elizabeth Campbell addressed the Council regarding Agenda item 2, Council Bill 119656.

Motion was made, duly seconded and carried, to excuse Councilmember Mosqueda from the February 18, 2020 City Council meeting.

The following Councilmembers were:

Present: 7 - Herbold, Juarez, Lewis, Morales, Pedersen, Sawant, Strauss

Excused: 2 - González , Mosqueda

H. PAYMENT OF BILLS

[CB 119740](#) **AN ORDINANCE appropriating money to pay certain audited claims for the week of February 3, 2020 through February 7, 2020 and ordering the payment thereof.**

Motion was made and duly seconded to pass Council Bill 119740.

The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 7 - Herbold, Juarez, Lewis, Morales, Pedersen, Sawant, Strauss

Opposed: None

I. COMMITTEE REPORTS

From the amended Agenda.

[Res 31934](#) **A RESOLUTION supporting the taxation of big businesses in Seattle to fund housing and essential services, urging the Washington State Legislature to oppose any “preemption” or other ban on Seattle’s ability to raise revenue through big business taxes or other progressive revenue sources, and requesting the Office of Intergovernmental Relations communicate this resolution to Washington State Lawmakers.**

Motion was made and duly seconded to adopt Resolution 31934.

The Motion failed and the Resolution (Res) was not adopted by the following vote:

In Favor: 2 - Morales, Sawant

Opposed: 5 - Herbold, Juarez, Lewis, Pedersen, Strauss

CITY COUNCIL:

1. [CF 314445](#) **2020 State of the City Address delivered by Mayor Jenny A. Durkan on February 18, 2020.**

Motion was made and duly seconded to file Clerk File 314445.

The Motion carried, and the Clerk File was placed on file by the following vote:

In Favor: 7 - Herbold, Juarez, Lewis, Morales, Pedersen, Sawant, Strauss

Opposed: None

SELECT COMMITTEE ON HOMELESSNESS STRATEGIES AND INVESTMENTS:

2. [CB 119656](#) **AN ORDINANCE relating to land use and zoning; providing that transitional encampments for homeless individuals are allowed on any property owned or controlled by a religious organization without approval of a permit under the Seattle Land Use Code, to permit transitional encampments for homeless individuals as an interim use on all publicly owned or private property within the City of Seattle, and providing for renewal of temporary use permits for transitional encampments as a Type I decision of the Director of the Seattle Department of Construction and Inspections; amending Sections 23.40.002, 23.42.054, 23.42.056, 23.76.004, 23.76.006, 23.76.032, and 23.84A.038 of the Seattle Municipal Code; and amending Ordinance 124747.**

The Committee recommends that City Council pass as amended the Council Bill (CB).

In Favor: 5 - Lewis, Herbold, Morales, Sawant, Strauss

Opposed: None

Abstain: 1 - Pedersen

ACTION 1:

Motion was made by Councilmember Pedersen and duly seconded, to amend Council Bill 119656 by substituting the Bill, as shown in Attachment 1 to the Minutes.

The Motion failed by the following vote:

In Favor: 1 - Pedersen

Opposed: 6 - Herbold, Juarez, Lewis, Morales, Sawant, Strauss

ACTION 2:

Motion was made by Councilmember Sawant, duly seconded and carried, to amend Council Bill 119656 by substituting the Bill, as shown in Attachment 2 to the Minutes.

ACTION 3:

Motion was made by Councilmember Lewis, duly seconded and carried, to amend Council Bill 119656, as shown in Attachment 3 to the Minutes.

ACTION 4:

Motion was made by Councilmember Sawant, duly seconded and carried,

to amend Council Bill 119656, as shown in Attachment 4 to the Minutes.

ACTION 5:

Motion was made by Councilmember Lewis and duly seconded, to amend Council Bill 119656, as shown in Attachment 5 to the Minutes.

ACTION 6:

By unanimous consent, Council Rule III.A.7, relating to amendments presented to the City Council at least two hours before the meeting, was suspended to allow consideration of an amendment to Council Bill 119656.

Motion was made by Councilmember Morales and duly seconded, to amend the amendment in Action 5, as shown in Attachment 6 to the Minutes.

The Motion failed by the following vote:

In Favor: 3 - Herbold, Morales, Sawant
Opposed: 2 - Juarez, Lewis, Pedersen, Strauss

ACTION 7:

The Motion in Action 5 was restated.

The Motion carried by the following vote:

In Favor: 5 - Herbold, Juarez, Lewis, Pedersen, Strauss
Opposed: 2 - Morales, Sawant

ACTION 8:

Motion was made by Councilmember Lewis and duly seconded, to amend Council Bill 119656, as shown in Attachment 7 to the Minutes.

The Motion failed by the following vote:

In Favor: 3 - Juarez, Lewis, Pedersen
Opposed: 4 - Herbold, Morales, Sawant Strauss

ACTION 9:

Motion was made by Councilmember Pedersen to amend Council Bill 119656, as shown in Attachment 8 to the Minutes.

The Motion was not considered due to the lack of a second.

ACTION 10:

Motion was made by Councilmember Lewis, duly seconded and carried, to amend Council Bill 119656, as shown in Attachment 9 to the Minutes.

ACTION 11:

Motion was made by Councilmember Pedersen and duly seconded, to amend Council Bill 119656, as shown in Attachment 10 to the Minutes.

The Motion failed by the following vote:

In Favor: 1 - Pedersen

Opposed: 6 - Herbold, Juarez, Lewis, Morales, Sawant, Strauss

ACTION 12:

Motion was made and duly seconded to pass Council Bill 119656 as amended.

The Motion carried, the Council Bill (CB) passed as amended by the following vote, and the President signed the Bill:

In Favor: 6 - Herbold, Juarez, Lewis, Morales, Sawant, Strauss

Opposed: 1 - Pedersen

PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE:

3. [Appt 01545](#) **Appointment of Prachi Vipinchandra Dave as member, Community Police Commission, for a term to December 31, 2020.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Herbold, Lewis, Morales

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 7 - Herbold, Juarez, Lewis, Morales, Pedersen, Sawant, Strauss

Opposed: None

- 4. [Appt 01547](#) **Reappointment of Colleen Echohawk as member, Community Police Commission, for a term to December 31, 2022.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Herbold, Lewis, Morales

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 7 - Herbold, Juarez, Lewis, Morales, Pedersen, Sawant, Strauss

Opposed: None

J. ADOPTION OF OTHER RESOLUTIONS

There were none.

K. OTHER BUSINESS

There was none.

L. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 4:15 p.m.

Emilia M. Sanchez, Sr. Deputy City Clerk

Signed by me in Open Session, upon approval of the Council, on March 16, 2020.

Teresa Mosqueda, Council President Pro Tem of the City Council

Monica Martinez Simmons, City Clerk

- Att 1 – Action 1 of CB 119656**
- Att 2 – Action 2 of CB 119656**
- Att 3 – Action 3 of CB 119656**
- Att 4 – Action 4 of CB 119656**
- Att 5 – Action 5 of CB 119656**
- Att 6 – Action 6 of CB 119656**
- Att 7 – Action 8 of CB 119656**
- Att 8 – Action 9 of CB 119656**
- Att 9 – Action 10 of CB 119656**
- Att 10 – Action 11 of CB 119656**

..title

AN ORDINANCE relating to land use and zoning; providing that transitional encampments for homeless individuals are allowed on any property owned or controlled by a religious organization without approval of a permit under the Seattle Land Use Code, to permit transitional encampments for homeless individuals as an interim use on all publicly owned or private property within the City of Seattle, and providing for renewal of temporary use permits for transitional encampments as a Type I decision of the Director of the Seattle Department of Construction and Inspections; amending Sections 23.40.002, 23.42.054, 23.42.056, 23.76.004, 23.76.006, 23.76.032, and 23.84A.038 of the Seattle Municipal Code; and amending Ordinance 124747.

..body

WHEREAS, Seattle has been in a State of Civil Emergency on homelessness since 2015; and
WHEREAS, the 2019 Point in Time Count found there are 11,199 homeless people in King County including 5,228 sleeping unsheltered on the streets; and
WHEREAS, tiny house villages have proven to be an effective place for homeless individuals and families to find the safety, privacy, and human dignity necessary to get back on their feet and transition to affordable housing; and
WHEREAS, tiny houses provide the security of a sturdy wood structure, a place to store personal belongings, insulation, and electricity; and
WHEREAS, tiny house villages have operated with a self-management model where residents democratically run their communities; residents have reported this model has helped them overcome the isolation and alienation of homelessness, and residents have become more successful transitioning into permanent housing; and
WHEREAS, in 2018 residents of tiny house villages successfully transitioned to permanent housing at higher rates than residents of shelters, with 56 percent obtaining permanent housing or transitional housing; and
WHEREAS, between 2016 and 2018, approximately 500 people transitioned to permanent housing from Seattle’s tiny house villages; and
WHEREAS, through the 2020 Adopted Budget the Council appropriated approximately \$2,015,000 to fund operations and siting for two additional tiny house villages and approved Statement of Legislative Intent HOM-4-A-2, which requests cost estimate and siting information for tiny house villages; and
WHEREAS, the Council intends to consider in the future whether to increase or remove the limit on the maximum number of interim use transitional encampments based on changes in the population of unsheltered persons, available siting opportunities, funding availability, and the success of tiny house villages in exits to permanent housing; and
WHEREAS, Ordinance 124747, which established “Transitional Encampments as an interim use” in Seattle’s land use code in 2015, created the legal framework for Seattle’s tiny house villages, but allowed no more than three tiny house villages at any one time, and will sunset on March 31, 2020 if there is no further legislative action; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

[Delete Section 1 and 2]

Section ~~31~~. Section 23.42.056 of the Seattle Municipal Code, enacted by Ordinance 124747, is amended as follows:

23.42.056 Transitional encampment as an interim use

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

[Delete Proposed Amendments to Seattle Municipal Code Subsections 23.42.056 A – D]

E. ~~((Duration))~~ Permit term and renewal ~~((timing))~~. ~~((The transitional encampment interim use shall meet the following requirements:~~

1.) A permit for a transitional encampment interim use under this Section 23.42.056 may be authorized for up to one year from the date of permit issuance. A permit for a transitional encampment may be renewed ~~((one time for up to one year))~~ for additional one-year terms by the Director as a Type I decision subject to the following:

~~((a))~~1. The operator shall provide notice of a request to extend the use in a manner determined by a Director's Rule. The notice shall be given to the Citizen's Advisory Committee and persons who provided the operator with an address for notice;

~~((b))~~2. The encampment is in compliance with the requirements of Section 23.42.056; and

~~((e))~~3. The operator shall provide with the permit renewal application an Encampment Operations Plan that shall be in effect during the permit renewal period and consistent with subsection 23.42.056.A.

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

F. Limit on the number of encampments~~((:))~~

1. Maximum number of encampments. No more than ~~((three))~~ 40-15 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))~~ The limit of 40-15 transitional interim use encampments shall not include transitional encampments ((accessory to a religious facility)) located on property owned or controlled by a religious organization.

2. Existing encampments established by and operating under temporary use permits. Encampments presently operating under temporary use permits issued pursuant to subsections 23.42.040.B and 23.42.040.C may apply for an interim use permit pursuant to this Section 23.42.056, subject to the limits established by subsection 23.42.056.F.1. The term for operating any encampments obtaining interim use permits in lieu of temporary use permits shall begin on the date the interim use permit is issued regardless of how long the encampment has been established by a prior temporary use permit.

[Delete Sections 4 and 5]

Section ~~62~~. Subsection 23.76.032.C of the Seattle Municipal Code, which section was last amended by Ordinance 125558, is amended as follows:

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

C. Master Use Permit ~~((Renewal))~~ renewal

1. Except for Major Phased Development permits, the Director shall renew issued Master Use Permits for projects that are in conformance with applicable regulations, including but not limited to land use and environmentally critical areas regulations and SEPA policies in effect at the time renewal is sought. Except as provided in subsections 23.76.032.C.2 and 23.76.032.C.3, Master Use Permit renewal is for a period of two years. A Master Use Permit shall not be renewed beyond a period of five years from the original date the permit is approved for issuance. The Director shall not renew issued Master Use Permits for projects that are not in conformance with applicable regulations in effect at the time renewal is sought.

Att 1 – Action 1 of CB 119656

2. If an application for a building permit is submitted before the end of the two year term of renewal, and is subsequently issued, the Master Use Permit shall be extended for the life of the building permit.

3. The Director may renew a Master Use Permit for the temporary relocation of police and fire stations issued pursuant to Section 23.42.040 for a period not to exceed 12 months.

4. The Director may renew a Master Use Permit for a transitional encampment interim use issued according to ~~((Section))~~ subsection 23.42.056.E ~~((one-time for up to one year))~~ for additional one-year terms.

[Delete Section 7]

Section ~~83~~. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of its application 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.

Section ~~94~~. Section 8 of Ordinance 124747 is ~~repealed~~amended as follows:
~~((Section 8. This ordinance shall be automatically repealed without subsequent Council action on March 31, 2020.))~~

Section 8. This ordinance shall be automatically repealed without subsequent Council action on March 31, ~~((2020))~~ 2022.

Att 1 – Action 1 of CB 119656

Section ~~105~~. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, ~~2019~~2020, and signed by me in open session in authentication of its passage this _____ day of _____, ~~2019~~2020.

President _____ of the City Council

Approved by me this _____ day of _____, ~~2019~~2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, ~~2019~~2020.

Monica Martinez Simmons, City Clerk

(Seal)

..title

AN ORDINANCE relating to land use and zoning; providing that transitional encampments for homeless individuals are allowed on any property owned or controlled by a religious organization without approval of a permit under the Seattle Land Use Code, to permit transitional encampments for homeless individuals as an interim use on all publicly owned or private property within the City of Seattle, and providing for renewal of temporary use permits for transitional encampments as a Type I decision of the Director of the Seattle Department of Construction and Inspections; amending Sections 23.40.002, 23.42.054, 23.42.056, 23.76.004, 23.76.006, 23.76.032, and 23.84A.038 of the Seattle Municipal Code; and amending Ordinance 124747.

..body

WHEREAS, Seattle has been in a State of Civil Emergency on homelessness since 2015; and
WHEREAS, the 2019 Point in Time Count found there are 11,199 homeless people in King County including 5,228 sleeping unsheltered on the streets; and
WHEREAS, tiny house villages have proven to be an effective place for homeless individuals and families to find the safety, privacy, and human dignity necessary to get back on their feet and transition to affordable housing; and
WHEREAS, tiny houses provide the security of a sturdy wood structure, a place to store personal belongings, insulation, and electricity; and
WHEREAS, tiny house villages have operated with a self-management model where residents democratically run their communities; residents have reported this model has helped them overcome the isolation and alienation of homelessness, and residents have become more successful transitioning into permanent housing; and
WHEREAS, in 2018 residents of tiny house villages successfully transitioned to permanent housing at higher rates than residents of shelters, with 56 percent obtaining permanent housing or transitional housing; and
WHEREAS, between 2016 and 2018, approximately 500 people transitioned to permanent housing from Seattle’s tiny house villages; and
WHEREAS, through the 2020 Adopted Budget the Council appropriated approximately \$2,015,000 to fund operations and siting for two additional tiny house villages and approved Statement of Legislative Intent HOM-4-A-2, which requests cost estimate and siting information for tiny house villages; and
WHEREAS, the Council intends to consider in the future whether to increase or remove the limit on the maximum number of interim use transitional encampments based on changes in the population of unsheltered persons, available siting opportunities, funding availability, and the success of tiny house villages in exits to permanent housing; and
WHEREAS, Ordinance 124747, which established “Transitional Encampments as an interim use” in Seattle’s land use code in 2015, created the legal framework for Seattle’s tiny house villages, but allowed no more than three tiny house villages at any one time, and will sunset on March 31, 2020 if there is no further legislative action; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.40.002 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

23.40.002 Conformity with regulations required

A. The establishment or change of use of any structures, buildings or premises, or any part thereof, requires approval according to the procedures (~~(set forth)~~) in Chapter 23.76(~~(, Procedures for Master Use Permits and Council Land Use Decisions,)~~) except:

1. (~~(establishment)~~) Establishment of an urban farm or community garden that does not include major marijuana activity as defined in Section 23.84A.025(~~(,)~~) and that is permitted outright under the provisions of this Title 23 applicable to the lot;

Att 2 – Action 2 of CB 119656

2. ~~((as))~~ As permitted in subsections 23.47A.004.E and 23.47A.004.F;
3. ~~((keeping))~~ Keeping of animals as permitted under Section 23.42.052;
4. ~~((reinstatement))~~ Reinstatement of a use interrupted by a temporary use authorized pursuant to Section 23.42.040; ~~((and))~~
5. Establishment of a transitional encampment use on property owned or controlled by a religious organization; and
6. ~~((for uses))~~ Uses located entirely within public rights-of-way.

* * *

Section 2. Section 23.42.054 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

23.42.054 Transitional encampments ~~((accessory to religious facilities or to other principal uses))~~ located on property owned or controlled by a religious organization

A. Transitional encampment ~~((accessory))~~ use on property owned or controlled by a religious organization. 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 facility or the principal use is on))~~ property is owned or controlled by a religious organization, subject to the provisions of subsection 23.42.054.B. ~~((A religious facility))~~ If the site includes property developed with legally-established parking that is accessory to ~~((the))~~ a religious facility ~~((Parking accessory to a religious facility or located on property owned or controlled by a religious organization that is))~~ or other use established on the property, then any parking displaced by the encampment does not need to be replaced.

* * *

Section 3. Section 23.42.056 of the Seattle Municipal Code, enacted by Ordinance 124747, is amended as follows:

23.42.056 Transitional encampment as an interim use

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

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

1. Community outreach requirements that include:
 - a. Community outreach standards that the encampment operator shall comply with before filing a transitional encampment interim use permit application, whether for a new transitional encampment or relocation of an existing transitional encampment. At a minimum, outreach standards shall contain a requirement that the encampment operator convene at least one public meeting in the neighborhood where the transitional encampment interim use is proposed to be established, at least 14 days prior to applying for a permit;
 - b. A requirement that the proposed encampment operator establish a Community Advisory Committee that would provide advisory input on proposed encampment operations including identifying methods for handling community complaints or concerns as it relates to the facility or facility clients. The committee shall include one individual identified by each stakeholder group in the geographic area where the proposed encampment would be located as best suited to represent their interests. The committee shall consist of no fewer than five and no more than ~~((seven))~~ ten members. Encampment operator representatives shall attend committee meetings to answer questions and shall provide regular reports to the committee concerning encampment operations. City staff may attend the meetings; and
2. Operations standards that the encampment operator is required to implement while an encampment is operating.

B. Location. The transitional encampment interim use ~~((shall))~~ may be located on property within any zone ~~((meeting))~~ subject to the following requirements:

1. ~~((The property is:~~

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

~~b. Within a Major Institution Overlay district.~~

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

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

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

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

~~2. All encampment facilities, improvements, activities, and uses shall be set back from abutting lot lines, as follows:~~

~~a. 10 feet from any side or rear lot line that abuts a lot in a single-family zone;~~

~~and~~

~~b. 5 feet from any side or rear lot line that abuts a lot in any zone other than single family; except that no setback is required when an abutting lot, which is not in a single-family zone, does not have an established use.~~

~~((4)) 3. The property is owned or controlled by ((the City of Seattle,)) a private party, ((or)) an Educational Major Institution, The City of Seattle, or another public entity.~~

~~5)) 4. The property is within ½ mile of a transit stop. This distance shall be the walking distance measured from the nearest transit stop to the lot line of the lot containing the encampment site.~~

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

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

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

~~((9)) 7. The encampment site is not used by an existing legally-permitted use for code or permit-required purposes including but not limited to parking or setbacks.~~

~~((10)) 8. The property is not an unopened public ((right-of-way)) right-of-way; or designated as a park, playground, viewpoint, or multi-use trail by the City or King County.~~

~~9. The property is, as measured by a straight line, at least 1 mile from any other legally-established transitional encampment interim use including encampments accessory to a religious facility or accessory to other principal uses on property owned or controlled by a religious organization. This subsection 23.42.056.B.9 shall not apply:~~

~~a. To encampments on sites owned or controlled by religious organizations, or~~

~~b. To any legally-established transitional encampment interim use that provides shelter for fewer than ten persons, or~~

c. When at least one transitional encampment is established in each Council District.

~~8. Except as provided by subsection 23.42.056.B.9, the property is, as measured by a straight line, at least 1 mile from any other legally established transitional encampment interim use including encampments accessory to a religious facility or accessory to other principal uses on property owned or controlled by a religious organization. This subsection 23.42.056.B.8 shall not apply to encampments on sites owned or controlled by religious organizations, or to any legally established transitional encampment interim use that provides shelter for fewer than ten persons.~~

~~9. When at least one transitional encampment interim use has been established in a Council District, a new transitional encampment interim use shall not be established in that same Council District until each Council District has the same number of existing transitional encampments interim use. The requirements of subsection 23.42.056.B.8 shall not apply when one or more interim use encampments are established and operating in each Council District. For the purposes of this subsection 23.42.056.B.9 a transitional encampment interim use is existing if a permit for the encampment has been issued and has not expired.~~

* * *

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

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

2. The operator of a transitional encampment interim use who receives funding from the City of Seattle Human Services Department or the King County Regional Homelessness Authority shall comply with performance standards in the contract or contracts administered by those agencies for the encampment.

~~((2))~~3. The operator of a transitional encampment interim use located on City-owned or -controlled property shall obtain prior to permit issuance and maintain in full force and effect, at its own expense, liability insurance naming the City as an additional insured in an amount sufficient to protect the City as determined by the City Risk Manager from:

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

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

~~((3))~~4. The operator of a transitional encampment interim use located on City-owned or -controlled property shall, on a form approved by the Director, agree to defend, indemnify, and hold harmless ~~((the))~~ The City of Seattle, its officials, officers, employees, and agents from and against:

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

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

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

E. ~~((Duration))~~ Permit term and renewal ~~((timing))~~. ~~((The transitional encampment interim use shall meet the following requirements:~~

~~1-))~~ A permit for a transitional encampment interim use under this Section 23.42.056 may be authorized for up to one year from the date of permit issuance. A permit for a transitional encampment may be renewed ~~((one time for up to one year))~~ for additional one-year terms by the Director as a Type I decision subject to the following:

~~((a))~~1. The operator shall provide notice of a request to extend the use in a manner determined by a Director's Rule. The notice shall be given to the Citizen's Advisory Committee and persons who provided the operator with an address for notice;

~~((b))~~2. The encampment is in compliance with the requirements of Section 23.42.056; and

~~((e))~~3. The operator shall provide with the permit renewal application an Encampment Operations Plan that shall be in effect during the permit renewal period and consistent with subsection 23.42.056.A.

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

F. Limit on the number of encampments~~((:))~~

1. Maximum number of encampments. No more than ~~((three))~~ 40 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))~~ The limit of 40 transitional interim use encampments shall not include transitional encampments ~~((accessory to a religious facility))~~ located on property owned or controlled by a religious organization.

2. Existing encampments established by and operating under temporary use permits. Encampments presently operating under temporary use permits issued pursuant to subsections 23.42.040.B and 23.42.040.C may apply for an interim use permit pursuant to this Section 23.42.056, subject to the limits established by subsection 23.42.056.F.1. The term for operating any encampments obtaining interim use permits in lieu of temporary use permits shall begin on the date the interim use permit is issued regardless of how long the encampment has been established by a prior temporary use permit.

Section 4. Section 23.76.004 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.76.004 Land use decision framework

A. Land use decisions are classified into five categories. Procedures for the five different categories are distinguished according to who makes the decision, the type and amount of public notice required, and whether appeal opportunities are provided. Land use decisions are generally categorized by type in Table A for 23.76.004.

B. Type I and II decisions are made by the Director and are consolidated in Master Use Permits. Type I decisions are decisions made by the Director that are not appealable to the Hearing Examiner. Type II decisions are discretionary decisions made by the Director that are subject to an administrative open record appeal hearing to the Hearing Examiner; provided that Type II decisions enumerated in subsections 23.76.006.C.2.c, 23.76.006.C.2.d, 23.76.006.C.2.f, and 23.76.006.C.2.g, and SEPA decisions integrated with them as set forth in subsection 23.76.006.C.2.m, shall be made by the Council when associated with a Council land use decision and are not subject to administrative appeal. Type III decisions are made by the Hearing Examiner after conducting an open record hearing and not subject to administrative appeal. Type I, II, or III decisions may be subject to land use interpretation pursuant to Section 23.88.020.

* * *

Table A for 23.76.004 LAND USE DECISION FRAMEWORK ¹	
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)	
*	Application of development standards for decisions not otherwise designated Type II, III, IV, or V
*	Uses permitted outright
*	Temporary uses, four weeks or less
*	Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction ((and transitional encampments))
*	Intermittent uses
*	Uses on vacant or underused lots pursuant to Section 23.42.038
*	Transitional encampment interim use
*	Certain street uses
*	Lot boundary adjustments
*	Modifications of features bonused under Title 24
*	Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
*	Temporary uses for relocation of police and fire stations
*	Exemptions from right-of-way improvement requirements
*	Special accommodation
*	Reasonable accommodation
*	Minor amendment to a Major Phased Development permit
*	Determination of whether an amendment to a property use and development agreement is major or minor
*	Streamlined design review decisions pursuant to Section 23.41.018; if no development standard departures are requested, and design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Shoreline special use approvals that are not part of a shoreline substantial development permit
*	Adjustments to major institution boundaries pursuant to subsection 23.69.023.B
*	Determination that a project is consistent with a planned action ordinance
*	Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance
*	Decision to increase the maximum height for residential uses in the DOC2 zone according to subsection 23.49.008.H

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*	Decision to increase the maximum allowable FAR in the DOC2 zone according to subsection 23.49.011.A.2.n
*	Minor revisions to an issued and unexpired MUP that was subject to design review
*	Building height increase for minor communication utilities in downtown zones
*	Other Type I decisions that are identified as such in the Land Use Code
* * *	

Section 5. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance 125603, 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, uses allowed under Section 23.42.038, temporary relocation of police and fire stations for 24 months or less, transitional encampment interim use, 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~~);
3. The following street use approvals:
 - a. Curb cut for access to parking, whether associated with a development proposal or not;
 - b. Concept approval of street improvements associated with a development proposal, such as additional on-street parking, street landscaping, curbs and gutters, street drainage, sidewalks, and paving;
 - c. Structural building overhangs associated with a development proposal;
 - d. Areaways associated with a development proposal;
4. Lot boundary adjustments;
5. Modification of the following features bonused under Title 24:
 - a. Plazas;
 - b. Shopping plazas;
 - c. Arcades;
 - d. Shopping arcades; and
 - e. Voluntary building setbacks;
6. Determinations of Significance (determination that an Environmental Impact Statement is required) for Master Use Permits and for building, demolition, grading, and other construction permits (supplemental procedures for environmental review are established in Chapter 25.05, Environmental Policies and Procedures), except for Determinations of Significance based solely on historic and cultural preservation;
7. Discretionary exceptions for certain business signs authorized by subsection 23.55.042.D;
8. Waiver or modification of required right-of-way improvements;
9. Special accommodation pursuant to Section 23.44.015;
10. Reasonable accommodation;
11. Minor amendment to Major Phased Development Permit;

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12. Streamlined design review decisions pursuant to Section 23.41.018 if no development standard departures are requested pursuant to Section 23.41.012, and design review decisions in an MPC zone if no development standard departures are requested pursuant to Section 23.41.012;
13. Shoreline special use approvals that are not part of a shoreline substantial development permit;
14. Determination that a project is consistent with a planned action ordinance, except as provided in subsection 23.76.006.C;
15. Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance;
16. Determination of requirements according to subsections 23.58B.025.A.3.a, 23.58B.025.A.3.b, 23.58B.025.A.3.c, 23.58C.030.A.2.a, 23.58C.030.A.2.b, and 23.58C.030.A.2.c;
17. Decision to increase the maximum height of a structure in the DOC2 500/300-550 zone according to subsection 23.49.008.F;
18. Decision to increase the maximum FAR of a structure in the DOC2 500/300-550 zone according to subsection 23.49.011.A.2.n;
19. Minor revisions to an issued and unexpired MUP that was subject to design review, pursuant to subsection 23.41.008.G;
20. Building height departures for minor communication facilities in downtown zones, pursuant to Section 23.57.013; and
21. Other Type I decisions.

* * *

Section 6. Subsection 23.76.032.C of the Seattle Municipal Code, which section was last amended by Ordinance 125558, is amended as follows:

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

C. Master Use Permit (~~(Renewal)~~) renewal

1. Except for Major Phased Development permits, the Director shall renew issued Master Use Permits for projects that are in conformance with applicable regulations, including but not limited to land use and environmentally critical areas regulations and SEPA policies in effect at the time renewal is sought. Except as provided in subsections 23.76.032.C.2 and 23.76.032.C.3, Master Use Permit renewal is for a period of two years. A Master Use Permit shall not be renewed beyond a period of five years from the original date the permit is approved for issuance. The Director shall not renew issued Master Use Permits for projects that are not in conformance with applicable regulations in effect at the time renewal is sought.

2. If an application for a building permit is submitted before the end of the two year term of renewal, and is subsequently issued, the Master Use Permit shall be extended for the life of the building permit.

3. The Director may renew a Master Use Permit for the temporary relocation of police and fire stations issued pursuant to Section 23.42.040 for a period not to exceed 12 months.

4. The Director may renew a Master Use Permit for a transitional encampment interim use issued according to (~~(Section)~~) subsection 23.42.056.E ((one-time for up to one year)) for additional one-year terms.

Section 7. Section 23.84A.038 of the Seattle Municipal Code, last amended by Ordinance 125854, is amended as follows:

23.84A.038 "T"

* * *

"Transitional (~~(E)~~)encampment" means a use having tents or a similar shelter, including vehicles used for shelter, that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly-used facilities that are separate from the sleeping shelters.

* * *

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Section 8. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of its application 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.

Section 9. Section 8 of Ordinance 124747 is repealed:

~~((Section 8. This ordinance shall be automatically repealed without subsequent Council action on March 31, 2020.))~~

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

Passed by the City Council the _____ day of _____, ~~2019~~2020, and signed by me in open session in authentication of its passage this ____ day of _____, ~~2019~~2020.

President _____ of the City Council

Approved by me this _____ day of _____, ~~2019~~2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, ~~2019~~2020.

Monica Martinez Simmons, City Clerk

(Seal)

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WHEREAS, Seattle has been in a State of Civil Emergency on homelessness since 2015; and
WHEREAS, the 2019 Point in Time Count found there are 11,199 homeless people in King County including 5,228 sleeping unsheltered on the streets; and
WHEREAS, tiny house villages have proven to be an effective place for homeless individuals and families to find the safety, privacy, and human dignity necessary to get back on their feet and transition to affordable housing; and
WHEREAS, tiny houses provide the security of a sturdy wood structure, a place to store personal belongings, insulation, and electricity; and
WHEREAS, tiny house villages have operated with a self-management model where residents democratically run their communities; residents have reported this model has helped them overcome the isolation and alienation of homelessness, and residents have become more successful transitioning into permanent housing; and
WHEREAS, in 2018 residents of tiny house villages successfully transitioned to permanent housing at higher rates than residents of shelters, with 56 percent obtaining permanent housing or transitional housing; and
WHEREAS, between 2016 and 2018, approximately 500 people transitioned to permanent housing from Seattle’s tiny house villages; and
WHEREAS, through the 2020 Adopted Budget the Council appropriated approximately \$2,015,000 to fund operations and siting for two additional tiny house villages or enhanced shelters and approved Statement of Legislative Intent HOM-4-A-2, which requests cost estimate and siting information for tiny house villages; and
WHEREAS, the Council intends to consider in the future whether to increase or remove the limit on the maximum number of interim use transitional encampments based on changes in the population of unsheltered persons, available siting opportunities, funding availability, and the success of tiny house villages in exits to permanent housing; and
WHEREAS, Ordinance 124747, which established “Transitional Encampments as an interim use” in Seattle’s land use code in 2015, created the legal framework for Seattle’s tiny house villages, but allowed no more than three tiny house villages at any one time, and will sunset on March 31, 2020 if there is no further legislative action; NOW, THEREFORE,

Amend Section 3 as follows:

Section 3. Section 23.42.056 of the Seattle Municipal Code, enacted by Ordinance 124747, is amended as follows:

23.42.056 Transitional encampment as an interim use

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

B. Location. The transitional encampment interim use ~~((shall))~~ may be located on property within any zone ~~((meeting))~~ subject to the following requirements:

1. ~~((The property is:~~

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

b. ~~Within a Major Institution Overlay district.~~

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

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

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

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

2. Except for encampments established prior to February 18, 2020, All encampment facilities, improvements, activities, and uses shall be set back from abutting lot lines, as follows:

a. 10 feet from any side or rear lot line that abuts a lot in a single-family zone;
and

b. 5 feet from any side or rear lot line that abuts a lot in any zone other than single family; except that no setback is required when an abutting lot, which is not in a single-family zone, does not have an established use.

Amend Section 3 as follows:

Section 3. Section 23.42.056 of the Seattle Municipal Code, enacted by Ordinance 124747, is amended as follows:

23.42.056 Transitional encampment as an interim use

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

* * *

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

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

2. The operator of a transitional encampment interim use who receives funding from the City of Seattle shall provide case management and security as established in a management plan approved by the Director of the City of Seattle Human Services Department.

23. The operator of a transitional encampment interim use who receives funding from the City of Seattle Human Services Department or the King County Regional Homelessness Authority shall comply with performance standards in the contract or contracts administered by those agencies for the encampment.

~~((2))~~ 34. The operator of a transitional encampment interim use located on City-owned or -controlled property shall obtain prior to permit issuance and maintain in full force and effect, at its own expense, liability insurance naming the City as an additional insured in an amount sufficient to protect the City as determined by the City Risk Manager from:

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

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

~~((3))~~ 45. The operator of a transitional encampment interim use located on City-owned or -controlled property shall, on a form approved by the Director, agree to defend, indemnify, and hold harmless ~~((the))~~ The City of Seattle, its officials, officers, employees, and agents from and against:

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

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

| ((4))~~56~~. A transitional encampment interim use located on City-owned or -controlled property shall allow service providers to access the site according to the approved operations plan required by subsection 23.42.056.B.1.

Amend Section 3 as follows:

Section 3. Section 23.42.056 of the Seattle Municipal Code, enacted by Ordinance 124747, is amended as follows:

23.42.056 Transitional encampment as an interim use

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

* * *

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

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

2. The operator of a transitional encampment interim use who receives funding from the City of Seattle shall provide case management ~~and security~~ as established in a management plan approved by the Director of the City of Seattle Human Services Department.

Amend Section 3 as follows:

Section 3. Section 23.42.056 of the Seattle Municipal Code, enacted by Ordinance 124747, is amended as follows:

23.42.056 Transitional encampment as an interim use

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

* * *

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

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

2. Encampment operators who do not receive funding from the City of Seattle shall provide case management and security that is consistent with best practices established in the *Seattle / King County Continuum of Care Community Standards*.

23. The operator of a transitional encampment interim use who receives funding from the City of Seattle Human Services Department or the King County Regional Homelessness Authority shall comply with performance standards in the contract or contracts administered by those agencies for the encampment.

~~((2))~~34. The operator of a transitional encampment interim use located on City-owned or -controlled property shall obtain prior to permit issuance and maintain in full force and effect, at its own expense, liability insurance naming the City as an additional insured in an amount sufficient to protect the City as determined by the City Risk Manager from:

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

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

~~((3))~~45. The operator of a transitional encampment interim use located on City-owned or -controlled property shall, on a form approved by the Director, agree to defend, indemnify, and hold harmless ~~((the))~~ The City of Seattle, its officials, officers, employees, and agents from and against:

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

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

| ((4))~~56~~. A transitional encampment interim use located on City-owned or -controlled property shall allow service providers to access the site according to the approved operations plan required by subsection 23.42.056.B.1.

Amend Section 3 as follows:

Section 3. Section 23.42.056 of the Seattle Municipal Code, enacted by Ordinance 124747, is amended as follows:

23.42.056 Transitional encampment as an interim use

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

* * *

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

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

2. After the effective date of the ordinance introduced as Council Bill 119656, all sleeping areas in a new transitional encampment interim use shall be constructed of durable materials with four walls, a roof, and a door. Sleeping areas shall not include recreational vehicles but may include other owner-occupied vehicles.

3. The operator of a transitional encampment interim use shall provide ongoing, professional case management for encampment residents and, as deemed sufficient by the Director of the Human Services Department, on-site security.

24. The operator of a transitional encampment interim use who receives funding from the City of Seattle Human Services Department or the King County Regional Homelessness Authority shall comply with performance standards in the contract or contracts administered by those agencies for the encampment.

~~((2))~~35. The operator of a transitional encampment interim use located on City-owned or -controlled property shall obtain prior to permit issuance and maintain in full force and effect, at its own expense, liability insurance naming the City as an additional insured in an amount sufficient to protect the City as determined by the City Risk Manager from:

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

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

~~((3))~~46. The operator of a transitional encampment interim use located on City-owned or -controlled property shall, on a form approved by the Director, agree to defend, indemnify, and hold harmless ((the)) The City of Seattle, its officials, officers, employees, and agents from and against:

a. Any liability, claims, actions, suits, loss, costs, expense judgments, attorneys' fees, or damages of every kind and description resulting directly or indirectly from any act or omission of the operator of a transitional encampment interim use located on City-owned or -controlled property, its

Att 8 – Action 9 of CB 119656

subcontractors, anyone directly or indirectly employed by them, and anyone for whose acts or omissions they may be liable, arising out of the operator's use or occupancy of the City-owned or -controlled property; and

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

| ((4))~~57~~. A transitional encampment interim use located on City-owned or -controlled property shall allow service providers to access the site according to the approved operations plan required by subsection 23.42.056.B.1.

Amend Section 7 as follows:

Section 7. Section 23.84A.038 of the Seattle Municipal Code, last amended by Ordinance 125854, is amended as follows:

23.84A.038 "T"

* * *

"Transitional (~~E~~)encampment" means a use having tents, modular structures, or a similar shelter, including vehicles used for shelter, that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly-used facilities that are separate from the sleeping shelters.

* * *

Amend Section 9 as follows:

Section 9. Section 8 of Ordinance 124747 is ~~repealed~~amended as follows:

~~((Section 8. This ordinance shall be automatically repealed without subsequent Council action on March 31, 2020.))~~

Section 8. This ordinance shall be automatically repealed without subsequent Council action on March 31, ~~((2020))~~ 2023. The Council intends to consider future extensions based on policy guidance to be established by the King County Regional Homelessness Authority.



Legislation Text

File #: Min 268, **Version:** 1

February 24, 2020

SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor
Seattle, WA 98104



Journal of the Proceedings of the Seattle City Council

Monday, February 24, 2020

2:00 PM

Council Chamber, City Hall

600 Fourth Avenue

Seattle, WA 98104

City Council

M. Lorena González, President

Lisa Herbold, Member

Debora Juarez, Member

Andrew J. Lewis, Member

Tammy J. Morales, Member

Teresa Mosqueda, Member

Alex Pedersen, Member

Kshama Sawant, Member

Dan Strauss, Member

Chair Info: 206-684-8809; Lorena.González@seattle.gov

A. CALL TO ORDER

The City Council of The City of Seattle met in the Council Chamber in City Hall in Seattle, Washington, on February 24, 2020, pursuant to the provisions of the City Charter. The meeting was called to order at 2:05 p.m., with Council President Pro Tem Juarez presiding.

B. ROLL CALL

Present: 7 - Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Strauss

Excused: 1 - González

Absent: 1 - Sawant

C. PRESENTATIONS

Councilmember Mosqueda presented a Proclamation recognizing February 2020 as Black History Month. By unanimous consent, the Council Rules were suspended to allow Councilmember Mosqueda to present the Proclamation, and to allow former King County Councilmember Larry Gossett, Rev. Harriett Walden, Community Leader Mary Flowers, and former Seattle City Councilmember Bruce Harrell, to address the Council.

Councilmember Strauss left the Council Chamber at 2:38 p.m.

D. APPROVAL OF THE JOURNAL

There were no Minutes presented for approval.

E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR

[IRC 242](#) February 24, 2020

Motion was made, duly seconded and carried, to adopt the proposed Introduction and Referral Calendar (IRC) by the following vote:

In Favor: 6 - Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen

Opposed: None

Absent(NV): 1 - Strauss

F. APPROVAL OF THE AGENDA

Motion was made, duly seconded and carried, to adopt the proposed Agenda.

G. PUBLIC COMMENT

Sean Renfro addressed the Council regarding a non-Agenda item.

Meagan Murphy addressed the Council regarding a non-Agenda item.

Councilmember Strauss entered the Council Chamber at 2:44 p.m.

Negist Berihun addressed the Council regarding a non-Agenda item.

H. PAYMENT OF BILLS

[CB 119747](#) **AN ORDINANCE appropriating money to pay certain audited claims for the week of February 10, 2020 through February 14, 2020 and ordering the payment thereof.**

Motion was made and duly seconded to pass Council Bill 119747.

The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 7 - Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Strauss

Opposed: None

I. COMMITTEE REPORTS

FINANCE AND HOUSING COMMITTEE:

- 1. [Res 31931](#) **A RESOLUTION establishing a Watch List of large, complex, discrete capital projects that will require enhanced quarterly monitoring reports for the 2020 calendar year.**

The Committee recommends that City Council adopt as amended the Resolution (Res).

In Favor: 4 - Mosqueda, Herbold, Lewis, Strauss

Opposed: None

The Resolution (Res) was adopted by the following vote, and the President signed the Resolution:

In Favor: 7 - Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Strauss

Opposed: None

TRANSPORTATION AND UTILITIES COMMITTEE:

2. [CB 119744](#) **AN ORDINANCE** relating to the Department of Transportation’s Hazard Mitigation Program; authorizing the Director of the Department of Transportation to acquire, accept, and record on behalf of the City of Seattle, 11 catchment wall easements (From Daniel Bayeh, located in a portion of Lots 10 and 11, Block 3, Sturtevant’s Rainier Beach Lake Front Tracts; a catchment wall easement from Blue Bird Rentals, LLC, a Washington limited liability company, located in a portion of Lots 14 through 17, Block 46, Rainier Beach; a catchment wall easement from Margaret Brown, located in a portion of Lots 17 and 18, Block 46, Rainier Beach; a catchment wall easement from Dan J. Del Duca and Mary F. Del Duca, located in a portion of Lots 1 and 2, Block 35, Rainier Beach; a catchment wall easement from Paul J. Farrington and Ronald F. Minter, located in Lots 5 and 6, Block 2, Mayes’ Addition to the City of Seattle; a catchment wall easement from Mark Duane Lewis, located in a portion of Lots 2 and 3, Block 2, Mayes’ Addition to the City of Seattle; a catchment wall easement from Gene Louie and Lena T. Louie, located in a portion of Lots 3 through 5, Block 2, Mayes’ Addition to the City of Seattle; a catchment wall easement from Lincoln A. Louie and Ann Marie D. Louie, located in a portion of Lots 3 through 5, Block 35, Rainier Beach; a catchment wall easement from Robert Miller and Ana Miller, located in a portion of Lots 11 and 12, Block 3, Sturtevant’s Rainier Beach Lake Front Tracts; a catchment wall easement from Ngoc Nguyen and My Chau Tran, located in a portion of Lots 9 and 10, Block 3, Sturtevant’s Rainier Beach Lake Front Tracts; a catchment wall easement from F. D. Staats, the Trustee of the F. D. Staats Family Trust, located in a portion of Lots 6 and 7, Block 35, Rainier Beach), for the purpose of protecting the adjacent roadway of superficial surface erosion of the adjacent slopes along a portion of Rainier Avenue South; placing the real property rights under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming certain prior acts.

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 4 - Pedersen, Strauss, Herbold, Morales

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 7 - Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Strauss

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Opposed: None

- 3. [CB 119741](#) **AN ORDINANCE relating to the Central Puget Sound Regional Transit Authority (“Sound Transit”); authorizing execution of a Funding and Cooperative Agreement for Northgate Station Area Access Improvements between Sound Transit and The City of Seattle; and ratifying and confirming certain prior acts.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 4 - Pedersen, Strauss, Herbold, Morales

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 7 - Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Strauss

Opposed: None

- 4. [CB 119743](#) **AN ORDINANCE relating to grant funds from non-City sources; authorizing the Director of Transportation to accept specified grants and execute related agreements for and on behalf of the City; amending Ordinance 126000, which adopted the 2020 Budget, including the 2020-2025 Capital Improvement Program (CIP); changing appropriations for the Seattle Department of Transportation; revising allocations and spending plans for certain projects in the 2020-2025 CIP; and ratifying and confirming certain prior acts.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 4 - Pedersen, Strauss, Herbold, Morales

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 7 - Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Strauss

Opposed: None

J. ADOPTION OF OTHER RESOLUTIONS

There were none.

K. OTHER BUSINESS

There was none.

L. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 2:57 p.m.

Jodee Schwinn, Deputy City Clerk

Signed by me in Open Session, upon approval of the Council, on March 16, 2020.

Teresa Mosqueda, Council President Pro Tem of the City Council

Monica Martinez Simmons, City Clerk



Legislation Text

File #: Min 269, **Version:** 1

March 2, 2020

SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor
Seattle, WA 98104



Journal of the Proceedings of the Seattle City Council

Monday, March 2, 2020

2:00 PM

Council Chamber, City Hall
600 Fourth Avenue
Seattle, WA 98104
City Council

M. Lorena González, President

Lisa Herbold, Member

Debora Juarez, Member

Andrew J. Lewis, Member

Tammy J. Morales, Member

Teresa Mosqueda, Member

Alex Pedersen, Member

Kshama Sawant, Member

Dan Strauss, Member

Chair Info: 206-684-8809; Lorena.González@seattle.gov

A. CALL TO ORDER

The City Council of The City of Seattle met in the Council Chamber in City Hall in Seattle, Washington, on March 2, 2020, pursuant to the provisions of the City Charter. The meeting was called to order at 2:01 p.m., with Council President Pro Tem Teresa Mosqueda presiding.

B. ROLL CALL

Present: 5 - Herbold, Lewis, Morales, Mosqueda, Pedersen

Excused: 1 - González

Absent: 1 - Juarez

Late Arrival: 2 - Sawant, Strauss

Councilmember Sawant entered at 2:02 p.m.

C. PRESENTATIONS

Councilmember Mosqueda provided an update on the public health recommendations on the coronavirus disease (COVID-19).

Councilmember Strauss entered the Council Chamber at 2:05 p.m.

D. APPROVAL OF THE JOURNAL

[Min 266](#) **February 10, 2020**

Motion was made, duly seconded and carried, to adopt the proposed Minutes by the following vote:

In Favor: 7 - Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR

[IRC 243](#) **March 2, 2020**

Motion was made, duly seconded and carried, to adopt the proposed Introduction and Referral Calendar (IRC) by the following vote:

In Favor: 7 - Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

Motion was made, duly seconded and carried, to excuse Councilmember Juarez from the March 2, 2020 City Council meeting.

The following Councilmembers were:

Present: 7 - Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Excused: 2 - González , Juarez

F. APPROVAL OF THE AGENDA

Motion was made, duly seconded and carried, to adopt the proposed Agenda.

G. PUBLIC COMMENT

Mairi Dulaney addressed the Council regarding a non-Agenda item.

Negist Berihun addressed the Council regarding a non-Agenda item.

Xochiti Magkovich addressed the Council regarding Agenda item 14, Resolution 31935.

Douglas Ito addressed the Council regarding Agenda item 1, Appointment 01546.

Paul Lambros addressed the Council regarding Agenda item 1, Appointment 01546.

Jennifer LaFremiere addressed the Council regarding Agenda item 1, Appointment 01546

David Haines addressed the Council regarding a non-Agenda item.

Genevieve Hale-Case addressed the Council regarding Agenda item 1, Appointment 01546.

H. PAYMENT OF BILLS

[CB 119751](#) **AN ORDINANCE appropriating money to pay certain audited claims for the week of February 17, 2020 through February 21, 2020 and ordering the payment thereof.**

Motion was made and duly seconded to pass Council Bill 119751.

The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 7 - Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

I. COMMITTEE REPORTS

LAND USE AND NEIGHBORHOODS COMMITTEE:

1. [Appt 01546](#) **Reappointment of Nathan G. Torgelson as Director, Seattle Department of Construction and Inspections, for a term to January 1, 2024.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Strauss, Mosqueda, Lewis

Opposed: None

Abstain: 1 - Pedersen

The Appointment (Appt) was confirmed by the following vote:

In Favor: 7 - Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

Council President Mosqueda invited Mr. Torgelson to provide brief remarks to the Council.

2. [CB 119749](#) **AN ORDINANCE relating to historic preservation; imposing controls upon the University of Washington Eagleson Hall, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 4 - Strauss, Mosqueda, Lewis, Pedersen

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 7 - Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

3. [CB 119748](#) **AN ORDINANCE relating to historic preservation; imposing controls upon the Sunset Telephone & Telegraph Exchange, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 4 - Strauss, Mosqueda, Lewis, Pedersen

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 7 - Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

4. [Appt 01497](#) **Appointment of Dean. E. Barnes as member, Landmarks Preservation Board, for a term to August 14, 2022.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 4 - Strauss, Mosqueda, Lewis, Pedersen

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 7 - Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

5. [Appt 01500](#) **Appointment of Lance Neely as member, Landmarks Preservation Board, for a term to August 14, 2022.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 4 - Strauss, Mosqueda, Lewis, Pedersen

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 7 - Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

6. [CF 314434](#) **Application of BarrientosRyan LLC, to rezone an approximately 20,000 square foot parcel located at 4544, 4550, and 4600 Union Bay PI NE from Commercial 2 with a 55 foot height limit and M Mandatory Housing Affordability (MHA) suffix (C2 55 (M)) to Commercial 2 with a 65 foot height limit and M1 MHA suffix (C2 65 (M1)) (Project No. 3030253, Type IV).**

The Committee recommends that City Council grant the Application.

In Favor: 3 - Strauss, Lewis, Pedersen

Opposed: None

The Application was granted by the following vote, and the President signed the Findings, Conclusions, and Decision of the City Council:

In Favor: 7 - Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

CITY COUNCIL:

7. [CB 119750](#) **AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 62 of the Official Land Use Map to rezone property located at 4544, 4550, and 4600 Union Bay Place NE from Commercial 2-55 (M) (C2-55 (M)) to Commercial 2-65 (M1) (C2-65 (M1)); and accepting a Property Use and Development Agreement as a condition of rezone approval. (Petition by Barrientos Ryan LLC, C.F. 314434, SDCI Project 3030253-LU)**

Motion was made and duly seconded to pass Council Bill 119750.

The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 7 - Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE:

8. [Appt 01552](#) **Appointment of Suzette Dickerson as member, Community Police Commission, for a term to December 31, 2020.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 5 - Herbold, Lewis, Morales, Sawant, Pedersen

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 7 - Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

9. [Appt 01553](#) **Appointment of Douglas E. Wagoner as member, Community Police Commission, for a term to December 31, 2020.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 5 - Herbold, Lewis, Morales, Sawant, Pedersen

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 7 - Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

10. [Appt 01554](#) **Appointment of Emma Montanez Catague as member, Community Police Commission, for a term to December 31, 2021.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 5 - Herbold, Lewis, Morales, Sawant, Pedersen

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 7 - Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

11. [Appt 01555](#) **Reappointment of Joseph Seia as member, Community Police Commission, for a term to December 31, 2021.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 5 - Herbold, Lewis, Morales, Sawant, Pedersen

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 7 - Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

12. [Appt 01556](#) **Appointment of Monisha R. Harrell as member, Community Police Commission, for a term to December 31, 2022.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 5 - Herbold, Lewis, Morales, Sawant, Pedersen

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 7 - Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

13. [Appt 01557](#) **Reappointment of Mark Mullens as member, Community Police Commission, for a term to December 31, 2022.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 5 - Herbold, Lewis, Morales, Sawant, Pedersen

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 7 - Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

J. ADOPTION OF OTHER RESOLUTIONS

14. [Res 31935](#) **A RESOLUTION adopting the Seattle City Council 2020 Work Program.**

ACTION 1:

Motion was made and duly seconded to adopt Resolution 31935.

ACTION 2:

Motion was made by Councilmember Mosqueda, duly seconded and carried, to amend Resolution 31935, by deleting ",the Mayor Concurring," on the "Be it Resolved" line.

ACTION 3:

Motion was made and duly seconded to adopt Resolution 31935 as amended.

The Motion carried, the Resolution (Res) was adopted as amended by the following vote, and the President signed the Resolution:

In Favor: 7 - Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

15. [Res 31936](#) **A RESOLUTION adopting the Statements of Legislative Intent for the 2020 Adopted Budget and 2020-2025 Adopted Capital Improvement Program.**

ACTION 1:

Motion was made and duly seconded to adopt Resolution 31936.

ACTION 2:

Motion was made by Councilmember Mosqueda, duly seconded and carried, to amend Resolution 31936, by deleting ",the Mayor Concurring," on the "Be it Resolved" line.

ACTION 3:

Motion was made and duly seconded to adopt Resolution 31936 as amended.

The Motion carried, the Resolution (Res) was adopted as amended by the following vote, and the President signed the Resolution:

In Favor: 7 - Herbold, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

K. OTHER BUSINESS

There was none.

L. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 2:58 p.m.

Jodee Schwinn, Deputy City Clerk

Signed by me in Open Session, upon approval of the Council, on March 16, 2020.

Teresa Mosqueda, Council President Pro Tem of the City Council

Monica Martinez Simmons, City Clerk



Legislation Text

File #: IRC 245, Version: 1

March 16, 2020



Introduction and Referral Calendar

List of proposed Council Bills (CB), Resolutions (Res), Appointments (Appt) and Clerk Files (CF) to be introduced and referred to a City Council committee

Record No.	Title	Committee Referral
<u>By: Mosqueda</u>		
1. CB 119755	AN ORDINANCE appropriating money to pay certain audited claims for the week of March 2, 2020 through March 6, 2020 and ordering the payment thereof.	City Council
<u>By: Morales</u>		
2. CB 119757	AN ORDINANCE amending Ordinance 126000, which adopted the 2020 Budget; changing appropriations to the Human Services Department, the Executive Department's Office of Economic Development, and budget control levels, and from various funds in the Budget, for the purpose of providing financial assistance to small businesses; and ratifying and confirming certain prior acts.	City Council
<u>By: Pedersen</u>		
3. CB 119758	AN ORDINANCE relating to the City Light and Seattle Public Utilities Departments; temporarily removing the charge of interest on delinquent utility consumption and utilization accounts; superseding several sections under Title 21 that authorize and require the collection of interest on delinquent utility consumption and utilization accounts; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.	City Council



Legislation Text

File #: CB 119755, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE appropriating money to pay certain audited claims for the week of March 2, 2020 through March 6, 2020 and ordering the payment thereof.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Payment of the sum of \$27,130,883.94 on PeopleSoft 9.2 mechanical warrants numbered 4100318708 - 4100321179 plus manual or cancellation issues for claims, E-Payables of \$103,768.51 on PeopleSoft 9.2 9100005749 - 9100005805 and Electronic Financial Transactions (EFT) in the amount of \$63,289,357.27 are presented for ratification by the City Council per RCW 42.24.180.

Section 2. Payment of the sum of \$60,450,207.28 on City General Salary Fund mechanical warrants numbered 51331239- 51331975 plus manual warrants, agencies warrants, and direct deposits numbered 110001 - 112743 representing Gross Payrolls for payroll ending date March 3, 2020 as detailed in the Payroll Summary Report for claims against the City which were audited by the Auditing Committee and reported by said committee to the City Council March 12, 2020 consistent with appropriations heretofore made for such purpose from the appropriate Funds, is hereby approved.

Section 3. Any act consistent with the authority of this ordinance taken prior to its effective date is hereby ratified and confirmed.

Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by

Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 16th day of March 2020, and signed by me in open session in authentication of its passage this 16th of March 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)



Legislation Text

File #: CB 119754, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to employment in Seattle; amending Sections 14.16.010 and 14.16.030 of the Seattle Municipal Code to strengthen and clarify labor standards requirements for paid sick and paid safe time for employees working in Seattle; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

WHEREAS, in September 2011, The City of Seattle (“City”) became the fifth jurisdiction in the country to pass legislation requiring employers to provide employees with paid leave to care for their personal and family members’ medical and critical safety needs, and the Paid Sick and Safe Time Ordinance, Seattle Municipal Code (SMC) Chapter 14.16, went into effect for many employees working in Seattle on September 1, 2012; and

WHEREAS, in December 2015, the City passed amendments to the Paid Sick and Safe Time Ordinance to prescribe additional remedies and enforcement procedures, and the legislation went into effect on January 16, 2016; and

WHEREAS, in November 2016, the people of Washington passed Initiative Measure No. 1433, amending chapter 49.46 RCW to require employers to provide employees with paid leave to care for their personal and family members’ medical conditions and critical safety needs, and the legislation went into effect for many employees working in Washington state on January 1, 2018; and

WHEREAS, in December 2017, the City passed amendments to the Paid Sick and Safe Time Ordinance to expand requirements to align with Initiative Measure No. 1433, and the legislation went into effect for all employees working in Seattle on January 10, 2018; and

WHEREAS, in August 2016, researchers Stefan Pichler and Nicolas Robert Ziebarth issued a report, “The Pros and Cons of Sick Pay Schemes: Testing for Contagious Presenteeism and Noncontagious Absenteeism Behavior,” concluding that mandatory paid sick leave policies in U.S. cities, including Seattle, clearly and significantly reduced the rates of influenza-like illness; and

WHEREAS, the City is a leader on wage, labor, and workforce practices that improve workers’ lives, support economic security, and contribute to a fair, healthy, and vibrant economy; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council (“Council”) makes the following legislative findings of fact and declarations:

A. In the exercise of the City of Seattle’s police powers, the City is granted authority to pass regulations designed to protect and promote public peace, health, safety, welfare, and prosperity.

B. On January 24, 2020, the Seattle Office of Emergency Management announced that the first reported case in Washington and in the United States of novel coronavirus (COVID-19) occurred in Snohomish County.

C. On February 28, 2020, Public Health - Seattle and King County announced the first King County and United States death due to COVID-19 at Evergreen Hospital in Kirkland, Washington.

D. On February 29, 2020, Washington Governor Jay Inslee declared a state of emergency in response to new cases of COVID-19, directing state agencies to use all resources necessary to prepare for and respond to the outbreak.

E. On March 3, 2020, Mayor Jenny Durkan issued a proclamation of civil emergency in response to new cases of COVID-19, authorizing the Mayor to exercise the emergency powers necessary for the protection of the public peace, safety, and welfare.

F. On March 3, 2020, the World Health Organization Situation Report confirmed a total of 91,783 cases of COVID-19 in 74 countries, including 3,123 deaths; and that in the past few days, more confirmed cases have been found across the United States, including in new areas such as California, Illinois, Florida, Rhode Island,

and New York.

G. On March 5, 2020, Public Health and King County 51 confirmed cases of COVID-19, including 10 deaths, in King County.

H. The impacts of the emerging public health crisis on the operation of schools and places of care in the City are multifaceted and nuanced and are not easily defined or predictable. These impacts may result in closures. Expanding the use of paid sick and paid safe time to include situations when an employee’s family member’s school or place of care is closed is necessary as an additional step to protect public health and to support the stabilization of an employee’s income while the COVID-19 emergency exists and in the future.

Section 2. Section 14.16.010 of the Seattle Municipal Code, last amended by Ordinance 125499, is amended as follows:

14.16.010 Definitions

For purposes of this Chapter 14.16:

* * *

“Paid sick time” means accrued hours of paid leave provided by an employer for use by an employee for an absence from work for any of the reasons authorized in subsection 14.16.030.A.1, for which time an employee shall be compensated at the employee's normal hourly compensation and with the same benefits, including health care benefits, as the employee would have earned during the time the paid leave is taken.

Compensation shall only be required for hours that an employee is scheduled to have worked.

1. For purposes of determining eligibility for “paid sick time,” “family member” means a child, parent, spouse, registered domestic partner, grandparent, grandchild, or sibling.

a. “Child” means a biological child, adopted child, foster child, stepchild, or a child to whom an employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.

b. “Parent” means a biological parent, adoptive parent, de facto parent, foster parent,

stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.

“Paid safe time” means accrued hours of paid leave provided by an employer for use by an employee for an absence from work for any of the reasons specified in subsection 14.16.030.A.2, for which time an employee shall be compensated at the employee's normal hourly compensation and with the same benefits, including health care benefits, as the employee would have earned during the time the paid leave is taken.

1. For purposes of determining eligibility for “paid safe time” for absences that qualify for leave under subsection 14.16.030.A.2.b, “family member” means a child, parent, spouse, registered domestic partner, grandparent, grandchild, or sibling.

a. (~~“child”~~) “Child” means a biological child, adopted child, foster child, stepchild, or a child to whom an employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.

b. “Parent” means a biological parent, adoptive parent, de facto parent, foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.

2. For purposes of determining eligibility for “paid safe time” for absences that qualify for leave under subsection 14.16.030.A.2.c(~~(-)~~) :

~~(1-)~~ a. “Family member” means, as defined in RCW 49.76.020, any individual whose relationship to the employee can be classified as a child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship.

~~(2-)~~ b. “Household members” means, as defined in RCW 49.76.020 and RCW 26.50.010, spouses, domestic partners, former spouses, former domestic partners, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the

past, persons 16 years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons 16 years of age or older with whom a person 16 years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

~~((3-))~~ c. “Domestic violence” means:

~~((a-))~~ 1) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members;

~~((b-))~~ 2) Sexual assault of one family or household member by another; or

~~((c-))~~ 3) Stalking of one family or household member by another family or household member.

~~((4-))~~ d. “Stalking” means stalking as defined in RCW 49.76.020.

~~((5-))~~ e. “Dating relationship” means a social relationship of a romantic nature, as defined in RCW 49.76.020.

~~((6-))~~ f. “Sexual assault” means sexual assault as defined in RCW 49.76.020.

* * *

Section 3. Section 14.16.030 of the Seattle Municipal Code, last amended by Ordinance 125499, is amended as follows:

14.16.030 Use of paid sick and paid safe time

A.

1. Paid sick time shall be provided to an employee by an employer. An employee is authorized to use paid sick time for the following reasons:

a. An absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care; and

b. To allow the employee to provide care of a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care of a family member who needs preventive medical care.

2. Paid safe time shall be provided to an employee by an employer. An employee is authorized to use paid safe time for the following reasons:

a. When the employee's place of business has been closed by order of a public official, for any health-related reason, to limit exposure to an infectious agent, biological toxin, or hazardous material;

b. When the employee's ~~((child's))~~ family member's school or place of care has been closed ~~((by order of a public official, for any health-related reason, to limit exposure to an infectious agent, biological toxin, or hazardous material))~~; and

c. For any of the following reasons related to domestic violence, sexual assault, or stalking, as set out in RCW 49.76.030:

1) To enable the employee to seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's family or household members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking;

2) To enable the employee to seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or to attend to health care treatment for a victim who is the employee's family or household member;

3) To enable the employee to obtain, or assist a family or household member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking;

4) To enable the employee to obtain, or assist a family or household member in

obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which the employee or the employee's family or household member was a victim of domestic violence, sexual assault, or stalking; or

5) To enable the employee to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family or household members from future domestic violence, sexual assault, or stalking.

* * *

F. For use of paid safe time of more than three consecutive days for a reason set out in subsection 14.16.030.A.2, an employer may require reasonable verification that the employee's use of paid safe time is for an authorized purpose covered by subsection 14.16.030.A.2. If an employer requires reasonable verification, such verification must be provided to the employer within a reasonable time period during or after the leave. An employer's requirements for reasonable verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law.

1. An employer may require that requests under subsections 14.16.030.A.2.a and 14.16.030.A.2.b be supported by verification of a closure order or notice (~~by a public official of the employee's place of business, or employee's child's school or place of care,~~) and the employee may satisfy this verification request by providing (~~notice of~~) the closure order or notice in whatever format the employee received the order or notice.

2. An employer may require that requests under subsection 14.16.030.A.2.c be supported by verification that the employee or employee's family or household member is a victim of domestic violence, sexual assault, or stalking, and that the leave taken was for one of the purposes covered by subsection 14.16.030.A.2.c. An employee may satisfy this verification requirement by one or more of the following methods:

a. An employee's written statement that the employee or the employee's family or

household member is a victim of domestic violence, sexual assault, or stalking and that the leave taken was for one of the purposes of subsection 14.16.030.A.2.c;

b. A police report indicating that the employee or employee's family or household member was a victim of domestic violence, sexual assault, or stalking;

c. A court order protecting or separating the employee or employee's family or household member from the perpetrator of the act of domestic violence, sexual assault, or stalking, or other evidence from the court or the prosecuting attorney that the employee or employee's family or household member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking; or

d. Documentation that the employee or the employee's family or household member is a victim of domestic violence, sexual assault, or stalking, from any of the following persons from whom the employee or employee's family or household member sought assistance in addressing the domestic violence, sexual assault, or stalking: an advocate for victims of domestic violence, sexual assault, or stalking; an attorney; a member of the clergy; or a medical or other professional. The provision of documentation under this Section 14.16.030 does not waive or diminish the confidential or privileged nature of communications between a victim of domestic violence, sexual assault, or stalking with one or more of the individuals named in this subsection 14.16.030.F.2.d.

Section 4. Based on the findings of fact set forth in Section 1 of this ordinance, the Council finds and declares that this ordinance is a public emergency ordinance, which shall take effect immediately and is necessary for the protection of the public health, safety, and welfare.

Section 5. By reason of the findings set out in Section 1, and the emergency that is hereby declared to exist, this ordinance shall become effective immediately upon its passage by a 3/4 vote of the Council and its approval by the Mayor, as provided by Article 4, subsection 1.1 of the Charter of the City.

Passed by a 3/4 vote of all members of the City Council the _____ day of _____, 2020, and signed by me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
LEG	Karina Bull x6-0078	N/A

1. BILL SUMMARY

Legislation Title:

AN ORDINANCE relating to employment in Seattle; amending Sections 14.16.010 and 14.16.030 of the Seattle Municipal Code to strengthen and clarify labor standards requirements for paid sick and paid safe time for employees working in Seattle; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

Summary and background of the Legislation:

In 2011, the City of Seattle (“City”) became the fifth jurisdiction in the country to pass legislation requiring employers to provide employees with paid leave to care for their personal and family member’s medical and critical safety needs, and the Paid Sick and Safe Time Ordinance, Seattle Municipal Code (SMC) 14.16, went into effect for many employees working in Seattle on September 1, 2012. Since then, the legislation has been amended to prescribe additional remedies and enforcement procedures, and to expand requirements to align with Initiative Measure No. 1433 that established state-wide paid sick leave rights.

This legislation would declare an emergency in response to the high number of confirmed cases and deaths in King County and around the world from the novel coronavirus (COVID-19) and would establish an immediate effective date for an expansion of paid sick and safe time. The expansion would permit use of paid sick and safe time when the employee’s family member’s school or place of care is closed. The impacts of the emerging public health crisis on the operation of businesses in the City are multifaceted and nuanced and are not easily defined or predictable. These impacts may result in the closure of schools and places of care. The expansion would protect public health and support the employee’s ability to stabilize their income due to public closures while the COVID-19 emergency exists and in the future.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? Yes No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

There could be financial implications for the Office of Labor Standards (e.g., cost of developing administrative rules, and conducting outreach and enforcement).

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

Not implementing this legislation could compromise public health and the economic security of employees who do not have access to paid leave when their family member's school or place of care is closed while the COVID-19 emergency exists and for future situations.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

Yes. If the City passes this legislation, there could be administrative impacts on City departments for the implementation of an expanded paid sick leave program.

b. Is a public hearing required for this legislation?

No.

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No.

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

No.

e. Does this legislation affect a piece of property?

No.

f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

The City's Race and Social Justice Initiative seeks to achieve racial equity in key areas such as jobs and health. This legislation would support job security and public health by expanding the ways that employees could use paid sick and safe time. This legislation aims to support the economic security and health of all employees working in Seattle, including women and people of color who are more likely to earn low wages.¹

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).

¹ Klawitter, Marieka; Long, Mark; Plotnick. "Who would be affected by an increase in Seattle's Minimum Wage?" http://murray.seattle.gov/wp-content/uploads/2014/03/Evans-report-3_21_14+-appdx.pdf University of Washington Evans School of Public Affairs (March 21, 2014).

N/A.

List attachments/exhibits below:

March 12, 2020

MEMORANDUM

To: Seattle City Councilmembers
From: Karina Bull, Analyst
Subject: Council Bill 119754, PSST Expansion Ordinance

On March 16, 2019, the Full Council will discuss and possibly vote on [Council Bill 119754](#), proposed legislation sponsored by Councilmember Mosqueda. This memo provides an overview of the bill and identifies several policy issues for Councilmembers' consideration.

Background

The Paid Sick and Safe Time (PSST) Ordinance provides employees working in Seattle with paid leave to care for themselves or a family member¹ with a medical or critical safety need. The PSST Ordinance covers employees working for private employers and the City of Seattle and establishes the right to use paid leave for the following reasons:

Paid sick time

- When the employee is absent from work to care for a personal or family member's physical or mental health condition, including preventative medical appointments.

Paid safe time

- When an employee's place of business (*i.e.*, workplace) has been closed by order of a public official, for any health-related reason, to limit exposure to an infectious agent, biological toxin, or hazardous material.
- When an employee's child's school or place of care has been closed by order of a public official, for any health-related reason, to limit exposure to an infectious agent, biological toxin, or hazardous material.
- When the employee is absent from work for a reason related to domestic violence, sexual assault or stalking.

The amount of PSST that an employee can accrue, use, and carry over to the following year is based on the "Tier size" of the employer. The Tier size is determined by the employer's number of worldwide full-time equivalent (FTE) employees.

¹ The term "family member" means a child of any age, spouse including registered domestic partners, parent and parent-in-law, sibling, grandparent, and grandchild.

Table 1: PSST Employer Tiers

Requirements	Tier one	Tier two	Tier three
FTE employees worldwide	One employee to 49 FTEs	50 to 249 FTEs	250 or more FTEs
Accrual	One hour for every 40 hours worked	One hour for every 40 hours worked	One hour for every 30 hours worked
Use	No cap	No cap	No cap
Carry over	Up to 40 hours	Up to 56 hours	Up to 72 hours *Up to 108 hours for employers with Paid Time Off (PTO) programs

Summary

The proposed legislation would declare an emergency in response to the high number of confirmed cases and deaths from the novel coronavirus (COVID-19) and would establish an immediate effective date for an amendment to the PSST Ordinance that would expand the permissible use of paid safe time (i.e., one of the types of paid leave covered by the PSST Ordinance).

Currently, the PSST Ordinance allows employees to use paid safe time when an employee’s child’s school or place of care is closed by order of a public official. The amendment would expand the permissible use of paid safe time to cover all situations when an employee’s family member’s school or place of care is closed. The legislation would allow employees to use accrued PSST when caring for *any* family member (not just when caring for the employee’s child, the limitation under the current PSST Ordinance). The legislation would also allow employees to use paid safe time when a private school or place of care is closed for discretionary reasons (not just by order of a public official, the limitation under the current PSST Ordinance). The legislation would not increase the amount of paid safe time available to employees; but employees would be able to use their existing leave for a wider range of purposes.

As an example, on March 12, 2020, Washington Governor Jay Inslee ordered the closure of public and private K-12 schools in King, Snohomish and Pierce Counties until April 24, 2020 to limit exposure to COVID-19. Since the closures are due to a public official’s order, employees with children in these public and private schools could use paid safe time to care for their children and stabilize their incomes. But employees with family members in other types of institutions (e.g., children in daycare or preschools, parents in adult day centers) that close for the same reason would not have the right to use paid safe time. The legislation would remove closure criteria to allow employees to use paid safe time in any of the above situations.

Issue Identification

1. Closure of the employee's place of business

The legislation would not provide employees with the option of using paid safe time when an employee's place of business closes for reasons other than the order of a public official.

For example, on March 11, 2020, Washington Governor Jay Inslee announced a ban on gatherings of 250 or more people for social, spiritual and recreational activities to limit exposure to COVID-19. This ban would allow employees scheduled to work at large sporting events, conventions, and fundraisers to use paid safe time for cancelled shifts. But employees scheduled to work at other businesses that reduce operations, for discretionary reasons related to the COVID-19 emergency, would not have the legal right to use paid safe time.

Businesses can reduce operations or close for a variety of reasons that do not require a public order (*e.g.*, recommendations from public officials, threats to health or safety, public utilities failure, vandalism, inclement weather, slow business). Regardless of the reason, reduced operations or closures can result in financial hardship for both the business and employees who are counting on earnings from a scheduled shift.

An amendment to cover the closure of an employee's place of business for a broader range of circumstances could further protect the public health and economic security. Such an amendment could add payroll costs to businesses who are already struggling with reduced economic activity. Two potential approaches for mitigating the impact of this type of new requirement on businesses include limiting the scope of such an amendment to (1) closures for health- or safety-related reasons and/or (2) large employers.

Options:

- A. Permit use of paid safe time when an employee's place of business has reduced operations or closed either (1) for any reason or (2) for any health- or safety-related reason.
- B. Permit use of paid safe time when an employee's place of business for a Tier 3 employer has reduced operations or closed either (1) for any reason or (2) for any health- or safety-related reason.
- C. Make no changes to the legislation.

2. Care of a family member during the closure of a school or place of care

The legislation would not establish a clear nexus between the closure of a family member's school or place of care and the employee's need for paid safe time. The amendment states, "An employee is authorized to use paid safe time for the following reasons...[w]hen the employee's family member's school or place of care has been closed."

This language could lead to an employee using paid safe time for a family member who does not need care. Establishing the use paid safe time for the purpose of providing care could create a stronger connection to the policy goal of protecting the public health and welfare.

Options:

- A. Limit use of paid safe time to situations in which the employee is caring for a family member when the family member's school or place of care has been closed.
- B. Make no changes to the legislation.

Please contact me if you have questions about this legislation or the identified policy issues.

cc: Kirstan Arestad, Executive Director
Dan Eder, Deputy Director

Amendment 1 to PSST Expansion Ordinance (CB 119754)

Sponsors: CM Pedersen and CM Mosqueda

**Add a finding on the importance of expanding paid safe time
for the COVID-19 pandemic and in the future.**

On page 3, after line 12, amend the following Section as shown below:

Section 1. The City Council (“Council”) makes the following legislative findings of fact and declarations:

H. The impacts of the emerging public health crisis on the operation of schools and places of care in the City are multifaceted and nuanced and are not easily defined or predictable. These impacts may result in closures. Expanding the use of paid sick and paid safe time to include situations when an employee’s family member’s school or place of care is closed is necessary as an additional step to protect public health and to support the stabilization of an employee’s income while the COVID-19 emergency exists and in the future.

I. In addition to the importance of addressing impacts of the COVID-19 pandemic, it is important to families that paid sick and paid safe time be available also when schools and places of care are closed in the future.

Renumber sections and correct any internal references accordingly.

Effect: This amendment would add a finding on the importance of expanding paid safe time for the COVID-19 pandemic and in the future.

Amendment 2 to PSST Expansion Ordinance (CB 119754)

Sponsor: CM Herbold

Expand paid safe time to cover situations when a Tier 3 employer has reduced operations or closed for any health- or safety-related reason.

On page 3, after line 12, amend the following Section as shown below:

Section 1. The City Council (“Council”) makes the following legislative findings of fact and declarations:

H. The impacts of the emerging public health crisis on the operation of businesses, schools, and places of care in the City are multifaceted and nuanced and are not easily defined or predictable. These impacts may result in reduced operations or closures. Expanding the use of paid sick and paid safe time to include situations when an employee’s place of business reduces operations or is closed, or when an employee’s family member’s school or place of care is closed, is necessary as an additional step to protect public health and to support the stabilization of an employee’s income while the COVID-19 emergency exists and in the future.

On page 5, after line 6, amend the following Section as shown below:

14.16.010 Definitions

2. For purposes of determining eligibility for “paid safe time” for absences that qualify for leave under subsection ~~14.16.030.A.2.c((.))~~; 14.16.030.A.2.d:

On page 7, after line 2, amend the following Section as shown below:

14.16.030 Use of paid sick and paid safe time

2. Paid safe time shall be provided to an employee by an employer. An employee is authorized to use paid safe time for the following reasons:

a. When the employee's place of business has been closed by order of a public official, for any health-related reason, to limit exposure to an infectious agent, biological toxin, or hazardous material;

b. When the employee's place of business for a Tier 3 employer has reduced operations or closed for any health- or safety-related reason;

c. When the employee's ~~((child's))~~ family member's school or place of care has been closed ~~((by order of a public official, for any health-related reason, to limit exposure to an infectious agent, biological toxin, or hazardous material));~~ and

~~((e-))~~ d. For any of the following reasons related to domestic violence, sexual assault, or stalking, as set out in RCW 49.76.030:

1) To enable the employee to seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's family or household members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking;

2) To enable the employee to seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking,

or to attend to health care treatment for a victim who is the employee's family or household member;

3) To enable the employee to obtain, or assist a family or household member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking;

4) To enable the employee to obtain, or assist a family or household member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which the employee or the employee's family or household member was a victim of domestic violence, sexual assault, or stalking; or

5) To enable the employee to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family or household members from future domestic violence, sexual assault, or stalking.

* * *

F. For use of paid safe time of more than three consecutive days for a reason set out in subsection 14.16.030.A.2, an employer may require reasonable verification that the employee's use of paid safe time is for an authorized purpose covered by subsection 14.16.030.A.2. If an employer requires reasonable verification, such verification must be provided to the employer within a reasonable time period during or after the leave. An employer's requirements for reasonable verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law.

1. An employer may require that requests under subsections 14.16.030.A.2.a ~~and 14.16.030.A.2.b~~ through 14.16.030.A.2.c be supported by verification of a ~~closure order or~~

notice of reduced operations or closure ((by a public official of the employee's place of business, or employee's child's school or place of care,)) and the employee may satisfy this verification request by providing ((notice of)) the closure order or notice, or a copy of the notice, in whatever format the employee received the order or notice it.

2. An employer may require that requests under subsection ~~14.16.030.A.2.e~~ 14.16.030.A.2.d be supported by verification that the employee or employee's family or household member is a victim of domestic violence, sexual assault, or stalking, and that the leave taken was for one of the purposes covered by subsection ~~14.16.030.A.2.e~~ 14.16.030.A.2.d. An employee may satisfy this verification requirement by one or more of the following methods:

- a. An employee's written statement that the employee or the employee's family or household member is a victim of domestic violence, sexual assault, or stalking and that the leave taken was for one of the purposes of subsection ~~14.16.030.A.2.e~~ 14.16.030.A.2.d;
- b. A police report indicating that the employee or employee's family or household member was a victim of domestic violence, sexual assault, or stalking;
- c. A court order protecting or separating the employee or employee's family or household member from the perpetrator of the act of domestic violence, sexual assault, or stalking, or other evidence from the court or the prosecuting attorney that the employee or employee's family or household member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking; or
- d. Documentation that the employee or the employee's family or household member is a victim of domestic violence, sexual assault, or stalking, from any of the following

persons from whom the employee or employee's family or household member sought assistance in addressing the domestic violence, sexual assault, or stalking: an advocate for victims of domestic violence, sexual assault, or stalking; an attorney; a member of the clergy; or a medical or other professional. The provision of documentation under this Section 14.16.030 does not waive or diminish the confidential or privileged nature of communications between a victim of domestic violence, sexual assault, or stalking with one or more of the individuals named in this subsection 14.16.030.F.2.d.

Renumber sections and correct any internal references accordingly.

Effect: This amendment would amend the findings section to include places of businesses that have reduced operations or closed; expand the use of paid safe time to include situations when a Tier 3 employer has reduced operations or closed for any health- or safety-related reason; and amend verification requirements to included notices of reduced operations.



Legislation Text

File #: Res 31932, **Version:** 2

CITY OF SEATTLE

RESOLUTION _____

A RESOLUTION relating to the City Light Department; acknowledging and approving City Light's adoption of a biennial energy conservation target for 2020-2021 and ten-year conservation potential.

WHEREAS, Ballot Initiative 937 (I-937), also known as the Energy Independence Act, was passed by

Washington state voters on November 7, 2006, which requires qualifying electric utilities to obtain new renewable resources and undertake cost-effective energy conservation; and

WHEREAS, I-937 was codified in chapter 19.285 of the Revised Code of Washington (RCW); and

WHEREAS, RCW 19.285.040 calls for each qualifying utility to pursue all available conservation that is cost-effective, reliable, and feasible, including requiring of the development of conservation potential and biennial conservation targets; and

WHEREAS, WAC 194-37-070 requires that each qualifying utility must document the methodologies and inputs used in the development of its ten-year potential and biennial target and must document that its ten-year potential and biennial target are consistent with the requirements of RCW 19.285.040; and

WHEREAS, the City Light Department undertook a Conservation Potential Assessment study to develop its ten-year potential and biennial target, which was consistent with the methodologies set forth in RCW 19.285.040 and WAC 194-37-070; and

WHEREAS, the Conservation Potential Assessment identifies a ten-year conservation potential of 82.67 annual megawatts (aMW) starting in 2020, and a biennial energy conservation target of 21.27 aMW for City Light in 2020-2021; and

WHEREAS, City Light anticipates meeting or exceeding the energy conservation target for 2020 and 2021, and updating its Conservation Potential Assessment by 2021; and

WHEREAS, WAC 194-37-070 requires that each utility must establish its ten-year potential and biennial target by action of the utility’s governing board, after public notice and opportunity for comment; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

Section 1. Pursuant to chapter 19.285 RCW et. seq. and corresponding WAC 194-37-070 regulations, and after public notice and opportunity for public comment, the City Council acknowledges and approves the City Light Department’s (City Light) adoption of a biennial energy conservation target of 21.27 aMW for 2020-2021 and a ten-year conservation potential of 82.67 aMW starting in 2020. City Light’s biennial energy conservation target and ten-year conservation potential are based upon a Conservation Potential Assessment conducted using methodologies consistent with those used by the Pacific Northwest Electric Power and Conservation Planning Council in order for City Light to pursue all available conservation that is cost-effective, reliable, and feasible.

Section 2. The City Council further acknowledges that City Light anticipates meeting or exceeding the biennial energy conservation target with its adopted 2020 budget and the spending plan adopted in the Strategic Plan’s rate path for the 2021 budget.

Adopted by the City Council the _____ day of _____, 2020, and signed by me in open session in authentication of its adoption this _____ day of _____, 2020.

President _____ of the City Council

The Mayor concurred the _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Seattle City Light	Jennifer Finnigan/6-9153	Greg Shiring/6-4085

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: A RESOLUTION relating to the City Light Department; acknowledging and approving City Light’s adoption of a biennial energy conservation target for 2020-2021 and a ten-year conservation potential.

Summary and background of the Legislation: To comply with RCW 19.285 (also known as I-937 or the Energy Independence Act), City Light must establish and make publicly available a biennial acquisition target for cost-effective conservation and a ten-year conservation potential. This Resolution establishes a 21.27 average megawatt (aMW) conservation target for 2020-2021 and a ten-year conservation potential of 82.67 aMW.

Initiative 937 was passed by Washington state voters in November 2006 to establish renewable and energy efficiency targets for electric utilities serving more than 25,000 retail customers. In complying with RCW 19.285.040, each qualifying utility shall pursue all available conservation that is cost-effective, reliable, and feasible. RCW 19.285.040 (1)(a) states: “By January 1, 2010, using methodologies consistent with those used by the Pacific Northwest electric power and conservation planning council in the most recently published regional power plan as it existed on June 12, 2014, or a subsequent date as may be provided by the department or the commission by rule, each qualifying utility shall identify its achievable cost-effective conservation potential through 2019. Nothing in the rule adopted under this subsection precludes a qualifying utility from using its utility specific conservation measures, values, and assumptions in identifying its achievable cost-effective conservation potential. At least every two years thereafter, the qualifying utility shall review and update this assessment for the subsequent ten-year period.”

And, RCW 19.285.040 (1)(b) states: “Beginning January 2010, each qualifying utility shall establish and make publicly available a biennial acquisition target for cost-effective conservation consistent with its identification of achievable opportunities in section (a) of this subsection, and meet that target during the subsequent two-year period. At a minimum, each biennial target must be no lower than the qualifying utility's pro rata share for that two-year period of its cost-effective conservation potential for the subsequent ten-year period;”

WAC 194-37-070 Section (5) provides further guidance that the development of the biennial target and the ten-year potential should follow the methodologies used by the Northwest Power and Conservation Council (NWPPC) and this section offers a series of methodical details to ensure consistency with this regional effort. Section (4) also calls for electric utilities to “establish its ten-year potential and biennial target by action of the utility’s governing board, after public notice and opportunity for public comment.”

City Light initiated a Conservation Potential Assessment (CPA) to identify the biennial acquisition target and the ten-year potential for the service territory. City Light hired the consulting firm Cadmus to complete the CPA that is consistent with the methodology outlined in both RCW 19.285.040 and WAC 194-37-070 and is also consistent with the Northwest Power and Conservation Council’s methodology used for their Seventh Power Plan. This CPA has identified a total of 21.27 aMW being achievable within the City Light service territory for 2020-2021 and a total conservation potential of 82.67 aMW for the ten-year period starting in 2020.

City Light anticipates meeting or exceeding the 21.27 aMW biennial target for 2020-2021. It is anticipated that City Light’s proposed 2020 budget and the spending plan adopted in the Strategic Plan’s rate path for the 2021 budget will be sufficient to meet the biennial acquisition targets. No increase in budget levels for either 2020 or 2021 is expected to be necessary as a result of this legislation.

This Resolution is necessary as outlined in WAC 194-37-070 section (4) which states “Each utility must establish its ten-year potential and biennial target by action of the utility’s governing board, after public notice and opportunity for public comment.”

As a point of reference, this is the sixth Resolution to establish the biennial target and ten-year potential for the utility. The most recent legislation, Resolution #31765 established the 2018-2019 conservation target of 24.5 aMW and ten-year potential of 90.3 aMW. The 2020-2021 target of 21.27 aMW is a decrease from the 2018-2019 conservation target of approximately 13%. The decrease is due to lower avoided energy costs, increased stringency in energy codes, and forty years of conservation program achievement that has captured much of the easy-to-attain conservation such as LED lighting. Other than the energy savings target and ten-year potential, this Resolution is nearly identical to Resolution #31765 in its language and intent.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

There is no direct financial impact of implementing this legislation; the adoption of this Resolution is an administrative formality designed to comply with state law. However, failing to meet the biennial conservation targets may result in an administrative penalty outlined in RCW 19.285.060: “(1) Except as provided in subsection (2) of this section, a qualifying utility that fails to comply with the energy conservation or renewable energy targets established in RCW 19.285.040 shall pay an administrative penalty to the state of

Washington in the amount of fifty dollars for each megawatt-hour of shortfall. Beginning in 2007, this penalty shall be adjusted annually according to the rate of change of the inflation indicator, gross domestic product-implicit price deflator, as published by the bureau of economic analysis of the United States department of commerce or its successor.”

City Light’s proposed 2020 budget and the spending plan adopted in the Strategic Plan’s rate path for the 2021 budget provide the resources necessary to meet the target and it is anticipated that adequate resources will be available to meet the biennial acquisition targets for 2020-2021. City Light does not expect to propose any significant increase in budget levels to implement this legislation.

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

There is no direct financial cost of not implementing this legislation. However, City Light is required by state law to set the conservation targets as outlined in RCW 19.285.040. City Light anticipates meeting the conservation targets with anticipated budgets.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

No

b. Is a public hearing required for this legislation?

Yes. Consistent with WAC 194-37-070 section (4), the utility must establish its ten-year potential and biennial target by action of the utility’s governing board, after public notice and opportunity for comment.

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No

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

No

e. Does this legislation affect a piece of property?

No

f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

No, this resolution sets an overall savings target for Seattle City Light, but does not alter the way the organization offers services to vulnerable or historically disadvantaged communities.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s).

This is not a new initiative or major programmatic expansion; this effort is consistent with Seattle City Light's commitment to energy efficiency.

List attachments/exhibits below:

None