



SEATTLE CITY COUNCIL

Select Committee on Homelessness Strategies and Investments

Agenda

Wednesday, January 22, 2020

2:00 PM

Council Chamber, City Hall
600 4th Avenue
Seattle, WA 98104

Andrew J. Lewis, Chair

Lisa Herbold, Vice-Chair

M. Lorena González, Member

Debora Juarez, Member

Tammy J. Morales, Member

Teresa Mosqueda, Member

Alex Pedersen, Member

Kshama Sawant, Member

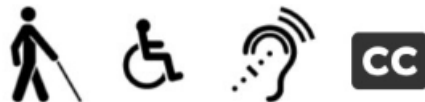
Dan Strauss, Member

Chair Info: 206-684-8807; Andrew.Lewis@seattle.gov

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SEATTLE CITY COUNCIL
Select Committee on Homelessness Strategies
and Investments
Agenda
January 22, 2020 - 2:00 PM

Meeting Location:

Council Chamber, City Hall, 600 4th Avenue, Seattle, WA 98104

Committee Website:

This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

Please Note: Times listed are estimated

A. Call To Order

B. Chairs Report

C. Approval of the Agenda

D. Public Comment

(20 minutes)

E. Items of Business

1. **Mayor's Office and Seattle Human Services Department (HSD) - Briefing and Update on the King County Regional Homelessness Authority (KCRHA)**

Supporting Documents: [KCRHA Government Structure Infographic](#)
[Central Staff Memo \(1/22/20\)](#)

Briefing and Discussion

Presenter: Tess Colby, Mayor's Office

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.**

Supporting Documents: [Summary and Fiscal Note](#)
[Presentation \(1/22/20\)](#)
[Central Staff Memo \(1/22/20\)](#)
[Central Staff Memo \(9/10/19\)](#)

Briefing, Discussion, and Possible Vote

Presenters: Peter Steinbrueck, Commissioner, Port of Seattle; Sharon Lee, Low Income Housing Institute; Joseph "Panda" Procella; Ketil Freeman, Council Central Staff

F. Adjournment



Legislation Text

File #: Inf 1583, **Version:** 1

Mayor's Office and Seattle Human Services Department (HSD) - Briefing and Update on the King County Regional Homelessness Authority (KCRHA)

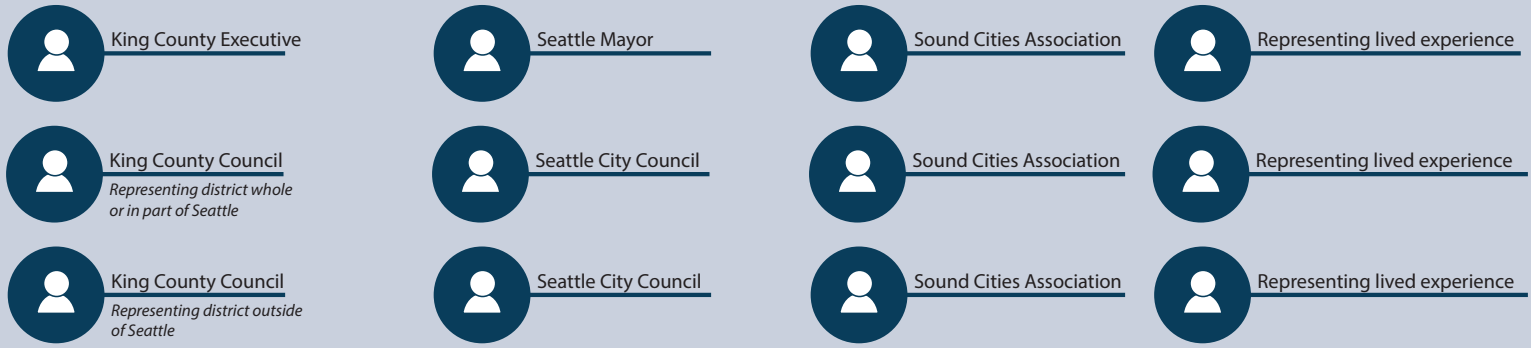
KING COUNTY REGIONAL HOMELESSNESS AUTHORITY

AS PASSED BY THE KING COUNTY COUNCIL

December 11, 2019

- **Mission:** The mission of the King County Regional Homelessness Authority is to significantly decrease the incidence of homelessness throughout King County, using equity and social justice principles.
- **Organization:** Establishes a Governmental Administrative Agency between King County and the City of Seattle. Additional parties may sign on later as subscribing agencies. No Public Development Authority would be created.

GOVERNING COMMITTEE - 12 MEMBERS



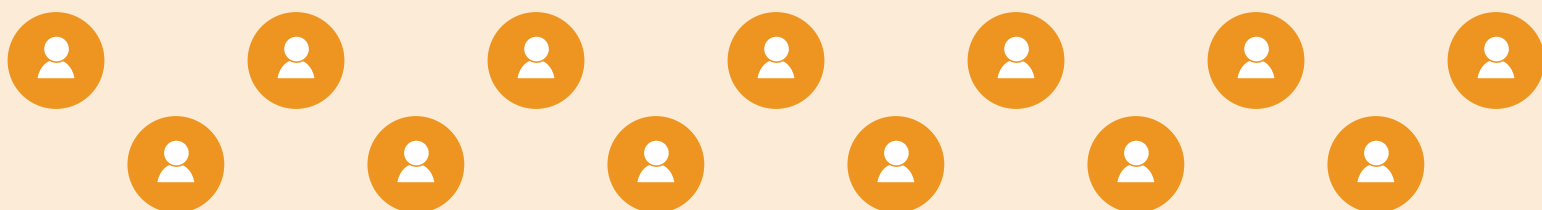
THE GOVERNING COMMITTEE

- Approve and amend all plans governing the Authority and all budgets with 2/3 majority; nine members constitute a quorum
- Confirm members of the Implementation Board
- Approve Authority's organizational structure
- Hire CEO with 2/3 majority; may fire CEO with nine votes
- Three members representing lived experience appointed by the Advisory Committee

CHIEF EXECUTIVE OFFICER

Reports to Implementation Board and regularly provides information to the Governing Committee including quarterly performance reports. Provides annual presentations to the King County Council and Seattle City Council.

IMPLEMENTATION BOARD - 13 MEMBERS WITH THE BELOW COLLECTIVE EXPERTISE



- Criminal Justice
- Fiscal Oversight
- Physical or Behavioral Health
- Academic Research or Data Performance Evaluation
- Affordable Housing Finance or Development
- Business Operations or Strategy
- Equity Implementation
- Homelessness Service Provision
- Federal Continuum of Care Service Provision
- Labor Unions/Workforce
- Youth Services
- Child Welfare Services
- Three members representing lived experience

THE IMPLEMENTATION BOARD

Role: Develop and recommend to the Governing Committee the Authority's plans, budgets and operations, and be primarily responsible for ensuring their implementation.

- Power to create additional committees and respective appointments
 - Members cannot be elected officials, current contract holders or their representatives
 - King County Executive, King County Council, Seattle Mayor, Seattle City Council, and Sound Cities Association each appoint two members of Implementation Board respectively
 - Three members representing lived experience appointed by Advisory Committee after receiving recommendations from the Lived Experience Coalition
 - Requires the membership of the Implementation Board to reflect the racial makeup of King County.
- Additional Characteristics:**
- Majority able to represent marginalized populations statistically disproportionately represented among people experiencing homelessness
 - Reflect geographic diversity
 - Local business community
 - Faith/religious groups
 - Philanthropy
 - Neighborhood/community associations

ADVISORY COMMITTEE - CONTINUUM OF CARE

Perform the functions of the mandatory Federal Continuum of Care Board.

OTHER KEY PROVISIONS

FIVE YEAR PLAN

Required to address at least youth/young adults, families, veterans, single adults, seniors and those with acute behavioral challenges.

SUB-REGIONAL PLANNING PRINCIPLES

Specifies that funding and services will be distributed throughout the County regardless of whether a jurisdiction joins the interlocal agreement. Specifies that sub-regional planning would inform and be integrated in the development of the five year plans.

COORDINATION ACROSS SYSTEMS AND SERVICES

CEO shall assign liaison to ensure coordination and collaboration with homelessness crisis response partners and activities and adjacent systems whose work intersects with homelessness.

January 21, 2020

MEMORANDUM

To: Select Committee on Homelessness Strategies and Investments
From: Jeff Simms and Traci Ratzliff, Analysts
Subject: Summary of Final Action on Regional Homelessness Authority

On Wednesday, January 22, 2020 the Select Committee on Homelessness Strategies and Investments (Select Committee) will receive an update from Executive staff on the newly created King County Regional Homelessness Authority (KCRHA), including updates on co-locating Human Services Department (HSD) staff with King County staff during the transition period and progress on identifying the Chief Executive Officer (CEO). This memo summarizes the interlocal agreement approved by the council for the KCRHA's creation and the features of KCRHA.

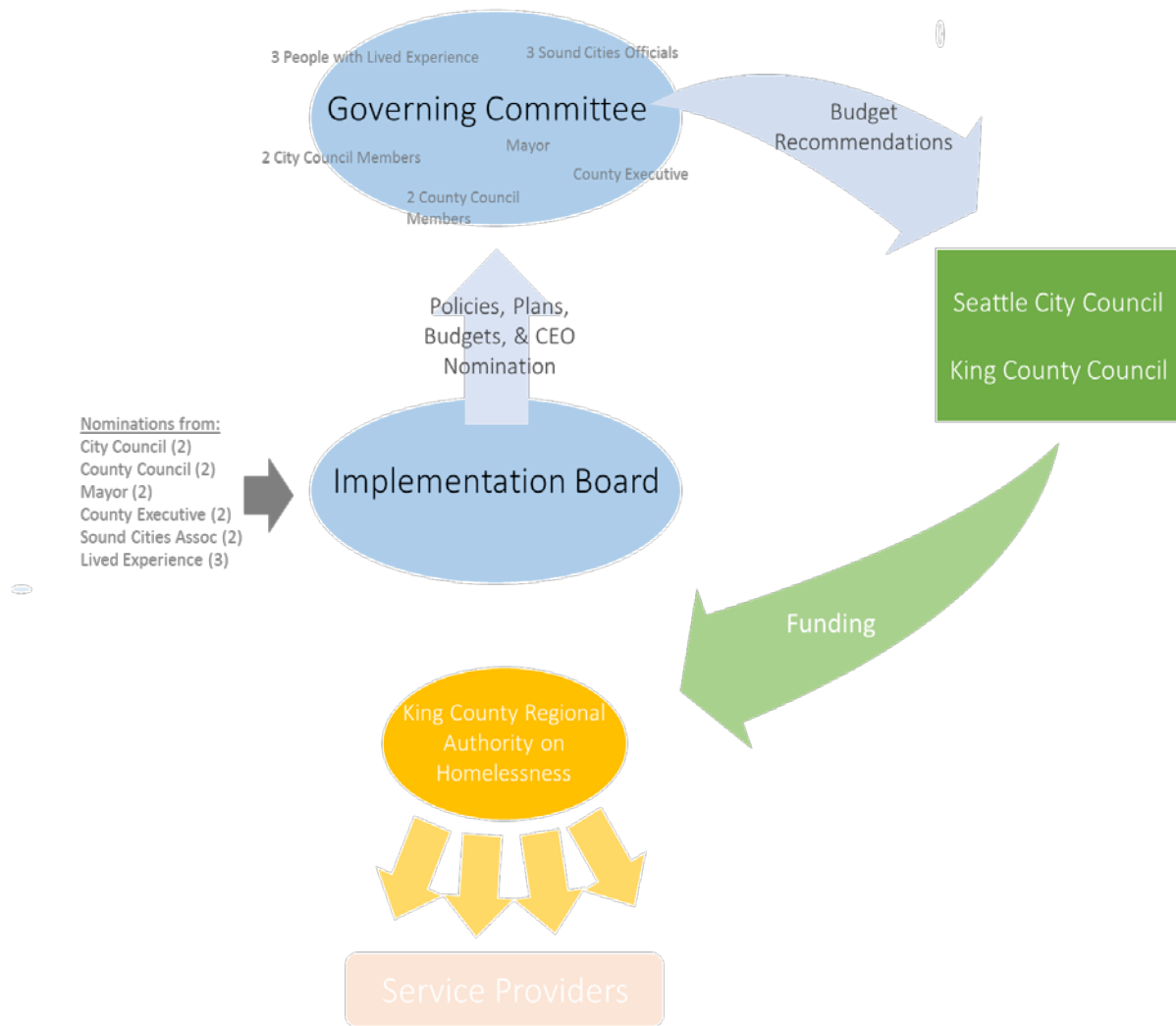
Type of Authority

On December 16, 2019, the Council passed [Council Bill \(CB\) 119724](#), authorizing the City to enter into an interlocal agreement (ILA) with King County to create KCRHA. The King County Council passed similar legislation on December 12, 2019 ([CB 2019-0478](#)) The ILA created a separate governmental administrative agency pursuant to [RCW 39.34.030\(3\)](#), not a public development authority (PDA), as had been initially proposed. A separate governmental administrative agency is largely the same as a PDA except it lacks the authority in state law to issue bonds. Although neither types of entities possess taxing authority, the ILA also specifically bars KCRHA from imposing taxes.

Overall Governance Structure

The ILA authorizes the creation of a separate governmental administrative agency with a two-part governance structure (see Figure 1). First, a Governing Committee composed of the Mayor, County Executive, two Seattle Councilmembers, two King County Councilmembers, three people with lived experience of homelessness or accountable to such groups (lived experience), and three members of the Sound Cities Association (SCA). The second part of the governance structure is an Implementation Board of subject matter experts selected for a range of skill-based criteria and representational attributes, including people with lived experience. The Mayor, County Executive, Seattle and King County Councils, and Sound Cities Association each will nominate two members for the Implementation Board, with the Governing Committee confirming nominations. Three seats on the Implementation Board will represent or be accountable to people with lived experience. All of the members with lived experience on both the Governing Committee and Implementation Board will be nominated by the Advisory Committee of KCRHA (or until the constitution of the Advisory Committee, All Home's Continuum of Care Board) and will be confirmed by the Governing Committee.

Figure 1: Governance Structure of King County Regional Homelessness Authority



Governing Committee Duties and Powers

The Governing Committee will perform a variety of actions that require passage by either a simple majority or by a two-thirds majority. Both thresholds are based on the number of members present, assuming the quorum of nine members is met. For example, a two-thirds majority could be as few as six members if only the minimum of nine members are present.

The actions requiring a majority vote are:

- Remove Implementation Board members for cause;
- Recommend amendments to the ILA;
- Adopt and amend bylaws;

- Confirm Implementation Board members;
- Approve the staffing plan and organizational chart provided by the Implementation Board;
- Approve performance metrics; and
- Change the name of the authority

The actions requiring a two-thirds majority are:

- Approving or amending goals, policies and plans;
- Approving or amending annual budgets that are recommended by the Implementation Board; and
- Confirming the CEO

Lastly, an absolute minimum of nine votes are required to remove the CEO.

Multiple members of the City Council expressed concern over the threshold required to amend goals, policies, plans, and budgets. At the request of Council President González, the Mayor and County Executive provided letters committing to the establishment of bylaws that would require no fewer than eight votes for such actions. In addition, they committed to bylaws that will require five-year plans, sub-regional plans, and budgets and any spending by the authority to align with the guiding principles for KCRHA, as listed in Article IV, Section 3 of the ILA.

Implementation Board

The Implementation Board is intended as a group of experts with substantial relationships with all relevant stakeholders who can prepare plans, policies, performance reports, and budgets for the authority. The ILA requires a nominating committee to coordinate the appointments from the various parties to meet a variety of requirements for the Implementation Board overall.

A majority of the Implementation Board members must be positioned to represent marginalized populations statistically disproportionately represented among people experiencing homelessness and strive to reflect the racial and ethnic makeup of King County overall. The Implementation Board must have connections to or experience with the local business community, neighborhood and community associations, faith and religious groups, and the philanthropic community. There is a goal to reflect geographies across King County, as well. Lastly, the following list of skills and areas of expertise must be reflected:

- Implementing policies to promote racial-ethnic equity
- Fiscal oversight
- Oversight of business operations for a large entity
- Affordable housing finance and development

- Physical or behavioral health care
- Labor unions and workforce
- Federal Continuum of Care programs
- Academic research or performance evaluation on homelessness
- Criminal justice
- Child welfare
- Youth services

The ILA prohibits elected officials; current contract holders or their representatives; and City, County, and KCRHA employees from serving as members of the Implementation Board.

KCRHA Planning

The ILA calls for an interim work plan to be developed until the Implementation Board can create a five-year plan for KCRHA. Sub-regional plans that articulate local needs, priorities, and solutions must form the basis for the five-year plan. As noted above, multiple Councilmembers expressed concern about whether the sub-regional planning and the funds expended by the agency would be in alignment with the guiding principles of KCRHA. The Mayor and County Executive committed in their letter to Council President González to develop Governing Committee bylaws that will require only approving sub-regional and five-year plans that align with the guiding principles articulated in Article IV, Section 3 of the ILA.

Programs Managed by KCRHA

The ILA commits the City and King County to transfer funding for nearly all of their homeless services to KCRHA. As such, the funding and management of basic shelters, enhanced shelters, tiny home villages, rapid re-housing, permanent supportive housing (PSH) operations, diversion, homelessness prevention, transitional housing, and day and hygiene services, will all move to KCRHA. Capital funding to build affordable housing and PSH and the Navigation Team are the only homelessness investments that would not be moved. Programs that can help a family or individual prevent homelessness but that are not specifically homelessness investments (e.g., food banks) remain in HSD or the respective County department, as well.

Staffing Transition

HSD and the Mayor's office have indicated that HSD staff from the Homeless Strategies and Investments Division will be co-located with county staff in a county-owned building beginning in early 2020. Late in 2020, HSD staff will be loaned to KCRHA to provide initial staffing for KCRHA. Either a supplemental budget in 2020 or the Mayor's 2021 Proposed Budget is expected to identify the staff positions that will be eliminated, created, or transferred to KCRHA. Simultaneously, KCRHA will separately hire its own staff to fulfill the staffing plan that the CEO will propose to the Implementation Board in 2020. The plans for the transition of any

HSD staff, including the positions affected, the impact on employee benefits and pensions, packages to incentivize movement to KCRHA, and re-employment supports, must be approved by the Council prior to their implementation, per CB 119724.

Upcoming Steps in Implementation

The following list identifies anticipated next steps and deadlines for implementing the ILA and bringing into existence KCRHA. Some of these items will be presented to the Select Committee in 2020.

- **Jan 2020:** Parties nominate Governing Committee members (“expeditiously” per Article VIII, Section 1.a.iv) and notify other parties
- **Jan/Feb 2020:** Nominating committee convenes to develop list for Implementation Board members
- **Jan/Feb 2020:** Regional Action Plan unveiled (late January/early February)
- **By March 18, 2020:** 1st Governing Committee Meeting (within 90 days after effective date)
- **Spring 2020:** HSD staff co-located with county staff
- **TBD:** Search firm for CEO hired
- **TBD:** Governing Committee adopts bylaws
- **TBD:** Governing Committee confirms Implementation Board members
- **TBD:** 1st Implementation Board Meeting (60 days after final member confirmed)
- **TBD:** Staff Transition plan submitted to Council for approval
- **TBD:** KCRHA proposed staffing plan, including plan for support services, submitted to Implementation Board (60 days after hire of CEO)
- **Early 2021:** KCRHA Initial Work Plan approved by Governing Committee (6 months after 1st Implementation Board meeting)
- **Late 2021:** First five-year plan adopted by Governing Committee

cc: Kirstan Arestad, Executive Director
Aly Pennucci, Supervising Analyst



Legislation Text

File #: CB 119656, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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.

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, 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;

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:

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.

~~((4))~~ 2. 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))~~ 3. The property is within 1/2 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))~~ 4. 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))~~ 5. 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))~~ 6. 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)) 7. 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.

* * *

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 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. 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. 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
23.7
6.00
4
LAND
USE
E
DECISION
FRAM
WORK
K¹**

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 Sect ion 23.8 8.02 (0 ²)	
*	Application of development standards for decisions
*	Uses permitted outright
*	Temporary uses, four weeks or less
*	Renewals of temporary uses, except for temporary use construction ((and transitional encampments))
*	Intermittent uses
*	Uses on vacant or underused lots pursuant to Section
*	Transitional encampment interim use
*	Certain street uses
*	Lot boundary adjustments
*	Modifications of features bonused under Title 24
*	Determinations of significance (EIS required) except on historic and cultural preservation
*	Temporary uses for relocation of police and fire station
*	Exemptions from right-of-way improvement requirements
*	Special accommodation
*	Reasonable accommodation
*	Minor amendment to a Major Phased Development plan
*	Determination of whether an amendment to a proper minor
*	Streamlined design review decisions pursuant to Section departures are requested, and design review decision if no development standard departures are requested
*	Shoreline special use approvals that are not part of a
*	Adjustments to major institution boundaries pursuant
*	Determination that a project is consistent with a plan
*	Decision to approve, condition, or deny, based on SI be consistent with a planned action ordinance
*	Decision to increase the maximum height for residential subsection 23.49.008.H
*	Decision to increase the maximum allowable FAR in 23.49.011.A.2.n
*	Minor revisions to an issued and unexpired MUP that
*	Building height increase for minor communication use

*	Other Type I decisions that are identified as such in
	* * *

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;

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.

* * *

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.))~~

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, and signed by
me in open session in authentication of its passage this _____ day of _____, 2019.

President _____ of the City Council

Approved by me this _____ day of _____, 2019.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2019.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Legislative	Ketil Freeman/4-8178	N/A

** 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:

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.

Summary and background of the Legislation:

A transitional encampment is defined in the Land Use Code (Seattle Municipal Code, Title 23) as a use intended for temporary sleeping and shelter. Encampments may be authorized as a use accessory to a religious institution, as a temporary use, or as an interim use. There are currently nine encampments operating in the city, which receive City funds for operation. While operating costs vary depending on the services provided by the operator, the average expenditure by the City per encampment is approximately \$390,000. Of the approved appropriations in the 2019 Adopted Budget, approximately \$4.8 million is allocated for transitional encampments.

In 2015, the City Council passed Ordinance No. 124747, which added Section 23.42.056 to the Land Use Code to permit transitional encampments for homeless individuals to locate as an interim use on sites owned or operated by the City of Seattle or private owners for a period of up to one year, and within the following zones: Industrial zones, Downtown zones, except for Downtown zones defined as residential, Seattle Mixed zones, Commercial 2 (C2), Commercial 1 (C1), Neighborhood Commercial 3 (NC3) and Neighborhood Commercial 2 (NC2) zones. Section 23.42.056 includes the following requirements:

- Creates a “Type 1” Master Use Permit (non-appealable and not subject to public notice) that would have a one-year term (compared with the existing 4-week limit on Type 1);
- Requires encampment operators to have prior experience managing or operating shelters, low income housing, or homeless encampments;
- Establishes a maximum limit of no more than three encampments would be permitted and operating at any one time;
- Requires a minimum of 12 months after a transitional encampment interim use permit has expired before a new transitional encampment could be established at the same site;

- Allows a maximum of 100 occupants and requires 100 square feet of land per occupant (already established in the Code for encampments on sites owned or controlled by religious organizations);
- Requires a plan to address site management, maintenance and security;
- Requires compliance with the same health, safety, and inspection requirements that have been established for encampments on sites owned or controlled by religious organizations;
- Establishes parking requirements for encampments if they are not located on sites owned or controlled by religious organizations (1 space for each 2 staff members on-site at peak staffing times); various exceptions to parking requirements in the existing Code would apply;
- Requires that encampment use must be located at least 25 feet from any residentially zoned lot – sites may be closer than 25 feet to residentially zoned lots if encampment boundary is set back at least 25 feet and landscaping, fencing or similar buffer is added;
- Requires that sites with interim use encampments must be 5,000 square feet or larger; must be located within one-half mile of a transit stop; and must be located at least one mile from any other legally established transitional encampment interim use;
- Requires that encampment use must be located outside of wetland, wetland buffer, steep slope, steep slope buffer, and fish and wildlife habitat conservation areas regulated by the City’s regulations for Environmentally Critical Areas or the Seattle Shoreline Master Program;
- Requires that an encampment use cannot displace or occupy an area that is used to meet required provisions for an existing permitted use, such as area for required parking or setbacks;
- Establishes community outreach requirements to give neighbors advance notice of encampments, together with specific operations standards to be implemented by operators of each encampment; and
- Requires that the operator allow service providers such as social workers to access the site when a City-owned property.

The current proposal would retain many of the requirements in Ordinance 124747, while making the following changes:

- Exempt encampments on property owned or controlled by a religious organization from land use permitting requirements;
- Remove the current requirement that encampments on property owned or controlled by a religious organization be accessory to an existing principal use on that property;
- Permit transitional encampments on sites owned or controlled by the City of Seattle, including sites owned by other public entities such as King County or the State of Washington if the site is controlled by the City, such as through a lease;
- Remove the requirement that transitional encampments be located at least one mile from any other legally-established transitional encampment use;
- Continue to permit transitional encampments on sites owned by private owners;
- Continue the time limit for an interim use permit for a period of up to one year, but within all zones, including residential zones;

- Allow unlimited renewals of the one-year permit for additional one-year terms, subject to compliance with all applicable regulations, particularly in Sections 23.42.054 and 23.42.056, and remove the requirement that encampments move to a new site after a maximum of two years at any one location;
- Remove the requirement that encampments must be located at least 25 feet from any residentially zoned lot or, if a site is closer than 25 feet to residentially zoned lots, that the encampment boundary be set back at least 25 feet, since the proposal would allow transitional encampments to locate in residential zones;
- Require screening (fence or wall) for all lot boundaries;
- Changes the limit of three encampments City-wide to a maximum of forty encampments;
- Remove the sunset date of March 31, 2020 for interim use encampment regulations; and
- For encampments established by the 6-month temporary use process, which is an appealable “Type II” Master Use Permit, allows conversion of the 6-month permit to an interim use as a non-appealable Type I permit.

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?

No. Any potential future costs to the City would be contingent on non-regulatory policy choices related to funding potential encampments. Those choices are not compelled by this legislation.

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

No.

4. OTHER IMPLICATIONS

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

Yes, the Seattle Department of Construction and Inspections, which administers Title 23 of the Seattle Municipal Code.

b. Is a public hearing required for this legislation?

Yes.

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?

Yes.

e. Does this legislation affect a piece of property?

This legislation is non-project and does not effect a specific piece of property.

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?

None identified.

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).

Not applicable

List attachments/exhibits below:

Tiny House Villages

a Crisis Solution to Homelessness

Presentation by
Low Income Housing Institute



www.LIHI.org



How LIHI Addresses Homelessness

Housing

Transitional, permanent, and permanent supportive

Urban Rest Stops

Tiny House Villages

Supportive Services

National and Local Advocacy

Volunteer Programs

Community Development



Low Income Housing Institute

65 properties

- Homeless
- Low-income
- Workforce
- Disabled
- Senior
- Young adult
- Veteran
- Refugee

The Marion West

49 units for Homeless Young Adults and workforce, U District Food Bank, Street Bean Cafe.

The Tony Lee

70 workforce units
80 child preschool
with Refugee Women's Alliance



June Leonard Place

48 apartments in Downtown Renton

Affordable to those making 0% to 50% of the King County Area Median Income



Homeless families, homeless veterans, and low wage workers

LIHI Urban Rest Stops

Downtown, Ballard, U District

Free restrooms, showers and laundry facilities.

Urban Rest Stops serve 800 homeless women and men every day.



Ballard Urban Rest Stop

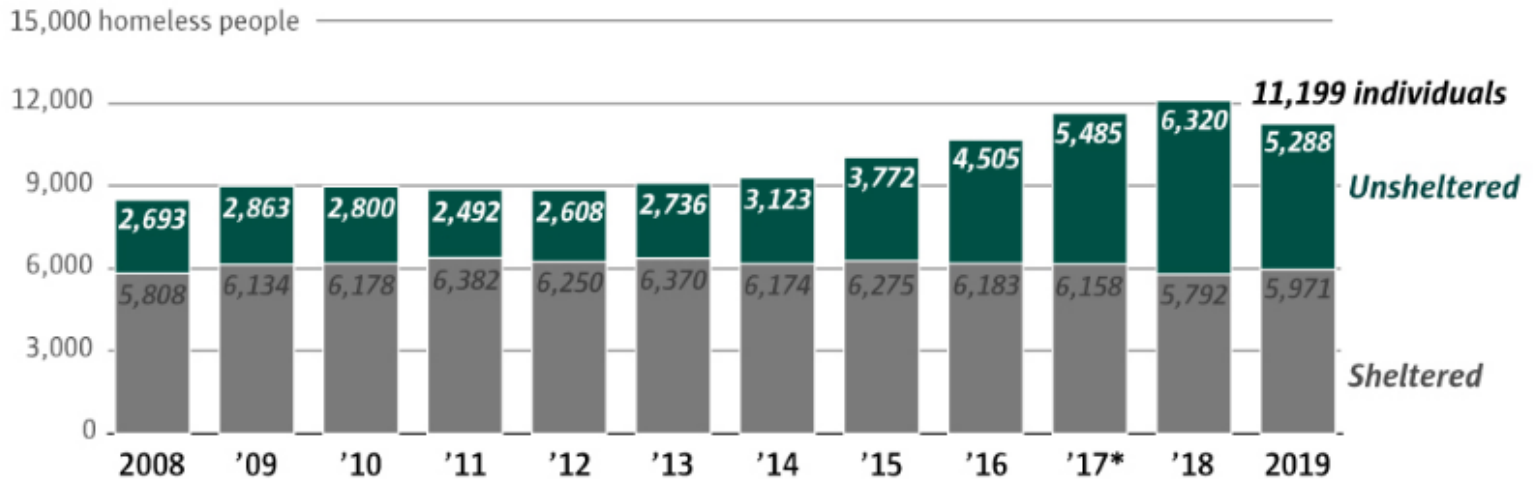
adjoining Cheryl Chow Court, separate entrance



King County homeless counts

King County's 2019 homeless point-in-time count decreased for the first time since 2012, and the number of unsheltered homeless people dropped by 17%. The count is a snapshot, counting homelessness on a given night.

KING COUNTY HOMELESS COUNTS



*King County's methodology changed in 2017 to be more thorough.

Source: All Home King County

EMILY M. ENG / THE SEATTLE TIMES

The count showed fewer families (7% decrease), veterans (10% decrease), and youth and young adults (28% decrease) experiencing homelessness compared to last year.

Families and individuals in tiny house villages are now considered "sheltered"

Why Tiny Houses are Needed

191 Homeless deaths in 2018

LHI tiny houses serve populations that have trouble accessing traditional shelters:

- Whole families
- Large families
- LGBTQ Individuals
- Straight and Gay couples
- Gay couples with children
- Families with teenage sons
- Immigrant/refugee households
- Undocumented households
- Single men with children
- People with pets



Tiny houses are 8'x12' and have heat, light, insulation, and locking doors.

Specific Services Provided

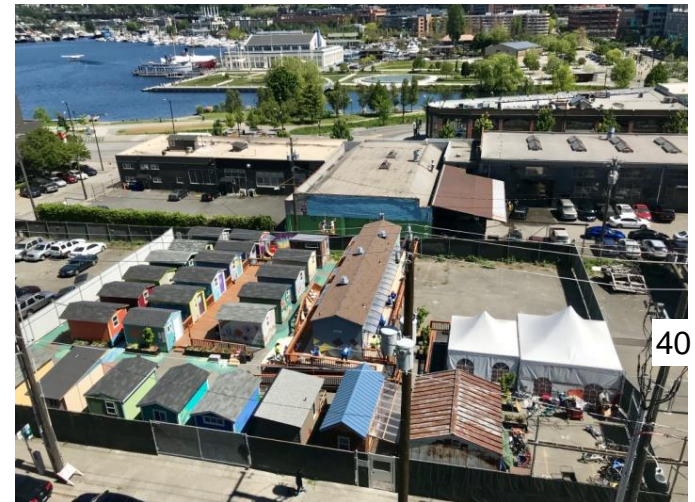
- Housing resources
- Employment Search
- Education
- Basic food
- Help with benefits, daycare,
- Partnerships with
 - Navigation team
 - Operation Sack Lunch
- Transportation: local and long distance
- Reunification with families and relatives
- HSD funding for onsite case managers



10 Tiny House Villages

9 in Seattle, 1 in Olympia

- 1) **Camp Second Chance** (West Seattle) - City of Seattle land
- 2) **Georgetown Village** - City of Seattle land
- 3) **Interbay Village** – Port of Seattle land
- 4) **Lake Union Village** – City of Seattle land
- 5) **Northlake Village** – City of Seattle land
- 6) **Othello Village** – LIHI land
- 7) **Plum Street Village** – City of Olympia land
- 8) **Tiny House Village** (Central Area) – Lutheran Church of the Good Shepherd land
- 9) **True Hope Village** – leased land: New Hope Missionary Baptist Church, Truvine Missionary Baptist Church
- 10) **Whittier Heights Village** – City of Seattle land



Whittier Heights Women's Village

June 2018, 16 Houses



Village features five Buddy Shelters (pictured)

and 11 stick built houses, built primarily by women

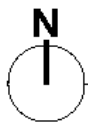
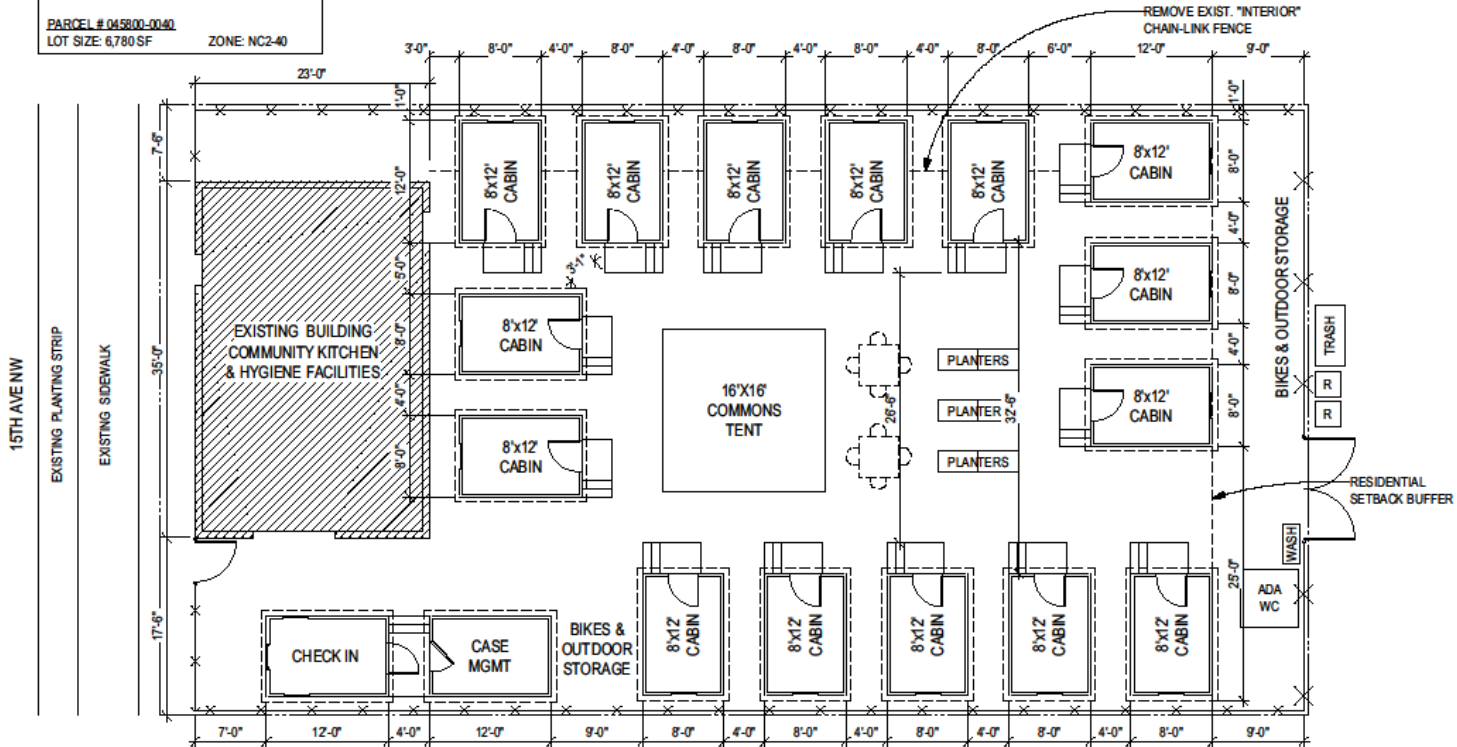


Whittier Heights Plan

8030 15TH AVE NW

PROPERTY LEGAL DESCRIPTION:
BALLARD HEIGHTS LESS POR FOR ST
PLAT BLOCK: 1 PLAT LOT: 6

PARCEL # 045800-0040
LOT SIZE: 6,780 SF ZONE: NC2-40



Proposed Site Plan - Opt 2
Scale: 1" = 10 ft

15 TINY HOMES
SITE AREA: 6,780 SF



Whittier Heights
Tiny House Village
8030 15th Ave. NW
Seattle, WA
23 April 2018

EW Proj. No. 15-077G



True Hope Village

September 2018, 35 Houses





45

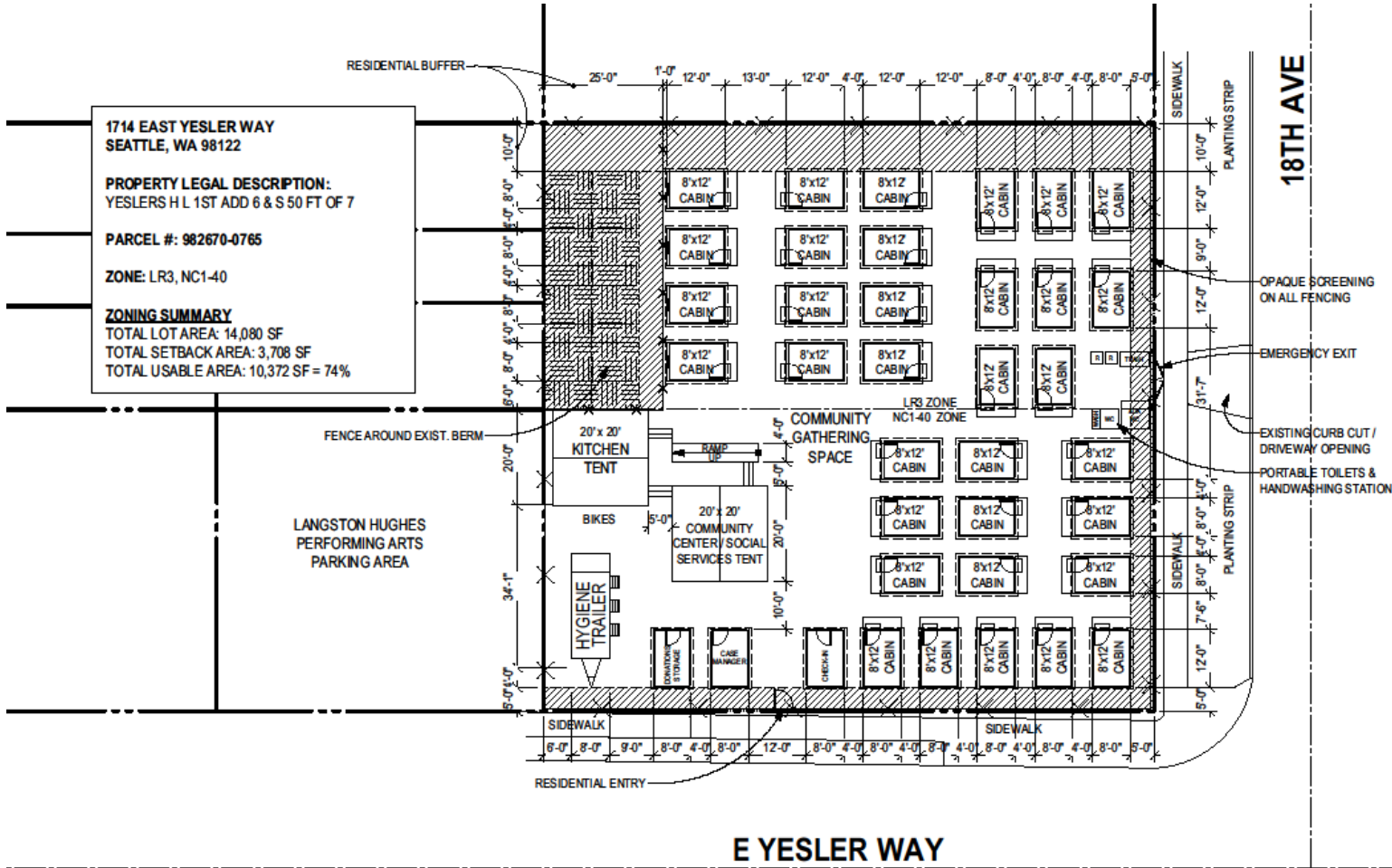
Community Space and Kitchen

Century Link Build - 30 Tiny Houses in a Day

Vulcan & Associated General Contractors of Washington
Houses were moved to True Hope Village



True Hope Village



Right Capital WORKS
Community Design Center
402 15th Avenue East
Seattle, Washington 98112
206.329.5300
206.329.5494 fax

**True Hope
Tiny House Village**
18th Ave & E Yesler Way
1714 East Yesler Way
Seattle, WA 98122

N
Proposed Site Plan

35 TINY HOMES
LOT AREA : 14,080 SF

5 June 2018
Proj. No. 15077G

Lake Union Village (LUV)

October 2018, 22 Houses



Camp Second Chance Expansion

- Democratic, self-managed
 - Weekly meetings – real democracy
- Code of Conduct (Sobriety, Non-violence)
 - No Sex Offenders
 - Security workers at all times/Litter patrols
 - non-violence
 - no weapons
- LIHI Case Management
- Site Coordinator
- Grievance Process
- Referrals by REACH and Navigation Team
- City owned property in West Seattle

Advantages of Village

- Community
- Cooperation
- Safety/Security
- Empowerment
- Community Advisory Committee
- Cost-effective
- Couples stay together
- Pets are allowed
- Partnerships with Alki UCC Church and Sound Foundations NW



From 0 to 45 tiny houses

Improvements and new houses at Camp Second Chance



Interbay Safe Harbor Village Expansion

from 23 to 46 houses



Volunteers



Tiny houses cost \$2,500 in materials

Licton Springs Outcomes

- The village sheltered 100 people over the two years from April 5th, 2017 to April 1st, 2019. As of April 2, 2019, 49% of the people were housed in permanent housing, 37% in transitional housing or shelters and 14% returned to the streets or are unaccounted for.

- Over the two years the village sheltered 46 men, 53 women and 1 transgender individual.

- 59% were white, 23% Black, 10% Native American, 3% Hispanic, 3% Asian/API and 2% Other. The average age was 47.

LHI plans to develop 115 units of affordable workforce housing on the site.



2016-2018 Outcomes

LHI case managers have successfully moved nearly 500 people from tiny houses into permanent housing, with others moved into transitional housing and reunited with family and friends.

Over the course of a year, about 1,000 individuals are served by LHI's tiny house villages, with thousands of others in permanent low-income housing at other LHI buildings.

Tiny house villages are more effective than other shelters, exiting a high percentage of users to permanent housing:

2018 Data

Tiny House Villages exits to permanent housing: **34%**

Basic Emergency Shelters exits to permanent housing: **4%**

Enhanced Emergency Shelters exits to permanent housing: **21%**



For more information on tiny house villages, please visit www.LHI.org

2018 Outcomes

Housing

56% obtained permanent housing or transitional housing.

17% moved to shelters.

12% exited to place not meant for habitation

15% client refused to provide exit information or doesn't know

Income – of those who reported:

42% had earned income

58% had income support (SSI, TANF, Pension, VA)



January 20, 2020

MEMORANDUM

To: Select Committee on Homelessness Strategies and Investments
From: Ketil Freeman, Analyst
Subject: Council Bill 119656 – Amendments to Land Use Code Regulations for Permitting Transitional Encampments

On January 22, 2020 the Select Committee on Homelessness Strategies and Investments will discuss [Council Bill \(CB\) 119656](#). CB 119656 would amend Land Use Code regulations and permitting procedures for transitional encampments. A transitional encampment is “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 a common food preparation area, shower, or other commonly-used facilities that are separate from the sleeping shelter.”¹ Some transitional encampments are referred to as “Tiny Home Villages.”

This memorandum: (1) provides background on the number and location of transitional encampments, (2) describes budget actions reflected in the 2020 Adopted Budget related to transitional encampments, (3) describes how transitional encampments are currently regulated, and (4) describes how CB 119656 would modify those regulations.

Number and Locations

The January 2019 point-in-time count of people experiencing homelessness in King County identified 3,558 unsheltered persons living in Seattle.² The number of unsheltered persons does not include persons living in authorized encampments, whose occupants are generally classified as sheltered because of the characteristics of the accommodations provided in most authorized encampments, including ADA compatibility, hygiene facilities, and a kitchen. On the night of the count, 161 people were homeless but had found shelter in a sanctioned encampment. As of July 2019, eight authorized encampments were located in the city. Camp locations, populations served, and the number of tents and tiny homes are summarized in Table 1 and shown on Attachment A.

¹ [Seattle Municipal Code Section 23.84A.038](#).

² [Seattle/King County Point-in-Time Count of Persons Experiencing Homelessness – 2019](#), p.110.

Table 1. Current Transitional Encampment

Village Name	Population	# Units (tents & structures)
1. Othello	Single Adults, Couples & Families	10 Tents & 30 Tiny Homes
2. Georgetown	Single Adults, Couples & Families	2 Tents & 37 Tiny Homes
3. Myers Way	Single Adults	49 Tiny Homes
4. Interbay	Single Adults, Couples & Families	2 Tents, 24 Tiny Homes
5. Northlake	Single Adults, Couples & Families	19 Tiny Homes
6. Whittier Heights	Single Women & Female Couples	15 Tiny Homes
7. True Hope	Single Adults, Couples & Families	34 Tiny Homes
8. Lake Union Village	Single Adults	22 Tiny Homes

Budget Actions

The Mayor’s Proposed 2020 Budget included approximately \$4 million in ongoing funding for operation of eight transitional encampments. The Council made multiple amendments to the proposed budget related to transitional encampments, including:

- Appropriating an additional \$2,015,000 to site two additional transitional encampments (Council Budget Actions (CBA) [HOM-2-D-1](#) and [HOM-3-B-3](#));
- Imposing provisos on appropriations in the Human Service Department to prioritize accommodating referrals from the Navigation Team and the Law Enforcement Assisted Diversion Program and to prevent expenditure for relocating the Georgetown Tiny Home Village (HOM-2-D-1 and HOM-3-B-3);
- Reducing by approximately \$1.2 million a proposed appropriation to relocate two transitional encampments ([HOM-62-B-1](#)); and
- Requesting a report by February 1, 2020, on potential transitional encampment locations for the two additional, funded encampments (Statement of Legislative Intent (SLI) [HOM-4-A-2](#)).³

Current Regulations

Transitional encampments are currently authorized through three regulatory processes: (1) as temporary uses for up to six months; (2) as interim uses for up to one year; and (3) as accessory uses on property owned or controlled by a religious organization. Absent Council action, the authorization for interim use encampments will expire in March 2020. Key development standards associated with each process are summarized in Table 2.

³ See [Clerk File 314438](#) for approved CBAs.

Table 2. Development Regulations

Development Standard	Temporary Use	Interim use	Religious Organization Accessory Use
Duration	6 months, may be renewed	1 year, may be renewed once	Any length of time
Location	Any location	<ul style="list-style-type: none"> • Private or City-owned property in non-residential zones • Must be at least 1 mile from other transitional encampments 	Any location
Maximum Number Permitted Citywide	No limit	<ul style="list-style-type: none"> • Three 	No limit
Physical Development Standards	Determined on a case-by-case basis, generally similar to standards for interim use encampments	<ul style="list-style-type: none"> • Screening along each non-street boundary • Encampment facilities must be setback from adjacent residential lots by 25 feet • Site must be at least 5,000 square feet with 100 square feet of space per resident • No more than 100 residents per encampment 	<ul style="list-style-type: none"> • No more than 100 residents per encampment • Life-safety standards
Outreach and Notice Requirements	Mailed notice of application to nearby residents and 14-day comment period	<ul style="list-style-type: none"> • Encampment operator must conduct a public meeting 14-days prior to applying for a permit • Encampment operator must convene a community advisory committee to provide input on encampment operations 	None required
Type of Permit	Type II, appealable	Type I, non-appealable	No permit required, unless the use is not accessory

Amendments to Regulations in CB 119656

CB 119656 would amend Land Use Code regulations and permitting procedures to facilitate maintaining existing, and establishing new, transitional encampments. Generally, the proposal would:

- Remove the current requirement that encampments on property owned or controlled by a religious organization be accessory to an existing principal use on that property to facilitate siting encampments on sites controlled by religious organizations on which a principal use has not been established;
- Permit transitional encampments on sites owned or controlled by other public entities, such as King County or the State of Washington;
- Remove the requirement that transitional encampments be located at least one mile from any other legally-established transitional encampment use;
- Authorize interim use encampments in residential zones;
- Allow unlimited renewals of the one-year permit, subject to compliance with all applicable regulations;
- Remove the requirement that encampments must be located at least 25 feet from any residentially zoned lot;
- Require screening for all lot boundaries;
- Increase the maximum number of authorized encampments from three citywide to a maximum of 40;
- Remove the sunset date of March 2020 for interim use encampment regulations; and
- For encampments established by the six-month temporary use process, which is an appealable, Type II Master Use Permit, allow conversion of the six-month permit to an interim use as a non-appealable, Type I permit.

Next Steps

The Select Committee will discuss the bill on Wednesday, January 22, 2020. The Committee will discuss and may vote on the bill at a subsequent meeting in February.

Attachment:

- A. Current and Potential Locations

cc: Kirstan Arestad, Executive Director
Aly Pennucci, Supervising Analyst





Potential Transitional Encampment Sites



Puget Sound

Lake Washington

Elliott Bay

-  Existing Encampment Site
-  Property owned or controlled by religious organization
-  Allowed Locations
-  Allowed zones under current SMC

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September 9, 2019

MEMORANDUM

To: Human Services, Equitable Development & Renter Rights Committee
From: Ketil Freeman, Analyst
Subject: Proposed Amendments to Regulations for Transitional Encampments

Councilmember Sawant is proposing to amend Land Use Code regulations for transitional encampments. The proposed legislation is attached (see attachment 1) and will be discussed at the Human Services, Equitable Development & Renter Rights Committee on September 10, 2019. The legislation has not been introduced. A transitional encampment is “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 shelter.”¹ Some transitional encampments are referred to as “tiny house villages.”

This memorandum (1) provides background on how transitional encampments are currently regulated, (2) describes Councilmember Sawant’s proposed legislation, and (3) discusses a pending State Environmental policy Act (SEPA) threshold determination appeal that may effect when Council can act on the proposal.

Background

The January 2019 point-in-time count of people experiencing homelessness in King County identified 3,558 unsheltered persons living in Seattle. Of those unsheltered persons, 2,267 lived outside or in tents.² That number includes persons living in authorized encampments. As of July 2019, eight authorized encampments were located in the city. Camp locations, populations served, and the number of tents and tiny homes are summarized in the table below.

VILLAGE NAME	POPULATION	# UNITS (TENTS & STRUCTURES)
1. OHELLO	Single Adults, Couples & Families	10 Tents & 30 Tiny Homes
2. GEORGETOWN	Single Adults, Couples & Families	2 Tents & 37 Tiny Homes
3. MYERS WAY	Single Adults	49 Tiny Homes
4. INTERBAY	Single Adults, Couples & Families	2 Tents, 24 Tiny Homes
5. NORTHLAKE	Single Adults, Couples & Families	19 Tiny Homes
6. WHITTIER HEIGHTS	Single Women & Female Couples	15 Tiny Homes
7. TRUE HOPE	Single Adults, Couples & Families	34 Tiny Homes
8. LAKE UNION VILLAGE	Single Adults	22 Tiny Homes

Transitional encampments are currently authorized in the city through three regulatory processes: (1) as temporary uses for up to six months; (2) as interim uses for up to one year; and (3) as accessory uses on

¹ [Seattle Municipal Code Section 23.84A.038.](#)

² *Seattle/King County Point-in-Time Count of Persons Experiencing Homelessness – 2019*, p.110 – inclusive of folks in transitional encampments. http://allhomekc.org/wp-content/uploads/2019/05/2019-Report_KingCounty_FINAL.pdf

property owned or controlled by a religious organization. Absent Council action, the authorization for interim use encampments will expire in March 2020.

Key development standards associated with each process are summarized below:

DEVELOPMENT STANDARD	TEMPORARY USE	INTERIM USE	REGLIGIOUS ORGANIZATION ACCESSORY USE
Duration	Six months, may be renewed	One year, may be renewed once	Any length of time
Location	Any location	<ul style="list-style-type: none"> Private or City-owned property in non-residential zones Must be at least 1 mile from other transitional encampments 	Any location
Maximum Number Permitted Citywide	No limit	Three	No limit
Physical Development Standards	Determined on a case-by-case basis, generally similar to standards for interim use encampments	<ul style="list-style-type: none"> Screening along each, non-street boundary Encampment facilities must be setback from adjacent residential lots by 25 feet Site must be at least 5,000 square feet with 100 square feet of space per resident No more than 100 residents per encampment 	<ul style="list-style-type: none"> No more than 100 residents per encampment Life-safety standards
Outreach and Notice Requirements	Mailed notice of application to nearby residents and 14-day comment period.	<ul style="list-style-type: none"> Encampment operator must conduct a public meeting 14 days prior to applying for a permit. Encampment operator must convene a community advisory committee to provide input on encampment operations 	None required
Type of Permit	Type II, appealable	Type I, non-appealable	No permit required, unless the use is not accessory

Proposed Legislation

Councilmember Sawant’s proposal would modify development standards to facilitate maintaining existing and establishing new transitional encampments. Generally, the proposal would:

- Remove the current requirement that encampments on property owned or controlled by a religious organization be accessory to an existing principal use on that property to facilitate siting encampments on sites controlled by religious organizations on which a principal use has not been established;

- Permit transitional encampments on sites owned or controlled by other public entities, including sites owned by other public entities such as King County or the State of Washington;
- Remove the requirement that transitional encampments be located at least one mile from any other legally-established transitional encampment use;
- Authorize interim use encampments in residential zones;
- Allow unlimited renewals of the one-year permit, subject to compliance with all applicable regulations;
- Remove the requirement that encampments must be located at least 25 feet from any residentially zoned lot;
- Require screening for all lot boundaries;
- Increase the maximum number of authorized encampments from three citywide to a maximum of 40;
- Remove the sunset date of March, 2020 for interim use encampment regulations; and
- For encampments established by the six-month temporary use process, which is an appealable “Type II” Master Use Permit, allow conversion of the six-month permit to an interim use as a non-appealable Type I permit.

A map showing the current locations of encampments, current areas where interim use encampments can locate, and areas where interim use encampments could locate under Councilmember Sawant’s proposal is attached (see Attachment 2).

SEPA Appeal

On August 8, 2019, the City issued a SEPA threshold determination of non-significance on the proposal. The SEPA threshold determination was appealed to the City Hearing Examiner on August 29, 2019³ ([HE File Number W-19-006](#)). Final Council action on the proposal cannot occur until that appeal is resolved. A conference to discuss the schedule for the appeal hearing and any prior motions is currently scheduled for September 26, 2019.

Attachments:

1. Proposed Legislation
2. Current and Potential Encampment Locations

cc: Kirstan Arestad, Exec Director
Aly Pennucci, Supervising Analyst

³ Hearing Examiner file Number W-19-06. <https://web6.seattle.gov/Examiner/case/W-19-006>.

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CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..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

1 WHEREAS, between 2016 and 2018, approximately 500 people transitioned to permanent
2 housing from Seattle’s tiny house villages; and

3 WHEREAS, Ordinance 124747, which established “Transitional Encampments as an interim
4 use” in Seattle’s land use code in 2015, created the legal framework for Seattle’s tiny
5 house villages, but allowed no more than three tiny house villages at any one time, and
6 will sunset on March 31, 2020 if there is no further legislative action; NOW,

7 THEREFORE,

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

9 Section 1. Section 23.40.002 of the Seattle Municipal Code, last amended by Ordinance
10 125272, is amended as follows:

11 **23.40.002 Conformity with regulations required**

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

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

18 2. ~~((as))~~ As permitted in subsections 23.47A.004.E and 23.47A.004.F;

19 3. ~~((keeping))~~ Keeping of animals as permitted under Section 23.42.052;

20 4. ~~((reinstatement))~~ Reinstatement of a use interrupted by a temporary use
21 authorized pursuant to Section 23.42.040; ~~((and))~~

22 5. Establishment of a transitional encampment use on property owned or
23 controlled by a religious organization; and

1 ~~6. ((for uses))~~ Uses located entirely within public rights-of-way.

2 * * *

3 Section 2. Section 23.42.054 of the Seattle Municipal Code, last amended by Ordinance
 4 124919, is amended as follows:

5 **23.42.054 Transitional encampments ((accessory to religious facilities or to other principal
 6 uses)) located on property owned or controlled by a religious organization**

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

16 * * *

17 Section 3. Section 23.42.056 of the Seattle Municipal Code, enacted by Ordinance
 18 124747, is amended as follows:

19 **23.42.056 Transitional encampment as an interim use**

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

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

1 1. Community outreach requirements that include:

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

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

17 2. Operations standards that the encampment operator is required to implement
18 while an encampment is operating.

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

21 1. ((The property is:

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

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

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

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

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

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

15 ((4)) 2. The property is owned or controlled by ((the City of Seattle,)) a private
16 party, ((or)) an Educational Major Institution, The City of Seattle, or another public entity.

17 5)) 3. The property is within 1/2 mile of a transit stop. This distance shall be the
18 walking distance measured from the nearest transit stop to the lot line of the lot containing the
19 encampment site.

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

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

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

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

10 ((9)) 6. The encampment site is not used by an existing legally-permitted use for
11 code or permit-required purposes including but not limited to parking or setbacks.

12 ((10)) 7. The property is not an unopened public ~~((right-of-way))~~ right-of-way; or
13 designated as a park, playground, viewpoint, or multi-use trail by the City or King County.

14 * * *

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

17 1. The requirements for transitional encampment accessory uses in subsections
18 23.42.054.B and 23.42.054.C.

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

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

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

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

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

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

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

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

3 ~~1.))~~ A permit for a transitional encampment interim use under this Section
4 23.42.056 may be authorized for up to one year from the date of permit issuance. A permit for a
5 transitional encampment may be renewed ~~((one time for up to one year))~~ for additional one-year
6 terms by the Director as a Type I decision subject to the following:

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

10 ~~((b))~~2. The encampment is in compliance with the requirements of Section
11 23.42.056; and

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

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

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

18 1. Maximum number of encampments. No more than ~~((three))~~ 40 transitional
19 encampment interim use encampments shall be permitted and operating at any one time, and
20 each encampment shall not have more than 100 occupants. ~~((This))~~ The limit of 40 transitional
21 interim use encampments shall not include transitional encampments ~~((accessory to a religious~~
22 ~~facility))~~ located on property owned or controlled by a religious organization.

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

8 Section 4. Section 23.76.004 of the Seattle Municipal Code, last amended by Ordinance
9 125603, is amended as follows:

10 **23.76.004 Land use decision framework**

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

15 B. Type I and II decisions are made by the Director and are consolidated in Master Use
16 Permits. Type I decisions are decisions made by the Director that are not appealable to the
17 Hearing Examiner. Type II decisions are discretionary decisions made by the Director that are
18 subject to an administrative open record appeal hearing to the Hearing Examiner; provided that
19 Type II decisions enumerated in subsections 23.76.006.C.2.c, 23.76.006.C.2.d, 23.76.006.C.2.f,
20 and 23.76.006.C.2.g, and SEPA decisions integrated with them as set forth in subsection
21 23.76.006.C.2.m, shall be made by the Council when associated with a Council land use decision
22 and are not subject to administrative appeal. Type III decisions are made by the Hearing

1 Examiner after conducting an open record hearing and not subject to administrative appeal. Type
 2 I, II, or III decisions may be subject to land use interpretation pursuant to Section 23.88.020.

3 * * *

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
*	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
* * *	

1

2 Section 5. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance

3 125603, is amended as follows:

4 **23.76.006 Master Use Permits required**

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

3 B. The following decisions are Type I:

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

10 3. The following street use approvals:

- 11 a. Curb cut for access to parking, whether associated with a development
12 proposal or not;
- 13 b. Concept approval of street improvements associated with a
14 development proposal, such as additional on-street parking, street landscaping, curbs and gutters,
15 street drainage, sidewalks, and paving;
- 16 c. Structural building overhangs associated with a development proposal;
- 17 d. Areaways associated with a development proposal;

18 4. Lot boundary adjustments;

19 5. Modification of the following features bonused under Title 24:

- 20 a. Plazas;
- 21 b. Shopping plazas;
- 22 c. Arcades;
- 23 d. Shopping arcades; and

- 1 e. Voluntary building setbacks;
- 2 6. Determinations of Significance (determination that an Environmental Impact
- 3 Statement is required) for Master Use Permits and for building, demolition, grading, and other
- 4 construction permits (supplemental procedures for environmental review are established in
- 5 Chapter 25.05, Environmental Policies and Procedures), except for Determinations of
- 6 Significance based solely on historic and cultural preservation;
- 7 7. Discretionary exceptions for certain business signs authorized by subsection
- 8 23.55.042.D;
- 9 8. Waiver or modification of required right-of-way improvements;
- 10 9. Special accommodation pursuant to Section 23.44.015;
- 11 10. Reasonable accommodation;
- 12 11. Minor amendment to Major Phased Development Permit;
- 13 12. Streamlined design review decisions pursuant to Section 23.41.018 if no
- 14 development standard departures are requested pursuant to Section 23.41.012, and design review
- 15 decisions in an MPC zone if no development standard departures are requested pursuant to
- 16 Section 23.41.012;
- 17 13. Shoreline special use approvals that are not part of a shoreline substantial
- 18 development permit;
- 19 14. Determination that a project is consistent with a planned action ordinance,
- 20 except as provided in subsection 23.76.006.C;
- 21 15. Decision to approve, condition, or deny, based on SEPA policies, a permit for
- 22 a project determined to be consistent with a planned action ordinance;

1 16. Determination of requirements according to subsections 23.58B.025.A.3.a,
2 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
3 23.58C.030.A.2.c;

4 17. Decision to increase the maximum height of a structure in the DOC2 500/300-
5 550 zone according to subsection 23.49.008.F;

6 18. Decision to increase the maximum FAR of a structure in the DOC2 500/300-
7 550 zone according to subsection 23.49.011.A.2.n;

8 19. Minor revisions to an issued and unexpired MUP that was subject to design
9 review, pursuant to subsection 23.41.008.G;

10 20. Building height departures for minor communication facilities in downtown
11 zones, pursuant to Section 23.57.013; and

12 21. Other Type I decisions.

13 * * *

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

16 **23.76.032 Expiration and renewal of Type I and II Master Use Permits**

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

18 1. Except for Major Phased Development permits, the Director shall renew issued
19 Master Use Permits for projects that are in conformance with applicable regulations, including
20 but not limited to land use and environmentally critical areas regulations and SEPA policies in
21 effect at the time renewal is sought. Except as provided in subsections 23.76.032.C.2 and
22 23.76.032.C.3, Master Use Permit renewal is for a period of two years. A Master Use Permit
23 shall not be renewed beyond a period of five years from the original date the permit is approved

1 for issuance. The Director shall not renew issued Master Use Permits for projects that are not in
2 conformance with applicable regulations in effect at the time renewal is sought.

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

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

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

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

14 **23.84A.038 "T"**

15 * * *

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

20 * * *

21 Section 8. The provisions of this ordinance are declared to be separate and severable. The
22 invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance,
23 or the invalidity of its application to any person or circumstance, shall not affect the validity of

1 the remainder of this ordinance or the validity of its application to other persons or
2 circumstances.

3 Section 9. Section 8 of Ordinance 124747 is repealed:

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

Proposed Bill

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

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

7 _____
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2019.
10 _____
11 Jenny A. Durkan, Mayor

12 Filed by me this _____ day of _____, 2019.
13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)





Potential Transitional Encampment Sites



Puget Sound

Elliott Bay

Lake Washington

-  Existing Encampment Site
-  Property owned or controlled by religious organization
-  Allowed Locations
-  Allowed zones under current SMC

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