



SEATTLE CITY COUNCIL

Select Committee on Homelessness Strategies and Investments

Agenda

Tuesday, December 15, 2020

2:00 PM

Special Meeting

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or
Seattle Channel online.

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

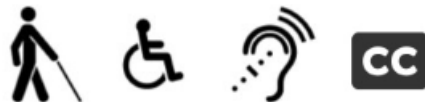
Dan Strauss, Member

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

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SEATTLE CITY COUNCIL
**Select Committee on Homelessness Strategies
and Investments**
Agenda
December 15, 2020 - 2:00 PM
Special Meeting

Meeting Location:

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or Seattle Channel online.

Committee Website:

<http://www.seattle.gov/council/committees/homelessness-strategies-and-investments>

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.

In-person attendance is currently prohibited per Washington State Governor's Proclamation No. 20-28.14 through January 19, 2021. Meeting participation is limited to access by telephone conference line and Seattle Channel online.

Register online to speak during the Public Comment period at the 2:00 p.m. Select Committee on Homelessness Strategies and Investments meeting at <http://www.seattle.gov/council/committees/public-comment>.

Online registration to speak at the Select Committee on Homelessness Strategies and Investments meeting will begin two hours before the 2:00 p.m. meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Submit written comments to Councilmember Lewis at Andrew.Lewis@seattle.gov

Sign-up to provide Public Comment at the meeting at <http://www.seattle.gov/council/committees/public-comment>

Watch live streaming video of the meeting at <http://www.seattle.gov/council/watch-council-live>

Listen to the meeting by calling the Council Chamber Listen Line at 253-215-8782 Meeting ID: 586 416 9164

One Tap Mobile No. US: +12532158782,,5864169164#

Please Note: Times listed are estimated

A. Call To Order

B. Approval of the Agenda

C. Public Comment

20 minutes

D. Items of Business

1. [CB 119975](#) **AN ORDINANCE relating to land use and zoning; establishing regulations for development of permanent supportive housing; adding a new Section 23.42.057 to, and amending Sections 23.41.004, 23.45.510, 23.47A.004, 23.47A.005, 23.47A.013, 23.48.005, 23.48.020, 23.48.605, 23.54.015, and 23.84A.032 of, the Seattle Municipal Code.**

Attachments: [Full Text: CB 119975 v1](#)

Supporting

Documents:

[Summary and Fiscal Note](#)

[Central Staff Memo - CB 119975 \(12/15/20\)](#)

[Central Staff Memo - PSH and Chronic Homelessness](#)

Briefing and Discussion

Presenter: Tim Parham, Plymouth Housing; Derrick Belgarde, Chief Seattle Club; Ketil Freeman, Council Central Staff

2. **Executive Presentation on 2021 Homelessness Strategies and Investments**

Briefing and Discussion

Presenters: Deputy Mayor Casey Sixkiller, Mayor's Office; Chloe Gale, ETS-REACH; Lisa Daugaard, Public Defender Association

E. Adjournment



Legislation Text

File #: CB 119975, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; establishing regulations for development of permanent supportive housing; adding a new Section 23.42.057 to, and amending Sections 23.41.004, 23.45.510, 23.47A.004, 23.47A.005, 23.47A.013, 23.48.005, 23.48.020, 23.48.605, 23.54.015, and 23.84A.032 of, the Seattle Municipal Code.

The Full Text is provided as an attachment.

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; establishing regulations for development of permanent supportive housing; adding a new Section 23.42.057 to, and amending Sections 23.41.004, 23.45.510, 23.47A.004, 23.47A.005, 23.47A.013, 23.48.005, 23.48.020, 23.48.605, 23.54.015, and 23.84A.032 of, the Seattle Municipal Code.

..body

WHEREAS, Seattle has been in a state of civil emergency on homelessness since 2015; and

WHEREAS, the 2020 Point in Time Count found there are 11,751 homeless people in King

County 53 percent of whom are sheltered and 47 percent of whom are unsheltered; and

WHEREAS, this is a five percent increase in people experiencing homelessness from the 2019

Point in Time Count; and

WHEREAS, the National Alliance to End Homelessness identifies Permanent Supportive

Housing as a proven solution to housing persons who are chronically homeless; and

WHEREAS, in August the City announced that it will invest \$60 million in 2021 in Permanent

Supportive Housing; and

WHEREAS, The City of Seattle exists on the colonized land of the Muckleshoot, Duwamish,

and Suquamish indigenous peoples; and

WHEREAS, in 1865 the Seattle Board of Trustees passed an exclusion ordinance banning Native

people from living in Seattle; and

WHEREAS, the City Council recognizes the trauma caused by this colonization reverberates

among Native people today; and

WHEREAS, the City Council recognizes that trauma forms a barrier to accessing government

services such as public housing stock; and

1 WHEREAS, Permanent Supportive Housing is designed to respond to trauma and by doing so
2 strengthen the connections and bonds that fortify our community; and

3 WHEREAS, prior to colonization there were vibrant housing systems that cared for the entire
4 community; and

5 WHEREAS, The City of Seattle has perpetuated systemic racism through its land use codes; and

6 WHEREAS, this has contributed to the fact that Black, Indigenous, and people of color
7 communities disproportionately experience homelessness; and

8 WHEREAS, the City Council acknowledges its obligation to reverse these historic inequities by
9 helping those affected access safe, culturally appropriate supportive housing; and

10 WHEREAS, Land Use Code regulations can add time and cost to the development of Permanent
11 Supportive Housing; and

12 WHEREAS, modifications to those regulations can facilitate development of Permanent
13 Supportive Housing while protecting the public health, safety, and welfare; and

14 WHEREAS, the Americans with Disabilities Act's 2010 standards Section 809 provides
15 standards for residential dwelling units; and

16 WHEREAS, it is the intent of the Council that Construction Code revisions considered in 2021
17 conform to these standards and that buildings created under this legislation include
18 accessible units as defined by the Americans with Disabilities Act Section 809; NOW,
19 THEREFORE,

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

21 Section 1. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance
22 126188, is amended as follows:

23 **23.41.004 Applicability**

* * *

B. Exemptions. The following are exempt from design review:

1. Development located in special review districts established by Chapter 23.66;
2. Development in Landmark districts established by Title 25(~~(, Environmental Protection and Historic Preservation)~~);
3. Development within the historic character area of the Downtown Harborfront 1 zone(~~(,)~~) ;
4. Development that is subject to shoreline design review pursuant to Chapter 23.60A; (~~and~~)
5. New light rail transit facilities that are subject to review by the Seattle Design Commission(~~(,)~~) ;
6. City facilities that are subject to review by the Seattle Design Commission(~~(,)~~) ;
7. Development within single-family or residential small lot zones(~~(,)~~) ; and
8. Permanent supportive housing.

* * *

Section 2. A new Section 23.42.057 is added to the Seattle Municipal Code, as follows:

23.42.057 Permanent supportive housing

Permanent supportive housing is subject to the development standards for the zone in which it is located except as follows:

A. Requests for waivers and modifications. The Director may consider requests for waivers and modifications from the following development standards in Title 23:

1. Requirements for the size of parking spaces;
2. Requirements for ratios of vehicle parking sizes;

1 D. The following floor area is exempt from FAR limits:

2 1. All stories, or portions of stories, that are underground.

3 2. The floor area contained in a Landmark structure subject to controls and
4 incentives imposed by a designating ordinance, if the owner of the Landmark has executed and
5 recorded an agreement acceptable in form and content to the Landmarks Preservation Board,
6 providing for the restoration and maintenance of the historically significant features of the
7 structure, except that this exemption does not apply to a lot from which a transfer of
8 development potential (TDP) has been made under Chapter 23.58A, and does not apply for
9 purposes of determining TDP available for transfer under Chapter 23.58A.

10 3. The floor area contained in structures built prior to January 1, 1982, as single-
11 family dwelling units that will remain in residential use, regardless of the number of dwelling
12 units within the existing structure, provided that:

13 a. No other principal structure is located between the existing residential
14 structure and the street lot line along at least one street frontage. If the existing residential
15 structure is moved on the lot, the floor area of the existing residential structure remains exempt if
16 it continues to meet this provision; and

17 b. The exemption is limited to the gross floor area in the existing
18 residential structure as of January 1, 1982.

19 4. Portions of a story that extend no more than 4 feet above existing or finished
20 grade, whichever is lower, excluding access, (see Exhibit A for 23.45.510), in the following
21 circumstances:

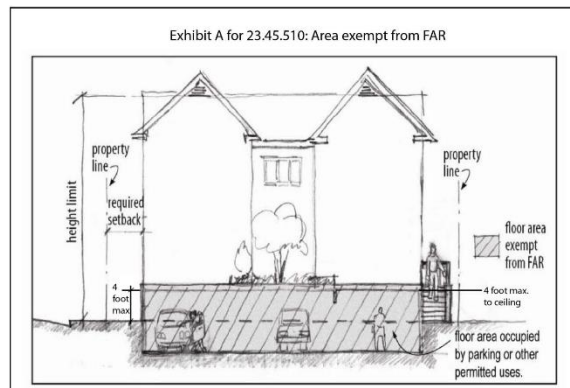
22 a. Apartments in LR zones;

1 b. Rowhouse and townhouse developments in LR zones, provided that all
2 parking is located at the rear of the structure or is enclosed in structures with garage entrances
3 located on the rear facade; and

4 c. All multifamily structures in MR and HR zones.

5 **Exhibit A for 23.45.510**

6 **Area exempt from FAR**



7
8 5. For rowhouse and townhouse developments and apartments, floor area within a
9 story, or portion of a story, that is partially above grade if all of the following conditions are met:

10 a. The story, or portion of the story, that is partially above grade is used
11 for parking or other accessory uses and has no additional stories above;

12 b. The average height of the exterior walls enclosing the floor area does
13 not exceed one story, measured from existing or finished grade, whichever is lower;

14 c. The roof area above the exempt floor area is predominantly flat, is used
15 as amenity area, and meets the standards for amenity area at ground level in Section 23.45.522;
16 and

17 d. At least 25 percent of the perimeter of the amenity area on the roof
18 above the floor area is not enclosed by the walls of the structure.

19 6. Enclosed common amenity area in HR zones.

1 7. As an allowance for mechanical equipment, in any structure more than 85 feet
2 in height, 3.5 percent of the gross floor area that is not otherwise exempt under this subsection
3 23.45.510.D.

4 8. In HR zones, ground floor commercial uses meeting the requirements of
5 Section 23.45.532, if the street level of the structure containing the commercial uses has a
6 minimum floor-to-floor height of 13 feet and a minimum depth of 15 feet.

7 9. The floor area of required bicycle parking for small efficiency dwelling units or
8 congregate residence sleeping rooms, if the bicycle parking is located within the structure
9 containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area
10 of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR
11 limits.

12 10. Common walls separating individual rowhouse and townhouse dwelling units.

13 11. In the Northgate Urban Center, up to 15,000 square feet of floor area in
14 residential use in a structure built prior to 1990 that is located on a split-zoned lot of at least
15 40,000 square feet in size.

16 12. In MR and HR zones, all gross floor area in child care centers.

17 13. In permanent supportive housing, all gross floor area for accessory human
18 service uses.

19 Section 4. Table A for Section 23.47A.004 of the Seattle Municipal Code, which section
20 was last amended by Ordinance 126131, is amended as follows:

21 **23.47A.004 Permitted and prohibited uses**

22 * * *

| |
|-----------------------------------------------------------------------------------------------|
| <p style="text-align: center;">Table A for 23.47A.004 Uses in Commercial zones</p> |
|-----------------------------------------------------------------------------------------------|

| Uses | Permitted and prohibited uses by zone ¹ | | | | |
|------------------------------------------|----------------------------------------------------|-------------------|-------------------|-------------------|-------------------|
| | NC1 | NC2 | NC3 | C1 | C2 |
| * * * | | | | | |
| J. RESIDENTIAL USES ¹⁴ | | | | | |
| J.1 Residential uses not listed below | P | P | P | P | CU ¹⁵ |
| J.2 Caretaker’s quarters | P | P | P | P | P |
| J.3 Congregate residence | X/P ¹⁶ | X/P ¹⁶ | X/P ¹⁷ | X/P ¹⁷ | X/P ¹⁷ |
| <u>J.4. Permanent supportive housing</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| * * * | | | | | |

1 * * *

2 Section 5. Section 23.47A.005 of the Seattle Municipal Code, last amended by Ordinance
 3 125791, is amended as follows:

4 **23.47A.005 Street-level uses**

5 * * *

6 C. Residential uses at street level

7 1. In all NC and C zones, residential uses may occupy, in the aggregate, no more
 8 than 20 percent of the street-level street-facing facade in the following circumstances or
 9 locations:

10 a. In a pedestrian-designated zone, facing a designated principal pedestrian
 11 street; or

12 b. In all NC and C1 zones within the Bitter Lake Village Hub Urban
 13 Village, except lots abutting Linden Avenue North, north of North 135th Street; or

14 c. Within a zone that has a height limit of 85 feet or higher, except as
 15 provided in subsection 23.47A.005.C.2; or

16 d. Within an NC1 zone, except as provided in subsection 23.47A.005.C.2;
 17 or

1 e. In all NC and C1 zones within the Northgate Overlay District, except as
2 provided in Section 23.71.044; or

3 f. In all NC and C1 zones within the areas shown on Maps A through D
4 for 23.47A.005 at the end of this Chapter 23.47A when facing an arterial street.

5 2. Subsection 23.47A.005.C.1 notwithstanding, there is no restriction on the
6 location of residential uses in the following circumstances:

7 a. Within a very low-income housing project existing as of May 1, 2006,
8 or within a very low-income housing project replacing a very low-income housing project
9 existing as of May 1, 2006, on the same site; or

10 b. The residential use is an assisted living facility or nursing home and
11 private living units are not located at street level; or

12 c. Within the Pike/Pine Conservation Overlay District, for street-facing
13 facades that do not face a designated principal pedestrian street, as shown on Map A for
14 23.73.008; or

15 d. In a structure existing on January 1, 2012, that is within an NC1 zone
16 but not located in an area defined in Maps A through D for 23.47A.005, at the end of this
17 Chapter 23.47A, a live-work space may be converted to an accessory dwelling unit if the
18 residential use is established, if the area proposed to be converted meets the minimum housing
19 standards of Chapter 22.206, and if the area proposed to be converted meets the owner
20 occupancy requirement of subsection 23.44.041.C; ~~((~~o~~))~~

21 e. Within a structure that:

22 1) ~~((is))~~ is developed and owned by the Seattle Housing Authority;
23 and

1 i. Offices, provided that no more than 30 feet of the street-level, street-
2 facing facade of a structure may contain an office use;

3 j. Parks and open spaces;

4 k. Rail transit facilities;

5 l. Retail sales and services, automotive, in the Pike/Pine Conservation
6 Overlay District if located within an existing structure or within a structure that retains a
7 character structure as provided in Section 23.73.015;

8 m. Sales and services, general, provided that no more than 40 feet of the
9 street-level, street-facing facade of a structure on a principal pedestrian street may contain a
10 customer services office; (~~and~~)

11 n. Sales and services, heavy, except for heavy commercial sales, and
12 provided that no more than 30 feet of the street-level, street-facing facade of a structure may
13 contain a non-household sales and service use((-)) ; and

14 o. Permanent supportive housing.

15 The establishment of any such use is subject to the applicable use provisions of
16 this Title 23.

17 * * *

18 Section 6. Section 23.47A.013 of the Seattle Municipal Code, last amended by Ordinance
19 126157, is amended as follows:

20 **23.47A.013 Floor area ratio**

21 * * *

22 B. The following gross floor area is not counted toward FAR:

23 1. All stories, or portions of stories, that are underground;

1 2. All portions of a story that extend no more than 4 feet above existing or
2 finished grade, whichever is lower, excluding access;

3 3. Gross floor area of a transit station, including all floor area open to the general
4 public during normal hours of station operation but excluding retail or service establishments to
5 which public access is limited to customers or clients, even where such establishments are
6 primarily intended to serve transit riders;

7 4. On a lot containing a peat settlement-prone environmentally critical area,
8 above-grade parking within or covered by a structure or portion of a structure, if the Director
9 finds that locating a story of parking below grade is infeasible due to physical site conditions
10 such as a high water table, if either:

11 a. The above-grade parking extends no more than 6 feet above existing or
12 finished grade and no more than 3 feet above the highest existing or finished grade along the
13 structure footprint, whichever is lower, as measured to the finished floor level or roof above,
14 pursuant to subsection 23.47A.012.A.3; or

15 b. All of the following conditions are met:

16 1) No above-grade parking is exempted by subsection
17 23.47A.013.B.4.a;

18 2) The parking is accessory to a residential use on the lot;

19 3) Total parking on the lot does not exceed one space for each
20 residential dwelling unit plus the number of spaces required for non-residential uses; and

21 4) The amount of gross floor area exempted by this subsection
22 23.47A.013.B.4.b does not exceed 25 percent of the area of the lot in zones with a height limit

1 less than 65 feet, or 50 percent of the area of the lot in zones with a height limit 65 feet or
2 greater; and

3 5. Rooftop greenhouse areas meeting the standards of subsections 23.47A.012.C.5
4 and 23.47A.012.C.6;

5 6. Bicycle commuter shower facilities required by subsection 23.54.015.K.8;

6 7. The floor area of required bicycle parking for small efficiency dwelling units or
7 congregate residence sleeping rooms, if the bicycle parking is located within the structure
8 containing the small efficiency dwelling units or congregate residence sleeping rooms. Floor area
9 of bicycle parking that is provided beyond the required bicycle parking is not exempt from FAR
10 limits; ~~((and))~~

11 8. All gross floor area in child care centers; and

12 9. In permanent supportive housing, all gross floor area for accessory human
13 service uses.

14 * * *

15 Section 7. Section 23.48.005 of the Seattle Municipal Code, last amended by Ordinance
16 126131, is amended as follows:

17 **23.48.005 Uses**

18 * * *

19 **D. Required street-level uses**

20 1. One or more of the following uses listed in this subsection 23.48.005.D.1 are
21 required: (i) at street-level of the street-facing facade along streets designated as Class 1
22 Pedestrian Streets shown on Map A for 23.48.240, except as required in subsection 23.48.205.C;
23 (ii) at street-level of the street-facing facades along streets designated on Map A for 23.48.640;

1 and (iii) at street-level of the street-facing facades along streets designated as Class 1 or Class 2
2 streets shown on Map A for 23.48.740:

- 3 a. General sales and service uses;
- 4 b. Eating and drinking establishments;
- 5 c. Entertainment uses;
- 6 d. Public libraries;
- 7 e. Public parks;
- 8 f. Arts facilities;
- 9 g. Religious facilities;
- 10 h. Light rail transit station; (~~and~~)
- 11 i. Child care centers((-)) ; and
- 12 j. Permanent supportive housing.

13 2. Standards for required street-level uses. Required street-level uses shall meet
14 the development standards in subsection 23.48.040.C, and any additional standards for Seattle
15 Mixed zones in specific geographic areas in the applicable subchapter of this Chapter 23.48.

16 * * *

17 Section 8. Section 23.48.020 of the Seattle Municipal Code, last amended by Ordinance
18 126157, is amended as follows:

19 **23.48.020 Floor area ratio (FAR)**

20 * * *

21 B. Floor area exempt from FAR calculations. The following floor area is exempt from
22 maximum FAR calculations:

- 23 1. All underground stories or portions of stories.

1 C. Required street-level uses

2 1. One or more of the following uses listed in this subsection 23.48.605.C.1 are
3 required at street level along the street-facing facades abutting streets shown on Map A for
4 23.48.605:

- 5 a. General sales and service uses;
- 6 b. Eating and drinking establishments;
- 7 c. Entertainment uses;
- 8 d. Public libraries;
- 9 e. Public parks;
- 10 f. Arts facilities;
- 11 g. Religious facilities;
- 12 h. Human services uses;
- 13 i. Child care centers; ~~((and))~~
- 14 j. Light rail transit stations((-)); and
- 15 k. Permanent supportive housing.

16 2. Standards for required street-level uses. Required street-level uses shall meet
17 the development standards in subsection 23.48.040.C.

1
2

Map A for 23.48.605

Locations of street-level use requirements



3

Section 10. Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance 126157, is amended as follows:

23.54.015 Required parking and maximum parking limits

A. Required parking. The minimum number of off-street motor vehicle parking spaces required for specific uses is set forth in Table A for 23.54.015 for non-residential uses other than institutional uses, Table B for 23.54.015 for residential uses, and Table C for 23.54.015 for institutional uses, except as otherwise provided in this Chapter 23.54. Required parking is based upon gross floor area of a use within a structure minus gross floor area in parking uses, and the square footage of a use when located outside of an enclosed structure, or as otherwise specified. Maximum parking limits for specific uses and specific areas are set forth in subsection 23.54.015.C. Exceptions to motor vehicle parking requirements set forth in this Section 23.54.015 are provided in: subsections 23.54.015.B and 23.54.015.C; and in Section 23.54.020 unless otherwise specified. This Chapter 23.54 does not apply to parking for construction activity, which is regulated by Section 23.42.044.

* * *

| Table D for 23.54.015 Parking for bicycles ¹ | | | |
|--------------------------------------------------------------------|----------------------------------------|---------------------|-------------------------------------------|
| Use | Bike parking requirements | | |
| | Long-term | | Short-term |
| * * * | | | |
| D. RESIDENTIAL USES ³ | | | |
| D.1. | Congregate residences ⁴ | 1 per sleeping room | 1 per 20 sleeping rooms. 2 spaces minimum |
| D.2. | Multi-family structures ^{4,5} | 1 per dwelling unit | 1 per 20 dwelling units |
| D.3. | Single-family residences | None | None |

| | | | |
|-------------|-------------------------------------|-------------|-------------|
| <u>D.4.</u> | <u>Permanent supportive housing</u> | <u>None</u> | <u>None</u> |
|-------------|-------------------------------------|-------------|-------------|

* * *

Footnotes to Table D for 23.54.015:

- ¹ Required bicycle parking includes long-term and short-term amounts shown in this table.
- ² The Director may reduce short-term bicycle parking requirements for theaters and spectator sport facilities that provide bicycle valet services authorized through a Transportation Management Program. A bicycle valet service is a service that allows bicycles to be temporarily stored in a secure area, such as a monitored bicycle corral.
- ³ For residential uses, after the first 50 spaces for bicycles are provided, additional spaces are required at three-quarters the ratio shown in this Table D for 23.54.015.
- ⁴ For congregate residences or multifamily structures that are owned and operated by a not-for-profit entity serving seniors or persons with disabilities, or that are licensed by the State and provide supportive services for seniors or persons with disabilities, as a Type I decision, the Director shall have the discretion to reduce the amount of required bicycle parking to as few as zero if it can be demonstrated that residents are less likely to travel by bicycle.
- ⁵ For each dwelling rent and income-restricted at 30 percent of median income and below, there is no minimum required long-term bicycle parking requirement. For each dwelling rent and income-restricted at 60 percent to 31 percent of the median income, long-term bicycle parking requirements may be wholly or partially waived by the Director as a Type I decision if the waiver would result in additional rent and income restricted units meeting the requirements of this footnote to Table D for 23.54.015 and when a reasonable alternative such as, in-unit vertical bicycle storage space is provided. The Directors of the Seattle Department of Construction and Inspections and Seattle Department of Transportation are authorized to promulgate a joint Directors' Rule defining reasonable alternatives for long-term bicycle parking that meets the standards of this footnote to Table D for 23.54.015. Dwelling units qualifying for this provision shall be subject to a housing covenant, regulatory agreement, or other legal instrument recorded on the property title and enforceable by The City of Seattle or other similar entity, which restricts residential unit occupancy to households at or below 60 percent of median income, without a minimum household income requirement. The housing covenant or regulatory agreement including rent and income restrictions shall be for a term of at least 40 years from the date of issuance of the certificate of occupancy and shall be recorded with the King County Recorder, signed and acknowledged by the owner(s), in a form prescribed by the Director of Housing or the Washington State Housing Finance Commission. If these provisions are applied to a development for housing for persons 55 or more years of age, such housing shall have qualified for exemptions from prohibitions against discrimination against families with children and against age discrimination under all applicable fair housing laws and ordinances.
- ⁶The Director, in consultation with the Director of the Seattle Department of Transportation, may require more bicycle parking spaces based on the following factors: Area topography; pattern and volume of expected bicycle users; nearby residential and employment density; proximity to the Urban Trails system and other existing and planned bicycle facilities; projected transit ridership and expected access to transit by bicycle; and other relevant transportation and land use information.

1 Section 11. Section 23.84A.032 of the Seattle Municipal Code, last amended by
2 Ordinance 126157, is amended as follows:

3 **23.84A.032 "R"**

4 * * *

5 "Residential use" means any one or more of the following:

6 * * *

7 20. "Permanent supportive housing" means a multifamily residential use,
8 which may include accessory human service uses that provide on-site services to households
9 in the development or to other clients:

10 a. In which at least 90 percent of the dwelling units are occupied by
11 very low-income households;

12 b. That receives public funding or an allocation of federal low-income
13 housing tax credits; and

14 c. That is subject to a regulatory agreement, covenant, or other legal instrument,
15 the duration of which is at least 40 years, recorded on the property title and enforceable by The
16 City of Seattle, Washington State Housing Finance Commission, State of Washington, King
17 County, U.S. Department of Housing and Urban Development, or other similar entity as
18 approved by the Director of Housing.

19 ~~((20))~~ 21. "Nursing home" means a use licensed by the State of Washington as
20 a nursing home, which provides full-time convalescent and/or chronic care for individuals
21 who, by reason of chronic illness or infirmity, are unable to care for themselves, but that does
22 not provide care for the acutely ill or surgical or obstetrical services. This definition excludes
23 hospitals or sanitariums.

1 ((21)) 22. "Rowhouse development" means a multifamily residential use in
2 which all principal dwelling units on the lot meet the following conditions:

3 a. Each dwelling unit occupies the space from the ground to the roof of
4 the structure in which it is located;

5 b. No portion of a dwelling unit, except for an accessory dwelling unit
6 or shared parking garage, occupies space above or below another dwelling unit;

7 c. Each dwelling unit is attached along at least one common wall to at
8 least one other dwelling unit, with habitable interior space on both sides of the common wall,
9 or abuts another dwelling unit on a common lot line;

10 d. The front of each dwelling unit faces a street lot line;

11 e. Each dwelling unit provides pedestrian access directly to the street
12 that it faces; and

13 f. No portion of any other dwelling unit, except for an attached
14 accessory dwelling unit, is located between any dwelling unit and the street faced by the front
15 of that unit.

16 ((22)) 23. "Single-family dwelling unit" means a detached principal structure
17 having a permanent foundation, containing one dwelling unit, except that the structure may
18 also contain one or two attached accessory dwelling units where expressly authorized
19 pursuant to this Title 23. A detached accessory dwelling unit is not considered a single-family
20 dwelling unit for purposes of this Chapter 23.84A.

21 ((23)) 24. "Townhouse development" means a multifamily residential use that
22 is not a rowhouse development, and in which:

1 a. Each dwelling unit occupies space from the ground to the roof of the
2 structure in which it is located;

3 b. No portion of a dwelling unit occupies space above or below another
4 dwelling unit, except for an attached accessory dwelling unit and except for dwelling units
5 constructed over a shared parking garage; and

6 c. Each dwelling unit is attached along at least one common wall to at
7 least one other dwelling unit, with habitable interior space on both sides of the common wall,
8 or abuts another dwelling unit on a common lot line.

9 * * *

1 Section 12. 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 _____, 2021,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2021.

7 _____
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2021.

10 _____
11 Jenny A. Durkan, Mayor

12 Filed by me this _____ day of _____, 2021.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)

SUMMARY and FISCAL NOTE*

| Department: | Dept. Contact/Phone: | CBO Contact/Phone: |
|--------------------|-----------------------------|---------------------------|
| LEG | Freeman / 48178 | NA |

** 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; establishing regulations for development of permanent supportive housing; adding a new Section 23.42.057 to, and amending Sections 23.41.004, 23.45.510, 23.47A.004, 23.47A.005, 23.47A.013, 23.48.005, 23.48.020, 23.48.605, 23.54.015, and 23.84A.032 of, the Seattle Municipal Code.

Summary and background of the Legislation:

This legislation would (1) add a definition of Permanent Supportive Housing (PSH) to the Land Use Code, (2) establish new regulations and procedures for developing PSH, and (3) modify existing regulations to remove Land Use Code barriers to PSH. The proposal is intended to facilitate siting and speed permitting and development of PSH. Specific elements of this proposal include:

- Defining PSH as a multifamily residential use (1) with at least 90% of units affordable to households with incomes that do not exceed 50% of Area Median Income, (2) that receives public funding, and (3) that has a contractual term of affordability of at least 40 years;
- Establishing that on-site supportive services, which can also be available to other clients, are an accessory use to PSH;
- Exempting floor area used for on-site supportive services from calculations for Floor Area Ratio limits;
- Exempting PSH from Design Review;
- Exempting PSH from long and short-term bicycle parking requirements;
- Authorizing the Director of the Seattle Department of Construction and Inspections to waive or modify, as an administrative decision, specified development standards, if waivers would not affect the overall height, bulk, and scale of a PSH development and result in more units of PSH;
- Requiring PSH applicants to submit a community relations plan;
- Allowing PSH as a permitted use in Commercial 2 zones; and
- Allowing PSH as a street-level use, in zones where those uses are required.

2. CAPITAL IMPROVEMENT PROGRAM

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

If yes, please fill out the table below and attach a new (if creating a project) or marked-up (if amending) CIP Page to the Council Bill. Please include the spending plan as part of the attached CIP Page. If no, please delete the table.

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes X No

If there are no changes to appropriations, revenues, or positions, please delete the table below.

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.

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?

If so, please list the affected department(s) and the nature of the impact (financial, operational, etc.).

This legislation affects the Seattle Department of Construction and Inspections and the Office of Housing. The former has land use regulatory authority over PSH; the latter is a funder of PSH projects.

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?

No.

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

The proposed legislation may facilitate, and reduce costs associated with, development of PSH, which is a housing type oriented towards people exiting homelessness. Black, indigenous, and other people of color are disproportionately represented in the homeless community.

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).

NA

List attachments/exhibits below:

December 11, 2020

MEMORANDUM

To: Select Committee on Homelessness Strategies and Investments
From: Ketil Freeman, Analyst
Subject: Council Bill 119975 - Permanent Supportive Housing Land Use Code Regulations

Councilmember Lewis proposes [Council Bill \(CB\) 119975](#), which would amend the Land Use Code (Code) to facilitate development of Permanent Supportive Housing (PSH). On December 15, 2020, the Select Committee on Homelessness Strategies and Investments (Committee) will have an initial discussion of briefing on CB 119975.

This memorandum (1) provides some background on recent state-level statutory changes related to PSH, (2) summarizes the proposed changes to the Code, and (3) sets out procedural next steps that must occur prior to Council action.

Background

PSH is housing that is primarily intended for very low-income households that are exiting homelessness and is typically developed with on-site supportive services. The Growth Management Act (GMA) defines PSH as:

[S]ubsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services...¹

In 2019 the State Legislature passed [Engrossed Substitute House Bill 1923](#), which, among other things, added the definition of PSH to the GMA and required jurisdictions to allow PSH in areas where multifamily development is allowed. The Code does not currently prohibit siting of PSH in multifamily and mixed-use zones. However, the Code does not define PSH nor contain specific regulations for development of PSH.

Proposed Land Use Code Revisions

Proposed revisions would (1) add a definition of PSH to the Code, (2) establish new regulations and procedures for developing PSH, and (3) modify existing regulations to remove barriers to PSH. The proposal is intended to facilitate siting, speed permitting and development, and potentially reduce the cost of PSH. Specific elements of the proposal include:

¹ [Revised Code of Washington 36.70A.030\(16\)](#).

- Defining PSH as a multifamily residential use (1) with at least 90% of units affordable to households with incomes that do not exceed 50% of Area Median Income, (2) that receives public funding, and (3) that has a contractual term of affordability of at least 40 years;
- Establishing that on-site supportive services, which can also be available to clients who are not building residents, are an accessory use to PSH;
- Exempting floor area used for on-site supportive services from calculations for Floor Area Ratio limits;
- Exempting PSH from Design Review;
- Exempting PSH from long and short-term bicycle parking requirements;
- Authorizing the Director of the Seattle Department of Construction and Inspections (SDCI) to waive or modify, as an administrative decision, specified development standards, if waivers would not affect the overall height, bulk, and scale of a PSH development and result in more PSH units;
- Requiring developers of PSH to submit a community relations plan;
- Allowing PSH as a permitted use in Commercial 2 zones; and
- Allowing PSH as a street-level use, in zones where those uses are required.

Procedural Next Steps

CB 119975 is subject to State Environmental Policy Act (SEPA) review and will require a public hearing with at least 30-days notice. On December 10, SDCI re-issued a SEPA threshold determination of Non-significance (DNS), which means that SDCI has determined that an environmental impact statement is not required for the legislation. Comments on the DNS may be submitted to SDCI through December 24. The appeal period for the threshold determination decision ends on December 31.² Council action on the bill cannot occur until the SEPA review period is over.³

The Committee will likely hold a public hearing, consider amendments, and make a recommendation to the Full Council on the proposal early in the first quarter of 2021.

cc: Dan Eder, Acting Director
Aly Pennucci, Supervising Analyst

² SEPA documents can be found at: [Creating Permanent Supportive Housing - Council | seattle.gov](https://www.seattle.gov/council/legislation/creating-permanent-supportive-housing).

³ [Seattle Municipal Code Section 23.76.062.D](#).

December 11, 2020

MEMORANDUM

To: Select Committee on Homelessness Strategies and Investments
From: Jeff Simms, Analyst
Subject: Background Information on Chronic Homelessness and Permanent Supportive Housing in the Seattle Area

On December 15, 2020, the Select Committee on Homelessness Strategies and Investments will consider and discuss [Council Bill \(CB\) 119975](#), which would amend the Land Use Code to remove barriers to the development of Permanent Supportive Housing (PSH). This memo provides background information on chronic homelessness in King County and the estimated need for more PSH to support the Committee's consideration of this legislation.

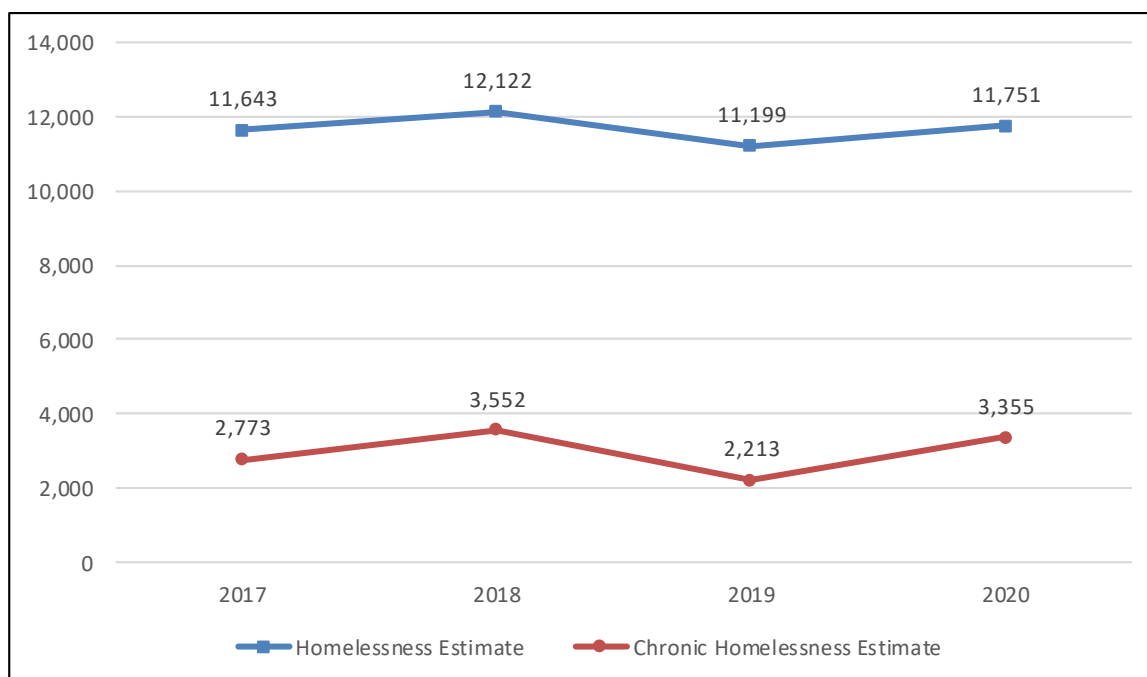
Background

The US Department of Housing and Urban Development (HUD) defines chronic homelessness as an individual or family who is homeless and resides in a place not meant for human habitation, a safe haven, or in an emergency shelter, and who has been homeless and residing in such a place for at least 1 year or on at least four separate occasions in the last 3 years. To qualify as chronically homeless, the individual must also have a disabling condition, such as serious mental illness, substance use disorder, or physical disability. Research has documented the effectiveness of PSH, which consists of affordable housing combined with access to flexible and individualized services (full definition available in the [Growth Management Act](#)), for people experiencing chronic homelessness.

Population Estimates

HUD requires jurisdictions across the country to report the number of sheltered and unsheltered people experiencing homelessness over the last ten days of January each year. This includes a street count of people experiencing unsheltered homelessness and is referred to as the point-in-time (PIT) count. The latest PIT count for King County estimates 11,751 people experienced homelessness across King County in late January 2020, though all PIT counts are widely regarded as underestimates. Using a follow-up survey, additional information is obtained from a representative sample to estimate the characteristics of the people identified in the PIT count. This resulted in an estimate of 3,355 people experiencing chronic homelessness in King County in 2020 (see Chart 1). This was an increase from the 2019 estimate but in line with estimates from prior years.

Chart 1: Point in Time Estimates of Homelessness in King County

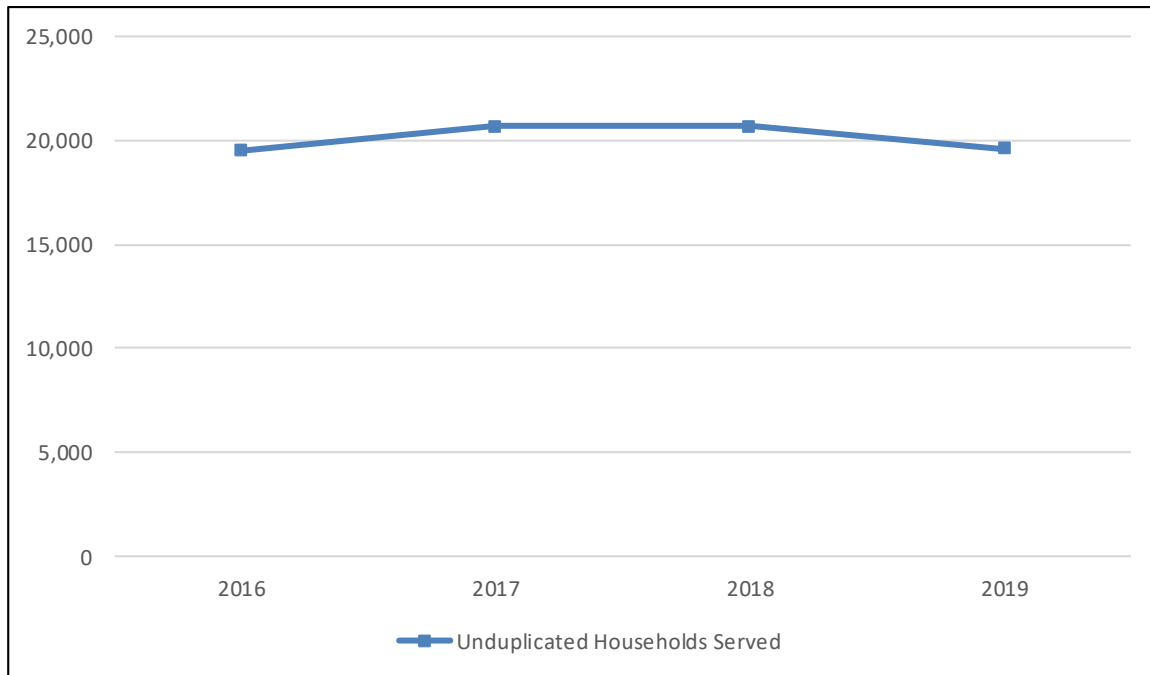


As noted above, the estimate of 3,355 people experiencing chronic homelessness is considered an underestimate, but no other data is available to estimate the size of this population. Over the course of a year, the homelessness response system interacts with approximately 20,000 people (see Chart 2), many experiencing homelessness for the first time, but full data on all the people served, including health conditions, is not available. However, other data can inform the potential scale of chronic homelessness in King County (see Table 1). For example, the PIT count estimates that 7,520 individuals have experienced homelessness for a year or more, which is one consideration in determining when a person experiences chronic homelessness.

Table 1: Estimates of Homelessness and Related Services in King County

| Estimated Amount | Latest Estimate |
|--------------------------------------------------------------|--------------------|
| Chronic Homelessness, Point in Time Estimate (2020) | 3,355 individuals |
| Permanent Supportive Housing in King County (June 30, 2020) | 5,475 units |
| Homeless for One Year or More, Point in Time Estimate (2020) | 7,520 individuals |
| Homelessness in King County, Point in Time Estimate (2020) | 11,751 individuals |
| People Served by System During Year, Unduplicated (2019) | 19,600 households |

Chart 2: Entries into the Homeless Response System in King County



Need for Additional PSH

Seattle and King County currently support 5,475 units of PSH, and Seattle has an additional 1,027 units under development. Any vacancies in these units are typically only for a short period of time while a new resident is identified from the coordinated entry system. Assuming that PSH is the best service intervention for people experiencing chronic homelessness, King County requires at least 2,328 additional units of PSH.

It is likely that 2,328 units is an underestimate of the shortfall in PSH. Over the course of a year, the homelessness system serves many more people than are captured at any point in time. In addition, in the most recent PIT count, 7,520 individuals (64 percent of people experiencing homelessness) report they have experienced homelessness for at least one year. If the rate that disabling conditions, including serious mental illness and substance use disorder, are underreported by that group, then the estimated number of people experiencing chronic homelessness, and potentially requiring PSH, would be larger. However, the 29 percent of people experiencing homelessness in King County who experience chronic homelessness is already substantially higher than the national average of 17 percent (based on the nationwide 2019 PIT count data). As such, the scale of under reporting of disabling conditions may be limited.

Next Steps

Opportunities to examine the unmet need for PSH and consider estimates from outside groups will continue. For example, updates are anticipated in 2021 from the Office of Housing and the Human Services Department on their investments and operations. The Third Door Coalition, a group of business leaders, service providers, and researchers that advocates for investing in PSH, provided the policy recommendations that underpin CB 119975, which will be discussed at the Select Committee's meeting on December 15. Third Door estimates 6,500 additional units are necessary, though their methodology for that estimate has not been shared. The Committee could engage with Third Door or other stakeholders to understand their estimates for unmet need. Finally, the King County Regional Homelessness Authority (KCRHA) is expected to commence operations in 2021, and the five-year plan for the KCRHA is expected to recommend investments and services to respond to homelessness in King County.

cc: Dan Eder, Interim Executive Director
Aly Pennucci, Supervising Analyst



Legislation Text

File #: Inf 1732, **Version:** 1

Executive Presentation on 2021 Homelessness Strategies and Investments