

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL _____

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

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

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

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

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

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

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

WHEREAS in 2012, the Council added a Comprehensive Plan goal to, "Guide the operation of safe and healthy transitional encampments to allow temporary shelter for those who are homeless;"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **23.42.056 Transitional encampment as an interim use**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23.54.015 Required parking

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

Table A for 23.54.015

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

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

II. Non-residential Use Requirements For Specific Areas

((I)) J.	Non-residential uses in urban centers or the Station Area Overlay District (3)	No minimum requirement
((J)) K.	Non-residential uses in urban villages that are not within an urban center or the Station Area Overlay District, if the non-residential use is located within 1,320 feet of a street with frequent transit service, measured as the walking distance from the nearest transit stop to the lot line of the lot containing the non-residential use. (3)	No minimum requirement
((K)) L.	Non-residential uses permitted in MR and HR zones pursuant to Section 23.45.504.	No minimum requirement

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

23.76.004 Land use decision framework

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

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

* * *

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

23.76.006 Master Use Permits required

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

B. The following decisions are Type I:

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

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C. The following are Type II decisions:

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

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

* * *

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

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

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

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

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

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

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

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

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

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

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

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

President _____ of the City Council

Approved by me this ____ day of _____, 2015.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2015.

Monica Martinez Simmons, City Clerk

(Seal)