

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, the number of people sleeping without shelter in Seattle ~~have~~has increased ~~30~~nearly 42 percent, to more than ~~2,300~~2,800 people counted in the 2015 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, in 2012, City Council adopted Ordinance 123854, amending the Human
2 Development Element of the Comprehensive Plan to add Policy HD11.1: Guide the
3 operation of safe and healthy transitional encampments to allow temporary shelter for
4 those who are homeless;

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

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

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

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

22 WHEREAS, the Council intends to measure the success of transitional encampments in
23 temporarily sheltering people until they can secure housing in comparison with indoor
24 shelter, and the Council expects that the rate at which people move from sheltering in
25 transitional encampments to housing should be within 15% of the rate at which people
26 move from indoor shelter to housing;

27 WHEREAS, the Council recognizes that the appropriate amount and type of support to secure
28 some form of permanent housing will vary among the individuals and families
29 experiencing homelessness. The Council intends that case management funded by the
30 City of Seattle should be focused on achieving success in securing housing along with
31 other client needs. The Council finds that case managers serving as "navigators" who
32 help homeless persons work through various barriers to housing is a proven and
33 successful approach, and expects that City-funded case managers working with
34 encampment residents will work in this capacity;

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

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

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

5 Section 1. Section 23.42.054 of the Seattle Municipal Code, enacted by Ordinance
6 123729, is amended as follows:

7 **23.42.054 Transitional (~~(Encampments)~~)encampments (~~(Accessory)~~)accessory to**
8 **(~~(Religious)~~)religious (~~(Facilities)~~)facilities or to (~~(Other)~~)other (~~(Principal)~~)principal**
9 **(~~(Uses)~~)uses (~~(Located)~~)located on (~~(Property)~~)property (~~(Owned)~~)owned or**
10 **(~~(Controlled)~~)controlled by a (~~(Religious)~~)religious (~~(Organization)~~)organization**

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

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

19 * * *

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

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

* * *

Section 2. A new Section 23.42.056 to the Seattle Municipal Code is adopted 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 subsection 23.88.010.A 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 more than seven 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.

1 AB. Location. The transitional encampment interim use shall be located on property
2 meeting the following requirements:

3 1. The property is:

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

7 b. Within a Major Institution Overlay district.

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

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

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

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

18 4. The property is owned by the City of Seattle, ~~or~~ a private party, or an
19 Educational Major Institution.

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

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

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

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

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

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

15 **BC.** Operation. The transitional encampment interim use shall meet the following
16 requirements:

17 1. The encampment may be operated by a private party that shall prepare an
18 Encampment Operations Plan that shall address: site management, site maintenance, provision of
19 hHuman and /sSocial sServices, referrals to service providers that are able to provide services to
20 individuals under the age of 18 who arrive at an encampment unaccompanied by a parent or legal
21 guardian, and public health and safety standards. The operations plan shall be filed with the
22 transitional encampment interim use permit application.

23 2. The operator shall ~~have prior experience managing and operating shelters, low-~~
24 ~~income housing, or homeless encampments~~be included in the qualified encampment roster
25 prepared by the Human Services Director. The transitional encampment interim use permit
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1 applicant shall include documentation as part of the permit application demonstrating that the
2 encampment operator ~~meets this standard~~ is on the qualified encampment operator roster.

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

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

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

20 ~~c. Operations standards that the encampment operator is required to~~
21 ~~implement while an encampment is operating.~~

22 ED. Additional requirements. The transitional encampment interim use shall meet the
23 following requirements:

24 1. The requirements for transitional encampment accessory uses in subsections
25 23.42.054.B and 23.42.054.C.

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

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

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

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

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

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

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

Table A for 23.54.015

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

Use	Minimum parking required
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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
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<u>((G))H.</u>	<u>TRANSPORTATION FACILITIES</u>		
	<u>((G))H.1.</u>	Cargo terminals	1 space for each 2,000 square feet
	<u>((G))H.2.</u>	Parking and moorage	
		<u>((G))H.2.a.</u> Principal use parking	None
		<u>((G))H.2.b.</u> Towing services	None
		<u>((G))H.2.c.</u> Boat moorage	1 space for each 2 berths
		<u>((G))H.2.d.</u> Dry storage of boats	1 space for each 2,000 square feet
	<u>((G))H.3.</u>	Passenger terminals	1 space for each 100 square feet of waiting area
	<u>((G))H.4.</u>	Rail transit facilities	None
	<u>((G))H.5.</u>	Transportation facilities, air	1 space for each 100 square feet of waiting area
	<u>((G))H.6.</u>	Vehicle storage and maintenance uses	1 space for each 2,000 square feet

<u>((H))I.</u>	<u>UTILITIES</u>	1 space for each 2,000 square feet
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II. Non-residential Use Requirements For Specific Areas

<u>((F))J.</u>	Non-residential uses in urban centers or the Station Area Overlay District (3)	No minimum requirement
<u>((F))K.</u>	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

Table A for 23.54.015

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

	Use	Minimum parking required
((K)) L.	Non-residential uses permitted in MR and HR zones pursuant to Section 23.45.504.	No minimum requirement

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

23.76.004 Land use decision framework

* * *

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

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;

1 C. Master Use Permit Renewal.

2 1. Except for Major Phased Development permits, the Director shall renew issued
3 Master Use Permits for projects that are in conformance with applicable regulations, including but
4 not limited to land use and environmentally critical areas regulations and SEPA policies in effect at
5 the time renewal is sought. Except as provided in subsections 23.76.032.C.2 and 23.76.032.C.3,
6 Master Use Permit renewal is for a period of two years. A Master Use Permit shall not be renewed
7 beyond a period of five years from the original date the permit is approved for issuance. The Director
8 shall not renew issued Master Use Permits for projects that are not in conformance with applicable
9 regulations in effect at the time renewal is sought.
10

11 2. If an application for a building permit is submitted before the end of the two year
12 term of renewal, and is subsequently issued, the Master Use Permit shall be extended for the life of
13 the building permit.
14

15 3. The Director may renew a Master Use Permit for the temporary relocation of
16 police and fire stations issued pursuant to Section 23.42.040 for a period not to exceed 12 months.
17

18 4. The Director may renew a Master Use Permit for a transitional encampment
19 interim use issued pursuant to Section 23.42.056.E for a period not to exceed one year.

20 Section 7. Section 23.84A.038 of the Seattle Municipal Code, which section was last
21 amended by Ordinance 124378, is amended as follows:

22 **23.84A.038 "T"**

23 * * *

24 "Transitional Encampment" means a use having tents or a similar shelter, including
25 vehicles used for shelter, that provides temporary quarters for sleeping and shelter. The use may
26

1 have common food preparation, shower, or other commonly-used facilities that are separate from
2 the sleeping shelters.

3 * * *

4 Section 8. The Human Services Director shall adopt a rule according to subsection
5 23.88.010.A that establishes a process the Human Services Director shall use to: determine the
6 qualifications transitional encampment interim use operators shall have to operate an
7 encampment; and create a roster of qualified encampment operators.

8 Section 9. The City Council intends that transitional encampments serve to shelter people
9 temporarily until they can secure housing. To monitor the success in transitioning encampment
10 residents to housing, the Council directs the Human Services Department to report annually to
11 the Council on all permitted transitional encampments in Seattle beginning one year from the
12 date the first encampment permitted as an interim use according to Section 23.42.056. The
13 annual reports shall include at least the following information that is described a monthly basis:

- 14 1. The number of adults and minors occupying all encampments;
15 2. The number encampment occupants accepting or declining offers for human or
16 social services;
17 3. Where the occupants previously lived and where they are expected to go after
18 leaving an encampment; and
19 4. The number of persons moving from transitional encampments to housing.

20 Section 810. This ordinance shall be automatically repealed without subsequent Council
21 action on March 31, 2020.

22 Section 911. Severability. The provisions of this ordinance are declared to be separate
23 and severable. The invalidity of any clause, sentence, paragraph, sub-division, section or portion
24 of this ordinance, or the invalidity of the application thereof to any person or circumstance shall
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1 not affect the validity of the remainder of this ordinance, or the validity of its application to other
2 persons or circumstances.

3 Section ~~1012~~. This ordinance shall take effect and be in force 30 days after its approval
4 by the Mayor, but if not approved and returned by the Mayor within ten days after presentation,
5 it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

6 Passed by the City Council the ____ day of _____, 2015, and
7 signed by me in open session in authentication of its passage this
8 ____ day of _____, 2015.
9

10 _____
11 President _____ of the City Council
12

13 Approved by me this ____ day of _____, 2015.
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15 _____
16 Edward B. Murray, Mayor
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18 Filed by me this ____ day of _____, 2015.
19

20 _____
21 Monica Martinez Simmons, City Clerk
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23 (Seal)
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