Legislative Department
Seattle City Council
Memorandum

Date: May 31, 2011

To: Committee on the Built Environment

From: Councilmember Nick Licata

Subject: Proposed Comprehensive Plan Amendment - Long-term, Self-managed Encampments

Background

There is an ongoing shortage of shelter and housing for Seattle's homeless. The January 2011 one-night count found 1,753 unsheltered persons. Addressing this problem will require ingenuity and openness to alternative means to sheltering our homeless population. The Mayor convened an Expert Review Panel that in October 2010 recommended the creation of a City-sanctioned semi-permanent encampment while also stating that an encampment should never be considered a long-term solution to homelessness and urging the City to continue to pursue real, lasting and permanent solutions to homelessness. As long as there is not a legal right to housing, providing unsheltered individuals access to a safe alternative is humane and important.

This spring, in response to a legislative proposal forwarded by the Mayor which would have authorized transitional encampments in some industrial areas, the Council adopted Resolution 31292. Resolution 31292 set out a work program and timeline for reviewing alternatives for sheltering Seattle's homeless. This work program includes considering land use authorization for long-term encampments. The proposed Comprehensive Plan amendments are consistent with Resolution 31292 and will allow the Council to consider the land use issues associated with long-term encampments in the 2011-2012 Comprehensive Plan amendment cycle.

Proposed Amendment

Amend Land Use Policy 10 (LU10), as follows:

> In order to ensure that a wide range of housing opportunities are available to Seattle's current and future residents, generally permit residential uses<u>, including long-term homeless encampments,</u> in all zones, except in industrial zones and some shoreline areas, where residential uses may conflict with the intended industrial or water-dependent use of the area. <u>Long-term homeless encampments may be permitted in industrial zones and some shoreline areas where the encampment would not displace an industrial or water-dependent use.</u>

Amend Land Use Policy 145 (LU145), as follows:

> Prohibit new residential uses in industrial zones, except for special types of dwellings that are related to the industrial area and that would not restrict or disrupt industrial activity. <u>In addition, long-term homeless encampments that will not displace an industrial use may be permitted.</u>

<u>Application of Amendment Criteria</u>

Resolution 30662 sets out criteria the Council considers in determining whether to include a proposed amendment in the Comprehensive Plan docket-setting resolution. Those criteria seek to answer the questions:

- Is the amendment appropriate for the Comprehensive Plan,
- Does the amendment meet existing state and local laws;
- Is it practical to consider the amendment; and
- Has there been a neighborhood review process, or can a review process be conducted prior to final Council consideration of the amendment.

Each criterion is discussed below.

Is the amendment appropriate for the Comprehensive Plan?

Long-term encampments are not expressly recognized as a residential use in the Comprehensive Plan or the Land Use and Zoning Code. Clarification that long-term encampments are a contemplated residential use allowable in all zones could facilitate development of siting regulations. Additionally, because most residential uses are not allowed in industrial zones, specific policy authorization is required to allow long-term encampments in industrial areas.

This land use policy issue is appropriate for inclusion in a Comprehensive Plan and cannot be accomplished by regulatory changes alone.

Does the amendment meet existing state and local laws?

The proposed amendment does not contravene any requirements of the Growth Management Act or compel action that would be illegal under the laws of the City of Seattle, State of Washington, or the United States.

Is it practical to consider the amendment?

The Mayor's Citizen Review Panel on Housing and Services for Seattle's Unsheltered Homeless Population examined the potential for long-term encampments from 2010 through the spring of this year. Additionally, Resolution 31292 requested that the Human Services Department (HSD) report on existing shelter services to the Council's Housing, Human Services, Health and Culture (HHSHC) Commiteee. That report was received on May 18 and heard in HHSHC Committee on

May 25. In the report, HSD Director Dannette Smith said, "The findings of the Review Panel reinforce the need to look at our investments in homeless services in new ways." Both efforts will help guide the Council in determining whether a change in land use policy is warranted to allow alternatives residential uses, like long-term encampments, for Seattle's unsheltered.

Has there been a neighborhood review process to develop any proposed change to a neighborhood plan?

The Council's review of alternatives on or after July 31, 2011, as described in Resolution 31292, will occur in open public meetings conducted by the Housing Human Services Health and Culture Committee. Additionally, the proposed Comprehensive Plan amendments will be subject to public review and scrutiny through the Council's Comprehensive Plan amendment process set out in Resolution 31117. This process includes at least two public hearings. These forums will provide opportunities for public review and feedback on the proposed amendments.