



**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3011596  
**Application Name:** Tim Croll  
**Address of Proposal:** 1512 Northeast 45<sup>th</sup> Street

**I. SUMMARY OF PROPOSED ACTION**

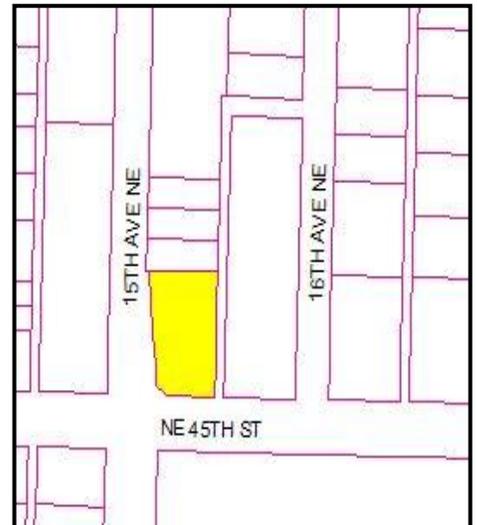
This Land Use Application would allow a temporary use for an encampment for up to 100 people in a parking lot owned by the University Congregational United Church of Christ (the Church). The proposal includes four portable toilets, running water, a hand-washing area, electricity for a security tent, and an outdoor-kitchen area. The duration of the temporary use would be up to three months.

A Temporary Use permit is required for an encampment as provided for in Seattle Municipal Code (SMC) 23.42.040.C.

**II. BACKGROUND**

Site and Vicinity Description:

The encampment site is located in an existing surface-parking lot at the northeast corner of Northeast 45<sup>th</sup> Street and 15<sup>th</sup> Avenue Northeast in the University District. The site is zoned Neighborhood Commercial 2 with a 40 foot height limit (NC2-40). The blocks to the west and south of the site are zoned Neighborhood Commercial 3 with 65 foot height limit (NC3-65). To the east from the site across the abutting alley, the zoning is Lowrise 3 and this portion of the block is occupied by two churches. Further to the east, across 16<sup>th</sup> Avenue Northeast, are multifamily buildings that include several fraternities and sororities associated with the University of Washington campus, which is located south of the site across NE 45<sup>th</sup> Street. Directly across 15<sup>th</sup> Ave Northeast from the site is a large office building;



adjacent to the north of the site is a non-profit office building and a medical building; and across Northeast 45<sup>th</sup> Street to the south is the Burke Museum.

### III. ANALYSIS

SMC 23.42.040 provides that the Director may grant, deny, or condition a temporary use application for uses not permitted or not meeting development standards in the zone where the use is proposed.

SMC 23.42.040 Subsection C provides that a Master Use Permit for a period of up to six months may be authorized for any use that does not involve the erection of a permanent structure and that meets the requirements of SMC 23.42.040 A.1.a-c:

- a. The use shall not be materially detrimental to the public welfare; and
- b. The use shall not result in substantial injury to property in the vicinity; and
- c. The use shall be consistent with the spirit and purpose of the Land Use Code.

#### **A. The use shall not be materially detrimental to the public welfare.**

The City's Land Use, Housing & Building Maintenance, and Building Code are intended to protect the public welfare, including matters of health, safety, and order. The encampment benefits the welfare of the individuals it serves, however, it is unlikely to benefit the welfare of neighboring property owners.

The use is not, however, likely to be materially detrimental to the neighboring property owners or the general public if necessary security and health services are provided and the Church regulates illegal conduct and other activities that give rise to public health and safety impacts. The application will be conditioned to address public health and safety impacts that, if not conditioned, would be materially detrimental to the public welfare.

Further, the three month permit allows individuals in the encampment time to find alternative housing and dismantle the encampment in an orderly and safe manner. Dismantling the encampment in this manner benefits the individuals in the encampment and the general public.

#### **B. The use shall not result in substantial injury to the property in the vicinity.**

Four factors ensure the encampment will not result in substantial injury to property in the vicinity: First, the site is surrounded by busy streets and an alley, buffering physically and visually many of the neighboring properties from the proposed use. Second, the Church will maintain rules of conduct that are designed to protect neighboring properties from adverse impacts during the proposed three month stay. These rules address health and safety concerns for individuals in the encampment and the general public. Third, all neighboring property owners will be provided with a 24-hour phone number to call if they have concerns about activity in the encampment or on their own property. And fourth, the temporary nature of the use limits injury to the property in the vicinity, particularly potential injury to property values. As conditioned, the proposed use will not result in substantial injury to the property in the vicinity.

**C. The use shall be consistent with the spirit and purpose of the Land Use Code.**

SMC 23.02.020 provides that the purpose of the Land Use Code is to: “protect and promote public health, safety and general welfare through a set of regulations and procedures for the use of land...” Recognizing that the Land Use Code does not authorize the use of property for encampments, the temporary use, as conditioned, is not entirely inconsistent with the spirit and purpose of the Land Use Code. Allowing the use for an extended period of time would be inconsistent, however, the temporary use, as conditioned, may be allowed for this three month time period.

**IV. DECISION AND CONDITIONS OF APPROVAL**

The temporary use application is granted subject to the following conditions. The applicant shall:

1. Vacate the encampment within three months from the date of this decision.
2. Limit the maximum number of residents to 100.
3. Allow inspections of the encampment, without prior notice, by the Public Health Department of Seattle & King County, the Seattle Fire Department, and Seattle Department of Planning and Development.
4. Not permit children to stay overnight, except under exigent circumstances. If and when such circumstances occur and a child under the age of eighteen (18), either alone or accompanied by a parent or guardian, attempts to stay at the encampment, the applicant will immediately contact the Seattle Police Department and Child Protective Services, and endeavor to find alternative shelter for the child and any accompanying parents(s) or guardian(s).
5. Comply with these fire-safety and health conditions:
  - A. Properly space, hang, and maintain Type 2A10BC fire extinguishers within the encampment as approved by the Fire Department;
  - B. Provide and maintain a 100-person first-aid kit;
  - C. Establish and maintain free of all obstructions: One north/south cross aisle that is a minimum 36 inches wide.
  - D. Install a surge protector at the front desk to provide power;
  - E. Designate a smoking area within the encampment;
  - F. Keep the site free of litter and garbage;
  - G. Observe all health-related requirements made by the Public Health Department of Seattle & King County; and
  - H. Post and distribute to encampment residents, copies of health or safety information provided by the City of Seattle, King County or any other public agency.
6. Provide toilets, running water, and garbage collection as follows:
  - A. Provide and maintain chemical toilets as recommended by the portable toilet service provider;

- B. Provide running water in a indoor location or alternatively, continuously maintain outdoor running water and discharge the water to a location approved by the City; and
  - C. Remove garbage frequently enough to prevent overflow.
7. If cooking facilities are established:
- A. Provide a sink with running water in an indoor location or alternatively, continuously maintain outdoor running water and discharge the water to a location approved by the City;
  - B. Provide a nonabsorbent and easily-cleanable food preparation counter;
  - C. Provide a means to keep perishable food cold; and
  - D. Provide all products necessary to maintain the cooking facilities in a clean condition.
8. Observe and enforce the following code of conduct within the encampment:
- A. No drugs are permitted;
  - B. No alcohol is permitted;
  - C. No weapons are permitted;
  - D. All knives over three and one-half inches must be kept in a secure place within the encampment for safekeeping;
  - E. No violence is permitted;
  - F. No open flames are permitted, except if an outdoor heat source has been approved by the Fire Department; and
  - G. No verbal abuse, intimidating remarks, yelling or degrading remarks shall occur against members of the Church, other encampment inhabitants, or the public.

Signature: \_\_\_\_\_ (signature on file) Date: September 16, 2010  
Molly Hurley, Senior Land Use Planner  
Department of Planning and Development

MH:bg

Hurley/3011596.doc