



City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

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

Application Numbers: 3018403
Applicant Name: Gib Dammann for Seattle Pacific University
Address of Proposal: 3414 3rd Avenue West

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a homeless encampment at Seattle Pacific University for up to six months. (January through June)

The following approvals are required:

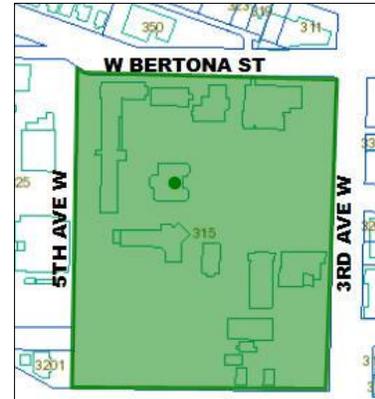
Temporary Use – to allow a use not otherwise permitted or not meeting development standards in the zone, pursuant to Seattle Municipal Code (SMC) 23.42.040.

SEPA DETERMINATION: Exempt DNS MDNS EIS
 DNS with conditions
 DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction

BACKGROUND

Site and Vicinity

The Project affects the central campus of Seattle Pacific University (SPU), bounded by 3rd Avenue West, West Bertona Street, 5th Avenue West, and West Dravus Street. The site is within the boundaries of SPU's Major Institution Overlay (MIO) zone, with a 50-foot height limit. The underlying zoning is LR3. The site is currently improved with several institutional buildings in academic and residential use, as well as a significant open space as designated in SPU's Major Institution Master Plan (MIMP).



Proposal

SPU proposes to host, for a period not to exceed six months, Tent City 3, an encampment for people who are otherwise homeless operated by a coalition of the Seattle Housing and Resource Effort and the Women's Housing Equality and Enhancement League (together, "SHARE/WHEEL"). Operating in the City of Seattle since 2000, Tent City 3 provides temporary shelter to up to 100 residents at a time at various locations throughout the City. This is the second time SPU has sought to host Tent City 3, the first occurring in the beginning of 2012.

Tent City 3 operated for ten years under a Consent Decree with the City that functioned as a sort of portable temporary use permit, setting forth the terms of temporary occupation at whatever location was willing to act as host. The Consent Decree expired in March 2012; SPU was the last Tent City 3 host under the Consent Decree.

Anticipating the expiration of the Consent Decree, on October 3, 2011, Council adopted Ordinance 123729 authorizing transitional encampments as an accessory use to any religious facility, subject to conditions. *See* SMC 23.42.054. The ordinance did not apply to other private landowners, such as SPU, necessitating temporary use authorizations to allow such landowners to host tent cities.

Public Comments

Notice of the project was published in the Land Use Information Bulletin on September 15, 2014 and posted around the site. Notice was also mailed to addresses within 300 feet. The required public comment period ended on September 28, 2014. DPD received four public comments during the official comment period. The weblink to those comments is <http://web6.seattle.gov/dpd/edms/>

The Land Use Application information is available at the Public Resource Center located at 700 Fifth Ave, Suite 2000¹.

As a Major Institution with an adopted MIMP, the Department of Neighborhoods maintains a Standing Advisory Committee (SAC), organized under SMC 23.69.032.B.1, to periodically review and comment on SPU projects. The SAC membership includes several neighborhood residents otherwise unaffiliated with SPU. SPU staff presented the proposal to host Tent City 3 to the SAC on June 3, 2013 and June 11, 2014. Citing the neighborhood's previous positive experience with SPU hosting

¹ <http://www.seattle.gov/dpd/toolsresources/default.htm>

Tent City 3, the SAC supported the proposal. The SAC further applauded SPU's willingness to assist the residents of Tent City 3.

ANALYSIS – TEMPORARY USE

The Director may approve a MUP for a temporary use not meeting development standards for up to six months provided that the use involves no erection of a permanent structure and meets all of the following requirements:

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

SMC 23.42.040.C and A.1.a - .c. Tent City 3 does not meet development standards of the zone, so a temporary use authorization is appropriate. The proposal requires no permanent structures; Tent City 3 residents erect their tents on pallets or simple box frames and otherwise rely on existing or portable facilities.

a. The use shall not be materially detrimental to the public welfare.

The proposal will not be materially detrimental to the public welfare since the intensity of the activity on the site is not higher than the major institutional uses already occurring on the site, and will occur within the areas and hours covered by the city's codes and ordinances.

Furthermore, the proposed use has a positive effect on the public welfare by providing temporary housing for a number of people who are otherwise homeless. SHARE/WHEEL has a long history of successfully operating temporary housing facilities, including encampments such as Tent City 3, and SPU successfully hosted Tent City 3 only a few years ago. As mentioned above, the City has observed no increase in crime or decrease in public civility associated with previous Tent City 3 sitings. Rather, Tent City 3 residents abide by a strict code of conduct, the violation of which can result in expulsion from the community. Among other things, this code prohibits violent behavior as well as drug and alcohol use among residents.

b. The use shall not result in substantial injury to the property in the vicinity.

The use will not result in substantial injury to property in the vicinity. SPU plans to host TC3 in the lawn at the SW corner of 3rd Avenue West and West Bertona Street, approximately 300 feet away from the nearest residential property. The use will be screened by security fencing, allowing only a single point of entry. Finally, Tent City 3 has a strong incentive to ensure compliance with its own code of conduct and compatibility with whatever neighborhood hosts it. Among other self-imposed restrictions, Tent City 3's internal code of conduct requires quiet hours from 9:00 PM-8:00 AM.

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 which are consistent with and implement the City's Comprehensive Plan. Procedures are established to increase citizen awareness of land use activities and their impacts and to coordinate necessary review processes.”*

The Land Use Code provides for flexible temporary establishment of uses that are not otherwise allowed in a zone, or which don't otherwise meet development standards – all subject to review, public input, and DPD conditioning. As proposed, DPD recognizes the temporary use to have no likely adverse effect on public health, safety and general welfare. Its temporary establishment occurs through procedures laid out in the Land Use Code, and as such it is consistent with its spirit and purpose.

CONCLUSION – TEMPORARY USE

The proposed temporary activities do not require erection of permanent structures and meet all three criteria associated with temporary uses. The Director concludes that the temporary uses will not be materially detrimental to the public welfare, will not result in substantial injury to properties in the vicinity, and is consistent with the spirit and purpose of the Land Use Code.

DECISION – TEMPORARY USE

Based upon a review of the proposal, the criteria of SMC 23.40.042, the review and comment by the SAC, public comment, and staff review of the proposal, the request for a Temporary Use Authorization to allow the proposed development is hereby APPROVED as conditioned below.

CONDITIONS - (For the life of the project)

SMC 23.42.040 authorizes the Director to impose conditions on temporary uses. In response to the information described above and supplied in support of the application, the encampment operator or applicant shall comply with the following provisions:

1. Allow no more than 100 persons to occupy the encampment site as residents of the encampment.
2. Comply with the following fire safety and health standards: Properly space, hang, and maintain fire extinguishers within the encampment as required by the Fire Department; Provide and maintain a 100-person first-aid kit; Establish and maintain free of all obstructions access aisles as required by the Fire Department. Install appropriate power protection devices at any location where power is provided; Keep the site free of litter and garbage; Observe all health-related requirements made by the Public Health Department of Seattle & King County; and 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. Prohibit any open flames except an outdoor heat source approved by the Fire Department.
3. Provide toilets, running water, and garbage collection according to the following standards: Provide and maintain chemical toilets as recommended by the portable toilet service provider or provide access to toilets in an indoor location; Provide running water in an indoor location or alternatively, continuously maintain outdoor running water and discharge the water to a location approved by the City; and Remove garbage frequently enough to prevent overflow.
4. Cooking facilities, if they are provided, may be located in either an indoor location or outdoors according to the following standards: 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; Provide a nonabsorbent and easily-cleanable food preparation counter;

Provide a means to keep perishable food cold; and Provide all products necessary to maintain the cooking facilities in a clean condition.

5. Allow officials of the Public Health Department of Seattle & King County, the Seattle Fire Department, and Seattle Department of Planning and Development to inspect areas of the encampment that are located outdoors and plainly visible without prior notice to determine compliance with these standards.

Signature: _____ (signature on file) Date: November 6, 2014

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