

Director’s Report

Transitional Encampment Interim Use Amendments – All Zones

Introduction

The Seattle City Council, in Section 11 of Ordinance 124747, has asked the Department of Planning and Development (DPD) to complete an environmental review and threshold determination on a proposal to amend Section 23.42.056 of the Land Use Code, which authorizes transitional encampments for homeless persons as an interim use on City-owned or private property in non-residential zones. The proposed amendment would expand the siting options for transitional encampments by allowing them to locate on any public or private property in all zones within the City of Seattle, including residential zones and NC1 (Neighborhood Commercial 1) in which encampments are currently not an allowed use. The proposal primarily maintains the existing regulations of Section 23.42.056. Authorized encampments would continue to be limited to no more than three sites at any one time city-wide and would also remain subject to the existing regulations for location, operation, permit process, and health and safety standards.

Background

On March 30, 2015, the City Council passed Ordinance 124747, effective May 11, 2015. Ordinance 124747 adopted a new regulation in the Seattle Land Use Code, Section 23.42.056, to authorize a transitional encampment interim use permit for a one-year term. The permit is a “Type I” process that does not provide for formal public notice or appeal opportunities and is renewable one time for an additional year, subject to certain criteria. After a maximum of two years at any one site, an existing encampment must relocate to another site under a new interim use permit. A minimum of 12 months must pass after a transitional encampment interim use permit has expired before a new transitional encampment could be established at the same site. Encampments are further subject to detailed management plans and encampment operators, approved by the City’s Human Services Department (HSD), are required to have past experience managing and operating shelters, low-income housing, or encampments serving low-income, homeless or indigent persons.

Existing regulations, which will not be changed by the proposal, include the following:

- Requires encampments to meet the same health, safety, and inspection requirements that have been established for encampments on sites owned or controlled by religious organizations as provided for in Seattle Municipal Code Section 23.42.054;
- Establishes parking requirements for any vehicles used for shelter and for staff members of encampments that are not located on sites owned or controlled by religious organizations;

- Provides rulemaking authority to: require community outreach to give neighbors advance notice of encampments and relocation of existing encampments; require formation of a Community Advisory Committee to provide advisory input on proposed encampment operations; and require specific operational standards to be implemented by encampment operators;
- Requires that the operator obtain and maintain liability insurance for use of City-owned property prior to issuance of a permit; and
- Requires that the operator allow service providers such as social workers to access the site when a City-owned property.

Existing regulations further provide that transitional encampment sites are subject to the following requirements, also unchanged by the proposed amendments:

- Be located on a site that is at least 5,000 square feet in area or larger and provides a minimum of 100 square feet of land per occupant;
- Be located within one-half mile of a transit stop;
- Be located at least one mile from any other legally-established transitional encampment use, including encampments on property owned or controlled by a religious organization, except that encampments on property owned or controlled by a religious organization or any encampment of fewer than ten persons are not subject to the dispersion requirement;
- Be located outside of wetland, wetland buffer, known or potential landslide area, steep slope, steep slope buffer, and fish and wildlife habitat areas (which includes areas within the Shoreline District as designated in Chapter 23.60A of the Land Use Code) regulated by the City's Regulations for Environmentally Critical Areas;
- Not be used by an existing legally-permitted use for any Land Use Code or permit-required purposes including but not limited to parking or setbacks; and
- Not be an unopened public street right-of-way or designated as a park, playground, viewpoint, or multi-use trail.

Encampments must also meet specific health, safety, and inspection requirements, including a limit of 100 encampment occupants. These requirements, including the limit of 100 occupants, are currently established in Sections 23.42.054.B and C.

In addition to the standards in the Code, encampment operators would be required to enter into a contractual arrangement with the hosting entity (private property owner, lessee, or the City) similar to the hosting agreements that have been used between religious facilities and encampment operators that will address encampment rules for the purpose of promoting good neighbor relations. These agreements between the religious facilities and encampment operators have been successful in the past and include prohibitions on alcohol, drugs, and possession of weapons; rules for children within the encampment; and prohibiting sex offenders within the encampment.

The City of Seattle, other public entities, and various private organizations own property that is currently either unused or under-used. Such property, if sufficiently sized and appropriately located, may serve on a short-term basis as locations for encampments.

Proposal

The current proposal would retain all the requirements listed above as set forth in Section 23.42.056, while making only the following changes:

- Permit transitional encampment sites owned or operated by the City of Seattle, all other public entities such as King County or the State of Washington, or private owners, for a period of up to one year, within all zones, including residential zones.
- Remove the requirement that encampments must be located at least 25 feet from any residentially zoned lot or, if a site is closer than 25 feet to residentially zoned lots, that the encampment boundary be set back at least 25 feet, since the proposal would allow transitional encampments to locate in residential zones.
- Require screening (landscaping, fencing or similar buffer) if the encampment site is adjacent to a residentially zoned lot that is developed with a residential use, unless the encampment is located 25 feet from the lot line of the adjacent lot.

Analysis

The proposed Land Use Code amendments are intended to further accommodate and broaden the potential opportunities for siting of encampment facilities in the city, on an interim basis. While an encampment should not become a substitute for safe, affordable permanent housing, an encampment is a viable interim shelter option that can provide community, safety, and dignity in people's lives, when compared with other options such as living on the streets. Thus, these provisions are proposed to sunset on March 31, 2020, approximately five years from adoption. For the next five years, the City, the community and surrounding jurisdictions will continue to work on more permanent solutions to provide housing for all.

According to information obtained from the City Human Services Department (HSD), shelters are operating at maximum capacity and cannot accommodate all of the needs of homeless people in Seattle. Encampments, which have been located in the city for a number of years, provide another option for shelter and basic services to individuals in need. At these facilities, people reside in temporary shelters like tents, and specific rules for operation and security have been established and observed. Without the option of an organized encampment, individuals may be forced to seek shelter in alleys, doorways, vacant buildings, greenbelts, or other locations not designed or intended for safe and sanitary habitation. As described in detail in the Mayor's December 19, 2014 letter to the Members of the Emergency Task Force on Unsheltered Homelessness, the City is pursuing a broader strategy including expanding current shelters and options for new shelter sites including existing surplus City facilities. Although efforts continue to provide low-income housing and managed temporary spaces in churches and public buildings,

such resources are currently inadequate to meet the needs of all homeless persons and are not likely to address the needs of all homeless persons in the near future. Temporary shelters are typically available only during the worst environmental conditions including snowstorms and freezing weather.

In contrast, a managed transitional encampment is a lower-cost alternative to more permanent and costly housing options. Transitional encampments have been provided in the past by religious facilities and through the temporary use permit process, but have been required to move frequently, usually at three-month intervals, when agreements with churches or other property owners expire. The challenges of establishing and operating encampments require that a variety of options be available.

Under the regulations in Section 23.42.056, three City-owned sites in non-residential zones have been recommended for new transitional encampments. Permits for these encampment sites could be issued in the fall of 2015. The proposed amendments would allow additional siting options for the future.

Research Methodology for Potential Sites

Research using the City's Geocortex land use mapping system shows that the proposal would add about 1,600 potential properties in residential and NC1 zones to the existing parcels suitable for encampments in the non-residential zones covered by the existing regulations. Of these, about 46 City-owned sites would be added City-wide to the total number of eligible City-owned sites (approximately 135 total within the non-residential zones allowed by current regulations), for a total of about 180 sites. In addition to City-owned sites, the proposed amendments would allow about 670 properties owned by public entities other than the City to be included as eligible sites. Of these, about 390 are located in the non-residential zones and another 280 within residential zones. These include sites owned by entities such as King County, Sound Transit, Seattle Housing Authority, the Port of Seattle, and similar public agencies and organizations.

The proposal would also allow privately owned sites within residential and NC1 zones to host encampments. The Geocortex mapping shows that there are about 1,180 parcels that may qualify under the standards of the existing regulations in Section 23.42.056. These sites are not within critical areas and have an area of at least 5,000 square feet. They are also mapped as vacant properties. Previous analysis showed that there are about 475 vacant privately owned sites in the non-residential zones authorized to host encampments under the current regulations. While the total number of eligible sites will thus be increased by the proposal, the limit on total number of encampments to three at any one time and the requirement for dispersion of encampments from each other by at least one mile, as well as other controls in the existing Code, are expected to help ensure that impacts will remain minimal.

The following methodology is used to determine which sites are most suitable for encampments. Geocortex allows identification of property using both an address, if one is available, and the 10-digit King County property tax identification number for that parcel. A broad use classification

is also identified, based on Assessor's records, that shows whether the land is vacant, unused (may contain a structure not in use) or in use as utility facility, fire station, office, library, parks/open space, trail, or green space, to name a few classifications. The mapping further identifies square footage for each parcel and the zone in which the property is located.

Once the maps are reviewed, additional research may be performed for a parcel to determine if it could meet other approval criteria and standards listed in the proposed legislation. Each site can then be reviewed using the King County Assessor property tax information to take a closer look at vacant or underused sites, including photographs from the air and ground, to determine if the property would meet the criteria identified in Section 23.42.056, including: Sufficient area to accommodate up to 100 persons; sufficiently level to accommodate tents or other shelters and facilities; whether the property is within a half mile of a transit stop; whether the property has sufficient area that is not within an environmentally critical area (steep slope, wetland, or similar feature); and that the property is not designated as a park, playground, viewpoint or multi-use trail. DPD permit records may also be researched to determine if there are any active existing uses on the property.

In addition, research involves a determination of whether an encampment on each property could comply with the health and safety requirements of Seattle Municipal Code Section 23.42.054.B, including access to running water, access to garbage collection, suitable location for providing food and bathroom services, and potential to provide parking for vehicles used as shelter or for workers who might assist encampment residents.

Initial research for mapping purposes has focused on lots that are determined to be vacant according to King County Assessor's records, and sites containing critical areas or that are classified as a park, playground, viewpoint or multi-use trail are excluded. It is further assumed that public and private sites in active use will not generally have space to devote to encampments. Each site is subject to further evaluation using the standards required by Section 23.42.056, as part of the permit process for transitional encampment interim use permits. Since these standards will eliminate some sites due to lack of proximity to transit and the requirement that encampments disperse from each other by at least one mile, the total number of useable sites will be somewhat fewer than the raw totals.

Based on the existing history of encampments within the City of Seattle, the number of encampments likely to take advantage of the proposed legislation is expected to remain modest. Currently, only two encampment operators, SHARE/WHEEL and Nickelsville, have been approved by HSD to operate encampments. One organized encampment, Tent City 3, has located on several sites owned or controlled by religious organizations within the city since the adoption of the regulations allowing encampments on sites owned or controlled by religious facilities now set forth in Land Use Code Section 23.43.054. The length of stay at any one site has been less than six months. Additionally, the operators of the encampment currently located at 10th Avenue South and South Dearborn Street have occupied a variety of sites that have included public property, private property and sites owned or controlled by religious organizations in the last 5 years. Since September 2013, the encampment has been located on

property controlled by a religious organization. Two new groups organized in 2014 are also operating sanctioned encampments on property controlled by religious organizations. No more than three transitional encampment sites will be added under Section 23.42.056.

DPD will maintain records of encampments for dispersion analysis through its electronic project tracking system. A permit will be issued and recorded in the tracking system. For encampments on property owned or controlled by religious organizations, the operators will file a site plan with DPD for informational purposes only that will allow DPD to maintain an electronic record of these encampment locations as well, for dispersion purposes. Encampments of any kind that have fewer than ten occupants are exempt from permitting or plan filing requirements. Using the permit tracking database and other property information available from its Geocortex land use mapping system and in its permit records, DPD staff will conduct site research in cooperation with the agency or private owner of property on which an encampment is proposed.

Conclusion

As a follow-up to Ordinance 124747, this proposed legislation offers further means to help address homelessness in the city on an interim basis. Specific provisions are provided for both location and operation of encampments so that they can be operated with minimal impacts to surrounding properties and uses. As with the regulations approved under Ordinance 124747, the provisions of this legislation are proposed to sunset March 31, 2020, approximately five years from adoption. The sunset provision reflects City policy that transitional encampments are intended to be an interim solution to homelessness, and the expectation is that the City, the community and surrounding jurisdictions will be working on permanent solutions to address housing needs.