



SEATTLE CITY COUNCIL

Determination of Non-significance (DNS) for Amendments to the Land Use Code Modifying Development Standards for Transitional Encampments and Increasing the Maximum Number of Authorized Interim Use Encampments

Proposal	To amend Sections 23.40.002, 23.42.054, 23.42.056, 23.76.004, 23.76.006, 23.84A.038, and 23.76.03.C of the Seattle Municipal Code to provide that transitional encampments for homeless individuals are allowed on any property owned or controlled by a religious organization without approval of a permit under the Seattle Land Use Code, to permit transitional encampments for homeless individuals as an interim use on all publicly owned or private property within the City of Seattle, to increase to 40 the maximum number of authorized interim use encampments that are not associated with a religious institution, and to provide for renewal of temporary use permits for transitional encampments as a Type I decision of the Director of the Seattle Department of Construction and Inspections.
Date of Issuance	August 7, 2019
Proponent / Lead Agency	Seattle City Council
SEPA Contact	Ketil Freeman, AICP, (206) 684-8178, ketil.freeman@seattle.gov
Location	Non-project – Areas within the Seattle Corporate Limits

PROPOSAL DESCRIPTION

A transitional encampment is defined in the Land Use Code (Seattle Municipal Code, Title 23) as a use intended for temporary sleeping and shelter and describes activities and development that may accompany the encampment. Encampments may be authorized as a use accessory to a religious institution, as a temporary use, or as an interim use. There are currently nine encampments operating in the city, which receive City funds for operation. While operating costs vary depending on the services provided by the operator, the average expenditure by the City per encampment is approximately \$390,000. Of the approved appropriations in the 2019 Adopted Budget, approximately \$4.8 million is allocated for transitional encampments.

On March 30, 2015, the City Council adopted Ordinance No. 124747, which added Section 23.42.056 to the Land Use Code to permit transitional encampments for homeless individuals to locate as an interim use on sites owned or operated by the City of Seattle or private owners for a period of up to one year, and within the following zones: Industrial zones, Downtown zones, except for Downtown zones defined as residential, Seattle Mixed zones, Commercial 2 (C2), Commercial 1 (C1), Neighborhood Commercial 3 (NC3) and Neighborhood Commercial 2 (NC2) zones. Section 23.42.056 includes the following requirements:

- Creates a “Type 1” Master Use Permit (non-appealable and not subject to public notice) that would have a one-year term (compared with the existing 4-week limit on Type 1);
- Requires encampment operators to have prior experience managing or operating shelters, low income housing, or homeless encampments;
- Establishes a maximum limit of no more than three encampments would be permitted and operating at any one time;
- Requires a minimum of 12 months after a transitional encampment interim use permit has expired before a new transitional encampment could be established at the same site;
- Allows a maximum of 100 occupants and requires 100 square feet of land per occupant (already established in the Code for encampments on sites owned or controlled by religious organizations);
- Requires a plan to address site management, maintenance and security;
- Requires compliance with the same health, safety, and inspection requirements that have been established for encampments on sites owned or controlled by religious organizations;
- Establishes parking requirements for encampments if they are not located on sites owned or controlled by religious organizations (1 space for each 2 staff members on-site at peak staffing times); various exceptions to parking requirements in the existing Code would apply;
- Requires that encampment use must be located at least 25 feet from any residentially zoned lot – sites may be closer than 25 feet to residentially zoned lots if encampment boundary is set back at least 25 feet and landscaping, fencing or similar buffer is added;
- Requires that sites with interim use encampments must be 5,000 square feet or larger; must be located within one-half mile of a transit stop; and must be located at least one mile from any other legally established transitional encampment interim use;
- Requires that encampment use must be located outside of wetland, wetland buffer, steep slope, steep slope buffer, and fish and wildlife habitat conservation areas regulated by the City’s regulations for Environmentally Critical Areas or the Seattle Shoreline Master Program;
- Requires that an encampment use cannot displace or occupy an area that is used to meet required provisions for an existing permitted use, such as area for required parking or setbacks;
- Establishes community outreach requirements to give neighbors advance notice of encampments, together with specific operations standards to be implemented by operators of each encampment; and
- Requires that the operator allow service providers such as social workers to access the site when a City-owned property.

The current proposal would retain many of the requirements in Ordinance 124747, while making the following changes:

- Exempt encampments on property owned or controlled by a religious organization from land use permitting requirements;
- Remove the current requirement that encampments on property owned or controlled by a religious organization be accessory to an existing principal use on that property;
- Permit transitional encampments on sites owned or controlled by the City of Seattle, including sites owned by other public entities such as King County or the State of Washington if the site is controlled by the City such as through a lease;
- Remove the requirement that transitional encampments be located at least one mile from any other legally-established transitional encampment use;

- Continue to permit transitional encampments on sites owned by private owners;
- Continue the time limit for an interim use permit for a period of up to one year, but within all zones, including residential zones;
- Allow unlimited renewals of the one-year permit for additional one-year terms, subject to compliance with all applicable regulations, particularly in Sections 23.42.054 and 23.42.056, and remove the requirement that encampments move to a new site after a maximum of two years at any one location;
- 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 (fence or wall) for all lot boundaries;
- Changes the limit of three encampments City-wide to a maximum of forty encampments;
- Remove the sunset date of March 31, 2020 for interim use encampment regulations; and
- For encampments established by the 6-month temporary use process, which is an appealable “Type II” Master Use Permit, allows conversion of the 6-month permit to an interim use as a non-appealable Type I permit.

ANALYSIS - SEPA

This proposal is passage of legislation and is a non-project action. The disclosure of the potential impacts from this proposal was made in an environmental checklist submitted by the proponent, dated August 6, 2019. The information in the checklist, a copy of the proposed text changes, and the experience of the lead agency with review of similar legislative actions form the basis for this analysis and decision.

This is a substantive change to the Land Use Code, to amend the Code to provide that transitional encampments for homeless individuals are allowed on any property owned or controlled by a religious organization without approval of a permit under the Seattle Land Use Code, to permit transitional encampments for homeless individuals as an interim use on all publicly owned or private property within the City of Seattle, and to provide for renewal of temporary use permits for transitional encampments as a Type I decision of the Director of the Seattle Department of Construction and Inspections. This amendment may result in potential impacts. Consequently, further discussion and analyses related to specific elements of the environment is warranted.

Natural Environment

Earth, Air, Water, Plants and Animals, Energy, Natural Resources, Environmentally Sensitive Areas, Noise, Releases of Toxic or Hazardous Materials

The proposed changes would result in no direct impacts, and are unlikely to result in significant indirect or cumulative adverse impacts related to earth, air, water, plants and animals, energy, natural resources, environmentally sensitive areas, noise, or releases of toxic or hazardous materials. Some elements of the natural environment on future sites could be impacted by the proposal; however, as the number of occupants at any one site would be limited to 100 and the duration of occupancy is limited to one year with an option to renew for additional years subject to compliance with all applicable regulations, particularly in Sections 23.42.054 and 23.42.056, the impact of a given encampment site is expected to be minor. Allowing encampments in all zones throughout the city, while continuing to require a limit to the total number of encampments is expected to broadly distribute the actual siting of

specific encampments, reducing possible cumulative impacts from large numbers of encampment sites in a given area or a given zone.

The proposed legislation does not change existing requirements that transitional encampment sites be located outside of wetland, wetland buffer, steep slope, steep slope buffer, and fish and wildlife habitat areas regulated by the City's regulations for Environmentally Critical Areas, reducing potential impacts to environmentally sensitive areas. Encampments are also prohibited in the Shoreline District by the use restrictions in the Shoreline Master Program. Development of specific projects on individual sites would be subject to the City's existing regulations, including existing standards for transitional encampments in Section 23.42.056 and the existing health and safety standards in Section 23.42.054, the Stormwater Code, Grading Code, the Environmentally Critical Areas Ordinance, and the Noise Ordinance, and would be subject to environmental review, if they meet or exceed environmental review thresholds.

Built Environment

Land & Shoreline Use, Height/Bulk/Scale

The transitional encampment use allowed under this proposal would continue to be limited to a one-year term on any given site. The option to renew would continue to be for additional one-year terms, but there would no longer be a limit to the number of renewals or a requirement that the encampment move from an existing site after two years. However, renewals of encampment terms would continue to be subject to the criteria of Section 23.42.056.E.1 as well as to compliance with all other Code requirements, particularly those set forth in Sections 23.42.054 and 23.42.056. When each one-year term expires, a new interim use permit would be required to either extend the term at an existing site or to relocate the transitional encampment use to another site. Eligible sites either will be vacant or, if another use exists on the site, the applicant for the transitional encampment interim use must show that the area proposed for encampment use is not otherwise needed by an existing legally-permitted use to meet any other Land Use Code or permit-required purposes, including but not limited to parking or setbacks.

As the proposal would not allow permanent structures, the amendments are not expected to substantially alter the height, bulk, and scale of development on a given site. The temporary nature of transitional encampment uses, combined with the proposed Code standards to regulate their location, development, and activities, are expected to further limit any direct impacts of new transitional encampment uses relating to land and shoreline use or height, bulk, and scale. The proposal is unlikely to cause a shift in development or land use patterns in a given area, due to the interim status of the proposed use; any impacts to land or shoreline use are expected to be minimal.

Development of specific projects on individual sites would be subject to existing City regulations and also would be subject to environmental review if environmental review thresholds are met or exceeded. In particular, on sites within all Single-Family residential zones, all other residential zones outside of Urban Centers and Urban Center Villages, and all NC1 zones outside of Urban Centers and Urban Center Villages, environmental review of project-specific encampment proposals is required if the total area of use exceeds 4,000 square feet. Since the minimum property area required by existing regulations will continue to be 5,000 square feet under the proposed amendments, establishing encampments on residentially zoned and NC1-zoned properties is expected to generally require environmental review.

The GIS data show that there are about 389 parcels that may qualify under the standards of the existing regulations in Section 23.42.056 that apply to non-residential zones. These sites do not include 493 sites

currently used as religious institutions. 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. An additional 723 sites would become eligible to host encampments under the proposed amendments. Analysis of the total number of sites that may be added City-wide by the proposal was conducted using data from the City's Geographic Information System (GIS).

While the total number of eligible sites will be increased to 1,112 sites by the proposal, the limit on total number of interim encampments to no more than forty at any one time and other controls in the existing Code are expected to help ensure that impacts will remain minimal.

Transportation, Public Services and Utilities

The proposal would result in minimal direct impacts and are unlikely to result in indirect or cumulative significant adverse impacts related to transportation or public services and utilities. The properties that could be affected by the legislation are served by various levels of public transportation depending on the location and density of the neighborhood. The proposal likely will result in a slight increase in the number of vehicular trips for any site on which an encampment regulated by the proposed legislation would be located; however, this increase is not expected to be significant. Most occupants of an encampment are expected to use public transit, and each encampment use authorized under this legislation must be within one-half mile of public transit. The number of occupants of a particular encampment site is limited to 100, and at least 100 square feet of property must be provided for each occupant.

The transitional encampment interim use is limited to a one-year term on any particular site, with an option to renew subject to the criteria in Section 23.42.056.E and to compliance with all other applicable regulations, particularly those in Sections 23.42.054 and 23.42.056. Therefore, it is unlikely that additional transit trips on any given route would be substantial, or would result in a significant adverse impact on transit. Existing regulations include on-site parking requirements for staff and vehicle campers, which would minimize potential parking impacts in the neighborhood adjacent to an encampment site.

The proposed amendments would change potential demand for public services on a site where an encampment would be located, but the change is not expected to be significant, due to the limit on occupancy of any one encampment, and the one-year interim use limitation. A small increase in demand on public services such as fire, public health, and police services may occur as encampments are inspected to ensure that code requirements are met, and due to a slight rise in the number of emergency and police calls to be expected from occupancy of a site by an encampment, but this increase is unlikely to be significant. The proposal is not expected to change potential demand for utility services, which are decided on a site-by-site basis. Development of specific projects on individual sites is subject to the City's existing regulations and will be subject to environmental review if they meet or exceed environmental review thresholds.

Conclusion

The proposed code amendments would authorize transitional encampment interim uses on public or private property in all zones for a one-year term; the amendments would not authorize any permanent development. Impacts to the natural environment are expected to be minor. Most encampment residents are expected to utilize public transportation, and impacts on traffic and parking are not expected to be significant. Similarly, demands for public services on a site may increase, but due to

limits on numbers of encampment occupants, the one-year term of use (two-year maximum with renewal option) on any particular site, lack of permanent development, and requirements for hosting agreements with rules for behavior, these increases are not likely to be significant. For these reasons, the proposed code amendments are expected to have minimal impacts on both the natural and the built environment.

THRESHOLD DETERMINATION


The lead agency has determined that this proposal will **not** have probable, significant adverse impacts on the environment. An environmental impact statement (EIS) is not required by RCW 43.21C.030(2)(c). This finding is made pursuant to RCW 43.21C, SMC 25.05 and WAC 197-11 and based on the attached SEPA environmental checklist and review of existing environmental documents.

COMMENTS

Comments regarding this DNS or potential environmental impacts may be submitted through August 22, 2019. Comments may be sent to:

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Responsible Official

Signature: 	August 7, 2019
Ketil Freeman, AICP	Date