

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

Project Proposal: To amend Section 23.42.056 of the City of Seattle Land Use Code, Title 23, to permit transitional encampments for homeless individuals as an interim use on publicly owned or private property within the City of Seattle for a period of up to one year, within all zones.

Project Sponsor: City of Seattle Department of Planning and Development

Location of Proposal: The proposal is a non-project action, applicable in all zones throughout the City.

SUMMARY OF PROPOSED ACTION

The proposal is a non-project action, applicable in all zones, which would amend the Land Use Code to permit transitional encampments for homeless individuals as an interim use for a one-year term on public or private property within the City of Seattle, subject to the existing standards and criteria in Section 23.42.056 of the Seattle Land Use Code that allow encampments in non-residential zones on private property or on City-owned property, except that current setback standards from residentially zoned lots would be removed and replaced by a requirement that encampments be screened if located on any site 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.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION Exempt DNS MDNS EIS

DNS with conditions

DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND

Proposal Description

A transitional encampment is defined in the Land Use Code as a use intended for temporary sleeping and shelter, and describes activities and development that may accompany the encampment. On March 30, 2015, the City Council adopted Seattle City 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. In Section 11 of Ordinance 124747, the City Council specifically asked that DPD complete an environmental review and threshold determination on a proposal to modify the new Section 23.42.056 to allow transitional encampments without restriction by zone or property ownership. Section 23.42.056 as adopted included the following requirements:

- Create 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);
- Require encampment operators to have prior experience managing or operating shelters, low income housing, or homeless encampments.
- 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.
- Allow maximum of 100 occupants and require 100 square feet of land per occupant (already established in the Code for encampments on sites owned or controlled by religious organizations)
- Require a plan to address site management, maintenance and security;
- Require compliance with the same health, safety, and inspection requirements that have been established for encampments on sites owned or controlled by religious organizations;
- Establish 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;
- 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;
- Sites must be 5,000 square feet or larger
- Site must be located within one-half mile of a transit stop;
- Encampment sites required to locate at least one mile from any other legally established transitional encampment interim use.
- 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 Chapter 23.60A, the Seattle Shoreline Master Program Regulations;

- Encampment use cannot displace or occupy an area that is used to meet required code provisions for an existing permitted use, such as area for required parking or setbacks;
- Community outreach requirements to give neighbors advance notice of encampments, together with specific operations standards to be implemented by operators of each encampment, would be added by Director's Rule; authority to make specific rules would be added to the Code.
- 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 all the requirements set forth in Ordinance 124747 except for 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.
- 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.

Public Comment

Proposed changes to the Land Use Code require City Council approval. Public comment will be taken on the proposed text changes during future Council hearings.

ANALYSIS - SEPA

This proposal is an adoption of legislation and is defined as 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 24, 2015. The information in the checklist, a copy of the proposed text changes, the Director's Report and Recommendation, 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 permit transitional encampments for homeless individuals as an interim use for a one-year term on public or private property in all zones within the City of Seattle, subject to the existing standards and criteria in Section 23.42.056 of the Seattle Land Use Code, except that current setback standards from residentially zoned lots would be removed and replaced by a requirement that encampments be screened if located on any site adjacent to a lot that is developed with a residential use. This amendment may result in potential impacts and warrants further discussion.

ELEMENTS OF THE ENVIRONMENT

Adoption of the proposed Land Use Code amendments would not result in short-term adverse impacts, because the adoption would be a non-project action. Long-term impacts could potentially result from differences in future development due to the proposed amendments, and are discussed below.

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 proposed text amendment; however, as the number of occupants at any one site would be limited to 100 and the duration of occupancy at any site to a maximum of one year with an option to renew for one additional year, 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 maximum limit of three at any one time and continuing to require each encampment to disperse from others by at least one mile, 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. 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, the Stormwater Code, Grading Code, the Environmentally Critical Areas Ordinance, and the Noise Ordinance, and would be subject to environmental review if they met or exceeded environmental review thresholds. 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 generally expected to require environmental review.

Built Environment

Land & Shoreline Use, Height/Bulk/Scale

The transitional encampment use allowed under this proposal would be limited to a one-year term on any given site, with an option to renew for one additional year subject to the criteria of Section 23.42.056.E.1. When the term expires, a new interim use permit would be required to relocate the transitional encampment use to another site. A minimum of 12 months would be required to pass after the expiration date of an interim use permit before a new permit could be issued for any given 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.

Analysis of the total number of sites that may be added City-wide by the proposal was conducted using the City's Geocortex land use mapping system. The Geocortex analysis shows that 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 ensure that impacts will remain minimal.

Transportation, Public Services and Utilities

The proposed Code amendments 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 criteria in Section 23.42.056.E. Sites must be at least one mile from any other legally-established transitional encampment use, including any encampment sites accessory to property owned or controlled by a religious organization. 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. The legislation includes 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, the one-year interim use limitation, and the required one mile separation between encampments. 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.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist, code amendment, and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).

Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

RECOMMENDED CONDITIONS - SEPA

None.

Signature: signature on file signature on file Date: August 27, 2015
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