

CITY COUNCIL STUDY SESSION

Proposed Land Use Code Amendment (LUCA) to provide additional extension periods for Temporary Public Safety Facilities.

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DIRECTION NEEDED FROM COUNCIL**DIRECTION**

Staff will be presenting the proposed LUCA to provide additional extension periods for Temporary Public Safety Facilities. Following discussion, staff will ask Council to enter a finding of necessity for Council to process this LUCA and direct staff to prepare the proposed LUCA for a public hearing and final action at a future meeting.

RECOMMENDATION

Enter a finding of necessity for Council to process this LUCA and direct staff to prepare the proposed LUCA for a public hearing and final action at a future meeting.

BACKGROUND & ANALYSIS**Temporary Public Safety Facilities (TPSFs)**

Continuity is an important factor in response and recovery from natural disasters or emergency circumstances. In the case of a natural disaster or other unforeseen emergency circumstances, TPSFs are often vital for public health, safety, and welfare, aiding in response and recovery. TPSFs include shelter and services for those affected by an emergency circumstance and staging and operations facilities for emergency personnel responding to the emergency circumstance.

The Land Use Code (LUC) 20.20.850 defines and provides for TPSFs to respond to the existence of a natural disaster or unforeseen emergency circumstances. TPSFs are exempt from any otherwise applicable Conditional Use Permit, Design Review approval process or other discretionary land use approval process, and generally, from the site development standards and other requirements of the LUC. However, as TPSFs are inherently temporary in nature, a TPSF may be authorized only for 24 months, with an additional 12-month extension period, for a maximum duration of 36 months under current Code.

An example of a TPSF is the Congregations for the Homeless (CFH) interim men's shelter at Lincoln Center. Following the City's declaration of an emergency circumstance related to the lack of an overnight men's shelter on the Eastside, the CFH-run TPSF was approved in December 2019, initially for a 24-month period, to respond to the declared emergency circumstance. In 2021, this TPSF was granted a 12-month extension, and now expires in December 2022. Similarly, the City approved a TPSF at the Red Lion due to emergency circumstances related to the COVID pandemic.

Objectives and Components of this Proposed LUCA

As noted above, the current LUC provisions allow an administrative approval for a TPSF to be granted by the Director of the Development Services Department (DSD) for a period of 24 months, which may be extended for *one* additional 12-month period, for a maximum 36-month approval period. However, natural disasters or unforeseen emergency circumstances may persist for longer than 36 months. The case of the CFH TPSF at Lincoln Center and the extended period of the global pandemic both illustrate this dilemma. With respect to the TPSF at Lincoln Center there will be a gap after the expiration of the TPSF and the completion of the permanent facility in Eastgate, expected Q1 of 2023, to address the identified emergency circumstance related to providing shelter to men experiencing homelessness.

Therefore, staff is proposing this LUCA to allow the Director to grant multiple 12-month extensions for TPSFs, where appropriate and supported by ongoing emergency circumstances. Allowing multiple extensions enables the continued operation of TPSFs, such as the CFH facility, for the duration of the declared emergency, rather than be required to cease operations after 36 months. This minor update ensures the City is better prepared for the response and recovery from enduring natural disasters or unforeseen emergency circumstances.

The proposed LUCA will modify LUC 20.20.850.B, to allow multiple extensions of the TPSF for the duration of the declared emergency, rather than a singular 12-month extension. The extension period remains up to 12 months and any TPSF seeking an extension will be required to reapply to the DSD Director for extensions annually. A minor change has also been made to the start date of the approval period, which is now proposed to begin at the approval date of the TPSF rather than the date of commencement of operations. A strike-draft of the amendments is provided in Attachment A. The LUCA will not modify what is considered a TPSF or its exemption from the Conditional Use Permit (CUP), Design Review, or other land use approval processes.

Public Engagement

Notice of this LUCA will be consistent with Chapter 20.35 LUC procedural requirements to provide opportunities for public comment. If directed by Council to schedule a public hearing on this LUCA, a combined notice of the LUCA application and Public Hearing will be published in the Weekly Permit Bulletin on September 8 and in the Seattle Times on September 12, ensuring the public is made aware of the proposed LUCA.

Review Process

The timeline below details the anticipated review process for this LUCA:

- Introduction and Study Session – September 6 (tonight)
- Public Hearing and Adoption – Future Meeting

POLICY & FISCAL IMPACTS

Policy Impact

Continuity of services is vital in any emergency response and recovery process, and preparation for disasters or unforeseen emergency services is explicitly recognized as a neighborhood core need in the Comprehensive Plan:

- **Comprehensive Plan Policy N-4:** Plan and prepare for the response, recovery, and mitigation of potential disasters and hazards.

Fiscal Impact

There is no fiscal impact associated with these changes.

OPTIONS

1. Enter a finding of necessity for Council to process this LUCA and direct staff to prepare the proposed LUCA for a public hearing and final action at a future meeting.
2. Provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

- A. LUCA Strike-Draft

AVAILABLE IN COUNCIL LIBRARY

N/A