



CITY OF SEATAC

PLANNING COMMISSION MEETING

Virtual Meeting
July 6, 2021, 5:30 p.m.

Due to the current COVID-19 public health emergency, this meeting will be conducted virtually. The public may listen to the meeting by calling 206.973.4555 and muting your phone. Public comment opportunities for this meeting are below.

MEETING AGENDA

- 1) Call to Order/Roll Call
- 2) Approval of the minutes of June 15, 2021 meetings. - EXHIBIT 2
- 3) Public Comment on items not on the agenda. *Comments on agenda items will be addressed after the staff presentation and Commission discussion on each item below. See Public Comment Process below.*
- 4) Transitional Housing, Permanent Supportive Housing, and Indoor Emergency Shelters and Housing (HB 1220) Code Amendments: Discussion on Approach and Options for Regulation. - EXHIBIT 4a-4f
- 5) CED Staff Report
- 6) Planning Commission Comments (including suggestions for next meeting agenda)
- 7) Adjournment

Public Comment Process: In an effort to adhere to the social distancing protocols, and in order to keep our residents, Planning Commission, and staff healthy, the Commission will not hear any in-person public comments. The committee is providing remote oral and written public comment opportunities. All comments shall be respectful in tone and content. Signing-up for remote comments or providing written comments must be done by 3:30pm the day of the meeting. Any requests to speak or provide written public comments which are not submitted following the instructions provided or by the deadline will not be included as part of the record.

- Instructions for providing remote oral public comments are located at the following link: [Council Committee and Citizen Advisory Committee Virtual Meetings](#).
- Submit email/text public comments to PCPublicComment@seatacwa.gov. The comment will be mentioned by name and subject and then placed in the committee handout packet posted to the website.

**A quorum of the City Council may be present.
All Commission meetings are open to the public.**

The Planning Commission consists of seven members appointed by the Mayor and confirmed by the City Council. The Commission primarily considers plans and regulations relating to the physical development of the city, plus other matters as assigned. The Commission is an advisory body to the City Council.

**CITY OF SEATAC
PLANNING COMMISSION MEETING
Minutes of June 15, 2021 Meeting**

Members present: Tej Basra, Tom Dantzler, Leslie Baker, Alyne Hansen

Members absent: Jagtar Saroya, Andrew Ried-Munro, Tony Zuniga Sanchez

Staff & Others

Present: Evan Maxim, *CED Director*; Jenn Kester, *Planning Manager*; Neil Tabor, *Associate Planner*; Alena Tuttle, *Associate Planner*; Senayet Negusse, *Councilmember*; Pam Fernald, *Councilmember*; Barb Mailo, *Admin 3*; SeaTV

1. Call to Order/Roll Call

Chair Basra called the meeting to order at 5:30 p.m. and roll call.

2. Approval of minutes of the May 26, 2021 and June 01, 2021 meetings

Chair Basra moved to approve minutes for both meetings. Commissioner Baker seconded. Minutes were approved.

3. Public Comments on items not on the agenda

None

4. Housing Action Plan: Recommendation

Associate Planner Alena Tuttle, substituting for Senior Planner Kate Kaehny, presented the Draft Housing Action Plan. The purpose of the presentation was to provide an overview of the Draft Housing Action Plan and request that the Planning Commission provide a recommendation on the Draft Plan at this meeting.

The presentation included project milestones & timeline, plan objectives, implementation process, recap of Department of Commerce's comment on HAP, and potential anti-displacement strategy options for Planning Commission consideration.

Potential Commission Action requested – recommendation to City Council.

Chair Basra moved to approve the Housing Action Plan with the addition of Option C - Explore MFTE Program Update for recommendation to City Council. Seconded by Commissioner Dantzler. All were in favor of motion. Motion approved.

5. Transitional Housing, Permanent Supportive Housing, and indoor Emergency Shelters and Housing (HB 1220) Code Amendments: Introductory Briefing

Planning Manager Jenn Kester provided an introductory briefing of the Housing (HB 1220) code amendments. Briefing included key takeaways for HB 1220 Code Amendments.

Informational only. No action requested.

6. CED Staff Report

Jenn Kester reported that the City Hall study is going to the Administration & Finance (A&F) Committee of the Council for public review in July. Once that happens, an update can be provided to the Planning Commission or it can be reviewed at the A&F meeting.

At the last A&F meeting, a look at a series of budget amendments brought back some of the decision cards for the work program items that were put on hold during the pandemic including the City Center Phase 2 sub area plan that the commission made a recommendation on in early

2020. The A&F Committee has forwarded this plan on to the City Council as a budget amendment. Assuming the City Council passes this, starting 2022 we will be working on the City Center Phase 2 sub area plan.

City staff is waiting for guidance from the Governor regarding what open public meetings will look like after June 30, 2021, and after the re-opening of the economy.

7. Planning Commission Comments (including suggestions for next meeting agenda)

Commissioner Dantzler expressed appreciation regarding Jenn's comment regarding the idea of a hybrid approach to the meetings at City Hall.

Chair Basra inquired with Jenn about whether she had an idea of a time frame or when we may receive more clarity. Jenn responded that it may take a few weeks to receive written guidance and indicated that the expectation is that the July 6, 2021 PC meeting will still be virtual.

Commissioner Dantzler expressed gratitude towards Commissioner Baker for joining tonight's meeting remotely during her commute.

8. Adjournment

Commissioner Dantzler moved to adjourn the meeting. Commissioner Baker seconded. Meeting adjourned at 6:15PM.

DRAFT



MEMORANDUM COMMUNITY & ECONOMIC DEVELOPMENT

Date: July 6, 2021
To: Planning Commission
From: Jenn Kester, Planning Manager, and Neil Tabor, Associate Planner
Subject: Code Amendments: Transitional Housing, Permanent Supportive Housing, and Indoor Emergency Shelters and Housing (HB 1220)

Purpose:

The Planning Commission will discuss regulatory approaches and options for emergency housing, emergency shelters, transitional housing, and permanent supportive housing consistent with HB1220. Staff is seeking direction from Planning Commission on preferred options for regulations to prepare draft code language for future review.

Background

House Bills 1070 and 1220 passed in May 2021, which together provide funding for supportive housing and require cities to allow four types of supportive housing through its zoning code. In April 2021, the City passed a six-month moratorium on the establishment of overnight shelters and transitional housing. HB 1220 limits such a moratorium and requires zoning allowances for emergency housing services to be in place by September 30, 2021. Additional information can be found in the Planning Commission Memo from the June 15, 2021, meeting and the Key HB 1220 Excerpts (Attachments 1 and 3). Full text of HB 1070 and HB 1220 can be found in the packet for the June 15, 2021, Planning Commission meeting.

Key Considerations:

The PED Committee has asked the Planning Commission to consider code amendments that will:

1. Establish definitions and use allowances for the housing types in HB 1220;
2. Ensure the provision of necessary programs and services to support occupants of these housing types; and,
3. Review and establish reasonable occupancy, spacing, and intensity of use requirements.

Planning Commission Discussion:

During the meeting, staff will walk the Planning Commission through a series of options and approaches that could meet these key considerations. Where options are presented, the Planning Commission should rank those options in their preferred order. This provides staff flexibility and direction as we work with the Legal Department.

Our discussion will focus on three areas:

1. Indoor Emergency Shelters and Housing: Location options and estimate of city's projected need.

2. Transitional Housing and Permanent Supportive Housing: Location requirements and estimate of city's projected need.
3. Wraparound Services: Services needed to support users/tenants of these uses.
4. Potential Performance Standards: Bulk/scale, density, occupancy, separation.
5. Miscellaneous Amendments: Those part of the initial amendments and those expected in future updates.

Next Steps:

Staff will take the direction provided at this meeting and prepare draft code language for Planning Commission review at your July 20, 20 21 meeting. A public hearing of the draft code is tentatively scheduled for August 3, 2021. Furthermore, staff will be conducting SEPA review and Department of Commerce review of the draft code later in July. This schedule allows the City Council to adopt code amendments no later than their meeting on September 28, 2021.

Attached Items:

1. Key Excerpts from HB 1220
2. Sources of City's Projected Need for Supportive Housing
3. Memo from 6/15 Planning Commission, without attachments.
4. Maps used in the presentation



Supportive Housing Code Amendments

Planning Commission

July 6, 2021



PRESENTATION OVERVIEW

PURPOSE OF PRESENTATION

- Provide regulatory approaches and options for emergency housing, emergency shelter, transitional housing, and permanent supportive housing consistent with HB1220.
- Gain direction from Planning Commission on preferred options for regulations.

WHY IS THIS ISSUE IMPORTANT?

1. House Bills 1070 and 1220 passed in May 2021, which together provide funding for supportive housing and require cities to allow various types of supportive housing.
2. In April 2021, the City passed a six-month moratorium on the establishment of overnight shelters and transitional housing.
3. HB 1220 limits such a moratorium and requires zoning allowances to be in place by September 30, 2021.



POTENTIAL COMMISSION ACTION

COMMITTEE ACTION REQUESTED

- Review materials and provide any direction to staff for code writing.
- Specific code amendment review expected on 7/20/2021.
- Planning Commission Public Hearing tentatively scheduled for 8/3/2021.

REVIEWS TO DATE

- PED: 5/27/2021
- PC: 6/15/2021, 7/6/2021



Key Takeaways from HB 1220 Code Amendments

- **Transitional Housing and Permanent Supportive Housing**

Located in all zones that allow hotels and residential uses

- **Indoor Emergency Shelters and Indoor Emergency Housing**

Located in all zones that allow hotels

OR

Located in majority of zones within 1 mile of transit

- City can impose reasonable occupancy, spacing, and intensity of use requirements to protect public health and safety.
- Such requirements may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate city's projected need for such housing and shelter.



APPROACHES FOR EMERGENCY HOUSING SERVICES

INDOOR EMERGENCY SHELTERS AND INDOOR EMERGENCY HOUSING

1. Location:

Option A: Located in all zones that allow hotels

OR

Option B: Located in majority of zones within 1 mile of transit

2. City's projected need for Emergency Housing and Emergency Shelter.

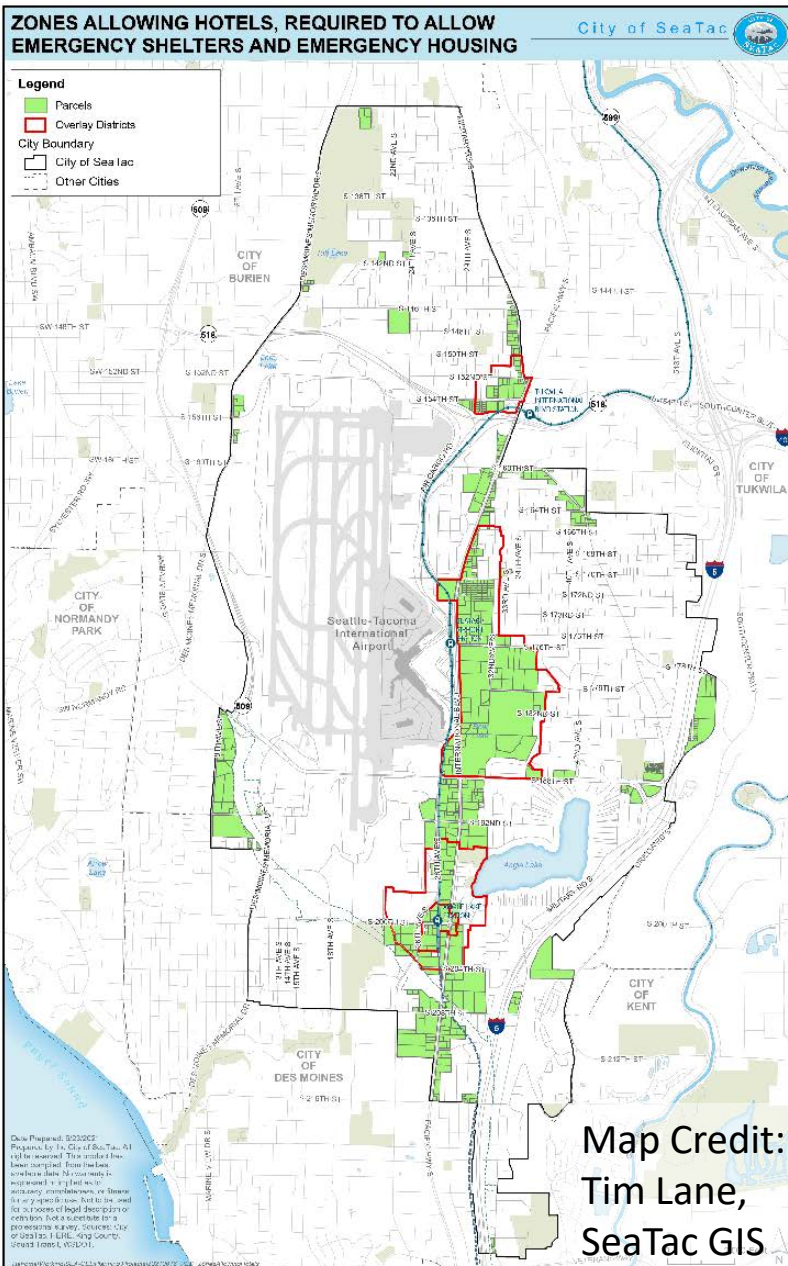
Definitions:

"Emergency housing" Temporary indoor accommodations for those that are homeless or those at imminent risk, intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. May or may not require occupants to enter into a lease or an occupancy agreement.

"Emergency shelter" Facility that provides a temporary shelter for those currently homeless. May not require occupants to enter into a lease or an occupancy agreement. May include day and warming centers that do not provide overnight accommodations.



LOCATION OPTIONS FOR EMERGENCY HOUSING SERVICES

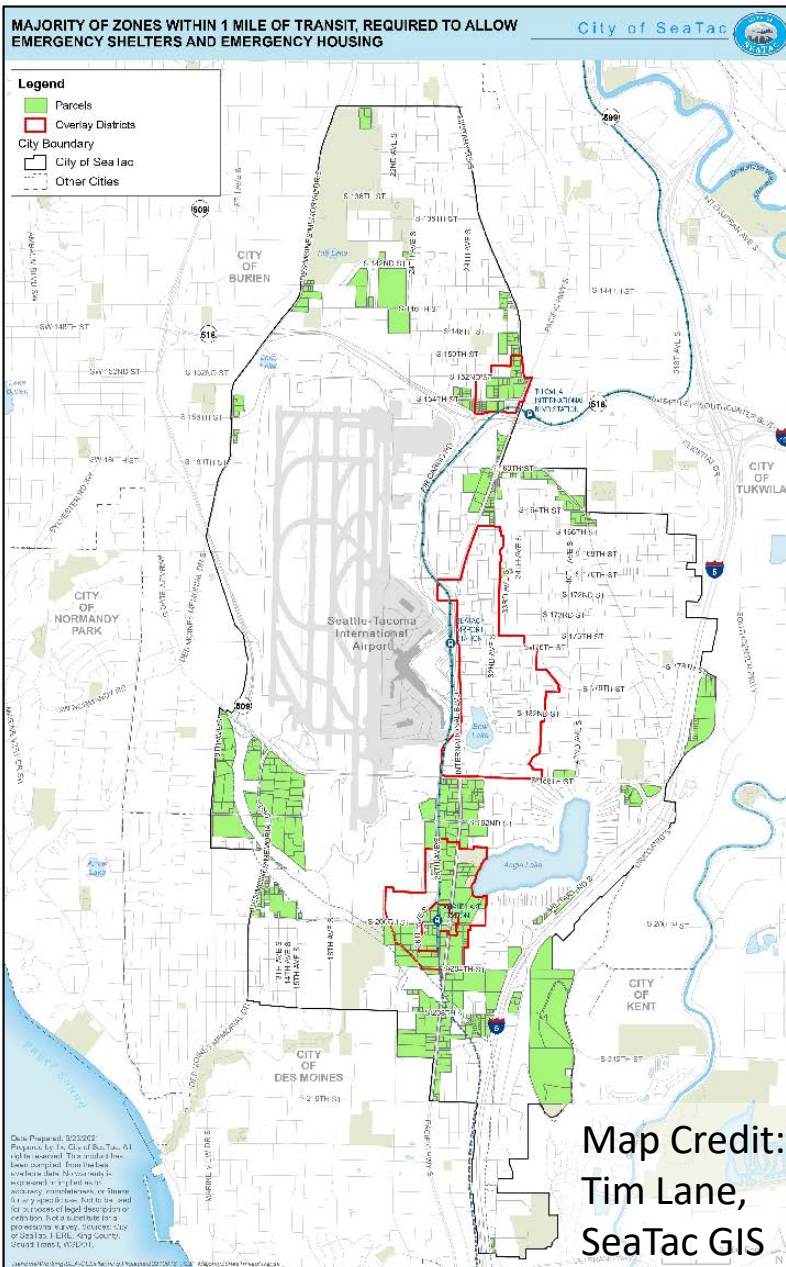


Option 1: Zones allowing hotels

- This map represents all zones allowing hotels, with the respective overlay district boundaries represented by red outlines.
- These are largely commercial and high-density residential zones.



LOCATION OPTIONS FOR EMERGENCY HOUSING SERVICES

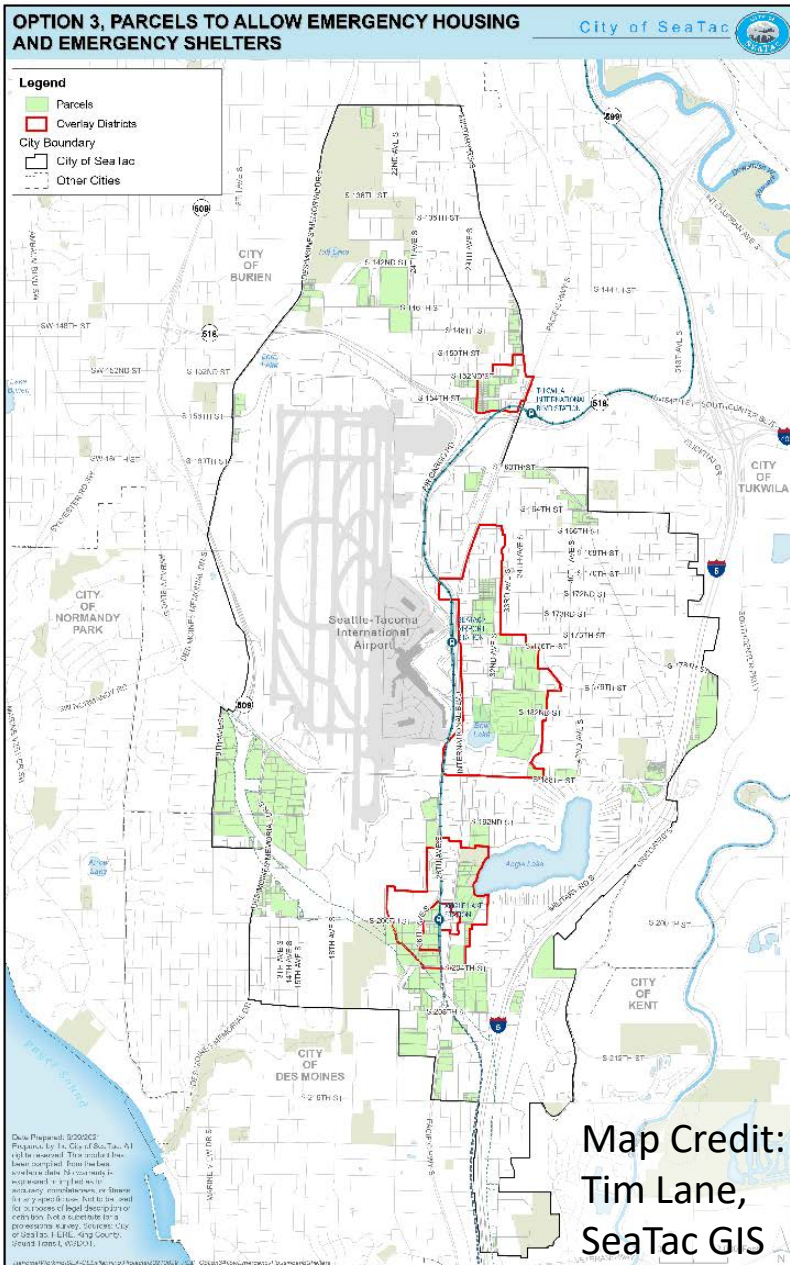


Option 2: Majority of Zones outside of City Center

- This option represents selecting parcels to restrict placement of emergency housing and shelters within the City Center Overlay District.
- To offset this additional zones largely within the western industrial/RBX area and around the Angle Lake Overlay District were selected.



LOCATION OPTIONS FOR EMERGENCY HOUSING SERVICES



Option 3: Exclude CB-C Parcels

- This option excludes parcels zoned CB-C from siting emergency shelters or housing. Parcels in these zones are largely along International Boulevard.
- To balance this selection, high density commercial, residential and all industrial zones were selected.



PROJECTED NEED FOR EMERGENCY HOUSING SERVICES

How many indoor emergency housing and shelter units are needed?

Approach

- Relatively limited data is available for quantifying persons meeting this criteria of need. Staff used an extrapolation of the most up to date data from the 2020 count of persons experiencing homelessness within King County.

STAFF COMMENTS

- In review of the 2020 Point-in-Time Count, staff found that the number of persons experiencing homeless in SeaTac is likely about **100** persons, based on a proportion of Southwest King County Data. This data is likely an undercount based on factors detailed in the study.
- Staff estimates that the overall need for the city is 100-150 persons.
- Staff is aware of very few permanent facilities within the City Limits to address this need presently.

QUESTIONS & CONSIDERATION FROM COMMISSIONERS



APPROACHES FOR TRANSITIONAL AND PERMANENT SUPPORTIVE HOUSING SERVICES

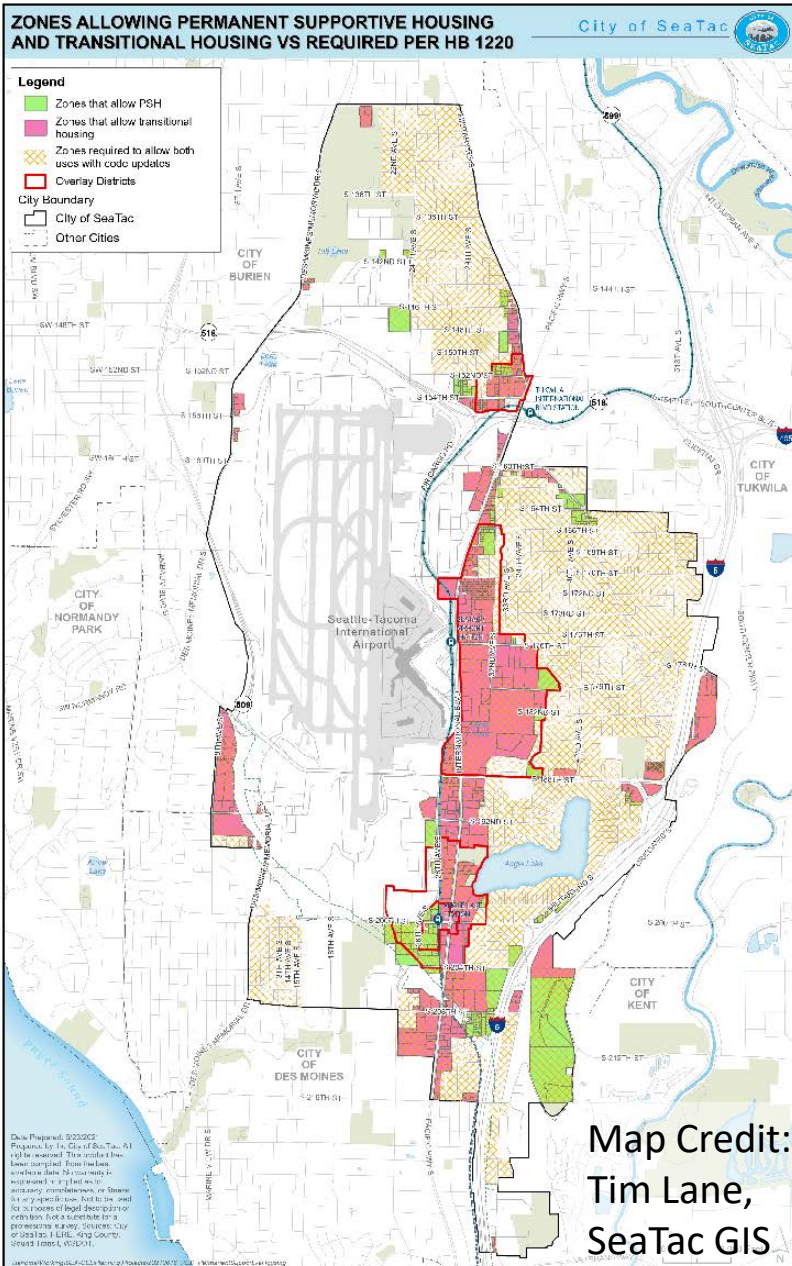
TRANSITIONAL AND PERMANENT SUPPORTIVE HOUSING

1. **Location:** All zones that allow hotels and residential uses
2. **City's projected need for Transitional Housing and Permanent Supportive Housing.**

Definitions:

"Transitional housing" Facility that provides housing and supportive services to homeless individuals or families for up to two years and whose primary purpose is to enable homeless individuals or families to move into independent living and permanent housing.

"Permanent supportive housing" Subsidized, leased housing with no limit on length of stay prioritizing people who need comprehensive support services to retain tenancy, with lower barriers to entry than would be typical for other rental housing, especially related to rental history, criminal history, and personal behaviors. Paired with on-site or off-site voluntary services designed to support complex and disabling behavioral health or physical health conditions. Intended for those homeless or imminent risk of homelessness prior to moving into housing.



LOCATION FOR TRANSITIONAL AND SUPPORTIVE HOUSING

- Red shading represents parcels that currently allow both multi-family and transitional housing, while the green shading represents only parcels currently allowing multi-family development.
- The area crosshatched in yellow represents parcels which must now allow transitional and Permanent Supportive Housing (PSH) per HB1220.
- SeaTac does not currently have a definition for PSHs.



PROJECTED NEED FOR TRANSITIONAL AND SUPPORTIVE HOUSING

How many transitional and permanent supportive housing units needed?

Approach

- Staff has used data from the Housing Inventory & Assessment Report (HIAR) to determine a relative need for these housing types.

STAFF RATIONAL

- Staff considered renters being extremely cost burdened (greater than 50% of income used toward housing costs) and existing within the very low-, or extremely low-income levels (representing less than 51% AMI).
- This totaled to approximately 2,593 persons. Note: There is no requirement for the city to produce this amount of housing units.
- Approximately 802 King County Housing Authority Owned units exist to serve persons at lower income ranges. Many of these communities may provide similar supportive services.

CONSIDERATION FROM COMMISSIONERS



CONSIDERATIONS FOR ALL USE TYPES

General Reminders

- The City is not required to produce any of this housing.
- The City must allow the opportunity for these housing types at the city's projected need; but, as of now, the City is not required to show that this amount, by use type, has been provided.
- City can impose reasonable occupancy, spacing, and intensity of use requirements to protect public health and safety.

Based on the City's ability impose these standards, we will further discuss:

- Wraparound Services
- Reasonable occupancy, separation, and intensity of use standards; and general public health and safety considerations.



WHAT WRAPAROUND SERVICES MAY BE OFFERED

What services are needed to support users/tenants of these uses?

Approach

- Staff is working to identify appropriate wraparound services for each housing type to provide for residents.

EXAMPLES OF WRAPAROUND SERVICES

The following are examples of wraparound services to better support persons in the housing types discussed:

- Hygiene and sanitary facilities
- Cooking facilities
- Security
- Transportation access
- Case management and social services
- Long-term housing assistance
- Mental/behavioral Health Counseling
- Medical Care
- Job Assistance
- Substance abuse assistance
- Childcare
- Education assistance/tutoring
- Recreation amenities

SUPPORTIVE WRAPAROUND SERVICES OF ALL USES

What performance standards are needed?

Approach

- Staff will create performance standards for wraparound services deemed essential for a given housing type, while less essential services will require operating plans from the provider.

STAFF COMMENTS

- Required services will be a performance standard established in code, by housing type.
 - Other wraparound services will be submitted as a plan of service, as part of their application package.
 - Some services may be required on-site, while other can be provided off-site.
 - All operators will be required to have a stable funding source.

CONSIDERATION FROM COMMISSIONERS



OTHER PERFORMANCE STANDARDS FOR ALL USES

What other performance standards could be considered?

Options

- Require facility to match bulk and scale of primary residential use allowed.
- Limit occupancy in each facility to equivalent residential density.
- Limit facility occupancy to set number
- Require separation between similar uses.

STAFF COMMENTS

Considerations:

- The City has the flexibility to create standards using the options listed.
- Please keep in mind the City is restricted from creating standards that would prohibit the ability for providers to house the overall city-specific projected need of persons in each housing type.

CONSIDERATION FROM COMMISSIONERS



MISCELLANEOUS CODE AMENDMENTS

AS PART OF THE INITIAL ORDINANCE

- Maintain current homeless encampment standards.
- Maintain current allowance for religious facilities to provide overnight shelters as an accessory use.
- Maintain current community residential facilities standards.
- Establish new uses and definitions for housing types identified in HB1220.
- Update the land use charts to reflect new uses.
- Establish new Conditional Use Permit provisions as appropriate per housing type.

FUTURE CODE UPDATES

- Updated guidance from the Department of Commerce on the City's projected housing needs expected by end of 2022. Code amendments related to this guidance most likely included in the 2024 GMA Periodic Review of comprehensive plan and development regulations.
- Housing Action Plan implementation amendments impacting these uses.
- Staff suggest reviewing code within the first year of adoption or after first implementation to identify needed refinements.



POTENTIAL COMMISSION ACTION

COMMITTEE ACTION REQUESTED

- Review materials and provide any direction to staff for code writing.
- Specific code amendment review expected on 7/20/2021.
- Planning Commission Public Hearing tentatively scheduled for 8/3/2021.

REVIEWS TO DATE

- PED: 5/27/2021
- PC: 6/15/2021, 7/6/2021



Full Definitions from RCW and WAC

Transitional housing" means a facility that provides housing and supportive services to homeless individuals or families for up to two years and whose primary purpose is to enable homeless individuals or families to move into independent living and permanent housing.

"Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services.



Key Definitions

"Emergency housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

"Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.



Memo Attachment 1

Key Excerpts from ESSHB 1220, Supporting Emergency Shelters and Housing

Siting Requirements:

NEW SECTION. Sec. 3. A new section is added to chapter 35A.21 23RCW to read as follows:

A code city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. Effective September 30, 2021, a code city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit. Reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety. Any such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each code city's projected need for such housing and shelter under RCW 36.70A.070(2)(a)(ii).

Projected Need Citation:

RCW 36.70A.070(2)(a)(ii):

(2) A housing element ensuring the vitality and character of established residential neighborhoods that:

(a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth, as provided by the department of commerce, including:

- (i) Units for moderate, low, very low, and extremely low-income households; and*
- (ii) Emergency housing, emergency shelters, and permanent supportive housing;*

Definitions:

RCW 36.70A.030 and 2020 c 173 s 4

(9) "Emergency housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

(10) "Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

(19) "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was

experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

WAC 458-16-320

(2)(e) "Transitional housing" means a facility that provides housing and supportive services to homeless individuals or families for up to two years and whose primary purpose is to enable homeless individuals or families to move into independent living and permanent housing.

Moratorium Limitation:

Sec. 5. *RCW 36.70A.390 and 1992 c 207 s 6 are each amended to read as follows:*

A county or city governing body that adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing on the proposed moratorium, interim zoning map, interim zoning ordinance, or interim official control, shall hold a public hearing on the adopted moratorium, interim zoning map, interim zoning ordinance, or interim official control within at least sixty days of its adoption, whether or not the governing body received a recommendation on the matter from the planning commission or department. If the governing body does not adopt findings of fact justifying its action before this hearing, then the governing body shall do so immediately after this public hearing. A moratorium, interim zoning map, interim zoning ordinance, or interim official control adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium, interim zoning map, interim zoning ordinance, or interim official control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

This section does not apply to the designation of critical areas, agricultural lands, forestlands, and mineral resource lands, under RCW 36.70A.170, and the conservation of these lands and protection of these areas under RCW 36.70A.060, prior to such actions being taken in a comprehensive plan adopted under RCW 36.70A.070 and implementing development regulations adopted under RCW 36.70A.120, if a public hearing is held on such proposed actions. This section does not apply to ordinances or development regulations adopted by a city that prohibit building permit applications for or the construction of transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed or prohibit building permit applications for or the construction of indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed.

Sources of City's Projected Need for Supportive Housing

7/6/2021 Planning Commission

Quantifying projected need for emergency housing and emergency shelters.

Staff used the "[2020 Seattle/King County Point-in-Time Count of Individuals Experiencing Homelessness](#)" report to extrapolate out the number of individuals experiencing homelessness in Southwest King County, based on the proportion of population of SeaTac relative to other jurisdictions grouped into Southwest King County. This document includes people both unsheltered and sheltered, such as those living in a shelter or vehicle at the time of the count. SeaTac comprised just over 5% of the total population of SW KC jurisdictions and was determined to have a relative population of persons experiencing homelessness of just over **99** persons, based on a SW KC total of 1,937 persons.

As noted in the report, inclement weather during the time of the count and in the period leading up to this time increased the difficulty of counting individuals. While this count is typically held annually in January, a 2021 count did not take place due to pandemic considerations. Due to this, staff recommends considering SeaTac's projected need as **100-150** individuals.

Quantifying projected need for transitional and permanent supportive housing.

Staff used data produced in the [Housing Inventory & Assessment Report \(HIAR\)](#) to identify populations most likely to benefit from transitional and/or permanent supportive housing based on cost burdened status and household income level. Specifically, staff identified persons in **renter** households, meeting **severely cost burdened** criteria (50%+ of income spent on housing), and at an income level of **very low income** or lower (<51% of Area Median Income, \$44,709 or less). It was determined that **2,593** persons met these criteria. (Data derived from ACS 2013-2017 5-yr avg, & 2018 King County AMI)

Also documented in the HIAR, the King County Housing Authority owns 802 units within the City of SeaTac. While these units are income based, it may be possible that some of these or other units within the city offer similar services as a permanent supportive housing facility.



MEMORANDUM COMMUNITY & ECONOMIC DEVELOPMENT

Date: June 15, 2021
To: Planning Commission
From: Jenn Kester, Planning Manager, and Neil Tabor, Associate Planner
Subject: Code Amendment: Transitional Housing, Permanent Supportive Housing, and Indoor Emergency Shelters and Housing (HB 1220)

Purpose:

This is a briefing to the Planning Commission on the code amendment project to gain compliance with recently passed State law on transitional housing, permanent supportive housing, and indoor emergency shelters and housing. No action is requested.

Background

In May of 2021 House Bills (HB) 1070 and 1220 were passed into law. House Bill 1070 (Attachment 3) expanded the ability to use local tax revenue for the acquisition and construction of affordable housing and related facilities and limiting the ability of municipalities to regulate siting of emergency shelters and housing, respectively. King County has subsequently announced intentions to purchase several hotels across the county with the intention of housing 1,600 people by the end of 2022.

Among other provisions, HB 1220 (see Key Excerpts, Attachment 1; full bill is Attachment 2) requires that cities to allow “transitional housing” and “permanent supportive housing” in any zoning designation that allows residential or hotel development. Furthermore, effective September 30, 2021, cities will be required to allow indoor emergency shelters and housing in any zone in which hotels are allowed, unless allowed in other zones as described below. Reasonable occupancy, spacing, and intensity of use standards may be placed on these types of developments to protect public health and safety; however, such standards cannot prevent the creation of facilities necessary to meet SeaTac’s projected need.

In April of 2021, the City Council adopted a six-month extension to the moratorium on establishing permanent overnight shelters and transitional housing (Ord. 21-1011). Section 5 of HB 1220 also limits the authority for a city to establish a moratorium for the transitional housing, permanent supportive housing, emergency shelter and housing uses authorized in HB 1220.

Analysis

The City Council, in adopting Ord. 21-1011, established a policy basis for adopting the moratorium on overnight shelters, transitional housing, and similar uses. In particular, the City Council noted that King County should collaborate with the City of SeaTac in establishing any facility. Further the City Council found that a permanent facility should be supported by programs and services

sufficient to support the occupants of new permanent facilities, and that existing programs and services within the City of SeaTac may not exist or be insufficient.

The SeaTac Municipal Code (SMC) currently limits Overnight Shelters and other supportive housing types to properties in certain zoning districts and requires each development to be approved through a conditional use permit (CUP), unless accessory to an existing Religious Facility. While the SMC currently identifies many different types of alternative housing, the nomenclature used in the SMC does not correspond directly with housing types (i.e. “transitional housing”, “permanent supportive housing”, “indoor emergency shelters”, and “indoor emergency housing”) identified in HB 1220.

The SMC does not currently address the provision of program and services to support the creation of the housing types identified in HB 1220. Based upon preliminary consultations with SeaTac’s human services staff, such programs and services may include the provision of on-site security, work counseling, medical services, drug treatment, and childcare. Further, HB 1220 allows for the review and creation of reasonable occupancy, spacing, and intensity of use requirements for these housing types, which could be established for each housing type.

Finally, HB 1220 requires that SeaTac allow the creation of indoor emergency shelters and indoor emergency housing in either: 1) any zone in which hotels are allowed, or 2) within a majority of zones within one mile of transit. This provision warrants further review, however preliminarily it appears that options “1)” and “2)” do not result in a material difference in where indoor emergency shelters and housing should be allowed.

PED Direction:

On May 27, 2021, the PED Committee initiated the Planning Commission’s review of a code amendment related to the implementation of HB 1220 related to transitional housing, permanent supportive housing, and indoor emergency shelters and housing ¹. Given the relatively short timeline provided by HB 1220, this amendment is being prioritized over other code amendments currently under review by the Planning Commission. The Planning Commission is to review draft code amendments to:

1. Establish definitions and use allowances for the housing types in HB 1220;
2. Ensure the provision of necessary programs and services to support occupants of these housing types; and,
3. Review and establish reasonable occupancy, spacing, and intensity of use requirements.

Furthermore, we will be exploring various requirements for any of these types of housing types including but not limited to requiring a Conditional Use Permit, limiting the number of units provided to match the needs of the city, requiring the operator to provide wraparound services to support any enhanced needs of residents, providing security for residents, providing cooking facilities for residents, and requiring that a stable funding source be available for the aforementioned services.

¹ HB 1220 also contains language that may require amendment of the SeaTac Comprehensive Plan at a later date.

Next Steps:

Staff from the CED and Legal Departments are working to develop maps showing zones impacted, an assessment of the quantity of special housing needed for SeaTac, wrap-around services needed, and performance standard options for Planning Commission review. Staff expects that the Planning Commission will discuss this information, review draft code language, and hold a public hearing in July and August. The review timeline is somewhat dependent on guidance that is expected to be forthcoming from various sources, such as the Municipal Research and Services Center (MRSC). Nonetheless, the intent is to have the Council adopt code amendments no later than their meeting on September 28, 2021.

Attached Items:

1. Key Excerpts from HB 1220
2. HB 1220
3. HB 1070

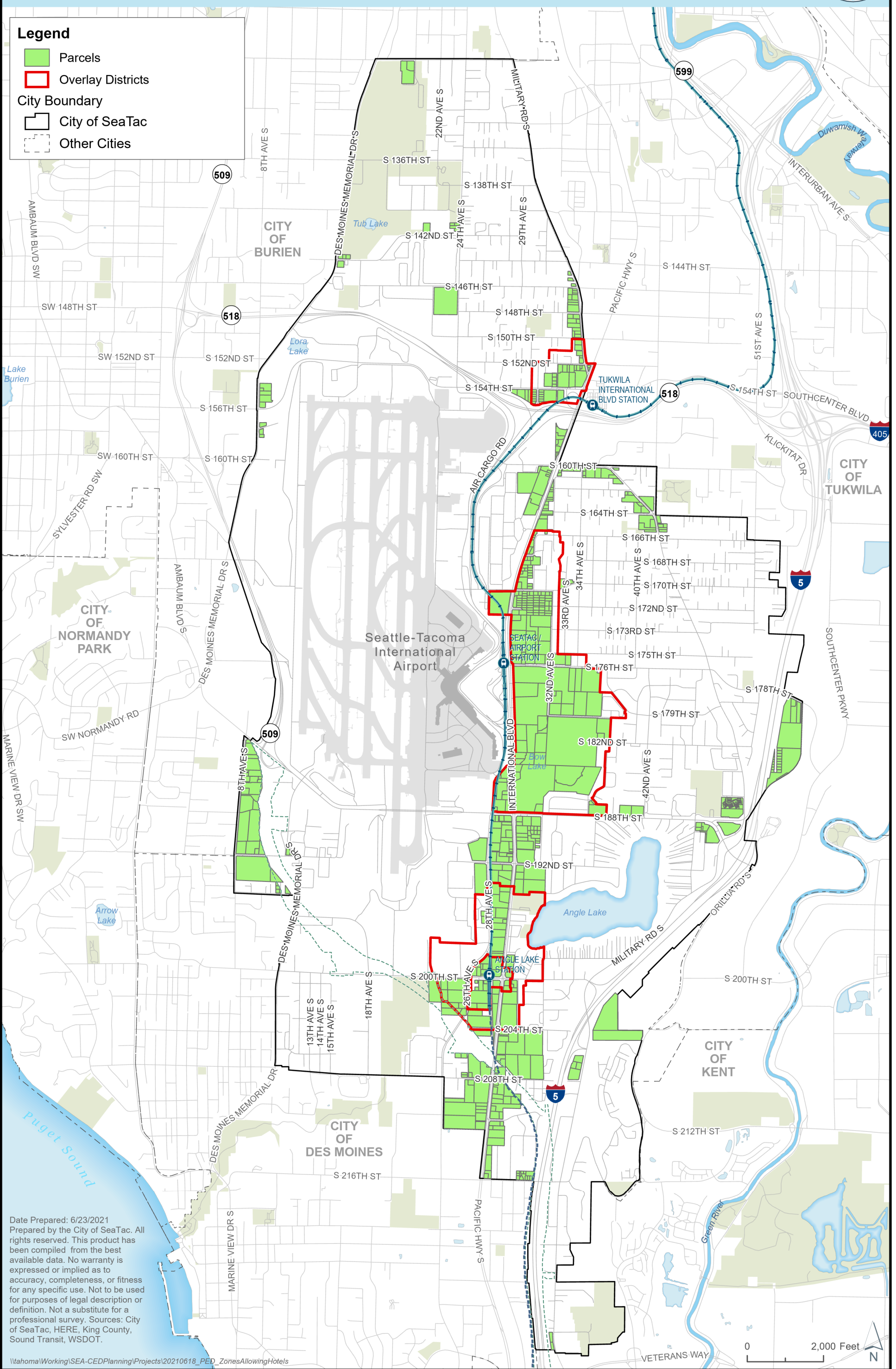
ZONES ALLOWING HOTELS, REQUIRED TO ALLOW EMERGENCY SHELTERS AND EMERGENCY HOUSING

City of SeaTac

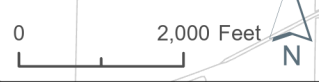


Legend

- Parcels
- Overlay Districts
- City Boundary
- City of SeaTac
- Other Cities



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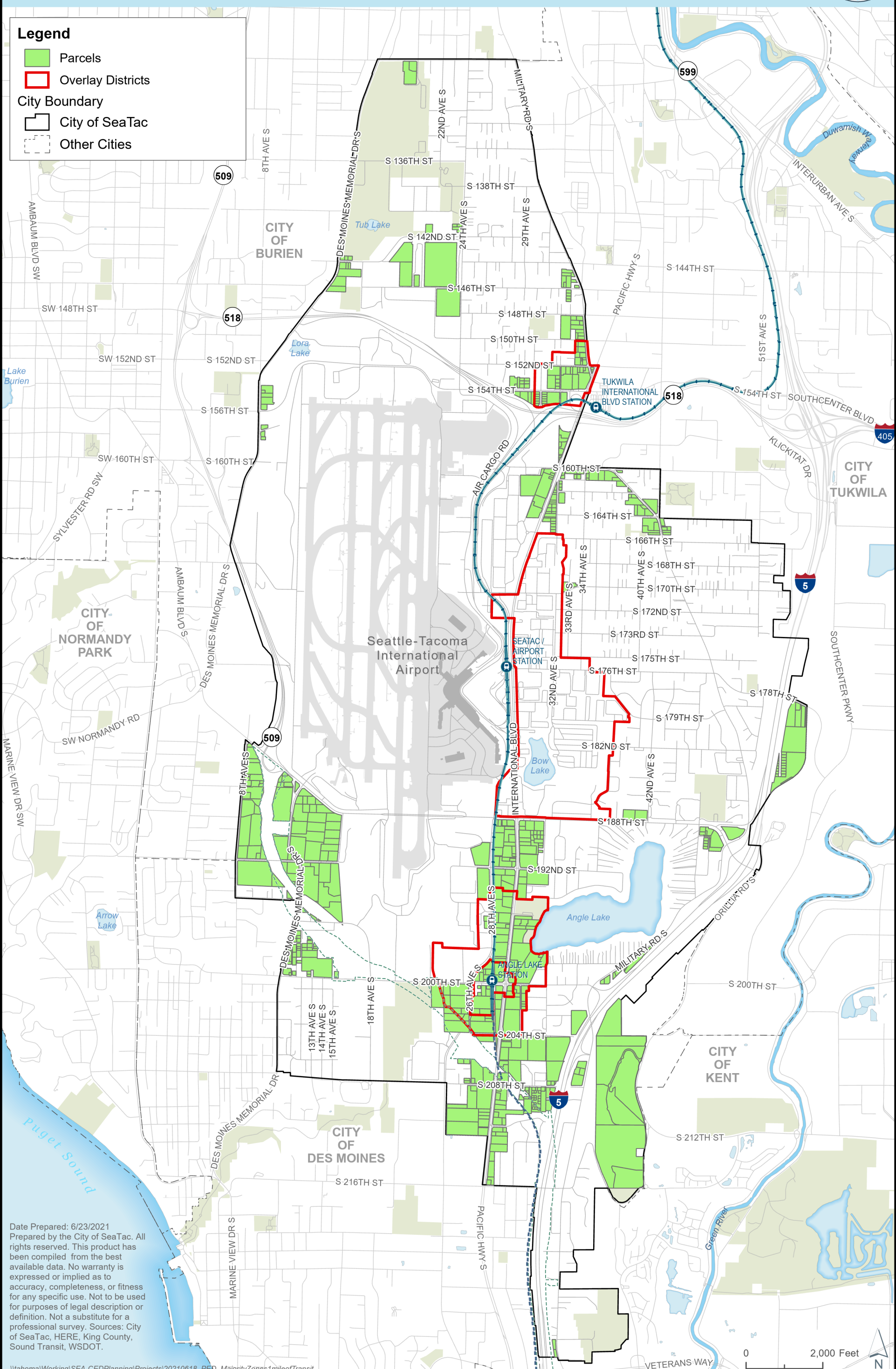
MAJORITY OF ZONES WITHIN 1 MILE OF TRANSIT, REQUIRED TO ALLOW EMERGENCY SHELTERS AND EMERGENCY HOUSING

City of SeaTac



Legend

- Parcels
- Overlay Districts
- City Boundary
- City of SeaTac
- Other Cities



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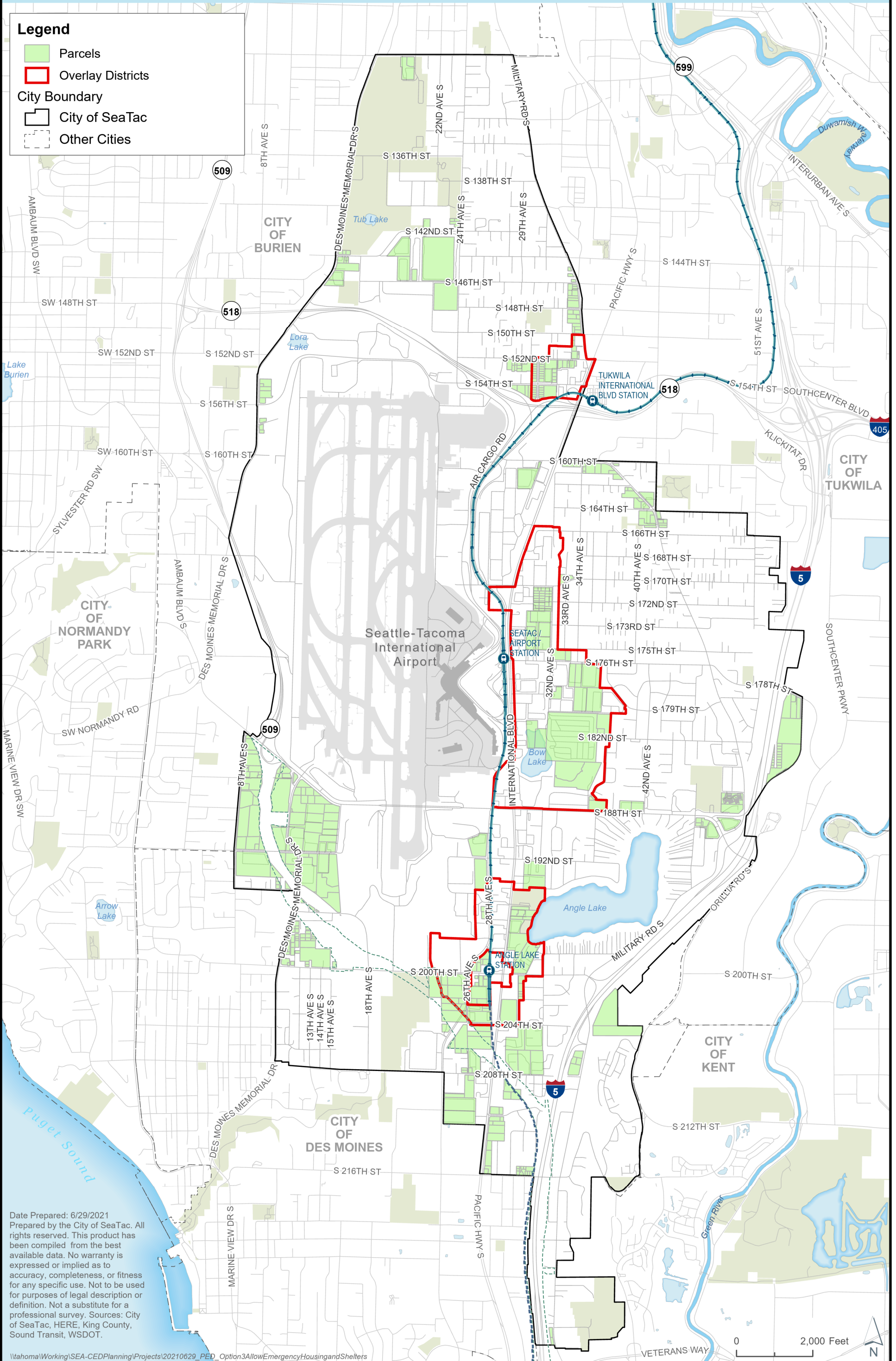
OPTION 3, PARCELS TO ALLOW EMERGENCY HOUSING AND EMERGENCY SHELTERS

City of SeaTac

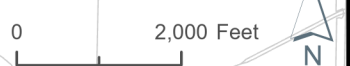


Legend

- Parcels
- Overlay Districts
- City Boundary
- City of SeaTac
- Other Cities



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ZONES ALLOWING PERMANENT SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING VS REQUIRED PER HB 1220

City of SeaTac

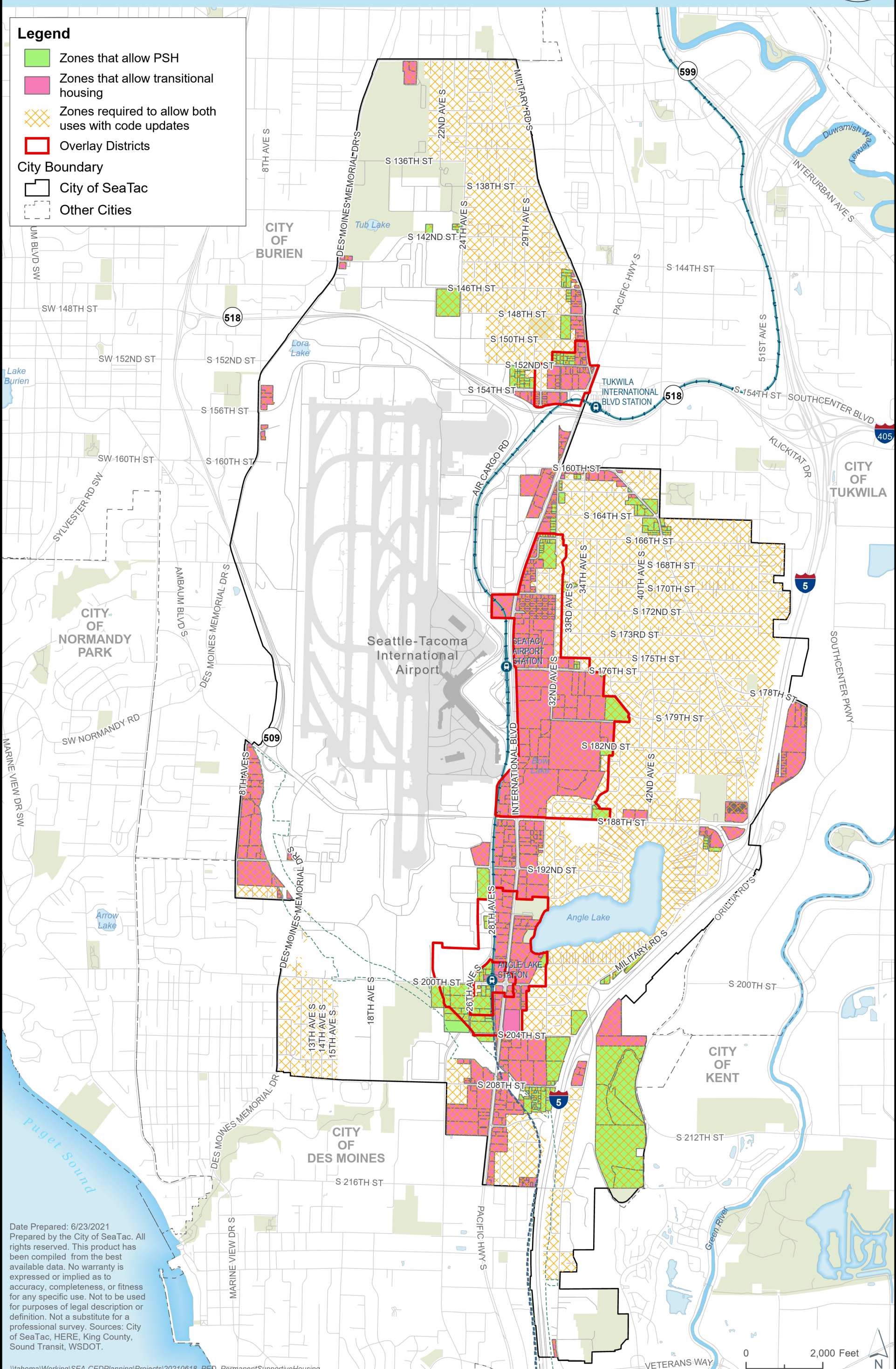


Legend

- Zones that allow PSH
- Zones that allow transitional housing
- Zones required to allow both uses with code updates
- Overlay Districts

City Boundary

- City of SeaTac
- Other Cities



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