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## MEMO

**DATE:** September 20, 2016  
**TO:** Planning and Sustainability Commission  
**FROM:** Phil Nameny  
**CC:** Joe Zehnder  
**SUBJECT:** Mass Shelters and Housing Zoning Code Update – September 27, 2016 Work Session

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At the conclusion of the hearing on Mass Shelters and Housing, members of the Planning and Sustainability Commission provided a set of potential issues/amendments to consider before their final recommendation on September 27. This memo provides the staff response to the potential amendments.

There were a total of nine suggestions made by commissioners. Of these, staff agrees with the suggestion for four items and has provided replacement amendments. The remaining five are not recommended for amendments. Three of these are not recommended by staff, because they fall outside of the project scope and have not had any analysis of their impact to other parts of the zoning code.

The table below summarizes the suggestions and staff's responses. In the cases where new code language is provided, replacement language has been attached.

Item #	Code Amendment Request	Staff Recommendation
1.	<u>Affordable Housing Review</u> Remove the proposed Type IIx option for Design or Historic Review of affordable housing projects.	Support – This amendment results in the removal of all amendments to 33.720, 33.825 and 33.846 (pg. 34-49 of Proposed Draft).



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2.	<p><u>Mass Shelters</u>  Allow a greater number of beds by right in certain C-zones.</p>	<p>Support — Increase number of shelter beds as-or-right to 75 in CS, CM, or CO2 zones (33.285.050.B.).</p> <p>Staff recommends 75 since</p> <ul style="list-style-type: none"> <li>• These zones generally are within neighborhoods and along corridors adjacent to residential zones.</li> <li>• 75 is a 3-fold increase over current allowances.</li> <li>• Shelters can be allowed to have more beds in these zones through a Conditional Use review.</li> </ul>
3.	<p><u>Short-term Housing and Mass Shelters</u>  Revise parking standard.</p>	<p>Support — 33.285.050 A &amp; B will be revised to indicate no parking is required.</p>
4.	<p><u>Transitional Housing (accessory use)</u>  Allow other institutional uses (schools, colleges, community services, medical centers) to host transitional housing</p>	<p>Support — See attached code for 33.920. Medical centers are already allowed to provide short-term occupancy, so no change is needed for that use.</p>
5.	<p><u>Mass Shelters</u>  Reduce the 600-ft separation requirement for ‘by-right’ shelters to 400-ft.</p>	<p>Neutral —</p> <ul style="list-style-type: none"> <li>• Need to address inconsistency this creates with established policy to avoid continued concentration of shelter uses in the Old Town area.</li> <li>• Not sure the further reduction has much impact since we did not receive testimony from shelter providers that 600-ft separation is a burden.</li> <li>• We did receive testimony against any reduction from 1300-ft. 600-ft is considered a compromise.</li> </ul>

6, 7.	<p><u>Transitional Housing (accessory use)</u>  Extend amount of time for a transitional housing unit from 180 to 365 days.</p>	<p>Do Not Support –</p> <ul style="list-style-type: none"> <li>• In the current zoning code, transitional housing is a temporary use in that it can only take place for a limited period of time without requiring permanent improvements.</li> <li>• Transitional housing units are allowed for 7 days and up to 180 days with a building code appeal. More than 180 days generally triggers a change of occupancy, which triggers permanent building improvements.</li> </ul>
7.	<p><u>Transitional Housing (accessory use)</u>  Allow institutions to provide transitional housing for up to 10 households where each household is up to 3 individuals.</p>	<p>Do not Support –</p> <ul style="list-style-type: none"> <li>• In the current Zoning Code, transitional housing is: <ol style="list-style-type: none"> <li>1. an accessory use to a primary use, in this case certain institutions.</li> <li>2. contains a limited number of units to ensure it is accessory to the institution.</li> </ol> </li> <li>• At some point an increase in the number of units has the impact of a secondary primary use instead of an accessory use to the institution.</li> <li>• Because of the definition of household, the current proposal for four units is more flexible and may allow more individuals than the proposed amendment for up to 10 3-person units.</li> <li>• This amendment would create an alternate definition of household for one specific regulation.</li> </ul>

8.	Increase the density standards for group living in residential zones. Rely on building code limits.	<p>Do Not Support —</p> <ul style="list-style-type: none"> <li>• Project focus was on short-term housing and shelter, not on permanent housing definitions nor on residential use categories.</li> <li>• No analysis has been done on how we define household and the relevant impacts on residential areas, and no public discussion has taken place on the subject.</li> <li>• Request may have merit but is outside of this scope and should be analyzed as a separate project.</li> </ul>
9.	Remove the definition of household or consider making it similar to some California cities.	

The following amendments to the Proposed Draft support Items #2-4 of the above table. Item #1 results in the removal of pages 34-49 from the Proposed Draft.

### **Items #2 and #3: Amendments to 33.285 – Short Term Housing and Mass Shelters**

Changes since Proposed Draft are highlighted in grey.

#### **33.285.050 Standards**

~~Adjustments to the standards of this section are processed as stated in Chapter 33.805, Adjustments.~~

- A. Short term housing.** Adjustments to the standards of this section are processed as stated in Chapter 33.805.
1. Existing structures and additions to existing structures. Short term housing provided in an existing structure is subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superseded by standards in this subsection. Sites that do not meet the development standards at the time of application are subject to the regulations of Section 33.258.070, Nonconforming Development.
  2. New structures. Short term housing provided in a new structure is subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superseded by standards in this subsection.
  3. Density. The density standards for Group Living in Section 33.239.030.A must be met.
  4. Hours of operation. The facility must be open 24 hours a day.
  5. Reservation/referral. Lodging must be provided on a reservation or referral basis so that clients will not be required or allowed to queue for services.
  6. Parking. No parking is required. The parking space requirements for Group Living apply to short term housing. If one or two spaces are provided, the development standards of 33.266.120 must be met. If 3 or more spaces are provided, the development standards of 33.266.130 must be met.
- B. Mass shelters.**
1. Maximum occupancy. Mass shelters may have up to one shelter bed per 35 square feet of floor area. Adjustments to this standard are prohibited.
  2. Density. Table 285-1 sets out the maximum number of shelter beds allowed within a facility and within 600~~1300~~ feet of the facility. If the site has split zoning, the smaller number applies. Adjustments to this standard are prohibited.

Table 285-1 Maximum Number of Shelter Beds for Mass Shelters	
Zone of Site	Maximum Number of Shelter Beds
EX, CX, and CG	<del>200</del> 100
CS, CM, and CO2	<del>75</del> 25
CN1, CN2, and CO1	<del>25</del> 15
RX and RH	<del>50</del> 25
R3 – R1, IR (1)	<del>15</del>

Notes:

[1] The mass shelter must be operated on the site of an existing Institutional Use.

3. Outdoor activities. All functions associated with the shelter, except for children's play areas, outdoor recreation areas, parking, and outdoor waiting must take place within the building proposed to house the shelter. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way, and must be large enough to accommodate the expected number of clients.
4. Hours of operation. To limit outdoor waiting, the facility must be open for at least 8 hours every day between 7:00 AM and 7:00 PM.
5. Supervision. On-site supervision must be provided at all times.
6. Toilets. At least one toilet must be provided for every 15 shelter beds.
7. Development standards. The development standards for residential development in the base zone, overlay zone, or plan district apply to mass shelters, unless superseded by standards in this subsection.
8. Parking. ~~No parking is required~~The parking space requirements for Community Service uses apply to mass shelters.

**Item #4: Amendments to 33.920 - Use Categories**

Changes since Proposed Draft are highlighted in grey.

**Institutional Use Categories**

**33.920.400 Basic Utilities [No change.]**

**33.920.410 Colleges**

- A. **Characteristics.** This category includes colleges and other institutions of higher learning which offer courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks.

- B. **Accessory Uses.** Accessory uses include offices, housing for students, up to four transitional housing units, food service, food membership distribution, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial. A transitional housing unit is a housing unit for one household where the average length of stay is less than 180 days. A transitional housing unit does not need to be within a building, but it does need to include access to sanitation facilities.
- C. **Examples.** Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.
- D. **Exceptions.** Business and trade schools are classified as Retail Sales And Service.

### 33.920.420 Community Services

- A. **Characteristics.** Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide mass shelter or short term housing where tenancy may be arranged for periods of less than one month when operated by a public or non-profit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.
- B. **Accessory uses.** Accessory uses may include offices, meeting areas, food preparation areas, food membership distribution, parking, health and therapy areas, daycare uses, and athletic facilities, and up to four transitional housing units. A transitional housing unit is a housing unit for one household where the average length of stay is less than 180 days. A transitional housing unit does not need to be within a building, but it does need to include access to sanitation facilities.
- C. **Examples.** Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, ambulance stations, drug and alcohol centers, social service facilities, mass shelters or short term housing when operated by a public or non-profit agency, vocational training for the physically or mentally disabled, crematoriums, columbariums, mausoleums, soup kitchens, park-and-ride facilities for mass transit, and surplus food distribution centers.
- D. **Exceptions.**
  1. Private lodges, clubs, and private or commercial athletic or health clubs are classified as Retail Sales And Service. Commercial museums (such as a wax museum) are in Retail Sales And Service.
  2. Parks are in Parks And Open Areas.
  3. Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential, and are classified as Household or Group Living.
  4. Public safety facilities are classified as Basic Utilities.

**33.920.430 Daycare [No change.]**

**33.920.450 Medical Centers [No change.]**

**33.920.460 Parks And Open Areas [No change.]**

**33.920.470 Religious Institutions**

- A. **Characteristics.** Religious Institutions are intended to primarily provide meeting areas for religious activities.
- B. **Accessory uses.** Accessory uses include Sunday school facilities, food membership distribution, parking, caretaker's housing, up to four~~one~~ transitional housing units, and group living facilities such as convents. A transitional housing unit is a housing unit for one household where the average length of stay is less than 180~~60~~ days. A transitional housing unit does not need to be within a building, but it does need to include access to sanitation facilities.
- C. **Examples.** Examples include churches, temples, synagogues, and mosques.

**33.920.480 Schools**

- A. **Characteristics.** This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education.
- B. **Accessory uses.** Accessory uses include play areas, cafeterias, recreational and sport facilities, athletic fields, auditoriums, food membership distribution, ~~and~~ before- or after-school daycare, and up to four transitional housing units. A transitional housing unit is a housing unit for one household where the average length of stay is less than 180 days. A transitional housing unit does not need to be within a building, but it does need to include access to sanitation facilities.
- C. **Examples.** Examples include public and private daytime schools, boarding schools and military academies.
- D. **Exceptions.**
  - 1. Preschools are classified as Daycare uses.
  - 2. Business and trade schools are classified as Retail Sales and Service.