

ORDINANCE NO. 1750

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to zoning and the regulation of emergency housing, emergency shelter and permanent supportive housing, amending chapters 18.01, 18.52 and 18.210 and adding and codifying a new chapter entitled "*Supportive Housing Standards*" to the Des Moines Municipal Code.

WHEREAS, in 2021, the Washington State Legislature passed Engrossed Second Substitute House Bill 1220 (ESSHB 1220), as codified in chapters 35.21, 35A.21 and 36.70A RCW, which requires cities like Des Moines to allow development of permanent supportive housing and transitional housing in all land use districts where residential dwellings and/or hotels are allowed, and

WHEREAS, ESSHB 1220 also requires cities to allow emergency housing and emergency shelter in all zoning districts where hotels are allowed, and

WHEREAS, ESSHB 1220 became effective on July 25, 2021 and requires cities to regulate permanent supportive housing and transitional housing consistent with ESSHB 1220 on that date, and

WHEREAS, cities are required to regulate emergency housing and emergency shelter consistent with ESSHB 1220 by September 30, 2021, and

WHEREAS, the City of Des Moines Zoning Code currently does not define or regulate permanent supportive housing, transitional housing, emergency housing or emergency shelter as distinct land uses, and

WHEREAS, Comprehensive Plan Policy HOU 1.1 and 1.2 directs the City to provide, through land use regulation, an appropriate mix of housing types to accommodate Des Moines' projected share of population growth, and

WHEREAS, Comprehensive Plan Policy HOU 1.2 directs the City to assist regional and multi-jurisdictional efforts to address the region's need for low and moderate income housing, and special-needs housing, and

WHEREAS, the Comprehensive Plan Housing Element states that 15.2 percent of Des Moines' population lives at or below the poverty level (very-low income), and

WHEREAS, Comprehensive Plan Implementation Strategies HOU 1.2.1-1.2.3 direct the City to work cooperatively with other King County cities/agencies to address regional housing issues and encourage affordable housing in all neighborhoods throughout the City, particularly in proximity to transit, employment and/or educational opportunities, and

WHEREAS, the City Council Economic Development Committee directed City staff to prepare an ordinance addressing ESSHB 1220 for City Council consideration, and

WHEREAS, the changes proposed by this ordinance have been processed in accordance with the requirements of the State Environmental Policy Act (SEPA), a final determination of non-significance was issued by the responsible official, and the appropriate comment and appeal periods have expired, and

WHEREAS, the textual code amendments proposed in this Draft Ordinance were provided to the Department of Commerce as required by RCW 36.70A.106, and

WHEREAS, notice of the public hearing was provided on August 13, 2021 in accordance with the DMMC, and

WHEREAS, a public hearing was held on September 2, 2021 where all persons wishing to be heard were heard, and

WHEREAS, the City Council finds that the Title 18 DMMC amendments contained in this Ordinance comply with the requirements of chapter 36.70A RCW and are appropriate and necessary; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. DMMC 18.01.050, *Definitions*, and section 5 of Ordinance No. 1591, as amended by section 1 of Ordinance No. 1628, as amended by section 1 of Ordinance No. 1655, as amended by section 3 of Ordinance No. 1661, as amended by section 3 of Ordinance No. 1669, as amended by section 15 of Ordinance No. 1671, as amended by section 1 of Ordinance No. 1697, as amended by section 3 of Ordinance 1714, as amended by section 2 of Ordinance 1719 shall be amended to add the following 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.

"Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

"Permanent Supportive Housing" means 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

Hotels					P/L {19}						
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~~19. Hotels. This regulation applies to all parts of Table 18.52.010A that have a [19].~~

~~Hotels shall be permitted; provided:~~

~~(a) Restaurants, cocktail lounges, and specialty shops are permitted accessory uses; provided, the floor area devoted to such uses shall not exceed 20 percent of the total floor area and entry to such uses shall be from within the main building;~~

~~(b) All buildings and structures shall maintain a distance of not less than 20 feet from any lot in a Residential Zone; and~~

~~(c) A solid wall or view-obscuring fence or hedge not less than five feet nor more than six feet in height shall be erected and maintained on any exterior boundary line which is a common property line with residential property when such residential property is used only for residential purposes, except that on any portion of such common property line constituting the depth of the required front yard on the residential property such fence, wall, or hedge shall not be less than 36 inches nor more than 42 inches in height.~~

51. Supportive Housing. This regulation applies to all parts of Table 18.52.010A that have a [51]. Permanent supportive housing and transitional housing may locate in the City subject to the requirements of chapter 18.140, section 8 of this Ordinance and other related provisions of this Title.

Sec. 3. DMMC 18.52.010B, and those parts of the Commercial Use Chart and Limitations 91 and 92, and section 133 of Ordinance No. 1591 as amended by section 12 of Ordinance No. 1601 as amended by section 8 of Ordinance 1618-A as amended by section 2 of Ordinance No. 1644 as amended by section 1 of Ordinance No. 1645 as amended by section 8 of Ordinance 1655 as amended by section 4 of Ordinance No 1656 as amended by section 2 of Ordinance No. 1661 as amended by section 2 of Ordinance 1669 as amended by section 1 of Ordinance No. 1672 as amended by section 3 of Ordinance No. 1697 as amended by section 1 of Ord. 1701 as amended by section 2 of Ordinance 1714 as amended by section 1 of Ordinance 1719 as amended by section 9 of Ordinance 1737 shall be amended to read as follows:

Use is:	N-C	I-C	B-P	C-C	D-C	H-C	PR-C	T-C	W-C	N-C	I-C
P: Permitted											
P/L: Permitted but with special limitatio ns											
CUP: Condition al use review required											
UUP: Unclassif ied use review required											
Emergency Housing / Emergency Shelter	CUP/ L [91]	CUP/ L [91]		CUP/ L [91]	CUP/ L [91]	CUP/L [91]	CUP/ L [91]	CUP/ L [91]	CUP/ L [91]	CUP/ L [91]	CUP/ L [91]
Permanent Supportive Housing / Transition al Housing	CUP/L [92]	CUP/L [92]		CUP/L [92]	CUP/L [92]	CUP/L [92]	CUP/L [92]	CUP/L [92]	CUP/L [92]	CUP/L [92]	CUP/L [92]

91. Emergency Housing and Emergency Shelter. This regulation applies to all parts of Table 18.52.010A that have a [91].

Emergency Housing and Emergency Shelter shall subject to the requirements of chapter 18.140, section 8 of this Ordinance and other related provisions of this Title.

92. Permanent Supportive Housing. This regulation applies to all parts of Table 18.52.010A that have a [92].

Permanent supportive housing shall be subject to the requirements of chapter 18.140, section 8 of this Ordinance and other related provisions of this Title.

(a) The Hearing Examiner may approve equal square footage of common recreation space in lieu of private recreation space requirements.

NEW SECTION. **Sec. 4. Title.** This chapter shall be entitled "Supportive Housing Standards."

NEW SECTION. **Sec. 5. Application.** This chapter shall apply to all emergency housing, emergency shelters, permanent supportive housing, and transitional housing in buildings or other permanent structures.

NEW SECTION. **Sec. 6. Purpose.** The purpose of this section is to establish standards for the operation of supportive housing facilities within the City. For the purpose of this section, "supportive housing facilities" includes only emergency housing, emergency shelters, permanent supportive housing, and transitional housing in buildings or other permanent structures. These regulations are intended to protect public health and safety by requiring safe operations of supportive housing facilities for both the residents of such facilities and the broader community. This section does not include regulations for homeless encampments regulated by DMMC 18.170.080 and essential public facilities regulated by chapter 18.255 DMMC.

NEW SECTION. **Sec. 7. Authority.** This chapter is established to regulate the siting of emergency housing, emergency shelters, permanent supportive housing, and transitional housing.

NEW SECTION. **Sec. 8. Performance Standards.**

(a) General Requirements for all Supportive Housing Facilities.

(i) When a site includes more than one supportive housing facility, the more restrictive requirements of this section shall apply.

(ii) Specific needs of each facility shall be reviewed pursuant to the conditional use permit process in chapter 18.140 DMMC.

(iii) All supportive housing facilities shall comply with the Des Moines Municipal Code, including but not limited to Title 14 Buildings and Construction and Title 18 Zoning.

(iv) Facilities shall meet the following locational criteria:

(A) Facilities shall be located within one quarter mile from a transit stop.

(B) Facilities shall be located at least one-half mile from another supportive housing facility.

(C) Facilities shall be located at least 1,000 feet from an elementary, middle or high school, or other supportive housing facility, unless permitted as a family or youth shelter. For the purposes of this subsection, distance shall be measured in a straight line between the closest property line of the existing facility or school and the closest property line of the proposed facility.

(v) Facilities shall match the bulk and scale of residential uses allowed in the zone where the facility is located. The design, construction, appearance, physical integrity, and maintenance of the facility shall provide an environment that is attractive, sustainable, functional, appropriate for the surrounding community, and conducive to tenants' stability.

(vi) Project design shall enhance personal safety and security through implementation of CPTED (Crime Prevention through Environmental Design) Principals.

(vii) The sponsor and/or managing agency shall ensure compliance with Washington State laws and regulations, the DMMC, and King County health department regulations. The sponsor and/or managing agency shall permit inspections by local agencies and/or departments to ensure such compliance and shall implement all directives resulting therefrom within the specified time period.

(viii) The required number of off-street parking spaces for each facility shall meet the requirements of chapter 18.210 DMMC.

(ix) An operations plan must be provided at the time of application by the sponsor and/or managing agency that addresses the following elements to the satisfaction of the City:

(A) Name and contact information for key staff;

(B) Roles and responsibilities of key staff;

(C) Site/facility management, including a security and emergency plan;

(D) Site/facility maintenance;

(E) Occupancy policies, including resident responsibilities and a code of conduct that address, at a minimum, the prohibition on the use or sale of alcohol and illegal drugs, threatening or unsafe behavior, and weapon possession.

(F) Provision of human and social services, including staffing plan and outcome measures;

(G) Outreach plan with surrounding property owners and residents and ongoing good neighbor policy; and

(H) Procedures for maintaining accurate and complete records.

(I) A description of provisions for transit, pedestrian, and bicycle access from the subject site to services shall be provided at time of application by the sponsor and/or managing agency.

(b) Specific requirements for Emergency Housing and Emergency Shelters, in addition to the requirements of subsection (a) of this section.

(i) Facilities shall meet the following capacity and density requirements:

(A) Emergency Housing shall be limited to no more than 20 units, or 20 residents in a facility without separate units, in the D-C, C-C, H-C and I-C Zones. Facilities within the PR-R, PR-C, T-C and W-C Zones shall be permitted at the zoned density.

(B) Emergency Shelters shall limit capacity to no more than one adult bed per 40 square feet of floor area per facility with up to 20 residents permitted in the D-C, C-C, H-C and I-C Zones and up to 80 residents in the PR-R, PR-C, T-C and W-C Zones.

(ii) Residents shall have access to the following services on-site; if not provided on-site, transportation shall be provided:

(A) For all facilities, medical services, including mental and behavioral health counseling.

(B) For emergency housing facilities, access to resources on obtaining permanent housing and access to employment and education assistance.

(C) For emergency shelter facilities, substance abuse assistance.

(c) Specific requirements for Permanent Supportive Housing and Transitional Housing in addition to the requirements of subsection (a) of this section.

(i) Facilities shall meet the following capacity and density requirements:

(A) A maximum of 8 residents shall be permitted the Single Family Zones (RS-15,000, RS-9,600, RS-8,400, RS-7,200, and RS-4,000) and R-SE Zone, and facilities are subject

to the development standards of the zone that the facility is located.

(B) A maximum of 40 units shall be permitted in the Multifamily Residential Zones (RA-3,600, RM-2,400, RM-1,800, RM-900, RM-900A and RM-900B) and in the C-C, D-C, H-C, I-C, and N-C Zones.

(C) Facilities located in the PR-R, PR-C, T-C and W-C Zones shall comply with the density requirements of the underlying zone.

(ii) Facilities shall be required to meet the design requirements of chapter 18.235 DMMC.

(a) On-site recreation area shall be provided as specified in chapter 18.155 DMMC. The Hearing Examiner may approve equal square footage of common recreation space in lieu of private recreation space requirements.

(iii) All residents shall have access to appropriate cooking and hygiene facilities.

(iv) Facilities serving more than five dwelling units shall have dedicated spaces for residents to meet with service providers.

(v) Residents shall have access to the following services on-site; if not provided on-site, transportation shall be provided:

(A) Medical services, including mental and behavioral health counseling.

(B) Employment and education assistance.

Sec. 9. DMMC 18.210.090(15) and section 513 of Ordinance No. 1591, as amended by Section 16 of Ordinance No 1601, as amended by section 12 of Ordinance No 1618-A, as amended by section 19 of Ordinance No 1655 as amended by section 5 of Ordinance No. 1656 shall be amended to add the following:

Sec. 12. Effective date. This Ordinance shall take effect and be in full force five (5) days after its final approval by the Des Moines City Council in accordance with law.

PASSED BY the City Council of the City of Des Moines this 17th day of September and signed in authentication thereof this 17th day of September, 2021.




M A Y O R

APPROVED AS TO FORM:

/s/ Tim George
City Attorney

ATTEST:



City Clerk

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