



City of Redmond

15670 NE 85th Street
Redmond, WA

Memorandum

Date: 8/17/2021
Meeting of: City Council

File No. AM No. 21-134
Type: New Business

TO: Members of the City Council
FROM: Mayor Angela Birney
DEPARTMENT DIRECTOR CONTACT(S):

Planning and Community Development	Carol Helland	425-556-2107
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DEPARTMENT STAFF:

Planning and Community Development	Beverly Mesa-Zendt	Deputy Director
Planning and Community Development	Sarah Pyle	Community Development & Implementation Manager
Planning and Community Development	Kim Dietz	Principal Planner

TITLE:

Adoption of an Ordinance for the Interim Official Control Regulating Permanent Supportive Housing, Transitional Housing, Emergency Housing, and Emergency Shelters

1. Ordinance No. 3059: An Ordinance of the City of Redmond, Washington, Imposing an Interim Official Control to Amend Article I, Article II, and Article VII of the Redmond Zoning Code to Align Homeless Shelter Regulations with State Adopted Definitions and to Implement the Preemption Adopted by House Bill 1220 that Allows Permanent Supportive Housing and Transitional Housing in All Zoning Districts Where Residential Dwellings and/or Hotels are Allowed and to Allow Emergency Housing and Emergency Shelters in All Zoning Districts Where Hotels are Allowed, Setting the Date for a Public Hearing on the Interim Official Control, Providing for Severability and Establishing an Effective Date

OVERVIEW STATEMENT:

Adoption of an ordinance imposing Interim Official Control to amend portions of the Redmond Zoning Code (RZC) to align City homeless shelter regulations with state adopted definitions and to implement the preemption adopted by House Bill (HB) 1220 that allows Permanent Supportive Housing and Transitional Housing in all zoning districts where residential dwellings and/or hotels are allowed, and to allow Emergency Housing and Emergency Shelters in all zoning districts where hotels are allowed, for conformance and consistency with state law; setting the date for a public hearing on the Interim Official Control providing for severability; and establishing an effective date.

☐ **Additional Background Information/Description of Proposal Attached**

REQUESTED ACTION:

☐ **Receive Information** ☐ **Provide Direction** ☒ **Approve**

REQUEST RATIONALE:

- **Relevant Plans/Policies:**
Revised Code of Washington (RCW), HB 1220, Comprehensive Plan, Human Services Strategic Plan, Housing Action Plan, and Community Strategic Plan.
- **Required:**
The Interim Official Control is necessary to increase alignment of the Redmond Zoning Code's provision of Social Assistance, Welfare, and Charitable Services (RZC) with Washington State HB 1220, which became effective on July 25. On that date, the new state law mandated that cities allow permanent supportive housing and transitional housing in all zoning districts where residential dwellings and/or hotels are allowed. In addition, and by September 30, HB 1220 requires that cities allow indoor emergency shelters and indoor emergency housing in all zoning districts where hotels are allowed. The amendments proposed herein reflect greater alignment with the new state laws and provide for a limited number of implementing standards consistent with the City's vision, goals, policies, and strategic plans.

Since this is an interim official control, a public hearing will be required within 60 days of the enactment of this Ordinance. Council is also asked to initiate the development and processing of permanent regulations during the effective period of this Ordinance.

- **Council Request:**
N/A
- **Other Key Facts:**
N/A

OUTCOMES:

HB 1220 was signed into law in May 2021 and went into effect on July 25, 2021. In part, the bill amends several sections in the Growth Management Act, chapter 36.70A RCW, and the Code City provisions, chapter 35A.21 RCW, to require cities to implement the following:

- Allow permanent supportive housing and transitional housing in all zoning districts where residential dwellings and/or hotels are allowed; and
- Allow indoor emergency housing and indoor emergency shelter in all zoning districts where hotels are allowed.

HB 1220 also grants cities the limited ability to impose reasonable regulations regarding spacing, occupancy, and intensity of use standards to protect public health and safety. The City's ability to prohibit these uses in any of the identified zones has been preempted by the state.

Though these types of land uses are currently supported by human service and housing policies and by land use regulations for social assistance, welfare, and charitable services, the Redmond Zoning Code does not define nor clarify the provisions through which permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelter are permitted consistent with HB 1220. Therefore, interim amendments to the RZC are necessary to enhance alignment with and provide necessary guidance for implementation that is consistent with the new legislation, the city's Comprehensive Plan, Human Services Strategic Plan, Housing Action Plan and Community Strategic Plan.

Consistent with HB 1220, the Interim Official Control would add appropriate use chart notes clarifying that permanent supportive housing and transitional housing uses are permitted in the zoning districts where residential dwellings and/or hotels are allowed, subject to applicable land use approvals.

- Permanent Supportive Housing and Transitional Housing Permanent supportive housing, as defined under RCW 36.70A.030(16):
 - ... *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 residents' 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.*
- Transitional housing, as defined under RCW 84.36.043:
 - *A project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.*

HB 1220 also included two new definitions for the Growth Management Act, per RCW 36.70A.030. Consistent with HB 1220, the Interim Official Control would add appropriate use chart notes clarifying that emergency housing and emergency shelters are permitted in the zoning districts where hotels are allowed, subject to applicable land use approvals.

- Emergency Housing:
 - *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:
 - *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.*

Notice and a public hearing are not necessary prior to adoption of an interim official control, to allow for the regulations to be put in place quickly. However, a public hearing must be held within 60 days of its adoption. In addition, the Growth Management Act, RCW 36.70A.390, states that this Interim Official Control may be effective for one year if a work plan is adopted, and if necessary, may be renewed for one or more six-month period if a subsequent public hearing is held and findings of fact are made prior to each successive renewal.

A redlined strike-draft of the Interim Official Control is included as Attachment A.

The ordinance, Attachment B, provides for the amendments made by the Interim Official Control to be consolidated with

the Redmond Zoning Code Rewrite that will be presented to the Planning Commission shortly for review and recommendation to the Council.

COMMUNITY/STAKEHOLDER OUTREACH AND INVOLVEMENT:

- **Timeline (previous or planned):**
Adoption is requested on the night of introduction as an emergency official control. This will ensure expeditious compliance with state law provisions that went into effect in July.
- **Outreach Methods and Results:**
Outreach will be conducted over the next six months, during development of the permanent regulations.
- **Feedback Summary:**
N/A

BUDGET IMPACT:

Total Cost:

There is no fiscal impact associated with this proposed amendment to the Redmond Zoning Code. Staff working on this amendment are funded through the adopted budget.

Approved in current biennial budget: ☐ Yes ☐ No ☒ N/A

Budget Offer Number:

000250 - Community and Economic Development

Budget Priority:

Vibrant and Connected

Other budget impacts or additional costs: ☐ Yes ☐ No ☒ N/A

If yes, explain:

N/A

Funding source(s):

General Fund

Budget/Funding Constraints:

N/A

☐ Additional budget details attached

COUNCIL REVIEW:

Previous Contact(s)

Date	Meeting	Requested Action
N/A	Item has not been presented to Council	N/A

Proposed Upcoming Contact(s)

Date	Meeting	Requested Action
10/5/2021	Business Meeting Hold Public Hearing	Receive Information

Time Constraints:

The Interim Official Control is necessary to bring the Redmond Zoning Code (RZC) into conformance with Washington State House Bill (HB) 1220, which became effective on July 25, 2021. On that date, the new state law mandated that cities allow permanent supportive housing and transitional housing in all zoning districts where residential dwellings and/or hotels are allowed. In addition, and by September 30, 2021, HB 1220 requires that cities allow indoor emergency shelters and indoor emergency housing in all zoning districts where hotels are allowed.

ANTICIPATED RESULT IF NOT APPROVED:

This Interim Official Control is necessary to bring the Redmond Zoning Code (RZC) into conformance with state law. In the absence of regulatory specificity at the local level, applicants for development of residential dwellings and for the provision of essential community services would not have access to the clarity and provisions proposed herein.

ATTACHMENTS:

- A. Redlined strike-draft of the Interim Official Control
- B. Ordinance