

## City Council Regular Meeting - 07 Dec 2020

**SUBJECT/TITLE:** **Adopt the Following Interim Zoning Controls: Clarifying Hotel, Social Service Organizations, and Diversion Facility Land Use Definitions; Defining and Establishing Regulations for Homeless Service Land Uses; and Amending the Commercial Arterial (CA) Zoning District to Allow One COVID-19 Deintensification Shelter to Temporarily Operate**

**RECOMMENDED ACTION:** Council Concur

**DEPARTMENT:** Community & Economic Development Department

**STAFF CONTACT:** C. E. "Chip" Vincent, CED Administrator

**EXT.:** 6588

**FISCAL IMPACT SUMMARY:**

N/A

**SUMMARY OF ACTION:**

The Department of Community and Economic Development requests adoption of an emergency interim zoning control ordinance. Within that ordinance, staff recommend amending Renton Municipal Code Title IV by adding "homeless services use" and "extended-stay hotel," as land uses, along with associated definitions, applicable standards, and identified zones in which the uses are permitted, conditionally permitted, or prohibited, in addition to any other locational restrictions as may be stated. Furthermore, staff recommend clarifying the definitions of "diversion facility," "hotel" and "social service organization" while also eliminating the definition of "diversion interim service facility." Additionally, staff recommend allowing a single COVID-19 de-intensification facility in the Commercial Arterial (CA) zone for a temporary period. Finally, staff recommend that the Council direct staff to further investigate these matters and to prepare and present recommended permanent legislation.

**EXHIBITS:**

- A. Memo to Council
- B. Draft Ordinance

**STAFF RECOMMENDATION:**

Approve the emergency ordinance adopting interim zoning controls and direct staff to further investigate the matters and prepare and present recommended permanent legislation.



DEPARTMENT OF COMMUNITY  
& ECONOMIC DEVELOPMENT AND  
DEPARTMENT OF COMMUNITY SERVICES

M E M O R A N D U M

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DATE: December 3, 2020

TO: Ruth Pérez, Council President  
Members of Renton City Council

VIA: Armondo Pavone, Mayor

FROM: C.E. "Chip" Vincent, CED Administrator, ext. 6588  
Kelly Beymer, Community Services Administrator, ext. 6617

SUBJECT: **Draft Ordinance: Interim Zoning Control – Homeless Shelters**

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**INTRODUCTION:**

During its November 23, 2020 regular meeting, the City Council held a public hearing on the following matter: "Emergency Ordinance – Interim Zoning Controls – Homeless Shelters." The then-current draft of the proposed ordinance was included in the Council's November 23, 2020 agenda materials and made available to the public.

Prior to, during, and following the public hearing, the Council and City staff have received valuable input from the public regarding the proposed ordinance. City staff have reviewed the public's input and prepared an updated draft of the proposed ordinance. The updated draft is included in the Council's December 7, 2020 agenda materials.

Meanwhile, some of the public comment and media coverage regarding the proposed ordinance contain misunderstandings about the purpose and effect of the ordinance. Accordingly, this memorandum describes and clarifies the December 7 draft of the proposed ordinance.

Discussion follows on the next page.

## **DISCUSSION:**

### **A. The Ordinance's Relationship to King County's and DESC's Operations at the Renton Red Lion Property.**

- 1. Adopting the ordinance as an “emergency” allows immediate legal relief to the DESC operations at the Renton Red Lion property, which is currently operating illegally at the site. It also responds to the urgent needs associated more generally with homelessness by allowing new homeless shelters to be situated in the City under a permitting process.**

Currently, the Renton Municipal Code does not allow a COVID-19 deintensification shelter to lawfully operate in the Red Lion property's zoning district (Commercial Arterial (CA)). King County's unilateral relocation of the DESC shelter to a Commercial Arterial-zoned property without any coordination with the City and unwillingness to comply with code enforcement efforts by the City highlight the need for direct legislation. Without this legislation, the City Administration will be required to continue to enforce the current code through expensive and time-consuming litigation.

Adopting this ordinance as an “emergency” allows the Council to take immediate ameliorative action to convert DESC's operations at the Renton Red Lion property from illegal to lawful under the City's zoning code. Such immediate action cannot occur under the ordinary timeframes associated with adopting development regulations.

More broadly, the City's zoning code did not anticipate the primary use of a property being an overnight homeless shelter. This emergency ordinance defines for the first time what an overnight shelter is and how such a use will be regulated throughout the City.

Although City staff is not aware of any planned new long-term overnight shelters in the City, without this emergency interim legislation, the City Administration will be required to deny new shelters from being established and/or take code enforcement action against those that may be established in defiance of the City's code or on the basis of erroneous interpretations of the existing code.

The City recognizes that homelessness is a regional problem that requires urgent attention, but shelters such as the one at the Red Lion hotel has the imminent potential to lead to health and safety risks in the community and create uncertainty for residents of illegally operated shelters. By adopting interim regulations (as opposed to a moratorium) while further legislation is being developed, an anticipated new shelter operator could begin a permitting process without waiting for the normal time consuming process to elapse for permanent zoning changes.

**2. The ordinance does not require DESC residents to be evicted. The ordinance provides King County and DESC significantly additional time to relocate the shelter to a lawful location.**

If King County and DESC take action to relocate the Renton Red Lion shelter (whether within the City of Renton or elsewhere), none of the DESC residences will be forced to be evicted.

The Renton Red Lion shelter is operating in violation of City zoning laws with no certainty as to whether and when it will be required to cease operations. For this reason, since April 2020, City leadership has unwaveringly urged King County and DESC to make and implement a plan to relocate the shelter to a lawful location.

This ordinance represents the City offering a partnership with King County and DESC. Under the ordinance, the City would allow the Renton Red Lion shelter to continue to operate as it is currently being used until June 2021. Beginning in June 2021, King County and DESC would operate the Renton Red Lion shelter at a scaled-down level (approximately 50%) and then complete relocation by January 1, 2022.

Here are the details, as found in the December 7 draft of the proposed ordinance:

- *Deadline to scale down (June 1, 2021):*
  - The ordinance allows every one of the Renton Red Lion shelter's residents to remain legally in the shelter until June 1, 2021.
  - After June 1, 2021, the Renton Red Lion shelter's operations must host no more than 125 residents. The remaining portion of the Renton Red Lion hotel building could then return to a hotel use.
- *Deadline to complete relocation (January 1, 2022):*
  - In addition to scaling down to no more than 125 residents by June 1, 2021, by January 1, 2022, the Renton Red Lion shelter must complete its relocation to a lawful location.
  - This additional year of operation through 2021 is nearly twelve times more lead time than King County had in March of 2020 to relocate the current residents from a Seattle shelter to the Renton Red Lion property.

- 3. The ordinance does not prohibit the Renton Red Lion hotel (or any other hotel) from renting individual rooms for more than 30 days or accepting vouchers for homeless residents to stay at the hotel.**

The ordinance does not prevent the Renton Red Lion hotel (or any other hotel) from renting individual rooms for more than 30 days, or from renting individual rooms to homeless individuals, or even from renting a portion of its rooms to government agencies supporting homeless individuals. Such a situation is distinguishable from what has occurred at the Renton Red Lion property: converting an entire hotel building into a homeless services use that has continuously endured for eight months and counting.

**B. The Ordinance's Relationship to Homeless Services throughout Renton.**

- 1. The ordinance does not prohibit new homeless shelters; it explicitly allows them subject to permit.**

A purpose of this ordinance is to explicitly allow new homeless shelters to operate with reasonable regulations that are designed to protect residents of those shelters and their neighboring communities. The regulations are mostly borrowed from the City of Bellevue's homeless services regulations, but have been refined in the December 7 draft of the proposed legislation to more rigorously incorporate equity lens perspectives, and will be further reviewed by staff with input from the community for improvements to be incorporated into permanent legislation.

- 2. The ordinance does not prevent coordination with homeless service providers, and it does not make unlawful any existing, *lawful* operation.**

The ordinance is interim temporary zoning that would create a temporary set of rules, based on those adopted by the City of Bellevue (much of which the City of Puyallup has also adopted), that will be in place for no longer than six (6) months if the Council takes no subsequent formal action. During that time, the City can work with the community – including coordinating with homeless service providers – and with the City's Planning Commission to develop further legislation.

Meanwhile, the ordinance does not render as illegal any existing, *lawful* operation (such as the Cold Weather Shelter). No existing, lawful operation will be shut down as a result of the ordinance.

**3. City staff recommends limiting the capacity of overnight shelters to 100 to mitigate impacts on the surrounding community.**

The capacity restriction of 100 residents is also contained in the City of Bellevue's homeless services regulations. The need for this type of limitation is evidenced by the impacts DESC's Renton Red Lion shelter have created both within the shelter and in the areas surrounding the shelter, as well as the amount of resources Renton's emergency service providers have had to dedicate to a single property.

The Renton Red Lion shelter operators insist that deintensifying the density in which its high-need, low-barrier residents live reduces interpersonal conflicts and calls to 9-1-1. Although these conflicts may have reduced as compared to a congregate shelter environment, the increase in crime and demands upon Renton's emergency responders indicate a need for further deintensification to limit impacts at a single location and further limit interpersonal conflicts between residents.

The Renton Red Lion shelter operators argue that they cannot control behaviors of their residents in and around the shelter. The limitation of number of residents, therefore, is not likely to eliminate the impacts to the surrounding neighborhood, but it is expected to proportionately reduce those impacts.

**C. This Ordinance Is Interim Legislation; Further Legislation Is Anticipated.**

The proposed ordinance before the Council is interim legislation. The ordinance itself expressly states that City staff will further study the subject matter of the ordinance for further legislation by Council. Such further legislation is anticipated within the first half of 2021.

During development of the further legislation, City staff will seek additional public input and feedback, including from the community of homeless service providers. Our commitment to investigating whether there is room to improve upon the interim regulations in the anticipated future legislation includes, but is not limited to:

- Further applying the City of Renton's equity lens to the legislation;
- Continuing review under potentially applicable laws and regulations, such as the Federal Fair Housing Act, the Americans with Disabilities Act, and equal protection rights;
- Investigating the balance between homeless services use regulations that are workable for providers but that appropriately mitigate compatibility issues between shelters and surrounding land uses;
- Refining the definitions of and regulations for similar land uses: Homeless Services Uses, Social Service Organizations, and Diversion Facilities; and
- Investigating whether low barrier shelters, such as those that welcome active users of illegal drugs, and shelters that enforce expectations for their guests to

observe community norms and laws should be regulated differently than each other.

Please do not hesitate to contact us at any time regarding this matter.

cc: Ed VanValey, Chief Administrative Officer  
Shane Moloney, City Attorney  
Vanessa Dolbee, Planning Director

CITY OF RENTON, WASHINGTON

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF RENTON, WASHINGTON, ADOPTING THE FOLLOWING INTERIM ZONING CONTROLS IN RESPONSE TO THE RENTON RED LION COVID-19 DEINTENSIFICATION SHELTER OPERATING IN THE CITY OF RENTON SINCE APRIL 2020: (1) CLARIFYING AND MODIFYING PRINCIPAL, ACCESSORY, AND UNCLASSIFIED USE REGULATIONS BY AMENDING SUBSECTIONS 4-2-050.A, 4-2-050.C.4, 4-2-050.C.5, AND 4-2-050.C.6 OF THE RENTON MUNICIPAL CODE; (2) CLARIFYING AND MODIFYING CERTAIN LAND USE DEFINITIONS IN THE RENTON MUNICIPAL CODE BY AMENDING SUBSECTION 4-2-060.K OF THE RENTON MUNICIPAL CODE, AMENDING THE DEFINITION OF “DIVERSION FACILITY” AND REMOVING THE DEFINITION OF “DIVERSION INTERIM SERVICE FACILITY” IN SECTION 4-11-040 OF THE RENTON MUNICIPAL CODE, AMENDING THE DEFINITION OF “HOTEL” AND ADDING A DEFINITION OF “HOTEL, EXTENDED-STAY” IN SECTION 4-11-080 OF THE RENTON MUNICIPAL CODE, AND AMENDING THE DEFINITION OF “SOCIAL SERVICE ORGANIZATIONS” IN SECTION 4-11-190 OF THE RENTON MUNICIPAL CODE; (3) ALLOWING FOR ONE COVID-19 DEINTENSIFICATION SHELTER TO TEMPORARILY OPERATE IN THE COMMERCIAL ARTERIAL (CA) ZONING DISTRICT BY ADDING A DEFINITION OF “COVID-19 DEINTENSIFICATION SHELTER” IN SECTION 4-11-030 OF THE RENTON MUNICIPAL CODE AND AMENDING SUBSECTIONS 4-2-060.G, 4-2-080.A.71, AND 4-2-080.A.101 OF THE RENTON MUNICIPAL CODE; AND (4) ALLOWING FOR AND REGULATING LAND USES SERVING THOSE EXPERIENCING HOMELESSNESS BY ADDING A NEW SECTION 4-4-045, HOMELESS SERVICES USE, TO THE RENTON MUNICIPAL CODE AND ADDING A DEFINITION OF “HOMELESS SERVICES USE” TO SECTION 4-11-080 OF THE RENTON MUNICIPAL CODE; MAKING A LEGISLATIVE DETERMINATION THAT THE ORDINANCE IS EXEMPT FROM FULL COMPLIANCE WITH THE STATE ENVIRONMENTAL POLICY ACT (CHAPTER 43.21.C RCW); PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.**

**WHEREAS,** in early 2020, the World Health Organization announced that the novel coronavirus (COVID-19) was a global pandemic, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency because of the COVID-19 pandemic, and Washington Governor Inslee declared a State of Emergency due to COVID-19; and



**WHEREAS**, on March 6, 2020, the Mayor proclaimed a local emergency due to COVID-19; and

**WHEREAS**, on March 31, 2020, King County's Local Health Officer, Dr. Jeff Duchin, issued a Local Health Officer Order (which Dr. Duchin amended on May 20, 2020) (collectively, the "County Health Order") authorizing King County to use only "legally available" resources to "de-intensify or reduce the density of existing homelessness shelters and encampments" in response to the COVID-19 pandemic, and further emphasized that the County Health Order did not "authorize illegal means or behavior;" and

**WHEREAS**, on April 2, 2020, King County leased the Red Lion Hotel & Conference Center located at 1 South Grady Way, Renton (the "Red Lion Site"), from the property owner Renton Hotel Investors, LLC ("RHI"); and

**WHEREAS**, the Red Lion Site is located within the City's Commercial Arterial (CA) zoning designation, and is subject to City of Renton Municipal Code, including City zoning, land use, and business use and licensing regulations; and

**WHEREAS**, on or about April 9, 2020, in coordination with King County and under King County's lease with RHI, the Downtown Emergency Service Center ("DESC") began using the Red Lion Site as a COVID-19 deintensification shelter for persons experiencing homelessness (the "COVID-19 Shelter"). DESC began using the COVID-19 Shelter to temporarily house individuals previously housed at its downtown Seattle Main Shelter, located at The Morrison Hotel. DESC and King County decided to house these individuals in private rooms, rather than congregate housing, where COVID-19 could spread more rapidly. DESC did so without coordinating with City officials or City staff, and without obtaining City permits or obtaining a City business license; and

**WHEREAS**, as described by DESC, the COVID-19 Shelter operates as a 24-hour shelter for DESC's clients experiencing homelessness, with a wide range of services including the provision of meals, case management, and crisis intervention; and

**WHEREAS**, King County has represented that the maximum number of residents of the COVID-19 Shelter has been 235 individuals; and

**WHEREAS**, DESC has been continuously operating the COVID-19 Shelter since on or about April 9, 2020, in concert with King County, in contravention of City zoning and without City land use or building permits or a City business license; and

**WHEREAS**, since the COVID-19 Shelter began operating at the Red Lion Site, first responders from the Renton Police Department and the Renton Regional Fire Authority have experienced a marked increase in the numbers of calls for service to the Red Lion Site and its vicinity, causing adverse impacts in the City of Renton; and

**WHEREAS**, City staff immediately made the following land use and zoning determinations regarding DESC's use of the Red Lion Site to deintensify congregate homeless shelters: (1) the only land use lawfully established on the Red Lion Site is a "Hotel" land use; (2) the COVID-19 Shelter does not meet the Renton Municipal Code's (RMC's) definition of a "Hotel" land use (RMC 4-11-080); (3) a "deintensification shelter" is not among the list of land use types that is recognized in the Renton Municipal Code (RMC 4-2-060 (Zoning Use Table)); and (4) the potentially comparable land uses that are recognized in the Renton Municipal Code are "diversion facility / diversion interim service facility" or "congregate residence," and that neither of those land uses is allowed within the Red Lion Site's Commercial Arterial ("CA") zoning designation. These determinations caused City staff to determine that the continued use of the

Red Lion Site to house a homeless shelter operation is not an allowed land use on the Red Lion Site; and

**WHEREAS**, City staff also immediately determined that the COVID-19 Shelter had opened without King County, DESC, or RHI having first applied for a City business license for the COVID-19 Shelter operations, in violation of RMC 5-5-3; and

**WHEREAS**, despite City staff's determinations that the COVID-19 Shelter is not an allowed land use on the Red Lion Site and was operating without a required City business license, the City was willing to temporarily forbear on taking code enforcement action against the COVID-19 Shelter if King County would enter into a Memorandum of Understanding ("MOU") with the City regarding the operations of the COVID-19 Shelter and the duration of the COVID-19 Shelter's operations at the Red Lion Site. Accordingly, the City provided a draft MOU to King County in April 2020, and proceeded to negotiate in good faith with King County regarding an MOU, but King County would not agree to any MOU that committed King County or DESC to a timeframe for relocating the COVID-19 Shelter's operations from the Red Lion Site to another location within or beyond City of Renton limits that would allow for such a use under the Renton Municipal Code; and

**WHEREAS**, on June 30, 2020, when the MOU negotiations had dissolved with no commitment on the part of King County or DESC to relocating the COVID-19 Shelter to a location allowed by the Renton Municipal Code, the City had run out of alternatives to engaging in code enforcement proceedings regarding the COVID-19 Shelter. Thus, on that date, the City issued a two-count Finding of Violation to King County, DESC, and RHI under code enforcement case number CODE20-000321 finding that (1) the COVID-19 Shelter is a "land use not allowed in zoning

designation” (Violation 1), and (2) the COVID-19 Shelter was “operating without a City of Renton business license” (Violation 2). Hereinafter, the Finding of Violation is the “FOV;” and

**WHEREAS**, King County and RHI both timely requested a hearing to challenge the FOV, and the requested hearing regarding the FOV was held before the City’s Hearing Examiner on August 14, 2020, with DESC also participating in the hearing; and

**WHEREAS**, in front of the Hearing Examiner, King County, RHI, and DESC took the position that the temporary use of the Red Lion Site for shelter deintensification meets the RMC definition of a “Hotel” land use. They also took the position that even if the shelter deintensification use of the Red Lion Site did not meet the definition of a “Hotel” land use, the Local Health Officer’s authority under Washington law to protect the public from contagious diseases takes legal precedence over and preempts Renton’s zoning and permitting laws; and

**WHEREAS**, for its part, in front of the Hearing Examiner, the City took the positions that (1) the deintensification use of the Red Lion Site does not meet the RMC definition of a “Hotel” land use, (2) the use appeared to most closely align with the RMC definitions for the “diversion facility / diversion interim service facility” land use or the “congregate residence” land use, (3) neither the “diversion facility / diversion interim service facility” land use nor the “congregate residence” land use is allowed within the CA zoning designation (which is the Red Lion Site’s zoning designation), and (4) the pandemic and County Health Order did not preempt the City’s zoning and land use laws; indeed, the County Health Order expressly restricted King County to using “legally available” resources and forbade using “illegal means or behavior,” which would include the City of Renton’s legally adopted and enforced zoning, land use, and business licensing laws; and

**WHEREAS**, by written decisions dated August 31, 2020 and October 2, 2020, the Hearing Examiner ruled on the FOV (collectively, the “Hearing Examiner’s FOV Decision”); and

**WHEREAS**, the Hearing Examiner’s FOV Decision directed King County and DESC to choose either to vacate the Red Lion Site within 60 days or to apply to the City for an “unclassified use” interpretation in which the Department of Community & Economic Development (“CED”) would determine if the COVID-19 Shelter is allowed utilizing the criteria in RMC 4-2-050.C.6.a; and

**WHEREAS**, although the October 2, 2020 portion of the Hearing Examiner’s FOV Decision confirms that the “unclassified use analysis . . . decision is left to City staff as governed by City code,” the Hearing Examiner’s FOV Decision nevertheless projects that the outcome of CED’s unclassified use interpretation will be to deem the COVID-19 Shelter a “Hotel” land use, a “Social Service Organizations” land use, or a combination of the two; and

**WHEREAS**, the Hearing Examiner’s FOV Decision’s projections that an unclassified use interpretation would result in a “Hotel” and/or “Social Service Organizations” land use determination were based, in part, on the following assumptions regarding the intent of the City Council:

- Regarding the “Hotel” land use, the Hearing Examiner’s FOV Decision states:  
“The City has taken the strong position that the requirement in the hotel definition that guest stays be “transient” means that stays must be 30 days or less. Although the vast majority of hotel use may very well be 30 days or less, there is no basis to conclude that hotels stays will not sometimes be longer due to exceptional circumstances such as natural disasters and pandemics. ***The most compelling reason to disagree with the City’s 30-day interpretation is simply that the Renton City Council didn’t expressly adopt a 30-day limit for hotel stays.*** If the Council wanted a hard and fast rule on the length of time that someone could stay in a hotel room, it would have been exceptionally easy and clear to throw that into the definition of hotel or transient.”

Cite: Hearing Examiner's August 31, 2020 decision, page 11, lines 22-29 (emphasis added).

- Regarding the "Social Services Organizations" land use, the Hearing Examiner's

FOV Decision states:

"There is the argument to be made that added night shelter use [to a "Social Services Organizations" use which only expressly allows "day shelter" use] could reduce the impacts of a day shelter and thereby make a conditional use permit unnecessary. A day shelter causes displacement of a homeless population every evening it shuts down whereas a 24-hour shelter does not. However, it is too implausible to conclude that's why the social services organization expressly authorizes just day shelters and doesn't mention night shelters. ***If the Council considered a night shelter a more benign use than a day shelter, it would have expressly authorized it as a permitted use elsewhere in the use table.***"

Cite: Hearing Examiner's August 31, 2020 decision, page 11, lines 11-18 (emphasis added); and

**WHEREAS**, the Hearing Examiner's FOV Decision's projections that an unclassified use interpretation would result in a "Hotel" and/or "Social Service Organizations" land use caused, in part, the Hearing Examiner to conclude that the COVID-19 Shelter was not most similar to a "Diversion Facility / Diversion Interim Service Facility" land use; and

**WHEREAS**, on or about October 15, 2020, King County, DESC, and RHI jointly applied for an unclassified use interpretation for the COVID-19 Shelter, as provided for in the Hearing Examiner's FOV Decision (the "Unclassified Use Request"); and

**WHEREAS**, an unclassified use interpretation application is not a permit application type that vests upon submittal of a complete application (See RMC 4-1-045 "Vesting"); and

**WHEREAS**, on or about October 23, 2020, King County, DESC, and RHI jointly commenced a lawsuit in King County Superior Court, under Cause No. 20-2-15681-7 KNT, challenging the Hearing Examiner's FOV Decision (hereinafter, the "Renton Shelter Lawsuit"); and

**WHEREAS**, pursuant to a stipulation of all parties to the Renton Shelter Lawsuit, the Renton Shelter Lawsuit's case schedule was extended by 90 days with the first deadline in the action now postponed until January 28, 2021; and

**WHEREAS**, impacts from the COVID-19 Shelter at the Red Lion Site have created concerns and identified impacts from neighboring property owners, business owners, residents, tenants, and visitors regarding the compatibility between the COVID-19 Shelter and land uses within its vicinity; and

**WHEREAS**, this incompatibility became immediately apparent upon the COVID-19 Shelter's opening when its operators enclosed the building in security fencing as a measure it asserted was necessary due to the behavior of its residents and covered the Red Lion hotel's signs, making a hotel building located at a primary entrance to the City's core to appear to be a vacant and/or cordoned off building; and

**WHEREAS**, activities of COVID-19 Shelter residents and the operation and oversight of the COVID-19 Shelter have created and continue to create significant public safety and welfare concerns for the occupants of the COVID-19 Shelter and surrounding residents, businesses, and visitors. These public safety and welfare concerns include, but are not limited to dramatically increased criminal activity, violations of building and fire codes, dramatically increased 9-1-1 calls for emergency services, and threats to the safety of first responders who respond to 9-1-1 calls; and

**WHEREAS**, the conduct of residents at the COVID-19 Shelter has led to the Renton Regional Fire Authority to request police safety escorts to all calls for service that it responds to, something that does not occur with typical hotel patrons; and

**WHEREAS**, the COVID-19 Shelter residents are at a high risk for interpersonal conflicts and many have histories of violence, rule violations, and/or illegal substance use that cause other shelters to deny them services; and

**WHEREAS**, the COVID-19 Shelter operators assert that the incidence of such conflicts have reduced as a result of deintensifying the distance from which the residents live and interact with each other. Nevertheless, the number of interpersonal conflicts that include threats and acts of violence (including arson) remains continually high; and

**WHEREAS**, repeated incidents of arson and threats of arson have highlighted the significant risks posed by COVID-19 Shelter residents' repeated fire code violations; and

**WHEREAS**, risks of interpersonal conflicts and the related risks posed to COVID-19 Shelter residents and first responders are likely to be reduced by further reducing the number of residents who are prone to interpersonal conflicts living within the same vicinity; and

**WHEREAS**, reducing the density of the COVID-19 Shelter's occupancy and number of residents who have contributed to dramatically increased levels of criminal and other unsafe activity and consistently reacted confrontationally to first responders is likely to improve the safety of shelter residents, staff, visitors, first responders, and those working, living, and visiting the surrounding vicinity; and

**WHEREAS**, in response to the Hearing Examiner's FOV Decision, the City Council wishes to legislatively clarify and confirm its policy and interpretation regarding "Hotel," "Social Service Organizations," and "Division Facility / Diversion Interim Service Facility" land uses, to apply city-wide; and



**WHEREAS**, the City Council finds that the amended and clarified definition of “Hotel,” as set forth in Section IX below, clarifies and codifies City Council intent, including adding the WAC 458-20-166(3) definition of “transient” to the definition of “Hotel” to mean “for less than one month, or less than thirty continuous days if the rental period does not begin on the first day of the month;” and

**WHEREAS**, the City Council further finds that adding a definition for “Hotel, Extended Stay,” as set forth in Section IX below, further clarifies and codifies the intent of the City Council; and

**WHEREAS**, the City Council further finds that the amended definition of “Social Services Organizations,” as set forth in Section X below, clarifies and codifies City Council intent, including confirming that “night shelter” operations are not an allowed component of a Social Service Organizations land use; and

**WHEREAS**, the City Council further finds that the amended definition of “Diversion Facility” and the removal of the definition of “Diversion Interim Service Facility,” as set forth in Section VIII below, clarifies and codifies City Council intent; and

**WHEREAS**, the City Council also finds that there is a need to adopt certain related clarifications to the Renton Municipal Code regarding the unclassified use interpretation process, the distinctions between “principal” and “accessory” uses, and the title of positions within CED; and

**WHEREAS**, the City Council acknowledges that pursuant to the Hearing Examiner’s FOV Decision, the Renton Municipal Code does not currently allow the COVID-19 Shelter to operate within the City’s Commercial Arterial (CA) zoning district; and

**WHEREAS**, therefore, in addition to clarifying the Renton Municipal Code in response to the Hearing Examiner’s FOV Decision, the City Council has legislatively determined that it will amend the Renton Municipal Code to add a definition for a “COVID-19 deintensification shelter” land use and to allow a single such land use within the City without need for a conditional use permit, on a short-term basis coextensive with the effective period of this ordinance and subject to additional standards and regulations established in this ordinance; and

**WHEREAS**, City staff has concluded that there are available properties in the City of Renton in the following zoning designations upon which a COVID-19 deintensification shelter could be located after the completion of tenant improvements to the shelter operator’s satisfaction: Light Industrial (IL), Medium Industrial (IM), Heavy Industrial (IH), Center Village (CV), and Commercial Office (CO); and

**WHEREAS**, City staff has not been advised and is unaware that King County, DESC, or RHI has inquired into or otherwise determined whether a COVID-19 deintensification shelter could be located on any properties in the Light Industrial, Medium Industrial, Heavy Industrial, Center Village, or Commercial Office zones, either with or without tenant improvements, and the identification and acquisition of one or more such properties could allow the COVID-19 deintensification shelter to relocate and operate lawfully in an appropriate zone with appropriate conditions and thus resolve the issues in the pending Renton Shelter Lawsuit and issues over use of the Red Lion Site as a COVID-19 deintensification shelter; and

**WHEREAS**, the City Council wishes to further consider the issue of whether COVID-19 deintensification shelters may operate within the City of Renton after the effective period of this ordinance, and it is the City Council’s desire to have City staff further investigate the matter; and

**WHEREAS**, meanwhile, the City Council recognizes that the homelessness crisis in King County is a serious regional challenge but that it is a regional challenge that predates the COVID-19 pandemic; and

**WHEREAS**, the City Council finds that one of the ways that the City can help combat the homelessness crisis that predated the COVID-19 pandemic is to expressly allow for homeless services land uses within the City and to provide for reasonable regulation of such uses; and

**WHEREAS**, in response, the City Council has determined to, on an emergency and interim basis, define “homeless services use” land uses, state the zoning designations in which such land uses are allowed, and establish regulations to be applied to such uses. During the interim period in which this ordinance is in effect, it is the City Council’s desire to have City staff further study options for regulating homeless services uses; and

**WHEREAS**, the City Council finds that there is a need to adopt this ordinance as an interim zoning control ordinance on an emergency basis; and

**WHEREAS**, pursuant to WAC 197-11-880, the adoption of this interim zoning ordinance is exempt from the requirements of a threshold determination under the State Environmental Policy Act (SEPA), and future permanent zoning regulations shall be reviewed in accordance with SEPA requirements; and

**WHEREAS**, the City Council expressly intends that this ordinance be a legislative policy action which is not a site-specific or quasi-judicial action, and the City Council further recognizes and intends that such legislative action has the effect of mootng the Unclassified Use Request by King County, RHI, and DESC and mootng the Renton Shelter Lawsuit by creating an allowed use for the COVID-19 Shelter that moots the Hearing Examiner’s FOV Decision; and

**WHEREAS**, the City Council expressly intends that procedural and substantive due process rights be met in the substance and contents of and process of adopting this ordinance; and

**WHEREAS**, the City Council held a public hearing on November 23, 2020, regarding the subject matter of this ordinance, and heard oral testimony on the matter and considered written comments received prior to the public hearing; and

**WHEREAS**, the City Council encouraged further public input on the subject matter of this ordinance by keeping the public hearing open until December 1, 2020 at 5:00 PM for the purpose of receiving additional written comment; and

**WHEREAS**, the City Council received and considered numerous written comments submitted by members of the public; and

**WHEREAS**, in response to public comment, the City Council wishes to clarify that, as described in the written presentation materials included in the City Council's November 23, 2020 agenda packet, the City's intention regarding the timing of this ordinance has been as follows:

- November 23, 2020: Public hearing;
- December 7, 2020: First reading of the ordinance with revisions that incorporate feedback from public comments; and
- December 14, 2020: Second reading of the ordinance, City Council action on the ordinance, and effective date of the ordinance;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RENTON, WASHINGTON, DO**  
**ORDAIN AS FOLLOWS:**

**SECTION I.** The above recitals are adopted as findings of fact in support of this interim zoning control ordinance adopted herein pursuant to RCW 35A.63.220 and RCW 36.70A.390 and

interpretative and applicable judicial decisions, and are found to be true and correct in all respects.

**SECTION II.** All portions of the Renton Municipal Code in this ordinance not shown in strikethrough and underline edits remain in effect and unchanged.

**SECTION III.** Subsections 4-2-050.A, 4-2-050.C.4, 4-2-050.C.5, and 4-2-050.C.6 of the Renton Municipal Code are amended as shown below. All other provisions in 4-2-050 remain in effect and unchanged.

**4-2-050 PERMITTED LAND USES ESTABLISHED:**

**A. CATEGORIES OF USES ESTABLISHED:**

This Section establishes permitted, conditional, accessory and prohibited uses, by zone, for all properties within the Renton City Limits. All uses in a given zone are one of six (6) types:

**PERMITTED USES:** Land uses allowed outright within a zone as a principal use. Permitted uses are distinct from other uses listed separately in RMC 4-2-060, Zoning Use Table – Uses Allowed in Zoning Designations and/or as defined.

**CONDITIONAL USES (ADMINISTRATIVE):** Land uses which may be permitted as a principal use within a zoning district following review by the ~~Development Services Division Director~~ Administrator to establish conditions mitigating impacts of the use and to assure compatibility with other uses in the district.

**CONDITIONAL USES (HEARING EXAMINER):** Land uUses with special characteristics that may not generally be appropriate within a zoning district, but

may be permitted as a principal use subject to review by the Hearing Examiner to establish conditions to protect public health, safety and welfare.

**ACCESSORY USES:** Uses customarily incidental and subordinate to ~~the a~~ principal use and located within the same structure as the principal use or otherwise upon the same ~~lot site~~ occupied by ~~the a~~ principal use ~~or on an abutting/adjacent lot that is under the same ownership as the principal lot~~. Some accessory uses are specifically listed, particularly where a use is only allowed in an accessory form, whereas other accessory uses are determined by the ~~Development Services Division~~ Administrator on a case-by-case basis per RMC 4-2-050C4 and C6, Accessory Use Interpretations and Unclassified Uses.

**PROHIBITED USES:** Any use which is not specifically enumerated or interpreted by the City as allowable in that district. Any use not specifically listed as a permitted, conditional, or accessory use is prohibited, except those uses determined to be unclassified and permitted by the ~~Development Services Division Director~~ Administrator pursuant to RMC ~~4-2-0404-2-050C6~~. Any prohibited use is illegal and is a misdemeanor punishable under RMC 1-3-1, Penalties.

**UNCLASSIFIED USE:** A use which does not appear in a list of permitted, conditionally permitted, or accessory uses, but which is interpreted by the ~~Development Services Division Director~~ Administrator as similar to a listed permitted, conditionally permitted or accessory use, and not otherwise prohibited, pursuant to RMC 4-2-050C6, Unclassified Uses.

**B. ZONING USE TABLES ESTABLISHED:**

The following tables establish whether a specific use is permitted in a zoning district and whether the use is allowed as “permitted,” “conditional,” or “accessory” use. The zone is located on the horizontal row and the specific use is located on the vertical column of these tables.

**C. INTERPRETATION OF ZONING USE TABLES:**

**1. Legend:** The following letters have the following meanings when they appear in the box at the intersection of the column and the row:

|           |   |
|-----------|---|
| <b>P</b>  | <b>Permitted Use</b>                      |
| <b>AD</b> | <b>Conditional Use – Administrative</b>   |
| <b>H</b>  | <b>Conditional Use – Hearing Examiner</b> |
| <b>AC</b> | <b>Accessory Use</b>                      |

**2. Other Requirements Applicable:** The above uses are subject to the review procedures specified in chapter 4-9 RMC, Permits – Specific, the development standards of chapters 4-3, Environmental Regulations and Overlay Districts, 4-4, City-Wide Property Development Standards, and 4-6, Street and Utility Standards, and may be subject to additional conditions as noted in subsection C3 of this Section. The Aquifer Protection Regulations of RMC 4-3-050, Critical Areas Regulations, further restrict usage of those properties located within the Aquifer Protection Area Boundary shown in RMC 4-3-050Q, Maps.

**3. Additional Use-Related Conditions:** If a number also appears at the intersection of the column and the row, the use is also subject to the additional

requirements as listed immediately following the use table in RMC 4-2-080, Conditions Associated with Zoning Use Tables. All applicable requirements shall govern a use whether specifically identified in this Chapter or not.

**4. Accessory Use Interpretations:** ~~The Development Services Division Director~~ Administrator ~~may~~ shall determine if an unclassified use or a classified use, even if not specifically listed as accessory (AC), is permitted as an accessory use in a zone. Upon ~~inquiry~~ written application by an applicant, an administrative interpretation shall be made by the ~~Development Services Division Director~~ Administrator to determine if a proposed use is allowed as an accessory use utilizing the rules of interpretation in subsection C4a of this Section. If the applicant does not concur with the interpretation of whether a use is accessory or with the permit type applied to a use, appeal may be made pursuant to RMC 4-8-110, Appeals. Interpretations made by the ~~Development Services Division Director~~ Administrator shall be documented, and updates to Title 4, when consistent with the title format and level of detail, shall incorporate “accessory use” interpretations upon approval by the legislative authority.

**a. Rules of Interpretation for Accessory Uses:** To determine whether a use is permitted as accessory, the ~~Development Services Division Director~~ Administrator shall utilize the following rules of interpretation:

i. If a use is allowed or conditionally allowed in a zone as a “permitted” use, accessory uses associated with the primary use that are determined to be incidental, necessary and commonly found with the permitted



use may be allowed with the same permit type as the primary use, unless specifically stated otherwise.

ii. If a use is permitted or conditionally permitted as a primary use, subject to location restrictions, the listed use, even as an accessory use, is also subject to the same location restrictions as the primary use, unless specifically stated otherwise. For example, if a use is restricted to a location within the Employment Area (EA) land use designation, then the accessory form of the use is only permitted in the EA, unless specifically stated otherwise.

iii. Required parking, required site utilities/facilities, and other development standards required in order to establish or operate a use on a site according to the RMC are considered accessory.

**5. Prohibited Uses:** If no symbol appears in the box at the intersection of the column and the row, the use is prohibited in that district unless otherwise determined by the ~~Development Services Division Director~~ Administrator, pursuant to this subsection C6 of this Section, Unclassified Uses, or subsection C4, Accessory Use Interpretations.

**6. Unclassified Uses:** Upon ~~inquiry~~ written application by an applicant, an administrative interpretation shall be made by the ~~Development Services Division Director~~ Administrator to determine if a proposed use, not specifically listed, is allowed utilizing the criteria in subsection C6a of this Section. Should interpretation be made that a proposed, unlisted use not be allowed in a specific zoning district, the ~~Director~~ Administrator shall indicate which zones, if any, do

permit the use subject to locational restrictions and development standards. If the ~~Development Services Division Director's~~ Administrator's interpretation indicates that an unlisted use is not consistent with the permitted, conditional or accessory uses in any district, or if a party does not concur with the permit type applied to a use, appeal may be made to the City's Hearing Examiner pursuant to RMC 4-8-110, Appeals. Interpretations made by the ~~Development Services Division Director~~ Administrator shall be documented, and ~~updates to Title 4 shall be updated, when~~ consistent with the title format and level of detail, shall to incorporate respond to "unclassified use" interpretations ~~upon approval by the legislative authority made~~ by the Administrator.

**a. Criteria for Unclassified Uses:** In order to make a determination that an unclassified use is permitted, conditionally permitted or accessory, the ~~Development Services Division Director~~ Administrator must find that the use is:

i. In keeping with the purpose and intent of the zone, and consistent with the Renton Comprehensive Plan policies and other adopted plans as may be applicable; and

ii. Similar ~~in nature to~~, and no more intense than, a specifically listed permitted, conditional or accessory use; and

iii. Consistent with subsection C4 of this Section, if determined to be permissible as an accessory use.

**7. Use Table Conflicts:** In the event of a conflict between RMC 4-2-060, the Master Zoning Use Table and any other individual zoning use tables, RMC 4-2-070A through 4-2-070S, the provisions of RMC 4-2-060 shall have priority.

**8. Existing Legal Nonconforming Uses:** Where the term “existing” follows a listed use type within the table(s) (e.g., horticulture nurseries, existing), then those who can document that their nonconforming uses were legal at the time the nonconforming uses were established will be permitted to continue those nonconforming uses and given all the rights of other permitted uses within the district. In addition, these uses may be rebuilt “as is, where is” should they suffer damage. These uses may be remodeled without limitation on value and may be enlarged subject to current code requirements (e.g., height limits, lot coverage, density limits, setbacks, parking, etc.), unless otherwise specifically conditioned in RMC 4-2-080.

**SECTION IV.** Subsection 4-2-060.G of the Renton Municipal Code is amended by modifying one row and adding two rows, and 4-2-060.K of the Renton Municipal Code is amended by adding one row, all as shown in Attachment A. All other provisions in 4-2-060 remain in effect and unchanged.

**SECTION V.** Subsections 4-2-080.A.71 and 4-2-080.A.101 of the Renton Municipal Code are amended as shown below. All other provisions in 4-2-080.A remain in effect and unchanged.

71. Specified use(s) are only allowed south of I-405. Diversion facilities shall be limited to serving no more than one hundred (100) individuals at any time.

101. ~~Reserved.~~ As many as one (1) COVID-19 deintensification shelter may operate within the City of Renton without obtaining a conditional use permit to operate as a Homeless Services Use. The following applies to a COVID-19 deintensification shelter operating pursuant to this exemption from the conditional use permit requirements that would otherwise apply to a Homeless Services Use:

a. After June 1, 2021, the COVID-19 deintensification shelter shall not serve more than one hundred twenty-five (125) persons at any time; and

b. The COVID-19 deintensification shelter shall cease operations no later than January 1, 2022, after which date the COVID-19 deintensification shelter will be unlawfully operating if it does not hold a valid conditional use permit for a Homeless Services Use and is not operating in a location in which Homeless Services Uses are allowed.

**SECTION VI.** Chapter 4-4 RMC of the Renton Municipal Code is amended to add Section 4-4-045, Homeless Services Use, to read as shown below.

**4-4-045 HOMELESS SERVICES USE:**

**A. PURPOSE:**

The purpose of this Section is to provide zoning and land use regulations for homeless services uses that are proposed to or that do primarily provide shelter to one or more populations of people experiencing or transitioning from homelessness.

**B. APPLICABILITY:**

This Section applies to all homeless services uses, except as expressly set forth in this Section. This Section does not apply to:

1. Uses allowed under a Temporary Use Permit issued pursuant to the terms of RMC 4-9-240, Temporary Use Permits; and uses temporarily allowed pursuant to RMC 4-2-060.G and 4-2-080.A.101 (including a COVID-19 deintensification shelter);

2. Religious organizations hosting the homeless within buildings on their property under the terms of RCW 35A.21.360 (Hosting the homeless by religious organizations – When authorized – Requirements – Prohibitions on local actions);

3. Social service organizations; and

4. Unrelated individuals living together as a “family” pursuant to the definition contained in RMC 4-11-060.

**C. DEFINITIONS:**

**1. Definitions Applicable to Terminology Used in This Section:** See also Definitions in RMC chapter 4-11.

a. “Code of conduct” is an agreement on rules of behavior between occupants of a homeless services use and operators and providers offering a homeless services use at a specific location. The code of conduct is intended to protect the health, safety, and welfare of the occupants and employees of the homeless services use, and the surrounding residents and businesses.

b. "Funder" means any person, partnership, corporation, or other organization of any kind that provides funding to establish, construct, or operate a homeless services use.

c. "Good neighbor agreement (GNA)." Reserved.

d. "Homeless services use." See definition in RMC 4-11-080.

e. "Homelessness" refers to the state of a person or group of persons who lacks a fixed, regular, and adequate nighttime residence, meaning: (i) Has a primary nighttime residence that is a public or private place not meant for human habitation; (ii) Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, and local government programs); or (iii) Is exiting an institution where (s)he/it has resided for ninety (90) days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

f. "Operator" means any person, partnership, business, corporation, or other organization of any kind that proposes to site and operate or does operate a homeless services use in the City.

g. "Provider" means any person, partnership, business, corporation, or other organization of any kind that provides supportive services to a homeless population accessing a homeless services use.

h. "Safety and security plan" refers to a plan developed by the operator and updated to reflect input provided by the Renton Police Department to address security concerns regarding a homeless services use that is proposed at a specific location.

i. "Standard operating procedures" refer to a plan developed by the operator that addresses the elements required by subsection F.2.e of this Section. The elements contained in the standard operating procedures plan would generally be applicable to all homeless services uses in Renton irrespective of where they are proposed to be located.

j. "Supportive services" are those provided to occupants of a homeless services use for the purpose of facilitating their independence and include, but are not limited to, services such as case management, food or meals, medical treatment, psychological counseling, childcare, transportation, and job training.

**D. APPROVAL PROCESS REQUIRED:** A homeless services use requires a conditional use permit, approved by a Hearing Examiner and processed pursuant to the provisions of RMC 4-9-030 and the provisions of this Section.

**E. PRE-APPLICATION PROCESS:**

**1. Pre-application Materials:** Shall be submitted to the Department pursuant to RMC 4-8-100 before a permit application for a homeless services use may be filed. In addition to standard pre-application submittal (see RMC 4-8-100.A), materials for homeless services uses pre-applications shall include:

a. Name of the operator;

b. Statement of experience operating the type of homeless services use that is proposed or any other relevant experience;

c. Statement of homeless population to be served and occupancy target for each homeless services use proposed;

d. Data provided by the applicant describing the extent to which the proposed homeless population requires shelter and/or supportive services;

e. Whether the applicant intends to seek funding for the proposed homeless services use from the City or from a regional coalition for housing;

f. Demonstrated experience of the operator at running successful homeless services for the homeless population that is intended to be served;

g. The draft safety and security plan that has undergone preliminary review and incorporated feedback from the Renton Police Department; and

h. Any additional documentation submitted by the applicant for the pre-application meeting and written public comments received on the proposal through completion of the pre-application neighborhood meeting required by subsection E.2 of this Section.

**2. Pre-application Neighborhood Meeting:** Prior to submittal of pre-application materials, the applicant shall hold a public informational meeting pursuant to RMC 4-8-090.A, Neighborhood Meetings. The purpose of this meeting is to provide an early, open dialogue between the applicant, the operator, and property owners surrounding the proposed homeless services use. The meeting should acquaint the surrounding property owners with the operator and provide



for an exchange of information about the proposal and the community where the use is proposed to be located. The operator shall share information regarding its intended permit application (e.g., the draft standard operating procedures, draft code of conduct, and draft safety and security plan) for the proposed homeless services use. The surrounding property owners should share characteristics of the surrounding community and any issues or concerns of which the operator should be made aware. Notice of the neighborhood meeting shall be provided by the Administrator pursuant to the requirements of RMC 4-8-090.A, Neighborhood Meetings.

**3. Pre-application Site Inspection by the City:** If the applicant proposes to use an existing structure to house a homeless services use, a pre-application site inspection by City staff shall be required. The applicant shall allow for an inspection of the structure proposed to house a homeless services use by staff representatives of the Community Services Department, the Department's Planning Division, the Building Official, the Police Department, and the Fire Marshal. The purpose of the inspection is to preliminarily determine if the facility meets the Building and Fire Code standards for the proposed use. The purpose of this inspection is not to ensure that a facility meets the requirements of this Code or to force an applicant to bring a proposed facility up to applicable standards prior to project approval. The inspection is intended to inform the applicant, the operator, the City, the underlying property owner, and the public of applicable building modifications that would be necessary to establish a homeless services

use prior to making an application. Code deficiencies that are not discovered or recognized during this inspection shall not excuse the applicant from later compliance with all applicable City, County, State, and Federal law requirements.

**F. SUBMITTAL REQUIREMENTS:**

1. An applicant seeking to establish a homeless services use is required to submit application materials that meet the submittal requirements for a conditional use permit as required by RMC 4-8-120.

2. In addition to the applicable conditional use permit submittal requirements identified in subsection F.1 of this Section, information identified in this subsection shall also be included with the permit application. An application that does not contain the information listed in this subsection shall not be considered complete. All applications for homeless services use shall include the following:

a. A description of the homeless population to be served by the proposed homeless services use, dates and times of operation, and associated occupancy targets.

b. A statement of the operator's experience at providing homeless services, including examples of similar facilities managed by the operator.

c. A list of transit stops and park and rides within one-half (0.5) mile of the proposed homeless services use.

d. A list of job retraining and education uses within one-half mile (0.5) of the proposed homeless services use.

e. A standard operating procedures plan including, but not limited to:

i. A description of how the proposed homeless services use will serve the homeless population that will be accommodated by the use;

ii. A description of staffing for the proposed homeless services use based on anticipated population size and needs and the training provided to staff hired to fulfill the identified staffing demand;

iii. A description of the anticipated providers that will serve the population that will be accommodated by the homeless services use;

iv. A description of the known funders for the homeless services use;

v. A description of the procedures used to manage intake of the homeless population that is proposed to be served;

vi. A plan for encouraging prospective occupants to provide personal identification for inclusion in the Homeless Management Information System (HMIS) to help increase opportunities to provide access to housing and services and to secure public funding for the proposed homeless services use;

vii. Where appropriate and feasible, a plan for developing a community service model that is tailored to the homeless population to be served at the location where the homeless services use is proposed to be located. A community service model is intended to provide a framework for persons experiencing homelessness to work volunteer service hours within the scope of

their ability in the community where they are receiving support from a homeless services use;

viii. Where applicable, a plan to ensure that school-aged residents of the use are enrolled in school during their stay;

ix. Identification of a primary point of operator contact for assistance and referrals to send homeless individuals seeking services;

x. A plan for managing exterior appearance of the proposed homeless services use, including trash/litter, hazardous materials, and biohazards on the property of the use and surrounding sidewalks;

xi. A description of how the operator will inform and educate occupants of the homeless services use regarding the code of conduct; and

xii. A description of consequences to be imposed for violating the code of conduct.

f. A code of conduct that applies within the homeless services use site to all individuals granted access to the proposed homeless services use including, but not limited to:

i. Respect the rights of property owners to restrict access to areas of their property that are not open to the public;

ii. Maintain the site in a safe and habitable condition;

iii. Do not possess or use illegal substances;

iv. Respect state law restrictions on smoking and use designated smoking areas where provided; and

v. Comply with City of Renton regulations governing public conduct (including but not limited to the prohibition on public camping, loitering, trespassing, littering, creating a nuisance, etc.).

g. A safety and security plan describing measures that the operator will employ to promote the safety of shelter occupants and surrounding residents and businesses, including but not limited to:

i. Criteria for rejection or removal of an individual seeking access to the proposed homeless services use;

ii. A plan for deployment (including time, place and manner) of security patrols;

iii. A plan to address disruptive behavior exhibited by clients of the homeless services use provider within a homeless services use and its site that infringes on the safety of occupants or employees of the use, and a description of the consequences for engaging in disruptive behavior;

iv. A plan for preventing loitering, creating a nuisance, and unpermitted camping associated with the homeless services use;

v. Implementation of registered sex offender background checks and compliance with applicable registration and notification requirements;

vi. A plan for managing individuals excluded from accessing the proposed homeless services use;

vii. A plan for coordination between the operator, public safety officers (e.g., police, fire, etc.), and any private security forces employed by surrounding property and business owners to ensure timely information sharing;

viii. Provision of a phone number, email address, and point of contact at the site of the proposed homeless services use for the community to report concerns;

ix. A plan for addressing reported concerns and documenting resolution, and sharing this information with relevant neighbors, as applicable to the concern; and

x. Identification of performance metrics that will be used to track compliance with the safety and security plan.

h. Neighborhood meeting materials, for both the Pre-application Neighborhood Meeting and the Neighborhood Meeting, as required by RMC 4-8-120.

**G. GOOD NEIGHBOR AGREEMENT PROCESS REQUIRED: Reserved.**

**H. CITY APPROVAL REQUIREMENTS FOR HOMELESS SERVICES USES:**

**1. Applicability of City Review Process:** A homeless services use requires approval of a conditional use permit by a Hearing Examiner. The conditional use permit shall be reviewed pursuant to RMC 4-9-030 as enhanced by the provisions of this Section.

**2. Decision Criteria Applicable to Conditional Use Permits for a Homeless Services Use:** The City may deny, approve, or approve with conditions a

conditional use permit application for a homeless services use if the applicant demonstrates that:

a. The proposal complies with the conditional use permit decision criteria of RMC 4-9-030.D;

b. The proposal complies with the applicable requirements of the RMC;

c. The proposal includes a standard operating procedures plan meeting the requirements of subsection F.2.e of this Section;

d. The proposal includes a code of conduct meeting the requirements of subsection F.2.f of this Section;

e. The proposal includes a safety and security plan meeting the requirements of subsection F.2.g of this Section and incorporating the feedback provided by the Renton Police Department; and

f. The proposal addresses all applicable design guidelines and development standards of this Section and any applicable land use district overlay in a manner which fulfills their purpose and intent.

**3. Minimum required notice and public engagement procedures for homeless services uses shall include the following:**

a. Notice of the pre-application neighborhood meeting shall be provided pursuant to RMC 4-8-090.A;

b. A neighborhood meeting shall be held pursuant to RMC 4-8-090.A on all applications to establish a homeless services use. Prior to the neighborhood

meeting, the operator shall meet and confer with the Renton Police Department regarding the proposed safety and security plan described in the submittal materials as required by subsection F.2.g of this Section. At the neighborhood meeting, a representative of the homeless services use operator shall present in writing and describe the proposed safety and security plan, and any input or comments received on the plan from the Renton Police Department.

c. Notice of an application to establish any homeless services use shall be provided pursuant to RMC 4-8-090;

**4. Administrator's Recommendation:**

a. A written report of the Administrator shall be prepared in response to the approval criteria and public comment.

b. Notice of Availability of the Administrator's Recommendation:  
Notice of the availability of the Administrator's recommendation shall be provided pursuant to RMC 4-8-090.

**5. Modifications to a Homeless Services Use:** Conditions of approval for a homeless services use apply for the life of the project. Any increase in the number of beds beyond that applied for by the applicant and included in the City approval, or changes to the population served by the homeless services use, shall be considered a major modification and processed as a new application.

**I. DEVELOPMENT STANDARDS/USE REQUIREMENTS:**

**1. General Development Requirements:** The applicable general development requirements of the zone shall be met unless specifically modified



by the terms of this Section when applied to a homeless services use. If there is a conflict between applicable general development requirements of the zone and the terms of this Section when applied to a homeless services use, the terms of this Section shall apply.

**2. Parking Requirements:** In addition to the terms of RMC 4-4-080, the following requirements apply to all homeless services uses:

a. Number of Parking Stalls: Homeless services uses are unspecified under the terms of RMC 4-4-080.F.10.d, and required parking stalls shall be established by the Administrator and approved by the Hearing Examiner.

b. Overnight Camping is Prohibited: Camping is prohibited in areas that provide accessory parking for the homeless services use.

**3. Occupancy Limits and Size-Related Development Standards:**

a. All homeless services uses shall comply with occupancy limitations contained in applicable building and fire codes and ordinances adopted by the City.

b. In addition to compliance with subsection I.3.a of this Section, overnight shelter uses shall not provide sleeping accommodations for more than one hundred (100) residents, and shall comply with the following additional requirements:

i. The City shall impose a condition on any approved overnight shelter use limiting the number of beds to those requested by the applicant or one hundred (100), whichever is less.

ii. Shelters shall locate greater than one-half (0.5) mile from any other homeless services use, unless they are co-located as part of a single development and do not serve more than a combined one hundred (100) residents.

iii. Shelters with more than fifty (50) beds should locate within one (1) mile of a public transit stop.

**4. Minimum Requirements:**

a. Homeless Services Uses in General:

i. Toilet, bathing, sleeping, laundry, and storage facilities to meet the demands anticipated by the homeless services use provider.

ii. Access to WiFi for occupants of the homeless services use.

iii. Designated smoking areas located a minimum of twenty-five feet (25') from perimeter property lines with appropriate cigarette disposal facilities.

iv. Staffing provided during operating hours for each homeless services use.

v. Designated and dignified privacy areas to meet the needs of the anticipated homeless population that is proposed to be served (e.g., lactation rooms, medical/counseling rooms, caseworker consultation spaces, etc.).

vi. A permanent address to meet the needs anticipated by the homeless services use provider.

viii. A final safety and security plan updated after and comments have been received on the plan from the Renton Police Department.

b. Day Shelter Use: Access to electrical outlets to meet the demands anticipated by the homeless population that is proposed to be served.

c. Overnight Shelter Use:

i. Overnight sleeping accommodations that do not exceed one hundred (100) beds.

ii. A dedicated electrical outlet for every occupant of a bed.

**J. ADDITIONAL DESIGN REQUIREMENTS:**

**1. Crime Deterrence:** The design of any homeless services use shall incorporate Crime Prevention Through Environmental Design (CPTED) principles and use available technology to deter crime. Examples may include:

a. Visibility of entrance and exit points to and from any structure housing a homeless services use;

b. Open and well-lighted pedestrian connections between the homeless services use, accessory parking, transit services and other supportive services in the area; and

c. Video surveillance of entrance and exit points to and from any structure housing a homeless services use.

**2. Common Areas:** Common areas shall be provided to enhance resident enjoyment through inclusion of features such as libraries, roof decks, patios, and gardens.

**K. MITIGATION MEASURES:**

The City may impose conditions relating to the development, design, use, or operation of a homeless services use to mitigate environmental, public life, safety, or welfare, or other identifiable impacts.

**L. INDEPENDENT TECHNICAL REVIEW:**

The applicant shall pay for independent technical review by a consultant retained by the City for review of materials submitted by the applicant to demonstrate compliance with the requirements of this Section.

**SECTION VII.** The definition of “COVID-19 Deintensification Shelter” is added in alphabetical order to Section 4-11-030 of the Renton Municipal Code as shown below. All other definitions in Section 4-11-030 remain in effect and unchanged.

**COVID-19 DEINTENSIFICATION SHELTER:** A facility (whether a separate structure, or situated inside or outside a building or a portion of a building) used for the relocation of homelessness shelters and encampments for the purposes of de-intensifying or reducing density in response to the novel coronavirus (COVID-19) pandemic. A COVID-19 Deintensification Shelter that meets the definition of a Homeless Services Use – Overnight Shelter is both a COVID-19 Deintensification Shelter and a Homeless Services Use – Overnight Shelter.

**SECTION VIII.** The definition of “Diversion Facility” in Section 4-11-040 of the Renton Municipal Code is amended and the definition of “Diversion Interim Service Facility” in Section 4-11-040 of the Renton Municipal Code is removed, as shown below. All other definitions in Section 4-11-040 remain in effect and unchanged.

**DIVERSION FACILITY:** A facility ~~which that~~ provides ~~community crisis services,~~  
~~whereby~~ inpatient healthcare for individuals that are self-admitted or ordered,  
diverted, or referred from jails, hospitals, doctors or other similar treatment  
facilities or professionals, or by first responders, including law enforcement,  
hospital emergency department social workers, and similar professionals. ~~options~~  
~~due to mental illness or chemical dependency.~~ Services may include an array of  
inpatient healthcare treatment and support services including but not limited to  
screening and assessment, psychological counseling, case management, crisis  
management, detox services, substance use and trauma-related treatment  
services, behavioral/mental health care, medical isolation, care, or treatment,  
counseling, respite services, and various levels of accommodations for sleeping  
purposes. Some outpatient healthcare services may be provided. Not included in  
this definition are congregate residences, assisted living facilities, adult family  
homes, group homes, convalescent centers, social service organizations, or  
homeless services uses.

~~**DIVERSION INTERIM SERVICE FACILITY:** A facility which provides interim or~~  
~~respite services, such as temporary shelter, medical/mental health treatment,~~  
~~case management or other support options such as transportation arrangements~~  
~~for patients referred to such a facility from a diversion facility.~~

**SECTION IX.** The definition of “Hotel” in Section 4-11-080 of the Renton Municipal Code  
is amended as shown below. The definitions of “Homeless Services Use” and “Hotel, Extended-

Stay” are added in alphabetical order to Section 4-11-080 of the Renton Municipal Code as shown below. All other definitions in Section 4-11-080 remain in effect and unchanged.

**HOMELESS SERVICES USE:** A day shelter or overnight shelter as defined below:

**1. Day Shelter:** A facility that offers a haven to people experiencing homelessness by providing a safe place to rest during the day or evening, but with no overnight stays. Support services for homeless populations is an integral part of a day shelter use and includes but is not limited to access to food, seating, showers, laundry, restrooms, storage, a computer lab, phones, fax, and a critical mailing address. Spaces for meetings and examinations are generally provided to accommodate counseling and access to medical/dental and legal assistance.

**2. Overnight Shelter:** Any facility that is operated for a long-term and indefinite period (and not in response to a single sudden event such as a natural disaster) for the primary purpose of providing shelter for people experiencing homelessness in general or for specific populations of people experiencing homelessness. Supportive services may or may not be provided in addition to the provision of shelter. A COVID-19 deintensification shelter meeting this definition is a Homeless Services Use – Overnight Shelter.

**HOTEL:** A building or portion thereof ~~designed or used~~ wherein a majority of the net floor area is dedicated for the rental of rooms for transient occupancy rental for sleeping purposes in exchange for payment, and typically based on a per night and per room basis for no more than thirty (30) continuous days and not meeting the definition of Homeless Services Use. For the purposes of this definition,

“transient” means less than one (1) month, or less than thirty (30) continuous days if the rental period does not begin on the first day of the month. Hotel structures are at least two (2) stories in height, with lodging space generally above the first floor. Lodging space may also be located on the first floor. Individual rooms are typically accessed from a common hallway and include permanent provisions for sanitation but do not provide kitchen facilities. A central commercial kitchen and dining room catering to the hotel patrons may be provided, event space, eating and drinking establishments, and accessory shops and services typically located in or provided by hotels and catering to the general public may be provided. Not included in this definition are facilities providing crisis intervention or case management or both, multi-family attached dwellings, bed and breakfasts, or motels.

**HOTEL, EXTENDED-STAY:** A building or portion thereof for rental of rooms with permanent provisions for living, eating, sanitation, and cooking for temporary occupancy without limits on duration. Extended-stay hotel structures are at least two (2) stories in height, with lodging space generally above the first floor, and not meeting the definition of a Homeless Services Use. Lodging space may also be located on the first floor. Individual rooms accessed from a common hallway. A commercial kitchen and dining room catering to the extended-stay patrons may be provided; event space, eating and drinking establishments, and accessory shops and services typically located in or provided by hotels or extended-stay hotels and catering to the general public may be provided. Not included in this

definition are facilities providing crisis intervention or case management or both, attached dwellings, bed and breakfasts, hotels, or motels.

**SECTION X.** The definition of “Social Service Organizations” in Section 4-11-190 of the Renton Municipal Code is amended as shown below. All other definitions in Section 4-11-190 remain in effect and unchanged.

**SOCIAL SERVICE ORGANIZATIONS:** Public or nonprofit agencies that provide counseling, therapy, job training, educational classes, food banks, clothing banks, or other social or human services to persons needing such services ~~due to physical, mental, emotional, or other disabilities,~~ but do not provide crisis intervention, day or night shelter, or case management. ~~Also, public or nonprofit agencies that provide public services such as food banks, clothing banks, day shelters, and job training centers.~~ This does not include religious institutions, offices, government facilities, schools, hospitals, clinics, day care, homeless services uses, medical institutions, diversion facilities, lodging in any form, or residential uses.

**SECTION XI.** The interim zoning controls imposed herein shall be in effect for six (6) months from the passage of this ordinance, unless ended earlier by subsequent City Council action, or unless subsequently extended by the City Council pursuant to state law.

**SECTION XII.** During the interim period in which these interim zoning controls are in effect, City staff are directed to further investigate:

(1) The matter of COVID-19 deintensification shelters and what further zoning and land use regulation, if any, of such uses the City should undertake; and



(2) The matter of homeless services uses and what further zoning and land use regulation, if any, of such uses the City should undertake.

City staff should present to the City Council for its consideration an update regarding these two matters prior to the expiration of the interim zoning controls established in this ordinance, as well as any further recommended legislation.

**SECTION XIII.** If any Section, subsection, sentence, clause, phrase or work of this ordinance should be held to be invalid or unconstitutional by a court or competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the constitutionality of any other Section, subsection, sentence, clause, phrase or word of this ordinance.

**SECTION XIV.** The City Council declares an emergency for the protection of the public welfare and to enable the purpose and intent of this ordinance to be accomplished. This ordinance shall take effect immediately when passed by the City Council. The City Clerk shall cause to be published a summary of this ordinance in the City's official newspaper. The summary shall consist of this ordinance's title..

PASSED BY THE CITY COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Jason A. Seth, City Clerk

APPROVED BY THE MAYOR this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Armondo Pavone, Mayor

ORDINANCE NO. \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Shane Moloney, City Attorney

Date of Publication: \_\_\_\_\_

ORD:2120:12/3/2020

DRAFT

## ATTACHMENT A

| USES:  | RESIDENTIAL ZONING DESIGNATIONS |     |     |     |     |     |      |      |     | INDUSTRIAL  |             |             | COMMERCIAL ZONING DESIGNATIONS |             |             |    |            |          |    |  |
|--|---------------------------------|-----|-----|-----|-----|-----|------|------|-----|-------------|-------------|-------------|--------------------------------|-------------|-------------|----|------------|----------|----|--|
|  | RC                              | R-1 | R-4 | R-6 | R-8 | RMH | R-10 | R-14 | RMF | IL          | IM          | IH          | CN                             | CV          | CA          | CD | CO         | COR      | UC |  |
| G. OTHER COMMUNITY AND PUBLIC FACILITIES                             |                                 |     |     |     |     |     |      |      |     |             |             |             |                                |             |             |    |            |          |    |  |
| <del>Diversion facility and diversion interim service facility</del> |                                 |     |     |     |     |     |      |      |     |             | H71         | H71         |                                |             |             |    |            |          |    |  |
| <u>Homeless services use</u>   |                                 |     |     |     |     |     |      |      |     | <u>H</u>    | <u>H</u>    | <u>H</u>    |                                | <u>H</u>    |             |    | <u>H</u>   |          |    |  |
| <u>COVID-19 deintensification shelter</u>                            |                                 |     |     |     |     |     |      |      |     | <u>P101</u> | <u>P101</u> | <u>P101</u> |                                | <u>P101</u> | <u>P101</u> |    | P101       |          |    |  |
| K. SERVICES  |                                 |     |     |     |     |     |      |      |     |             |             |             |                                |             |             |    |            |          |    |  |
| <u>Hotel, extended-stay</u>  |                                 |     |     |     |     |     |      |      |     | <u>P29</u>  | <u>P29</u>  | <u>P29</u>  |                                |             |             |    | <u>P29</u> | <u>P</u> |    |  |