

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Discussion of Ordinance No. 929 - Amending Certain Sections of the Shoreline Municipal Code (SMC) Title 20, Including Establishing a New Section, SMC 20.40.355, Setting Forth Regulations for Enhanced Shelters in the Mixed Business Zone, and Replacing Interim Regulations

DEPARTMENT: Planning and Community Development

PRESENTED BY: Steve Szafran, AICP, Senior Planner

ACTION: ☐ Ordinance ☐ Resolution ☐ Motion
 ☒ Discussion ☐ Public Hearing

PROBLEM/ISSUE STATEMENT:

On October 26, 2020, the City Council adopted interim regulations for the operation of an enhanced shelter in the R-48 Zone, which will expire in April. Tonight, Council is scheduled to discuss permanent regulations that would allow enhanced shelters in the Mixed Business (MB) zone, subject to index criteria. The former Oaks Nursing Home site, which is the only site in the City with an enhanced shelter, is currently the subject of a rezone from R-18 and R-48 to MB and would continue to be allowed under these proposed development regulations, if approved. The Hearing Examiner held a public hearing on March 17, 2021 regarding this rezone and on April 2, 2021, the Hearing Examiner issued a decision recommending approval which will come to Council for final decision making.

Proposed Ordinance No. 929 (Attachment A) would provide for these permanent develop regulations for enhanced shelters in the MB zone by establishing a new section of the Shoreline Municipal Code (SMC 20.40.355). Council is scheduled to discuss proposed Ordinance No. 929 tonight and take potential action on this proposed Ordinance on May 3, 2021.

RESOURCE/FINANCIAL IMPACT:

No direct financial impacts are expected from this proposed regulation change. The City currently has a small contract with Lake City Partners for the current enhanced shelter in Shoreline, which is expected to continue.

RECOMMENDATION

No formal action is required as this is a discussion item only. Staff recommends that the Council review the Planning Commission-recommended regulation changes to the MB zone in proposed Ordinance No. 929. Proposed Ordinance No. 929 is currently scheduled to be brought back to Council for potential action on May 3, 2021.

Approved By: City Manager **DT** City Attorney **JA-T**

BACKGROUND

In April 2020, the City Council adopted Council Goal No. 5, Action Step No. 7, which reads:

Begin a process of developing partnerships with North King County cities and other key stakeholders in support of siting a 24/7 shelter/navigation center to serve homeless single adults in North King County.

In response to this Council Goal Action Step, staff began working to explore options for the siting of a shelter for homeless adults to serve the North King County area. Shortly thereafter, grant funding for additional homeless shelters became available through the Washington State Department of Commerce. The City then partnered with King County and Lake City Partners Ending Homelessness (a not-for-profit organization that provides shelter and services for people experiencing homelessness) in establishing an enhanced shelter for homeless adults at the former Oaks at Forest Bay Nursing Home (The Oaks), located at 16357 Aurora Avenue North.

The enhanced shelter model is a continuous-stay living environment, in that it offers living arrangements where individuals have a room or bed assigned to them throughout the duration of their stay and may store their belongings onsite. The goal of the model is to provide services oriented toward bringing people experiencing unsheltered homelessness inside and exiting shelter participants to permanent housing and positive destinations.

The current zoning district of that portion of the Oaks property where buildings are located is R-48 (Residential 48 units per acre) and did not permit homeless shelters. In addition, some of the requirements of the grant funding that King County would use to operate the shelter conflict with the zoning code index criteria for homeless shelters as currently defined in Shoreline Municipal Code (SMC) Section 20.40.405.

On October 26, 2020, the City Council adopted interim regulations for the operation of an Enhanced Shelter in the R-48 Zone. The staff report for the adoption of these interim regulations can be found at the following link:
<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport102620-8a.pdf>.

As these interim regulations will expire in April 2021, tonight, Council is scheduled to discuss permanent regulations that would allow enhanced shelters in the Mixed Business (MB) zone, subject to index criteria, as proposed in Ordinance No. 929 (Attachment A). The Oaks site, which is the only site in the City with an enhanced shelter, is currently the subject of a rezone from R-18 and R-48 to MB and would a legally confirming use under these proposed development regulations, if approved. The Hearing Examiner held a public hearing on March 17, 2021 regarding this rezone and on April 2, 2021, the Hearing Examiner issued a decision recommending approval which will come to Council for final decision making.

The Planning Commission held a study session on the proposed enhanced shelter Development Code amendments (Exhibit A to Attachment A) on February 18, 2021,

where they heard from neighbors of the Oaks site and asked for additional information from staff. The meeting packet is available at the following link:
<https://www.shorelinewa.gov/home/showpublisheddocument?id=50906>.

Subsequently, the Planning Commission held a public hearing on the amendments on March 18, 2021 and forwarded the changes to the City Council with a recommendation of approval (see Attachment B.) The meeting packet for this public hearing is available at the following link:
<https://www.shorelinewa.gov/home/showpublisheddocument?id=51112>.

DISCUSSION

Proposed Ordinance No. 929 contains a code amendment defining enhanced shelters and permitting them as a use in the MB zoning district subject to certain index criteria. The MB zone, along with Community Business (CB) and Town Center (TC) 1, 2 and 3 zones already allow homeless shelters as permitted uses, though enhanced shelters have different operational criteria and therefore are being defined and regulated separately. A new definition would be added to the Development Code in SMC 20.20.018:

Enhanced Shelter A 24 hour a day facility which is open to adults experiencing homelessness regardless of prior criminal history, addiction, or mental health challenges as long as the individual is able to live safely in community with others and abide by established program rules. The purpose is to provide safe shelter and access to resources including, but not limited to, housing, basic needs, hygiene, case management and social programs as they transition to permanent housing.

Proposed Enhanced Shelter Indexed Criteria

During the Council's review of the interim regulations for enhanced shelters, Council developed a set of index criteria to mitigate possible incompatibilities and provide a process to resolve conflicts that might arise from the use. These criteria are very similar to what is being proposed for the permanent regulations, with some additional refinements and clarifications. Two significant changes are the inclusion of a maximum occupancy of 100 residents in enhanced shelters and a spacing requirement of one mile from any other homeless shelters. Attachment C to this staff report provides a map of the parcels that meet the enhanced shelter criteria with the current North King County Enhance Shelter at the Oaks site identified on the map.

The indexed criteria for enhanced shelters in new proposed Code section 20.40.355 is as follows:

20.40.355 Enhanced Shelter

Enhanced shelters are allowed in the MB zone subject to the criteria below:

- A. It shall be operated by state, county, or city government, a State of Washington registered nonprofit corporation; or a Federally recognized tax exempt 501(C)(3) organization that has the capacity to organize and manage an enhanced shelter;*

- B. *It shall permit inspections by City, Health and Fire Department inspectors at reasonable times for compliance with the City's requirements. An inspection by the Shoreline Fire Department is required prior to occupancy;*
- C. *It shall develop and enforce a code of conduct acceptable to the City that articulates the rules and regulations of the shelter. These rules shall include, at a minimum, prohibitions against criminal activities, such as theft and threats or acts of violence, and the sale, purchase, possession, or use of alcohol or illegal drugs within the facility or on the facility grounds;*
- D. *It shall be located with frontage on a principal arterial and within ¼ mile of a transit stop with frequent all-day service as defined by King County Metro Transit;*
- E. *To avoid a concentration of uses enhanced shelters must be located at least a mile from any other enhanced or homeless shelters, calculated as a radius from the property lines of the site;*
- F. *The maximum number of residents in an enhanced shelter shall be determined by the general capacity of the building and the level of staffing to be provided, but shall in no case exceed 100;*
- G. *A solid, 6-foot tall fence shall be provided along all property lines that abut residential zoning districts;*
- H. *Submittal of a parking plan acceptable to the City prior to occupancy; and*
- I. *The primary funding organization and shelter operator shall enter into a memorandum of agreement with the City regarding operational issues that shall include:*
 - 1. *Staffing plans.*
 - 2. *Requirements for regular reports to the City on how the shelter is meeting performance metrics.*
 - 3. *An agreement that if calls for law enforcement service exceed an agreed upon threshold in any given quarter, the shelter operator will work with the City to reduce calls below the threshold level.*
 - 4. *A coordination plan with the Shoreline Police Department which shall include protocols for Police response to the shelter and to shelter clients throughout Shoreline.*
 - 5. *Requiring adherence to a good neighbor plan that addresses how the shelter operator will address litter, noise, security procedures, and other issues that may be of concern to the surrounding community.*
 - 6. *Criteria to determine if/when to discontinue the shelter use if documented violations of the operational agreements are not addressed in a timely manner.*
 - 7. *Provisions for City approval of any proposed change in shelter operator.*

Development Code Amendment Decision Criteria

SMC 20.30.350 states, “An amendment to the Development Code is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City”. Development Code amendments may also be necessary to reduce confusion and clarify existing language, respond to regional and local policy changes, update references to other codes, eliminate redundant and inconsistent language, and codify Administrative Orders previously approved by the Director. Regardless of their purpose, all amendments are to implement and be consistent with the Comprehensive Plan.

The decision criteria for a Development Code amendment in SMC 20.30.350(B) states the City Council may approve or approve with modifications a proposal for a change to the text of the land use code when all of the following are satisfied:

1. The amendment is in accordance with the Comprehensive Plan.

Relevant Comprehensive Plan Policies Regarding Homeless Services:

Goal H VII: Collaborate with other jurisdictions and organizations to meet housing needs and address solutions that cross jurisdictional boundaries.

H19: Encourage, assist, and support non-profit agencies that construct, manage, and provide services for affordable housing and homelessness programs within the city.

H29: Support the development of public and private, short-term and long-term housing and services for Shoreline’s population of people who are homeless.

Staff Analysis

The effort to site an enhanced shelter in the City of Shoreline has been a multi-agency partnership to address a regional crisis. The shelter is a collaboration between the City of Shoreline, King County, the King County Housing Authority, and Lake City Partners Ending Homelessness to provide shelter and services to those in need in underserved areas of North King County. In these ways, the proposed amendments implement the relevant Comprehensive Plan guidance listed above.

2. The amendment will not adversely affect the public health, safety or general welfare.

Staff Analysis

The proposed amendments seek to address the homelessness crisis in our region and our City by permitting enhanced shelters to locate here. The index criteria proposed will provide safeguards to prevent or address possible conflicts with the adjacent properties and neighborhood. These criteria include City collaboration with the organization operating the shelter, ongoing collaboration with Shoreline Police, defined expectations around shelter resident behavior, adequate staffing of the shelter, and location near transit facilities.

3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

Staff Analysis

The Council has determined that there is an urgent need for services and shelter for homeless adults in our region. A confluence of factors led to the City partnering with King County to establish an enhanced shelter in Shoreline. Providing a safe, stable environment for individuals experiencing homelessness to receive services and begin to address the factors that led to the loss of their housing is known as the “Housing First” model and is becoming a best practice nationwide. Over time, providing shelter and services on the journey back to permanent housing will reduce the number of people sheltering in our parks and open spaces.

COUNCIL GOAL(S) ADDRESSED

This item directly responds to Council Goal #5, Action Step #7: Begin a process of developing partnerships with North King County cities and other key stakeholders in support of siting a 24/7 shelter/navigation center to serve homeless single adults in North King County. The proposed ordinance will implement this Action Step by permanently allowing enhanced shelters within the MB zoning district.

RESOURCE/FINANCIAL IMPACT

No direct financial impacts are expected from this proposed regulation change. The City currently has a small contract with Lake City Partners for the current enhanced shelter in Shoreline, which is expected to continue.

RECOMMENDATION

No formal action is required as this is a discussion item only. Staff recommends that the Council review the Planning Commission-recommended regulation changes to the MB zone in proposed Ordinance No. 929. Proposed Ordinance No. 929 is currently scheduled to be brought back to Council for potential action on May 3, 2021.

ATTACHMENTS

Attachment A – Proposed Ordinance No. 929

Attachment A Exhibit A – Proposed Development Code Amendments

Attachment B – Planning Commission Transmittal Letter

Attachment C – Map of Enhanced Shelter Eligible Parcels

ORDINANCE NO. 929

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CERTAIN SECTIONS OF THE SHORELINE MUNICIPAL CODE (SMC) TITLE 20, THE UNIFIED DEVELOPMENT CODE, INCLUDING ESTABLISHING A NEW SECTION, SMC 20.40.355, SETTING FORTH REGULATIONS FOR ENHANCED SHELTERS, AND REPLACING INTERIM REGULATIONS ADOPTED BY ORDINANCE NO. 906, AS AMENDED BY ORDINANCE NO. 913.

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70A RCW; and

WHEREAS, on October 26, 2020, pursuant to RCW 35A.63.220 and RCW 36.70A.390, after conducting a public hearing, the City adopted Ordinance No. 906 adopting interim regulations temporarily authorizing enhanced shelters within the R-48 zoning district, expiring on May 3, 2021; and

WHEREAS, an enhanced shelter is a facility providing a 24 hour a day facility for adults experiencing homelessness in which they can access basic and social services as they transition to permanent housing; and

WHEREAS, on November 16, 2020, the City adopted Ordinance No. 913, adopting amendments to the interim regulations so as to provide clarity and correct formatting and, retaining the May 3, 2021 expiration date; and

WHEREAS, on February 18, 2021, the City of Shoreline Planning Commission reviewed the proposed Development Code amendments and, on March 18, 2021, held a public hearing on the proposed Development Code amendments so as to receive public testimony; and

WHEREAS, at the conclusion of the public hearing, the City of Shoreline Planning Commission deliberated on the proposed Development Code amendments, and recommend approval of the Development Code amendments, as amended, to the City Council; and

WHEREAS, on April 12, 2021, the City Council held a study session on the proposed Development Code amendments; and

WHEREAS, pursuant to RCW 36.70A.370, the City has utilized the process established by the Washington State Attorney General so as to assure the protection of private property rights; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to adopt the amendment(s) to its Unified Development Code; and

WHEREAS, the environmental impacts of the amendments to SMC Title 20, the City's land use development regulations, resulted in the issuance of a Determination of Non-Significance (DNS) on March 3, 2021; and

WHEREAS, the City provided public notice of the amendments and the public hearing as provided in SMC 20.30.070; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

WHEREAS, the City Council has determined that the amendments are consistent with and implement the Shoreline Comprehensive Plan and serves the purpose of the Unified Development Code as set forth in SMC 20.10.020;

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

Section 1. Amendment; Establishing new Section SMC 20.40.355. Title 20 of the Shoreline Municipal Code, Unified Development Code, is amended as set forth in Exhibit A to this Ordinance.

Section 2. Interim Regulations Terminated. Upon the effective date of this Ordinance or May 3, 2021, whichever is the earliest, the interim regulations adopted by Ordinance No. 906, as amended by Ordinance No. 913, temporarily authorizing enhanced shelters within the R-48 zoning district shall terminate.

Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 4. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 5. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON MAY 3, 2021.

Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik-Smith
City Clerk

Julie Ainsworth-Taylor, Assistant City Attorney
On Behalf of Margaret King, City Attorney

Date of Publication: , 2021

Effective Date: , 2021

Ordinance No. 929
Proposed Code Amendments

-E-

20.20.018 E definitions.

Enhanced Shelter

A 24 hour a day facility which is open to adults experiencing homelessness regardless of prior criminal history, addiction or mental health challenges as long as the individual is able to live safely in community with others and abide by established program rules. The purpose is to provide safe shelter and access to resources including, but not limited to, housing, basic needs, hygiene, case management and social programs as they transition to permanent housing.

Table 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
TEMPORARY LODGING									
	Homeless Shelter						P-i	P-i	P-i
	<u>Enhanced Shelter</u>							P-i	

20.40.355 Enhanced Shelter

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- B. It shall permit inspections by City, Health and Fire Department inspectors at reasonable times for compliance with the City's requirements. An inspection by the Shoreline Fire Department is required prior to occupancy;
- C. It shall develop and enforce a code of conduct acceptable to the City that articulates the rules and regulations of the shelter. These rules shall include, at a minimum, prohibitions against criminal activities, such as theft and threats or acts of violence, and the sale, purchase, possession, or use of alcohol or illegal drugs within the facility or on the facility grounds;
- D. It shall be located with frontage on a principal arterial and within ¼ mile of a transit stop with frequent all-day service as defined by King County Metro Transit;
- E. To avoid a concentration of uses, enhanced shelters must be located at least a mile from any other enhanced or homeless shelters, calculated as a radius from the property lines of the site;

- F. The maximum number of residents in an enhanced shelter shall be determined by the general capacity of the building and the level of staffing to be provided, but shall in no case exceed 100;
- G. A solid, 6-foot tall fence shall be provided along all property lines that abut residential zoning districts;
- H. Submittal of a parking plan acceptable to the City prior to occupancy; and
- I. The primary funding organization and shelter operator shall enter into a memorandum of agreement with the City regarding operational issues that shall include:
 - 1. Staffing plans.
 - 2. Requirements for regular reports to the City on how the shelter is meeting performance metrics.
 - 3. An agreement that if calls for law enforcement service exceed an agreed upon threshold in any given quarter, the shelter operator will work with the City to reduce calls below the threshold level.
 - 4. A coordination plan with the Shoreline Police Department which shall include protocols for Police response to the shelter and to shelter clients throughout Shoreline.
 - 5. Requiring adherence to a good neighbor plan that addresses how the shelter operator will address litter, noise, security procedures, and other issues that may be of concern to the surrounding community.
 - 6. Criteria to determine if/when to discontinue the shelter use if documented violations of the operational agreements are not addressed in a timely manner.
 - 7. Provisions for City approval of any proposed change in shelter operator.



TO: Honorable Members of the Shoreline City Council

FROM: Jack Malek, Vice Chair
Shoreline Planning Commission

DATE: March 18, 2021

RE: Enhanced Shelter Regulations

The Shoreline Planning Commission has completed its review of the proposed Enhanced Shelter Regulations. In consideration of the Planning Staff's recommendations, written and oral public testimony, the Planning Commission respectfully recommends that the City Council adopt the proposed Enhanced Shelter Regulations as attached to this recommendation.





The Planning Commission held a study session on February 18, 2021 and a public hearing on March 18, 2021. The Commission voted 5-0, Chair Mork and Commissioner Lin absent, to approve the regulations as presented by staff.

While the Planning Commission is recommending approval, the Commissioners would like to note two (2) things for further consideration by the City Council:










- At another time, consider authorizing Enhanced Shelters within the Community Business (CB) zoning district, specifically along 15th Avenue N where there is public transit service.
- Consider including a Food Plan requirement to the index criteria, similar to a Parking Plan, denoting how regular food service will be provided to residents.



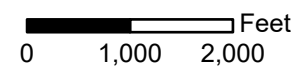
Eligible Tax Parcels
Zoned MB*

-  Eligible Tax Parcel*
 Tax Parcel (Zoned MB)
 Enhanced Shelter/Oaks Site
 1 Mile Radius

Street

-  Interstate
 Principal Arterial
 Minor Arterial
 Collector Arterial
 Local
 Outside Shoreline
 City Limit
 Bus Stop (Rapid Ride)
 Bus Stop (Route 5)

*Eligibility requirements include MB zoning, with frontage on Aurora Ave N or Westminster Way N



CITY OF
SHORELINE
Geographic Information System

This map is not an official map. No warranty is made concerning the accuracy, currency, or completeness of data depicted on this map.

