

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Public Hearing on a Six (6) Month Moratorium on the Filing, Acceptance or Approval of Cottage Housing Developments
DEPARTMENT: Planning and Development Services
PRESENTED BY: Tim Stewart, Director of Planning and Development Services

PROBLEM/ISSUE STATEMENT:

On August 23, 2004, Council declared an emergency and adopted Ordinance No. 362, which established a six-month moratorium on the filing, acceptance or approval of any cottage housing developments (Attachment A). A copy of SMC Section 20.40.300, the Supplemental Index criteria for Cottage Housing, which includes the density bonus provision, can be found in Attachment B.

In accordance with RCW 35A.63.220, the City Council is required to conduct a public hearing to receive testimony within sixty (60) days of enacting the moratorium. This public hearing is intended to meet this statute. No further action will be taken by Council on the moratorium or on the substance of cottage housing regulations the night of the public hearing.

The history of cottage housing in Shoreline can be found in Attachment C. The following is a timeline of the most recent events:

- August 23, 2004 – Council declares an emergency and enacts a moratorium.
- September 27, 2004 – Council conducts a public hearing on the moratorium.
- January 2005 – Planning Commission Workshops on Cottage Housing Issues
- February 23, 2005 – Moratorium expires if not extended by Council prior to 2/23. A moratorium may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Resolution of Issues Identified

During the moratorium, staff will evaluate public comment and those cottage housing projects approved under current regulations to potentially draft amendments to address issues and concerns. The Planning Commission will hold workshop(s) and at least one public hearing on the regulations and any proposed amendments beginning tentatively in January 2005. The City Council will receive the Planning Commission's report and recommendation for amendments and take appropriate action.

RECOMMENDATION

Staff recommends that Council:

- (1) confirm that a public hearing on the six-month moratorium on cottage housing bonus densities was held on September 27, 2004;
- (2) reconfirm the findings of fact for the moratorium; and
- (3) reconfirm the moratorium, as set forth in Ordinance 352.

Attachments

Attachment A: Ordinance No. 362
Attachment B: SMC 20.40.300 Supplemental Index Criteria for Cottage Housing
Attachment C: Cottage Housing History

Approved By: City Manager  City Attorney 

**ATTACHMENT A:
ORDINANCE NO. 362**

ORDINANCE NO. 362

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,
ADOPTING A MORATORIUM FOR SIX MONTHS ON THE FILING,
ACCEPTANCE OR APPROVAL OF ANY APPLICATIONS FOR
DEVELOPMENT OF LAND UTILIZING COTTAGE HOUSING BONUS
DENSITIES AND DECLARING AN EMERGENCY**

WHEREAS, under the provisions of the Growth Management Act the City is required to adopt development regulations implementing the City of Shoreline Comprehensive Plan; and

WHEREAS, the City initiated a public outreach and planning process for the production of new land development regulations; and

WHEREAS, development regulations increased the minimum lot size for low density districts from the interim zoning code (Title 21A of the King County Code, adopted on June 26, 1995 by City Ordinance No.11), while adopting a cottage housing bonus density that was permitted in R8-12 and R18-48 zones, and could be approved as a conditional use permit in R4 -6 zones as part of the City's strategy to reach GMA population targets; and

WHEREAS, policy provisions of the City of Shoreline Comprehensive Plan support new residential development that is compatible with existing neighborhoods; and

WHEREAS, existing land development standards intended to require the integration of new cottage housing residential development with existing neighborhoods may not be adequate, particularly in many existing low density neighborhoods; and

WHEREAS, the continued acceptance of development applications proposing the creation of residential development utilizing existing cottage housing development standards and density may allow development that is incompatible with existing neighborhoods; leading to erosion of community character and harmony, and a decline in property values; and

WHEREAS, a six-month moratorium on the filing of applications utilizing cottage housing bonus densities will allow the City to preserve planning options and prevent substantial change until the existing cottage housing strategy and any needed revision are made to the City's development regulations that implement the Shoreline Comprehensive Plan; and

WHEREAS, the City Council has determined from recent public correspondence and comment that the integrity of existing land uses, the Comprehensive Plan, and the State Growth Management Act planning process may suffer irreparable harm unless a moratorium preventing the creation of cottage housing development is adopted; and

WHEREAS, the potential adverse impacts upon the public safety, welfare, and peace, as outlined herein, justify the declaration of an emergency; and

WHEREAS, pursuant to SEPA regulations, SMC 20.30.550 adopting Washington Administrative Code Section 197-11-880, the City Council finds that an exemption under SEPA for this action is necessary to prevent an imminent threat to public health and safety and to prevent an imminent threat of serious environmental degradation through continued development under existing regulations. The City shall conduct SEPA review of any permanent regulations proposed to replace this moratorium; **NOW, THEREFORE,**

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

Section 1. Finding of Fact. The recitals set forth above are hereby adopted as findings of the City Council.

Section 2. Moratorium Adopted. A moratorium is adopted upon the use or application of SMC 20.40.130 (cottage housing supplemental development criteria) and the "cottage housing" use listed in the residential land use table, SMC 20.40.120. No land use development proposal or application may be filed or accepted which proposes a development relying upon these code sections for approval.

Section 3. Public Hearing. Pursuant to RCW 35A.63.220 the City Clerk shall notice a public hearing before the City Council to take testimony concerning this moratorium within sixty days of passage of this ordinance.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

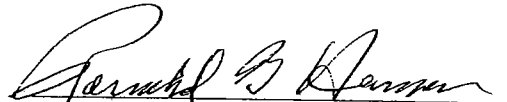
Section 5. Effective Date. The City Council declares that an emergency exists requiring passage of this ordinance for the protection of public health, safety, welfare and peace based on the Findings set forth in Section 1 of this ordinance. This ordinance shall take effect and be in full force immediately upon passage and shall expire six months from its effective date unless extended or repealed according to law.

Section 6. Publication. The summary of this ordinance is approved as a

ORIGINAL

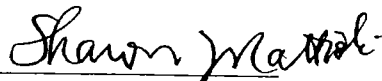
summary of this ordinance for publication in the official newspaper of the City.

PASSED BY THE CITY COUNCIL ON AUGUST 23, 2004



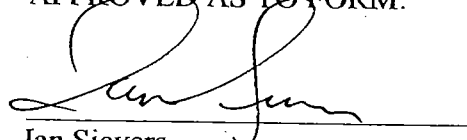
Mayor Ronald B. Hansen

ATTEST:



Sharon Mattioli, MMC
City Clerk

APPROVED AS TO FORM:



Ian Sievers
City Attorney

Date of Publication: August 28, 2004
Effective Date: August 23, 2004

**ATTACHMENT B:
SUPPLEMENTAL INDEX CRITERIA
FOR COTTAGE HOUSING**

20.40.260 Boarding houses.

- A. Rooming and boarding houses and similar facilities, such as fraternity houses, sorority houses, off-campus dormitories, and residential clubs, shall provide temporary or longer-term accommodations which, for the period of occupancy, may serve as a principal residence.
- B. These establishments may provide complementary services, such as housekeeping, meals, and laundry services.
- C. In an R-4 or R-6 zone a maximum of two rooms may be rented to a maximum of two persons other than those occupying a single-family dwelling.
- D. Must be in compliance with health and building code requirements.
- E. The owner of the rooms to be rented shall provide off-street parking for such rooms at the rate of one parking stall for each room.
- F. Boarding houses require a boarding house permit. (Ord. 352 § 1, 2004; Ord. 238 Ch. IV § 3(B), 2000).

-C-

20.40.270 Cemeteries and columbariums.

Cemeteries and columbariums:

- A. Columbariums only as accessory to a church; provided, that required landscaping and parking are not reduced.
- B. Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.280 Community residential facilities I and II.

Repealed by Ord. 352. (Ord. 299 § 1, 2002; Ord. 238 Ch. IV § 3(B), 2000).

20.40.290 Conference center.

Permitted in a residential zone as accessory to a park or in a building listed on the National Register as an historic site or designated as a King County landmark or as a conditional use. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.300 Cottage housing.

- A. For the definition of cottage housing see SMC 20.20.014. The intent of cottage housing is to:
 - Support the growth management goal of more efficient use of urban residential land;

- Support development of diverse housing in accordance with Framework Goal 3 of the Shoreline Comprehensive Plan;
 - Increase the variety of housing types available for smaller households;
 - Provide opportunities for small, detached dwelling units within an existing neighborhood;
 - Provide opportunities for creative, diverse, and high quality infill development;
 - Provide development compatible with existing neighborhoods with less overall bulk and scale than standard sized single-family detached dwellings; and
 - Encourage the creation of usable open space for residents through flexibility in density and design.
- B. The total floor area of each cottage unit shall not exceed 1,000 square feet. Total floor area is the area included within the surrounding exterior walls, but excluding any space where the floor to ceiling height is less than six feet. The maximum main floor area for an individual cottage housing unit shall be as follows:
- For at least 50 percent of the units in a cluster, total floor area shall not exceed 650 square feet;
 - For no more than 50 percent of the units in a cluster, the floor area may be up to 800 square feet.
- C. The following number of cottage housing units shall be allowed in place of each single-family home allowed by the base density of the zone:
- If all units do not exceed 650 square feet on main floor:
2.00
 - If any unit is between 651 and 800 square feet on main floor:
1.75
- D. Cottage housing units shall be developed in clusters of a minimum of four units to a maximum of 12 units.
- E. The height limit for all structures shall not exceed 18 feet. Cottages or amenity buildings having pitched roofs with a minimum slope of six and 12 may extend up to 25 feet at the ridge of the roof. All parts of the roof above 18 feet shall be pitched.
- F. Cottage housing units shall be oriented around and have the covered porches or main entry from the common open space. The common open space must be at least 250 square feet per cottage housing unit. Open space with a dimension of less than 20 feet shall not be included in the calculated common open space.
- G. Each cottage housing unit shall be provided with a private use open space of 250 square feet with no dimension of less than 10 feet on one side. It should be contiguous to each cottage, for the exclusive use of the cottage resident, and oriented toward the common open space.

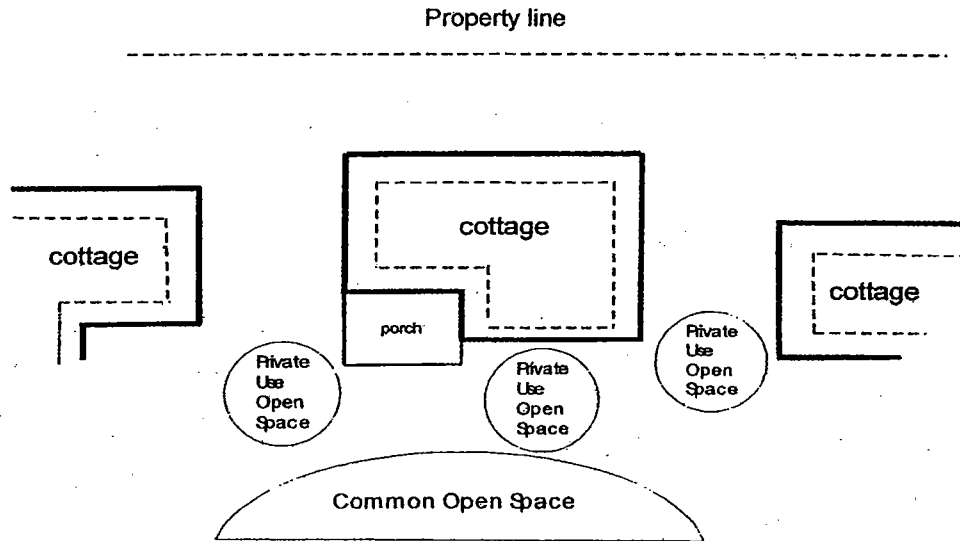
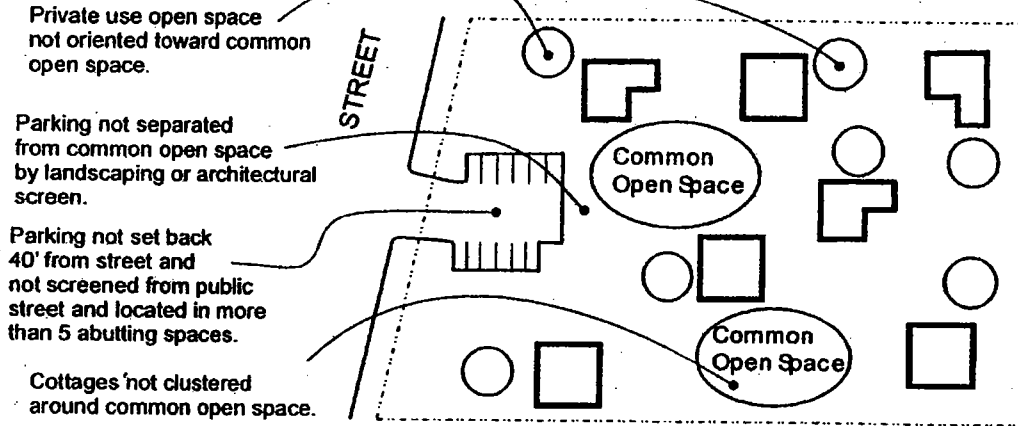


Figure 20.40.300(G): Private use open space should be contiguous to each cottage, for the exclusive use of the cottage resident, and oriented towards the common open space.

- H. Cottage housing units shall have a covered porch or entry at least 60 square feet in size with a minimum dimension of six feet on any side.
- I. All structures shall maintain no less than 10 feet of separation within the cluster. Projections may extend into the required separation as follows:
- Eaves may extend up to 12 inches;
 - Gutters may extend up to four inches;
 - Fixtures not exceeding three square feet in area (e.g., overflow pipes for sprinkler and hot water tanks, gas and electric meters, alarm systems, and air duct termination; i.e., dryer, bathroom, and kitchens); or
 - On-site drainage systems.
- J. Parking for each cottage housing unit shall be provided as follows:
- Units that do not exceed 650 square feet on main floor:
1.5
 - Units that exceed 650 square feet on main floor:
2.0
- K. Parking shall be:
- Clustered and separated from the common area by landscaping and/or architectural screen. No solid board fencing allowed as architectural screen.
 - Screened from public streets and adjacent residential uses by landscaping and/or architectural screen. No solid board fencing allowed as architectural screen.
 - Set back a minimum of 40 feet from a public street, except for an area which is a maximum of (1) 50 feet wide; or (2) 50 percent of the lot width along the public street frontage, whichever is less, where parking shall have a minimum setback of 15 feet from a public street.
 - Located in clusters of not more than five abutting spaces.

- L. Setbacks for all structures from the property lines shall be an average of 10 feet, but not less than five feet, except 15 feet from a public street.
- M. All fences on the interior of a lot shall be no more than 36 inches in height. Fences along the property line may be up to six feet in height subject to the sight clearance provisions of SMC 20.70.170, 20.70.180 and 20.70.190(C). No chain link fences allowed.

DON'T DO THIS



DO THIS

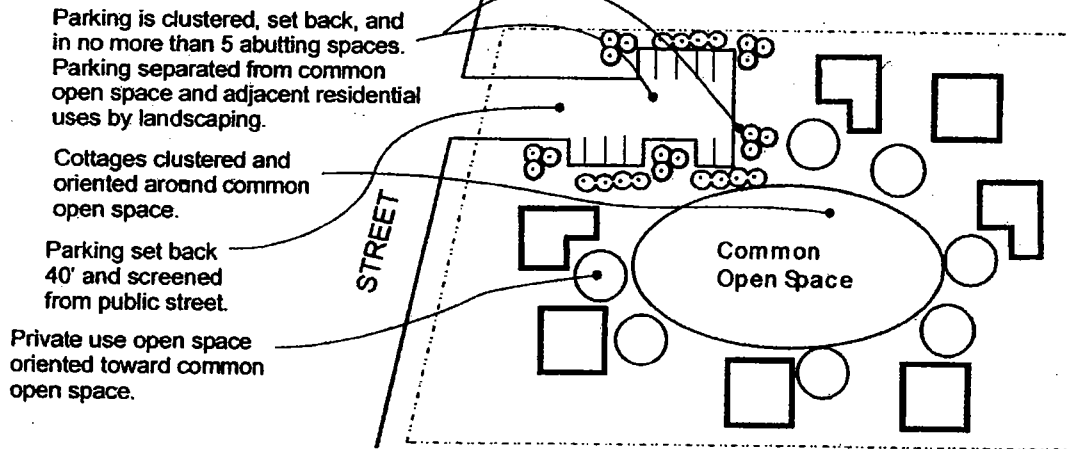


Figure 20.40.300: Avoid large clusters of parking, set back parking from the street, create functional common and private use open space, provide for screening of parking from cottages and common open space. The site should be designed with a coherent concept in mind.

(Ord. 321 § 1, 2003; Ord. 299 § 1, 2002; Ord. 238 Ch. IV § 3(B), 2000).

ATTACHMENT C: COTTAGE HOUSING HISTORY

HISTORY OF COTTAGE HOUSING IN SHORELINE

Comprehensive Plan – 1998

A three-year process was used to develop and adopt the City's first Comprehensive Plan. Adopted Policy LU27 specifically calls for the development of cottage housing.

Shoreline Planning Academy (SPA) – 1999

The SPA was created to provide public input on how the Development Code could be written to best implement the Comprehensive Plan. Thirty-five (35) Shoreline residents were invited to join the academy. The members surveyed examples of "positive" and "negative" single family housing. Their values were also surveyed regarding land use. The SPA favored less density and modest sized single family homes that fit in the neighborhoods. The dilemma was how to have less density and achieve the Growth Management (GMA) mandates to provide housing. The proposed solution was to increase the minimum single-family lot size from 5,000 to 7,200 square feet while allowing cottages with higher densities. The intent was to meet GMA growth targets with higher density cottage developments while assuring a housing form that was compatible with surrounding neighborhoods. However, in order to comply with GMA, density could be increased for cottages as long as the overall size, setbacks, lot coverage, design, and open space are compatible and comparable to the surrounding neighborhood.

City Council Adoption – 2000

The SPA recommendations were presented to the Planning Commission in late 1999. The Planning Commission held public hearings on the proposed Development Code, which included the recommended cottage housing regulations. During the Planning Commission hearings, neighborhood representative, a cottage housing developer and city staff worked collaboratively to develop a consensus set of regulations. The final regulations included a provision to require a conditional use permit for cottages locating in all R4 and R6 zones. The requirement for a CUP approval in these residential zones provided for neighborhood notice and helps assure that developments were compatible with the neighborhood and well designed.

Cottages Developed - 2000 to 2003

Three (3) cottage housing projects were completed between 2000 and 2003:

- Meridian Park Cottages - 16 homes (Stone Ave. N. and 184th). (*Note: Meridian Park Cottages did not require a CUP because of its R8 zoning and under the current cottage housing requirements could not be built again*);
- Greenwood Cottages - 8 homes (300 N160th Pl.); and
- Madronne Cottages – 12 homes (Dayton Ave N and N. 157th St).

Many concerns were raised during the public comment periods but no appeals of the decisions were made.

Some developments were more successful than others at achieving the community's vision for cottage housing as described in the Comprehensive Plan. Through administration of the cottage housing regulations, listening to the public and critiquing the finished products, staff learned what was working and what was not working with the cottage housing regulations. In addition, staff surveyed residents living within 500 feet of recently completed cottage projects and cottage housing developers. The purpose of the survey was to aid in the refinement of the code to ensure that the community's vision for cottage housing is more accurately reflected and to reduce impacts to the neighborhoods.

Adoption of Revised Cottage Housing Code by Council - 2003

Based on staff experience administering the 2000 Development Code, the staff initiated amendments to the cottage housing regulations. Staff conducted another survey of developers and residents based on their experience with the original code and the projects built. In early 2003 the Planning Commission recommended refinements and improvements to the cottage housing regulations. The changes included:

- Doubling the square footage of required open space;
- Requiring a minimum separation between buildings within the cottage development;
- Requiring a minimum width for open space;
- Reduction in the number of cars allowed per parking cluster;
- Requiring a minimum square footage to create usable porches;
- Reducing the height of internal fences;
- Clarifying the use of perimeter screens rather than solid fences; and
- Clarifying the orientation of buildings in reference to the open space and street.

New Cottages – 2003 to Present

Since the adoption of the amended cottage housing regulations there are four (4) projects in different stages of completion: -

- Fremont Cottages – 4 homes (Fremont Ave N and N 164th St.);
- Reserve Cottages – 6 homes (20215 15th Ave NW);
- Ashworth Cottages – 4 homes (18052 Ashworth Ave N); and
- Five (5) homes at NW 195th St. and 8th Ave NW.

Effective August 23, 2004 the Shoreline City Council adopted a moratorium on the filing of applications using the cottage housing density bonus provisions of the Shoreline Development Code (SMC 20.40.300). This moratorium will take effect and be in full force immediately and shall expire six months from the effective date unless extended or repealed. The City Council will hold a public hearing on September 27, 2004 to take testimony concerning this moratorium.

The City Council has asked city staff to evaluate public comments and existing cottage housing to suggest amendments to the Development Code. Planning Commission will hold the public hearing at a future date on any amendments to the Code and make a recommendation to Council.

Cottage Housing and Affordable Housing

While some initial discussion in 1998-1999 anticipated that cottage housing would be “affordable” the primary purpose of cottage was to provide a housing form that was in scale with the character of our existing neighborhoods. Many cottages have recently sold in the \$250-330k range. The density increases allowed for cottages are not intended to provide affordable housing. In fact, the Shoreline Municipal Code (20.40.230) allows for density bonuses for affordable housing, but prohibits the use of affordable housing density bonuses with cottage housing density bonuses. The code only permits density bonus for either affordable housing or cottage housing. The two cannot be combined.

Cottage Housing Development Review

Staff spends a great deal of time with both developers and neighbors explaining how cottage housing works. In many cases, developers have chosen not to apply for a cottage housing permit after meeting with staff. In other cases, neighbors and developers have reached agreement during the development process.