

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

<p>AGENDA TITLE: Cottage Housing Deliberation and Action DEPARTMENT: Planning and Development Services PRESENTED BY: Joseph W. Tovar, FAICP, Director of Planning and Development Services Paul Cohen, Project Manager</p>

I. PROBLEM / ISSUE STATEMENT:

After considering a staff presentation of six options and public testimony at the public hearing on January 23, 2006, the City Council closed the public hearing record. Council then directed the staff to return to the February 13, 2006 meeting with draft ordinances to adopt either Option 3 or Option 6 (Attachments A and B).

II. BACKGROUND:

A. Legal Process for Amendment of the Development Code

The Shoreline Municipal Code allows for amendments to the Development Code with a specific process. First, any person may request that the City Council, Planning Commission, or Director may initiate amendments to the text of the Development Code (SMC 20.30.100). On December 6, 2004 staff initiated the amendment process to the City Council. Second, the State Department of Community, Trade and Economic Development must be noticed to consider amendments that may affect GMA goals and targets (RCW 36.70A.035 section 2). The public notice was sent to the State May 26, 2005. Third, the Planning Commission must hold a public hearing (SMC 20.30.070), which was held June 2, 2005. On June 16, 2005, the Planning Commission recommended an extension of the moratorium in order to continue their deliberations for final recommendations to the Council. On October 20, 2005, the Planning Commission made final recommendations to the City Council. Fourth, the City Council held a public hearing January 23, 2006.

B. Comprehensive Plan

In 1998 the City adopted Policy LU27 in 1998 to read:

Allow cottage housing in residential areas of 6 units per acre and up, if they go through design review and adhere to the following: common open space, reduced parking areas, detached homes' common amenities.

In 2005 the City repealed Policy LU27 and adopted Policy LU9 in 2005 to read:

The Low Density residential land use designation is intended for areas currently developed with predominantly single family detached dwellings. Single Family dwellings will be allowed and other dwelling types, such as duplexes, single family attached, cottage housing and accessory dwellings, may be allowed under certain circumstances.

Appropriate zoning for this designation is R-4 or R-6 Residential, unless a neighborhood plan, subarea plan or special district overlay plan/zone has been approved.

Policy LU9 leaves the option for the City to either allow or not allow cottage housing in R-4 or R-6 zones.

III. OPTIONS FOR COUNCIL CONSIDERATION:

A. Adopt Ordinance 408 to Repeal Cottage Housing Code (Option 6)

The Council should choose this option if it wishes to eliminate the ability of the City to process cottage housing proposals in Shoreline. Adoption of Ordinance No. 409 (Attachment A) would amend the code to achieve this outcome.

Adoption of Ordinance No. 408 would not preclude the City from studying the subject of cottage housing as part of a larger housing strategy, nor would it bar a future Council from amending the code to again permit cottage housing. The GMA targets for Shoreline, in terms of absolute numbers, would not be severely diminished by the repeal of the cottage housing code and could be offset by upzoning property elsewhere in Shoreline to maintain the target numbers.

B. Adopt Ordinance 409 to adopt Planning Commission Amendments with additional conditions of new competitive process to screen and meter number of projects, enhanced design review process and ½ mile development separation (Option 3)

1. Summary

This option uses the Planning Commission's recommendation as its basis, but adds several conditions. As staff detailed on January 23, of the 7 projects in Shoreline, only the Greenwood Cottages would meet the Commission recommended standards. Option 3 improves upon the Commission's recommendations with a new competitive selection process and enhanced design review process. To prepare Option 3, staff reviewed the Council's and public comments at the January 23 meeting and met with staff from the City of Kirkland to review their successful innovative housing program.

If the Council chooses to proceed with cottage housing, the City needs to have in place the best design standards and review process (Attachment B). The combination of high design standards, slow growth selection through competition, and enhanced review of site and building design by the planning commission or

other design review body appointed by council will provide the best opportunity for successful cottage housing in Shoreline.

a. **COMPETITION** - Require cottage developers to compete for no more than 2 application approvals annually with no more than 1 per neighborhood. Competition for limited opportunities would obligate developers to meet the more rigorous standards, strive for higher quality building and site design, and create greater compatibility with neighboring properties. The establishment of an annual maximum number of projects would slow and meter the rate of new projects. Both features would eliminate the less experienced and uncooperative developers, which has been a source of some of the problems with past projects. As written, this requirement would establish a maximum number of 2 projects that could be approved per year, but would not obligate the City to approve any of them.

b. **DESIGN REVIEW** - Require a new design review process to achieve greater project compatibility with site and neighborhood contexts. Many of the compatibility concerns expressed by some citizens are attributed to site or building design issues. While better design is not the answer to all concerns, it does have a lot to do with how well a project fits the context of its site and neighbors. Citizen input at neighborhood meetings and at hearings before the Planning Commission or other Design Review body would better articulate neighborhood concerns so that the City could more effectively respond.

c. **DESIGN STANDARDS** – Incorporate the Planning Commission’s recommended amendments which will provide higher quality of development, more parking, and greater design amenities and reduce the density, the size of each development, and building height profile.

d. **DISPERSAL** – Increase the minimum distance between cottage housing projects to ½ mile. This responds to citizen concerns that there is too much uncertainty under the present code regarding where a cottage project could be proposed. This dispersal standard would effectively prevent new cottages from locating in those neighborhoods that already have cottage projects and assure that future projects do not cluster near each other in the remaining areas of the City.

2. AMENDMENT RATIONALE (Ordinance No. 409)

a. Code Section 20.20.014 - Amend the definition of cottage housing to remove Item C. “Density of cottage housing is typically seven to 12 units per acre.” because it contradicts the new density bonus, misleads developers to densities that may not be approved, and is not applicable in all residential zones.

b. Code Section 20.30.060 – Amend Type C Permits so that the required Special Use Permit (SUP) for cottage housing is referred to the more specific design review process and criteria in 20.40.300 rather than the more generic SUP process.

c. Code Section 20.40.120 – Amend the land use chart so that cottages require a quasi-judicial Special Use Permit rather than an administrative Conditional Use Permit so that proposals can be decided by the Planning Commission or other City Council appointed Design Review body.

d. Code Section 20.40.300 – Amend the cottage housing code provisions to reflect the Planning Commission recommendations and the staff conditions of the ½ mile separation and dispersal, competitive and design review processes, and decision criteria.

IV. RECOMMENDATION:

Staff recommends that Council discuss the merits of Options 3 and 6 and then pass a motion to adopt the appropriate ordinance. Council may adopt either ordinance at the February 13 meeting. Only in the event that Council chooses Option 3, but requires more time to refine Ordinance 409, would it be necessary to consider adoption of Ordinance 410 (the moratorium extension). Only in that eventuality would it be necessary to have a public hearing (on the proposed moratorium) which is shown on the agenda as Action Item 10.

Regardless of which option the Council chooses, the staff also recommends that the Council adopt a motion directing the staff to place on the Council's retreat agenda the subject of a comprehensive housing strategy to address Shoreline's existing and future housing needs for different segments of the population and the different housing options and programs that may be appropriate to address those needs.

Attachments:

A: Ordinance No.408 Option 6 Repeal of Cottage Housing Code

B: Ordinance No.409 Option 3 Code Amendments

C: Ordinance No.410 Moratorium Extension

Approved By:

City Manager

 City Attorney 

ORDINANCE NO. 408

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, REPEALING COTTAGE HOUSING BONUS DENSITIES; AND REPEALING SHORELINE MUNICIPAL CODE 20.40.120, 20.40.300 AND AMENDING SHORELINE MUNICIPAL CODE 20.20.014

WHEREAS, Shoreline 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, City Council passed Ordinance No. 362 on August 23, 2004 which adopted findings that 1) 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; 2) 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 3) 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 was adopted; and

WHEREAS, the six month moratorium adopted by Ordinance No. 362 was extended by Ordinance No. 371 and Ordinance No. 397 until February 19, 2006;

WHEREAS, the Council finds that although the Planning Commission's recommendation for permanent amendments to cottage housing regulations would reduce some negative impacts of cottage housing cited above in support of the moratorium, it is unlikely that these additional restrictions, or a design review process, will reliably create the high quality development necessary to compliment Shoreline's lowest density residential neighborhoods;

WHEREAS, the Council further finds that this ordinance is consistent with the Comprehensive Plan, specifically recent amendments repealing LU 27 and adopting LU 9 that provides that dwelling types other than single family detached dwellings may be allowed under certain circumstances in the Low Density Residential land use designation; existing regulations and proposed amendments do not create sufficient safeguards to allow higher density cottage housing in this designation; now therefore

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

Section 1. Repeal. Shoreline Municipal Code sections 20.20.014 ‘Cottage Housing’ and 20.40.300 are hereby repealed in their entirety.

Section 2. Amendment. SMC 20.40.120 is amended to read as follows:

20.40.120 Residential type uses.

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	NB & O	CB & NCBD	RB & I
RESIDENTIAL GENERAL							
	Accessory Dwelling Unit	P-i	P-i	P-i	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i	P-i	P-i	P-i
	Apartment		C	P	P	P	P
	Cottage Housing	C-i	P-i	P-i			
	Duplex	P-i	P-i	P-i	P-i		
	Home Occupation	P-i	P-i	P-i	P-i	P-i	P-i
	Manufactured Home	P-i	P-i	P-i			
	Mobile Home Park	P-i	P-i	P-i			
	Single-Family Attached	P-i	P	P	P		
	Single-Family Detached	P	P	C	C		
GROUP RESIDENCES							
	Boarding House	C-i	C-i	P-i	P-i	P-i	P-i
	Community Residential Facility-I (Less than 11 residents and staff)	C	C	P	P	P	P

	Community Residential Facility-II			P-i	P-i	P-i	P-i
721310	Dormitory		C-i	P-i	P-i	P-i	P-i
TEMPORARY LODGING							
721191	Bed and Breakfasts	P-i	P-i	P-i	P-i	P-i	P-i
72111	Hotel/Motel					P	P
	Recreational Vehicle	P-i	P-i	P-i	P-i	P-i	P-i
	Tent City	P-i	P-i	P-i	P-i	P-i	P-i
MISCELLANEOUS							
	Animals, Small, Keeping and Raising	P-i	P-i	P-i	P-i	P-i	P-i
P = Permitted Use S = Special Use C = Conditional Use -i = Indexed Supplemental Criteria							

Section 3. Effective Date, Publication. The title of this Ordinance shall be published as a summary, and the Ordinance shall take effect five days from publication.

PASSED BY THE CITY COUNCIL ON FEBRUARY 13, 2006.

Mayor Robert Ransom

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication: , 2006
Effective Date: , 2006

ORDINANCE NO. 409

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING LAND USE REGULATIONS ALLOWING DEVELOPMENT OF COTTAGE HOUSING; AND AMENDING SHORELINE MUNICIPAL CODE 20.30.060, 20.40.120, AND 20.40.300 .

WHEREAS, Shoreline Municipal Code 20.20.014 defines cottages, 20.40.120 allows development of cottage housing in R4 and R6 zones upon issuance of a conditional use permit and permits cottages in R8-12 and R18- 48 subject to supplemental development standards of 20.40.300;

WHEREAS, three separate moratoriums of six months each were passed under Ordinances Nos. 362, 371, and 397 for the purpose of reviewing cottage housing residential development, including surveying interested parties, holding two community meetings and a bus tour, bringing forth those findings at a public hearing before the Planning Commission;

WHEREAS, the public review process of cottage housing residential development is completed and the following findings were made: 1) Cottage housing can be compatible with the single family neighborhoods of Shoreline with improved review process, standards, and criteria and 2) The State GMA targets for Shoreline that include cottage housing can be supplemented with other forms of housing;

WHEREAS, the City Council conducted a public hearing on January 23, 2006, after which it directed the staff to prepare additional code language to supplement the recommended amendatory language that had been transmitted by the Planning Commission; and.

WHEREAS, based on these findings, the City Council finds that cottage housing should be allowed in Shoreline; NOW THEREFORE

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

Section 1. Amendment. SMC 20.40.120 is amended as follows:

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	NB & O	CB & NCBD	RB & I
RESIDENTIAL GENERAL							

	Accessory Dwelling Unit	P-i	P-i	P-i	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i	P-i	P-i	P-i
	Apartment		C	P	P	P	P
	Cottage Housing	<u>S-i</u> C-i	<u>S-i</u> P-i	<u>S-i</u> P-i			
	Duplex	P-i	P-i	P-i	P-i		
	Home Occupation	P-i	P-i	P-i	P-i	P-i	P-i
	Manufactured Home	P-i	P-i	P-i			
	Mobile Home Park	P-i	P-i	P-i			
	Single-Family Attached	P-i	P	P	P		
	Single-Family Detached	P	P	C	C		

P= Permitted Use S= Special Use C=Conditional Use -i=Indexed Supplemental Criteria

Section 2. Amendment. SMC 20.40.300 is amended and replaced entirely as follows.

A. For the definition of cottage housing see SMC 20.20.014. The intent of cottage housing is to:

- Expand the housing choice available to that segment of the population who wish to have a single family home in a residential neighborhood, but whose household size does not require a large structure or whose desires or abilities to maintain a large yard and/or large building has diminished;
- Create an opportunity to improve neighborhood vitality and diversity by assuring that in-fill development has no more impact on area streets and the landscape than traditional large single family homes;
- Require that the designers and developers of new development in residential neighborhoods accept the burden of providing the highest quality development rather than the minimum standards;

- 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. Proposed cottage housing development property lines shall be separated by ½ mile (2,640 lineal feet) from the property lines of other cottage developments that are built or vested by City application.
- C. 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 minimum main floor area for an individual cottage housing unit shall be 700 square feet.
- D. Up to 1.75 cottage housing units may be allowed in place of each single-family home allowed by the base density of the zone.
- E. Cottage housing developments shall have a minimum of four units and a maximum of 8 units, not including community buildings.
- F. The height limit for all cottages shall not exceed 18 feet. Cottages 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. Parking structures and community buildings shall not exceed 18 feet.
- G. Cottages shall be oriented around a common open space using covered porches and entries. Cottages fronting on streets shall have an additional entry facing those streets. The common open space shall be at least 250 square feet per cottage and landscaped primarily with ground cover. Open space with a dimension of less than 20 feet shall not be included in the calculated common open space. Cottages and

community building shall be separated at least 40 feet when separated by required open space.

- H. Cottages provide a minimum private open space of 250 square feet. Private open space that is less than 10 feet wide shall not be included in the area calculation. Private open space should be contiguous to each cottage, directly accessed from the porch or private walk, for the exclusive use of the cottage resident, and oriented toward the common open space. Fencing or hedges bordering private open space shall not exceed 2 feet in height.
- I. 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.
- J. 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.
- K. Parking for each cottage shall be provided as follows:
- Two parking stalls for each cottage housing unit and 1 guest stall for every 2 units shall be provided. Tandem parking is allowed.
 - Clustered and separated from the private and common area and cottages by landscaping and architectural screen under 4 feet in height with trellis above 6 feet in height. Screened from public streets and adjacent residential uses by landscaping and architectural screen. Set back a minimum of 15 feet from a public street.
 - Located in clusters of not more than five abutting spaces.
 - A minimum of 50% of the parking space shall be enclosed.
- L. Setbacks for all structures from the abutting property lines shall be an average of 10 feet, but not less than five feet, except 15 feet from a public Right-of-Way or public sidewalk, whichever is greater.

M. Architectural screens 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 or solid board fences are allowed.

N. Minor variations from the criteria of this section may be approved by the Planning Director if they are likely to result in a more successful cottage development.

O. Review Process. No more than 2 projects shall be approved per twelve month period by the Planning Commission (or other Design Review body as designated by the City Council) of which no more than 1 may be approved per neighborhood. The Special Use selection and review process is supplemented by the procedures below.

1. Pre-application Meeting – A meeting with the developer and staff is required prior to application to give initial feed back on cottage housing proposals and to explain the review process and City expectations.
2. Proposal Selection – Application proposals will be accepted on April 1 and September 1 of each year. Up to 4 of the best proposals for cottage housing will be sorted by staff based on the cottage regulations and criteria. Rejected applications will be returned to the applicant at no cost. Proposals should include information such as illustrated and accurate building elevations, cross sections through the property and neighboring property, site / landscape plans, existing site conditions, and site plans and photo elevations of the surrounding property and streetscapes. Construction drawings and permits may be submitted after Commission approval.
3. Neighborhood Meeting – The developer, architect, and site planner/landscape architect of the selected proposal shall conduct a meeting to facilitate discussion of site and neighborhood analysis, several alternative design solutions, and concerns with neighbors to address compatibility. Neighbors that border or are across the street from the proposed site are invited. Staff shall attend. Written comments shall be collected and carried over to be part of a staff analysis to the Commission.
4. Planning Commission – The Planning Commission or an alternative Council-appointed design review body shall hold a public hearing approximately 45 days from staff selection of the proposals to decide which proposals are approved and conditioned in order for them to continue and seek construction permits.

P. Review Criteria. Special Permit review criteria are supplemented by the following criteria below.

Neighborhood Compatibility – A Cottage development proposal must analyze how it will have similar or lesser impacts than potential single family development on the same site in terms of lot coverage, floor area, building bulk, setbacks, and parking. It must also illustrate the site and cottages with the surrounding properties and their houses through a site plan and elevations.

Low Impact / Green Building Practices - Cottage development proposals must show how storm water will be handled to reduce run-off to predevelopment levels and to minimize the need for on-site detention system by incorporating storm water dispersion and infiltration on site. Proposals with building materials that are energy and resource-efficient will receive special consideration during the competition phase of project proposals.

Tree Preservation - Cottage development proposals must minimally incorporate 20% of existing, significant, and non-hazardous trees as much as possible into the over-all site design. Other significant trees that will be removed will be replaced with native, 12 foot tree species. All open space areas that are not required by the cottage code shall be preserved or restored with native plan material. Proposals which exceed tree retention and site restoration minimums will receive special consideration during the competition phase of project proposals.

Section 3. Publication and Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force five days after passage and publication.

PASSED BY THE CITY COUNCIL ON FEBRUARY 13, 2006.

Mayor Robert Ransom

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication:
Effective Date:

ORDINANCE NO. 410

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, EXTENDING A MORATORIUM FOR UP TO TWO MONTHS ON THE FILING, ACCEPTANCE OR APPROVAL OF ANY APPLICATIONS FOR DEVELOPMENT OF LAND UTILIZING COTTAGE HOUSING BONUS DENSITIES

WHEREAS, Shoreline 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, City Council passed Ordinance No. 362 on August 23, 2004 which adopted findings that 1) 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; 2) 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 3) 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 was adopted; and

WHEREAS, a six month moratorium was adopted by Ordinance No. 362 and extended by Ordinance No. 371, and Ordinance No. 397;

WHEREAS, the current moratorium ordinance will expire on February 19, 2006 unless extended.;

WHEREAS, in accordance with state law, the City Council conducted a public hearing on this extension on February 13, 2006 prior to passage of this ordinance; and

WHEREAS, the Council finds that additional time is needed to consider the public's input and Planning Commission Recommendation and draft appropriate amendments to current cottage housing regulations; now therefore

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

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

Section 2. Moratorium Extended. The Shoreline City Council hereby extends for two months the moratorium established by Ordinance No. 362 and previously extended by Ordinance No. 371 and Ordinance No 397, upon the acceptance of applications for and the issuance of any land use, building and development permits or approval, or any other permit, license or approval required to construct, install, relocate, or operate any residential development utilizing cottage housing bonus densities.

Section 3. Effective Date and Duration. The current moratorium shall expire at midnight on February 19, 2006. The extension authorized herein shall take effect immediately upon expiration of the current moratorium and shall thereafter be in effect for 30 days unless repealed, modified, or extended by action of the City Council.

Section 4. Publication. The summary of this ordinance consisting of its title is approved for publication in the official newspaper of the City.

PASSED BY THE CITY COUNCIL ON FEBRUARY 13, 2006.

Mayor Robert Ransom

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication: , 2006

Effective Date: , 2006

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