# CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Ordinance No. 824 – Amendments to Shoreline Municipal Code Chapters 20.20, 20.40, and 20.50 for Community Residential Facilities					
DEPARTMENT:	Planning & Community Development					
PRESENTED BY:	Paul Cohen, Planning Manager					
	teven Szafran, AICP, Senior Planner					
ACTION:	Ordinance Resolution Motion					
	<u>X</u> Discussion Public Hearing					

#### **PROBLEM/ISSUE STATEMENT:**

A non-resident property owner, the Ashley House, has applied for a privately-initiated code amendment to SMC 20.40.120 to allow a Community Residential Facility II (CRF-II) to be located in the R-4 and R-6 zones (low density residential) subject to the approval of a Conditional Use Permit (CUP) as provided in SMC 20.30.300 (Attachment A).

Every year, Development Code amendments are collected and presented to the Planning Commission and City Council for study and possible adoption. The Planning Commission discussed these proposed amendments on March 1, April 5, and April 19, 2018 and held a public hearing on the amendments on May 3, 2018. The Planning Commission recommended approval of the Development Code amendments as presented in Option 2 in this staff report.

Tonight, Council is scheduled to discuss proposed Ordinance No. 824 (**Attachment B**), which would adopt these proposed Development Code amendments (**Exhibit A**). Proposed Ordinance No. 824 is currently scheduled to be brought back to Council for action on June 25, 2018.

#### **RESOURCE/FINANCIAL IMPACT:**

This amendment would have no financial impact on the City.

#### RECOMMENDATION

No action is required at this meeting. Staff recommends that Council review these proposed Development Code amendments. The Planning Commission and staff recommended approval of Option 2 when this item is brought back to Council for adoption. Council is scheduled to adopt proposed Ordinance No. 824 on June 25, 2018.

Approved By: City Manager **DT** City Attorney **MK** 

#### BACKGROUND

A non-resident property owner, Ashley House (<u>https://www.ashleyhousekids.com/</u>), has applied for a privately-initiated code amendment to SMC 20.40.120 to allow a Community Residential Facility II (CRF-II) to be located in the R-4 and R-6 zones (low density residential) subject to the approval of a Conditional Use Permit (CUP) as provided in SMC 20.30.300.

The purpose of low density residential, R-4 and R-6 zones, is to provide for a mix of predominantly single detached dwelling units and other development types, such as accessory dwelling units and community facilities that are compatible with existing development and neighborhood character. Uses such as fire stations, schools, churches, libraries, daycares, museums, utility facilities, transfer stations, and other regional uses are allowed in these zones through the CUP process.

The Shoreline Development Code defines Community Residential Facilities (CRF) as:

Living quarters meeting applicable Federal and State standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification which is classified as health services. CRFs are further classified as follows:

- 1. CRF-I Nine to 10 residents and staff;
- 2. CRF-II Eleven or more residents and staff.

If staffed by nonresident staff, each 24 staff hours per day equals one full-time residing staff member for purposes of sub-classifying CRFs. CRFs shall not include Secure Community Transitional Facilities (SCTF).

It is important to note that the CRF-II use does not have an upper threshold for residents and staff.

#### Other Care Facility Allowed Uses

Overall, there are four categories of care facilities that span through all zones in Shoreline – Adult Family Homes, CFR-I, CFR-II, and Nursing and Personal Care Facilities. The City does not list but allows Adult Family Homes that meet the definition of "family" as defined under RCW 70.128 in the R-4 and R-6 zones.

Specifically, no more than eight (8) unrelated people in a residential home is considered a family. Shoreline defines "family" as,

An individual; two or more persons related by blood or marriage, a group of up to eight persons who may or may not be related, living together as a single housekeeping unit; or a group living arrangement where eight or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the dwelling unit by resident or nonresident staff. For purposes of this definition, minors living with a parent shall not be counted as part of the maximum number of residents. The Development Code does not list Adult Family Homes as a use since they can be located in any residential zone subject to State requirements. Adult Family Homes can also act as a CRF and provide care to up to eight residents and staff. There are currently 106 licensed Adult Family Homes in Shoreline (**Attachment C**). Nursing and Personal Care facilities can provide care to residents in the R-18 zone up through all commercial zones.

The table below lists each care facility use with the corresponding number of allowed maximum residents and whether or not the use is allowed in low density residential zones:

Care Facility Use	Maximum Number of Residents	Currently Allowed in R-4 or R-6 Zone?
Adult Family Home	8 including staff	Yes
Community Residential Facility (CRF) - I	10 including staff	With CUP
Community Residential Facility (CRF) - II	No Max	No
Nursing and Personal Care Facilities	No Max	No

Staff research shows that the City has very few CRFs in R-4 and R-6 zones. The City recently approved a CRF-II in the R-12 zone for a facility that treats patients with traumatic brain injuries (TBI) who are not able to live independently. The facility is located at 1548 NE 175<sup>th</sup> Street just east of the North City Business District. In addition to 24-hour support services, residents have access to specialized therapy and nursing services. This 12-bedroom facility will meet the needs for low-income adults in our community, including veterans.

#### DISCUSSION

In addition to the applicant's proposed Development Code amendment, staff has proposed two additional options for the Council to consider. The following options were discussed by the Planning Commission related to this proposed Development Code amendment:

#### <u>Option 1</u>

This option is the Applicant's (Ashley House) proposed amendment. The applicant has proposed to change Table 20.40.120 only to make CRF II a Conditional Use in the R-4 and R-6 zones. No other modifications to the CRF land use is proposed.

TABLE 20.40.120 Residential Uses

	SPECIFIC LAND USE	R4-		R18-	TC-4	NB	СВ	MB	TC-1, 2
#		R6	R12	R48					& 3
GROUP RESIDENCES									
	Boarding House	C-i	C-i	P-i	P-i	P-i	P-i	P-i	P-i
	Community Residential Facility-I	С	С	Ρ	Ρ	Ρ	Ρ	Ρ	Ρ
	Community Residential Facility-II	<u>C</u>	С	P-i	P-i	P-i	P-i	P-i	P-i
721310	Dormitory		C-i	P-i	P-i	P-i	P-i	P-i	P-i

**Option 1: Planning Commission Recommendation** – The Planning Commission does not recommend this option. This option allows an applicant to apply for a CRF-II in the R-4 and R-6 zones which, by definition, does not have an upper limit to the amount of residents and staff that may occupy a home in the low-density residential neighborhoods. With no occupant limitation, a CRF-II could become an intense use that is not consistent with the character of the surrounding community and the intent of the low-density zoning district designation.

# Option 2

As staff considered the applicant's Development Code proposal, it was apparent that the Code lacks clarity in terms of definitions and uses related to different types of care facilities. This option is proposed by staff because the City anticipates the demand for more residential care facilities as the population starts to age and more of these types of uses will increase pressure in single-family neighborhoods. Staff proposes the following amendments (these amendments are also provided in Exhibit A to proposed Ordinance No. 824) in order to provide consistent administration of different types of care facilities in the City:

#### Added Adult Family Home Definition

The Development Code does not have a definition of Adult Family Homes nor is the use included in SMC 20.40 Use Tables. Staff is proposing adding a definition for Adult Family Homes to distinguish this use from other residential health uses. The proposed definition is as follows:

Adult Family Home	A residential home in which a person or persons provide
	personal care, special care, room, and board to more than
	one but not more than six adults who are not related by
	blood or marriage to the person or persons providing the
	services and licensed by the State pursuant to Chapter
	<u>70.128 RCW, as amended.</u>

## **Added Nursing Facility Definition**

The Development Code does not include a definition for Nursing Facility even though the Nursing Facility use is included in SMC 20.40 Use Tables. The proposed definition is as follows:

Nursing Facility Any place that operates or maintains facilities providing convalescent or chronic care, for 24 consecutive hours for any number of patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include but not be limited to any or all procedures commonly employed to people who are sick. such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a licensed practitioner of the healing arts. It may also include care of mentally challenged persons. Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both. Nothing in this definition shall be construed to include any boarding home, guest home, hotel or related institution which is held forth to the public as providing, and which is operating to give only board, room and laundry to persons not in need of medical or nursing treatment or supervision except in the case of temporary acute illness. The mere designation by the operator of any place or institution such as a hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both, shall not exclude such place or institution from the provisions of this Code; provided, that any nursing facility providing psychiatric treatment shall, with respect to patients receiving such treatment, comply with the provisions of RCW 71.12.560 and 71.12.570.

#### Changing Community Residential Facility to Residential Care Facility

Community Residential Facility (CRF) is a confusing term since most other jurisdictions use the word "community" to mean places accessible to the public. Typical definitions including the term "community" are places that are open to the public such as schools, parks, and libraries. Staff recommends that term "Community Residential Facility" in the Development Code be renamed to "Residential Care Facility" since Residential Care Facility better describes the land use and clarifies that these uses are intended for personal care in the residential zones. The below amendments delete the term "Community Residential Facility" and add a new definition for "Residential Care Facility".

Community Residential Facility (CRF) Living quarters meeting applicable Federal and State standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification which is classified as health services. CRFs are further classified as follows:

A. CRF-I – Nine to 10 residents and staff;
 B. CRCF – Eleven or more residents and staff.
 If staffed by nonresident staff, each 24 staff hours per day equals one full-time staff member for purposes of subclassifying CRFs. CRFs shall not include Secure Community Transitional Facilities (SCTF).

Residential Care	A state licensed facility that provides, on a regular basis,
Facility (RCF)	personal care, including dressing and eating and health-related
	care and services for not more than fifteen (15) functionally
	disabled persons and which is not licensed under RCW Chapter
	70.128. A residential care facility shall not provide the degree of
	care and treatment that a hospital provides.

#### Adding Residential Treatment Facility

The Development Code is unclear where a facility for the treatment of substance abuse may be located. Staff and Planning Commission agreed that a Residential Treatment Facility should be located outside of residential zones and be permitted within the most intense zoning category of the City – the Mixed Business zone. This amendment adds a definition of Residential Treatment Facility and makes it clear that "Residential Treatment Facility" is not a Residential Care Facility.

Residential<br/>Treatment FacilityA facility in which 24 hour on-site care is provided for<br/>the evaluation, stabilization, or treatment of residents for substance<br/>abuse, mental health, or co-occurring disorders. The facility<br/>includes rooms for social, educational, and recreational activities,<br/>sleeping, treatment, visitation, dining, toileting, and bathing

#### **Residential Care Facility Name Change**

This is a minor amendment in SMC 20.20.046 that substitutes Residential Care Facility for Community Residential Facility.

Secure A residential facility for persons civilly committed and conditionally released to a less restrictive community-based alternative under Chapter 71.09 RCW operated by or under contract with the Washington State Department of Social and Health Services. A secure community transitional facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. SCTFs shall not be considered <u>Residential Care Facilities community residential facilities</u>.

## Adult Family Home and Residential Care Facility – Residential Use Table

This proposed amendment adds Adult Family Homes and Residential Care Facilities to the Residential Use Table. The amendment also deletes Community Residential Facilities I and II since these uses are proposed to be combined into the Residential Care Facility use. Adult Family Homes are permitted in the R-4 through TC-4 zones as authorized by State law. Residential Care Facilities are proposed to be a Conditional Use with indexed criteria in the R-4 through R-12 zones and permitted with indexed criteria in the R-18, R-24, R-48, and TC-4 zones. The proposed indexed criteria are explained later in the staff report.

				R18-		NB	СВ	MB	TC-
#		R6	R12	R48	4				1, 2
									& 3
GROU	GROUP RESIDENCES								
	Adult Family Home	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				
	Boarding House	C-i	C-i	P-i	P-i	P-	P-	P-	P-i
						i	i	i	
	Residential Care Facility Community	C-i	C-i	P-i	P-i	P	P	P	₽
	Residential Facility-I		₽-i						
	Community Residential Facility-II		C	<del>P-i</del>	₽-i	<b>P-</b>	<b>P-</b>	<del>P-</del>	₽-i
						i	i	i	

#### TABLE 20.40.120 Residential Uses

#### **Residential Treatment Facility - Use Table**

This proposed amendment clears up confusion about personal care and substance abuse treatment facilities. Since the Development Code does not have a definition of personal care, it is difficult to interpret what that use means. Staff and the Planning Commission suggest removing Personal Care from a Nursing Facility and add a new use to the table for Residential Treatment Facility. In addition, the Commission recommends allowing a Residential Treatment Facility in the Mixed-Business zone.

# Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE			R18- R48		NB	СВ		TC- 1, 2 & 3
HEAL	HEALTH								
622	Hospital			C-i	C-i	C-i	P-i	P-i	P-i
6215	Medical Lab						Ρ	Ρ	Ρ
6211	Medical Office/Outpatient Clinic			C-i	C-i	Ρ	Ρ	Ρ	Ρ
623	Nursing and Personal Care Facility			С	С	Ρ	Ρ	Ρ	Ρ
	Residential Treatment Facility							<u>P</u>	

# **Removing Personal Care from Campus Use Table**

Like the previous amendment, this amendment will remove Personal Care from Nursing Care in the Campus zones.

20.40.150 Campus uses.

NAICS #	SPECIFIC LAND USE	ccz	FCZ	PHZ	SCZ
623	Nursing Facility and Personal Care Facilities	P-m	P-m		P-m
P-m = l	Permitted Use with approved Master Development Plan				

#### **Residential Care Facility - Indexed Criteria (Conditions)**

These proposed amendments to the indexed criteria for Residential Care Facilities are intended to lessen the impact of Residential Care Facilities in residential areas. The number of residents allowed in Residential Care Facilities will be limited by the state standards for bedroom size with a maximum number of residents of 15. The 15 person maximum is based on other jurisdictions throughout the region that have Residential Care Facilities as a use.

For the Council's reference, <u>WAC 388-97-2440</u> provides for a square footage analysis of the minimum usable room space a nursing home should ensure for each bed. In existing facilities, the minimum usable room space must be at least 80 square feet per bed in each multi-bed room and at least 100 square feet for each single bed room. In a new building or addition, the minimum must be 110 square feet per bed in multi-bed rooms, and 100 square feet in single bed rooms. Staff believes using this standard will reflect the fact that some residential structures are bigger than others so that the total number of residents in any given RCF may be less than the permitted maximum of 15.

In addition to this condition, implementing a separation between RCFs of 1,000 feet will ensure that one neighborhood will not be unduly burdened by the potential congregation of this use. In order to anticipate parking impacts in the neighborhood, all must be provided on site and parking must be screened from adjacent residential uses.

20.40.280 <u>Residential Care Facilities (RCF)</u> Community residential facilities I and II Repealed by Ord. 352.

Residential Care Facilities are permitted in the R-4, R-6, R-8, and R-12 zones with the approval of a Conditional Use Permit and permitted in the R-18, R-24, R-48 and TC-4 zones provided:

- 1. <u>The number of residents shall be based on bedroom size</u>. Patient bedroom size requirements must comply with WAC 388-97-2440, as amended. In any case, the total number of residents shall not exceed fifteen (15).
- 2. <u>A RCF must be 1,000 feet from an existing RCF (measured in a straight line from property line to property line).</u>
- 3. <u>Parking must be located onsite, screened from adjacent residential uses through</u> <u>a solid six-foot high fence or wall, and one parking space for every three patients,</u> <u>plus one space for each staff on duty shall be provided.</u>

- 4. <u>No more than six parking spaces may be located outside. If more than six parking spaces are required or provided, those spaces above six must be located in an enclosed structure.</u>
- 5. Signs are limited to Residential sign standards in Table 20.50.540(G).

#### **Residential Care Facility Name Change**

This amendment replaces Community Residential Facilities with Residential Care Facilities.

20.40.400 Home Occupation

Note: Daycares, <u>Residential Care Facilities</u> community residential facilities, animal keeping, bed and breakfasts, and boarding houses are regulated elsewhere in the Code.

#### **RCF Parking Standards**

This proposed amendment amends the parking standards for Residential Care Facilities. The parking standards will be based on patients instead of units, since typically more than one patient may be within a unit leading to spill-over parking in the neighborhoods. Also, employee parking was never considered in the existing Code.

Table 20.50.390B – Special Residential Parking Standards

RESIDENTIAL USE	MINIMUM SPACES REQUIRED
Bed and breakfast guesthouse:	1 per guest room, plus 2 per facility
Residential Care Facilities-Community residential facilities:	1 per <u>3</u> <del>2</del> <u>patients</u> <del>units, plus 1 per FTE</del> employee on duty
Dormitory, including religious:	1 per 2 units
Hotel/motel, including organizational hotel/lodging:	1 per unit
Senior citizen assisted:	1 per 3 dwelling or sleeping units

#### **RCF Sign Standards**

This proposed amendment adds sign standards for Residential Care Facilities. Staff and the Planning Commission believe RCFs should be held to the same standards as other residential uses such as daycares, Adult Family Homes, and home occupations.

Table 20.50.540(G) – Sign Dimensions. A property may use a combination of the four types of signs listed below. Refer to SMC 20.50.620 for the Aurora Square Community Renewal Area sign regulations.

	All Residential (R) Zones, MUR-35', Campus, PA 3 and TC-4	MUR-45', MUR-70', NB, CB and TC-3 (1)	MB, TC-1 and TC-2			
MONUMENT S	ligns:					
Maximum Area Per Sign Face	4 sq. ft. (home occupation, day care, adult family home, <u>residential care facilities</u> , bed and breakfast) 25 sq. ft. (nonresidential use, residential subdivision or multifamily development) 32 sq. ft. (schools and parks))	50 sq. ft.	100 sq. ft.			
Maximum Height	42 inches	6 feet	12 feet			
Maximum Number	1 per street frontage	1 per street frontage	1 per street frontage			
Permitted		Two per street frontage if the frontage is greater than 250 ft. and each sign is minimally 150 ft. apart from other signs on same property.				
Illumination	Permitted	Permitted				
BUILDING-MO	UNTED SIGNS:	•				
Maximum Sign Area	Same as for monument signs	25 sq. ft. (each tenant) Building Directory 10 sq. ft. Building Name Sign 25 sq. ft.	50 sq. ft. (each tenant) Building Directory 10 sq. ft. Building Name Sign 25 sq. ft.			
Maximum Height	Not to extend above the buildin perpendicular to building then s	• •				
Number Permitted	1 per street frontage	1 per business per fa frontage or parking lo	5			
Illumination	Permitted	Permitted	Permitted			

**Option 2: Planning Commission Recommendation** – For all of the above noted reasons, the Planning Commission recommends the amendments proposed in Option 2.

# Option 3

This option leaves the Development Code unchanged and will address the topic of residential care facilities with other housing issues in the future. These include Accessory Dwelling Units, Cottage Housing, Tiny Homes, and housing design. Residential Care Facilities is another use that could potentially impact residential neighborhoods and the development of guidelines should be included in a bigger, community-wide planning process. It should be noted that future residential housing issues are not on the citywide work plan and new work items must be placed on the work plan by the City Council.

**Option 3: Planning Commission Recommendation** – While Option 3 will analyze a number of issues affecting the single-family neighborhoods, the Planning Commission does not recommend this option. There is an urgency by the applicant to move forward with their proposed use, staff work has progressed to the point that a reasonable Development Code amendment can be evaluated by the Council, and the proposed Development Code amendment has been distributed to a wide audience including the Council of Neighborhoods and posted to the City's webpage so the proposal can be viewed in a community-wide context.

#### Planning Commission Review

The Planning Commission discussed the proposed amendments to SMC 20.40.120 on March 1, April 5, and April 19, 2018.

The staff report and attachments for the March 1 meeting can be found here: <u>http://www.shorelinewa.gov/home/showdocument?id=37315.</u>

The staff report and attachments for the April 5 meeting can be found here: <u>http://www.shorelinewa.gov/home/showdocument?id=38517</u>.

The staff report and attachments for the April 19 meeting can be found here: <u>http://www.shorelinewa.gov/home/showdocument?id=38615</u>.

Following these three discussions, the Planning held a Public Hearing on the proposed Development Code amendments on May 3, 2018.

The staff report and attachments for the May 3 Public Hearing can be found here: <u>http://www.shorelinewa.gov/home/showdocument?id=38709</u>.

#### Applicant Engagement and Support

While the applicant of the initial Development Code amendment (Ashley House) proposed Option 1 as their Development Code amendment, after discussions with staff and participating in the Planning Commission review of these proposed Code changes, the applicant supports Option 2 as proposed by staff and recommended by the Planning Commission.

#### **RESOURCE/FINANCIAL IMPACT**

This amendment would have no financial impact on the City.

#### RECOMMENDATION

No action is required at this meeting. Staff recommends that Council review these proposed Development Code amendments. The Planning Commission and staff recommended approval of Option 2 when this item is brought back to Council for adoption. Council is scheduled to adopt proposed Ordinance No. 824 on June 25, 2018.

## **ATTACHMENTS**

Attachment A: Ashley House Development Code Amendment Proposal Attachment B: Proposed Ordinance No. 824 Attachment B, Exhibit A: Proposed Amendments to SMC Title 20 Attachment C: List of Adult Family Homes in Shoreline

Please complete the following:	Attachment A
Applicant for Amendment THE ASHLEY	- HOUSE - KEN MAAZ
Address 18904 BURKE AVE N.	City SHORELINE State Na Zip 98133
Phone 206-679-4971	Email KMAAZ @ ASHLEYHOUSEKIDS.COM
PLEASE SPECIFY: Shoreline Development Code	Chapter 2.40 Section 20.40.120

AMENDMENT PROPOSAL: Please describe your amendment proposal

To allow Residential-II uses to be considered for appropriateness in R-4-R-6 zones through the Conditional Use process.

DEC 2 8 2017 PCD

170136

# **REASON FOR AMENDMENT**: Please describe your amendment proposal

Currently Residential-I facilities are allowed in R-4-R-6 zones through a Conditional Use process. The only difference between Residential-I and Residential-II facilities is the potential number of occupants, Residential-I allows 10 or below and Residential-II allows above 10. Since that is the only difference we would like Residential-II facilities to have the opportunity to be considered in R-4-R-6 zones also. Because the types of inhabitants and their associated impact on the neighborhood can vary widely in both Residential-II and Residential-II facilities, the specific number of inhabitants is less relevant than other actual characteristics of a given program.

A Residential-II facility of one make-up may be far better for a neighborhood than a Residential-I facility of another make-up, yet under the current development code the Residential-II facility cannot be considered.

By allowing Residential-II facilities the opportunity to be considered through the Conditional Use process, no worthwhile and beneficial program will be automatically excluded from a neighborhood and issues that may be of concern such as public safety, traffic, effect on property values, fit with the Comprehensive Plan and neighborhood sentiment can be thoroughly examined and if thought to be contrary to the good of the neighborhood, the facility can be denied operation.

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This would allow some already existing buildings that might be used for allowable, but deleterious purposes, to be used for more worthwhile and beneficial purposes. 9a-13

#### DECISION CRITERIA EXPLANATION:

**Please describe how the amendment is in accordance with the Comprehensive Plan.** Since the proposal calls for a Conditional Use process any potential uses that would be contrary to the Comprehensive Plan could be identified and prohibited. However, expanding the opportunity for consideration of operation in R-4-R-6 zones to Residential-II facilities could enhance the accomplishment of the following goals and policies from the Shoreline Comprehensive Plan:

Community Design Element, Goal CD1 – Promote community development and redevelopment that is aesthetically pleasing, functional, and consistent with the City's vision.

Housing Goals and Policies, Goal HVI – Encourage and support a variety of housing opportunities for those with special needs, specifically older adults and people with disabilities.

Address Special Housing Needs, Policy H25 – Encourage, assist and support social and health service organizations that offer housing programs for targeted populations.

Maintain and Enhance Neighborhood Quality, Policy H21 – Initiate and encourage equitable and inclusive community involvement that fosters civic pride and positive neighborhood image.

Economic Development, Goal EDVI – Support employers and new businesses that create more and better jobs.

Economic Development, Policy ED3 – Encourage and support home-based businesses in the City, provided signage, parking, storage, and noise levels are compatible with neighborhoods.

Economic Development, Policy ED11 – Diversify and expand the City's job base, with a focus on attracting living wage jobs, to allow people to work and shop in the Community.

The current code states that the "Purpose of R-4 and R-6 zones is to provide for a mix of predominantly single detached dwelling units and other development types, such as accessory dwelling units and community facilities that are compatible with existing development and neighborhood character." The proposed amendment would not lead to the operation of facilities in R-4-R-6 zones that violate this stated purpose. The amendment would provide an opportunity for specific uses of existing buildings that could further promote the stated purpose.

Please describe how the amendment will not adversely affect the public health, safety and general welfare.

The amendment does not automatically allow for any uses that are contrary to the well-being of the neighborhood and it does not allow for a change in the types of activities that can currently be considered for a R-4-R-6 neighborhood. It does allow for consideration of the operation of a facility with more than 10 occupants in R-4-R-6 zones, but the impact of that change would be fully examined in a Conditional Use process and any detriment to the neighborhood could be specifically determined at that time. If the specific use is determined to



undermine public health, safety and general welfare it can be denied. However, it might be determined that the proposed use promotes more safety and neighborhood well-being than an already permitted use.

Please describe how the amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

As stated above the proposed amendment could enhance several elements of the Shoreline Comprehensive Plan. It might also allow for a better use of some existing structures in R-4-R-6 zones with already permitted uses that are more deleterious to a neighborhood than a proposed use exercising the Conditional Use permit process. This amendment does not allow for any new uses of neighborhood buildings without public input and scrutiny. It does allow neighborhoods to have greater say in what facilities are allowed in their midst and it allows them to advocate for the approval of certain Residential-II facilities that they would otherwise not be able to consider as additions to their neighborhoods. The amendment puts more control in the hands of the citizens.



170136

Please attach additional sheets if necessary.

Please submit your request to the City of Shoreline, Planning & Community Development.

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#### **ORDINANCE NO. 824**

#### AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CERTAIN SECTIONS OF THE SHORELINE MUNICIPAL CODE TITLE 20, THE UNIFIED DEVELOPMENT CODE, TO ADDRESS CARE FACILITIES AND APPLICABLE REGULATIONS.

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 36.70C RCW; and

WHEREAS, on December 28, 2017, the City received an amendment proposal from the Ashley House, a non-resident property owner, in regards to Shoreline Municipal Code (SMC) 20.40.120 Community Residential Facilities; and

WHEREAS, based on this amendment proposal, City Staff determined it appropriate to review the City's care facility regulations beyond the one requested by the Ashley House; and

WHEREAS, City Staff presented amendments in regards to a variety of care facilities to allow for regulations of this types of land use; and

WHEREAS, the environmental impacts of the proposed amendments to the Development Code resulted in the issuance of a Determination of Non-Significance (DNS) on March 15, 2018; and

WHEREAS, on March 1, 2018, April 5, 2018, and April 19, 2018, the City of Shoreline Planning Commission reviewed the proposed amendments and the various reiteration of the amendments that occurred over this time period; and

WHEREAS, on May 3, 2018, the City of Shoreline Planning Commission held a public hearing on the proposed Development Code amendment so as to receive public testimony; and

WHEREAS, at the conclusion of public hearing, the City of Shoreline Planning Commission voted to approve the proposed Development Code amendments as presented by City Staff for the public hearing; and

WHEREAS, on June 11, 2018, the City Council held a study session on the Planning Commission's recommendation of the proposed Development Code amendments; 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 provided public notice of the amendment and the public hearings as provided in SMC 20.30.070; 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 proposed amendments to the Development Code; 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;

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

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

Section 2. 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 3. 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 4. 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 JUNE 25, 2018.

Mayor Will Hall

ATTEST:

## APPROVED AS TO FORM:

Jessica Simulcik-Smith City Clerk Margaret King City Attorney

Date of Publication: , 2018 Effective Date: , 2018

#### Exhibit A

#### 20.20.010 A definitions

Adult Family Home A residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services and licensed by the State pursuant to Chapter 70.128 RCW, as amended.

#### 20.20.014 C definitions

Community Residential Facility (CRF) Living quarters meeting applicable Federal and State standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitation and medical supervision, excluding drug and alcohol detoxification which is classified as health services. CRFs are further classified as follows:

- A. CRF-I Nine to 10 residents and staff;
- B. CRCF Eleven or more residents and staff.
- If staffed by nonresident staff, each 24 staff hours per day equals one full-time staff member for purposes of subclassifying CRFs. CRFs shall not include Secure Community Transitional Facilities (SCTF).

#### 20.20.036 N definitions

#### **Nursing Facility**

Any place that operates or maintains facilities providing convalescent or chronic care, for 24 consecutive hours for any number of patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include but not be limited to any or all procedures commonly employed to people who are sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a licensed practitioner of the healing arts. It may also include care of mentally challenged persons. Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both. Nothing in this definition shall be construed to include any boarding home, guest home, hotel or related institution which is held forth to the public as providing, and which is operating to give only board, room and laundry to persons not in need of medical or nursing treatment or supervision except in the case of temporary acute illness. The mere designation by the operator of any place or institution such as a hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both, shall not exclude such place or institution from the provisions of this Code; provided, that any nursing facility providing psychiatric treatment shall, with respect to patients receiving such treatment, comply with the provisions of RCW 71.12.560 and 71.12.570.

#### 20.20.044 R definitions

Residential<br/>Care FacilityA state licensed facility that provides, on a regular basis, personal<br/>care, including dressing and eating and health-related care and<br/>services for not more than fifteen (15) functionally disabled persons<br/>and which is not licensed under RCW Chapter 70.128. A residential<br/>care facility shall not provide the degree of care and treatment that a<br/>hospital provides.

#### 20.20.044 R definitions

Residential<br/>TreatmentA facility in which 24 hour on-site care is provided for the evaluation,<br/>stabilization, or treatment of residents for substance abuse, mental<br/>health, or co-occuring disorders. The facility includes rooms for<br/>social, educational, and recreational activities, sleeping, treatment,<br/>visitation, dining, toileting, and bathing.

#### 20.20.046 S definitions

Secure A residential facility for persons civilly committed and conditionally released to a less restrictive community-based alternative under Chapter 71.09 RCW operated by or under contract with the Washington State Department of Social and Health Services. A secure community transitional facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. SCTFs shall not be considered <u>Residential Care Facilities</u> community residential facilities.

# TABLE 20.40.120 Residential Uses

NAICS #				R18- R48		NB	СВ		TC- 1, 2 & 3
GROU	PRESIDENCES								
	Adult Family Home	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				
	Boarding House	C-i	C-i	P-i	P-i	P- i	P- i	P-i	P-i
	Residential Care Facility Community Residential Facility-I	<u>C-i</u>	<u>C-i</u> <del>P-i</del>	P <u>-i</u>	P <u>-i</u>	₽	₽	₽	₽
	Community Residential Facility-II		Ç	₽-i	₽-i	₽- i	₽- i	₽-i	<mark>₽-</mark> i

# Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE		R18- R48		NB	СВ		TC- 1, 2 & 3
HEALTH								
622	Hospital		C-i	C-i	C-i	P-i	P-i	P-i
6215	Medical Lab					Р	Ρ	Р
6211	Medical Office/Outpatient Clinic		C-i	C-i	Ρ	Ρ	Ρ	Ρ
623	Nursing and Personal Care Facility		С	С	Р	Р	Ρ	Ρ
	Residential Treatment Facility						<u>P</u>	

# 20.40.150 Campus uses.

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
623	Nursing Facility and Personal Care Facilities	P-m	P-m		P-m
P-m = Permitted Use with approved Master Development Plan					

20.40.280 <u>Residential Care Facilities (RCF)</u> Community residential facilities I and II Repealed by Ord. 352.

Residential Care Facilities are permitted in the R-4, R-6, R-8, and R-12 zones with the approval of a Conditional Use Permit and permitted in the R-18, R-24, R-48 and TC-4 zones provided:

- 1. <u>The number of residents shall be based on bedroom size</u>. Patient bedroom size requirements must comply with WAC 388-97-2440, as amended. In any case, the total number of residents shall not exceed fifteen (15).
- 2. <u>A RCF must be 1,000 feet from an existing RCF (measured in a straight line from property line to property line).</u>
- 3. <u>Parking must be located onsite, screened from adjacent residential uses through</u> <u>a solid six-foot high fence or wall, and one parking space for every three patients,</u> <u>plus one space for each staff on duty shall be provided.</u>
- 4. No more than six parking spaces may be located outside. If more than six parking spaces are required or provided, those spaces above six must be located in an enclosed structure.
- 5. Signs are limited to Residential sign standards in Table 20.50.540(G).

# 20.40.400 Home Occupation

Note: Daycares, <u>Residential Care Facilities</u> community residential facilities, animal keeping, bed and breakfasts, and boarding houses are regulated elsewhere in the Code

#### Table 20.50.390B – Special Residential Parking Standards

RESIDENTIAL USE	MINIMUM SPACES REQUIRED
Bed and breakfast guesthouse:	1 per guest room, plus 2 per facility
Residential Care Facilities Community residential facilities:	1 per <u>3</u> 2 <u>patients</u> <del>units, plus 1 per FTE</del> employee on duty
Dormitory, including religious:	1 per 2 units
Hotel/motel, including organizational hotel/lodging:	1 per unit
Senior citizen assisted:	1 per 3 dwelling or sleeping units

# Table 20.50.540(G) – Sign Dimensions.

A property may use a combination of the four types of signs listed below. Refer to SMC 20.50.620 for the Aurora Square Community Renewal Area sign regulations.

regulations.						
	All Residential (R) Zones, MUR-35', Campus, PA 3 and TC-4	MUR-45', MUR-70', NB, CB and TC-3 (1)	MB, TC-1 and TC-2			
MONUMENT Signs:						
Maximum Area Per Sign Face	4 sq. ft. (home occupation, day care, adult family home, <u>residential care facilities</u> , bed and breakfast) 25 sq. ft. (nonresidential use, residential subdivision or multifamily development) 32 sq. ft. (schools and parks))	50 sq. ft.	100 sq. ft.			
Maximum Height	42 inches	6 feet	12 feet			
Maximum Number	1 per street frontage	1 per street frontage	1 per street frontage			
Permitted		Two per street frontage if the frontage is greater than 250 ft. and each sign is minimally 150 ft. apart from other signs on same property.				
Illumination	Permitted	Permitted				
BUILDING-MO	UNTED SIGNS:					
Maximum Sign Area	Same as for monument signs	25 sq. ft. (each tenant) Building Directory 10 sq. ft. Building Name Sign 25 sq. ft.	50 sq. ft. (each tenant) Building Directory 10 sq. ft. Building Name Sign 25 sq. ft.			
Maximum Height	Not to extend above the building parapet, soffit, or eave line of the roof. If perpendicular to building then 9-foot clearance above walkway.					
Number Permitted	1 per street frontage	tage 1 per business per facade facing street frontage or parking lot.				
Illumination	Permitted	Permitted	Permitted			

# Attachment C

contract	FacilityName	Location Address	LocationZipCode
Adult Family Home	A LITTLE PIECE OF HEAVEN	17347 DENSMORE AVE NORTH	98133
No Contract	A WATER VIEW ADULT FAMILY HOME	19511 23RD AVE NW	98177
Adult Family Home	AATMA ADULT FAMILY HOME LLC	14526 6TH AVE NE	98155
Adult Family Home	ALIANAS HOME CARE	2152 NORTH 193RD ST	98133
No Contract	All About Seniors Three	1435 NW 188TH ST	98177
No Contract	ALL ABOUT SENIORS TWO	19860 15TH AVE NW	98177
Adult Family Home	ALLIANCE CARE FAMILY HOME INC	17217 11TH AVE NE	98155
Adult Family Home	AMBER CARE ADULT FAMILY HOME INC	16239 8TH AVE NE	98155
Expanded Community Services, Adult Fan	n AMEN AFH	20408 WHITMAN AVE N	98133
Expanded Community Services, Adult Fan	n AMEN AFH	734 N 204TH STREET	98133
Adult Family Home	AMERICAN ASSOCIATION ADULT HOME CARE	14514 STONE AVE N	98133
Adult Family Home	ANCAS AFH	204 NW 195TH ST	98177
No Contract	ANDERSON ADULT FAMILY HOME	17127 15TH AVE NE	98155
No Contract	ANDERSON ADULT FAMILY HOME II	17051 14TH AVE NE	98155
Adult Family Home	ANGELINA'S PLACE	1745 NW 193RD STREET	98177
Adult Family Home	Angelina's Place II	14842 Wallingford Ave N	98133
Adult Family Home	Applewood Adult Family Home LLC	16621 Stone Ave N	98133
Adult Family Home	BCM AFH	18519 STONE AVE N	98133
No Contract	Bella Vita AFH	19538 Burke Ave N	98133
Adult Family Home	BEST CARE	15564 8th Ave NE	98155
Expanded Community Services, Adult Fan	n BROADVIEW ADULT FAMILY HOME	738 N 203RD ST	98133
Adult Family Home	CALDERON ADULT FAMILY HOME INC	16909 4TH AVE NE	98155
Adult Family Home	CEESAYS ADULT CARE FAMILY HOME	15218 12TH AVE NE	98155
Adult Family Home	CHARITY AFH 2	18820 8TH AVE NE	98155
Adult Family Home	Crizhtelle Golden Care Inc	15410 12th Ave NE	98155
Adult Family Home	DIAMOND AFH	18570 ASHWORTH AVE N	98133
Adult Family Home	ECHO LAKE ADULT FAMILY HOME LLC	2149 N 194TH ST	98133
Adult Family Home	ENGUERRAS ADULT HOME CARE	15535 CORLISS AVE N	98133
Adult Family Home	EVANS HOME	17629 8TH LANE NE	98155
Adult Family Home	Everest Adult Family Home LLC	912 N 196th Ct	98133
Adult Family Home	Evergreen Haven Senior Care	15402 NE 12th Ave	98155
No Contract	Firland Adult Family Home LLC	19214 Firlands Way N	98133
No Contract	FOR SENIORS SAKE	20157 6TH AVE NE	98155

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No Contract	FOR SENIORS SAKE INC	19745 10TH AVE NE	98155
No Contract	FOR SENIORS SAKE INC NORTH CITY	19605 10TH AVE NE	98155
No Contract	GARDEN VIEW RESIDENTIAL CARE FACILITIES IN	1011 NW 177TH PL	98177
No Contract	GARDEN VIEW RESIDENTIAL CARE FACILITY	17539 10TH AVE NW	98177
Adult Family Home	GENESIS HOMECARE ADULT FAMILY HOME LLC	1835 N 200TH ST	98133
Adult Family Home	Getch AFH Shoreline	18328 8th Ave NW	98177
Adult Family Home	Gladden Adult Family Home LLC	731 N 204TH ST	98133
No Contract	GOLDEN HILL AFH	16744 ASHWORTH AVE N	98133
Adult Family Home	GOOD SHEPHERD HOME INC	200 NW 198TH ST	98177
Adult Family Home	Good Shepherd Home Inc	15503 8TH AVE NE	98155
Adult Family Home	Good Shepherd Home Inc	18361 DAYTON PLACE NORTH	98133
Adult Family Home	Good Shepherd Home Inc	15010 LINDEN AVE N	98133
Adult Family Home	Good Shepherd Home Inc	754 N 203RD STREET	98133
Adult Family Home	Good Shepherd Home on 8th	18060 8th Ave NE	98155
Adult Family Home	Grace AFH LLC	19831 WALLINGFORD AVE N	98133
Adult Family Home	HAPPY FAMILY ADULT FAMILY HOME #2	1228 NE 181ST PLACE	98155
No Contract	Highland A.F.H. LLC	16505 N Park Ave N	98133
No Contract	ΗΙΠΑΛ ΗΟΜΕ	111 203RD NW	98177
No Contract	HILLWOOD SENIOR CARE AFH 2 LLC	18319 3RD AVENUE NE	98155
No Contract	HILLWOOD SENIOR CARE AFH LLC	19342 FREMONT AVE N	98133
No Contract	Holloway House LLC	18112 Palatine Ave N	98133
Adult Family Home	Holy Living Adult Family Home LLC	914 NE 172nd PL	98155
Adult Family Home	HOME AGAIN	18504 2ND AVE NW	98177
Adult Family Home	HOME SWEET HOME	16538 25TH AVE NE	98155
Adult Family Home	INTAL ADULT FAMILY HOME	16304 25TH PL NE	98155
Adult Family Home	JCB ADULT FAMILY HOME	757 N 200TH ST	98133
Adult Family Home	JCB II ADULT FAMILY HOME	19613 LINDEN AVE N	98133
Adult Family Home	JIRAH HOME CARE	19831 GREENWOOD PL N	98133
Adult Family Home	JOY ADULT FAMILY HOME	15553 27TH AVE NE	98155
Adult Family Home	Joy Care Adult Family Home LLC	774 N 204TH STREET	98133
Adult Family Home	MAPLE LEAF HOME II	1721 NE 146TH ST	98155
Adult Family Home	MARVI HOME CARE	729 N 203RD ST	98133
No Contract	MILLCREEK AFH III	17734 2ND PL NE	98155
Adult Family Home	MNB ADULT FAMILY HOME	15804 25TH AVE NE	98155

Adult Family Home	MOUNTFOREST VIEW	15028 25TH AVE NE	98155
Adult Family Home	NDEN AFH	19819 FREMONT AVE N	98133
Adult Family Home	NEW LIFE AT STONE AVE AFH LLC	18824 STONE AVE N	98133
Adult Family Home	NEW LIFE HOME CARE	220 NE 175TH ST	98155
No Contract	NICA ADULT FAMILY HOME LLC	20002 20TH AVE NW	98177
No Contract	NORTH RIDGE HOUSE	20031 6TH AVE NE	98155
Adult Family Home	NORTH RIDGE HOUSE	745 N 180TH ST	98133
Adult Family Home	OMNA ADULT FAMILY HOME	17517 19TH CT NE	98155
No Contract	Open Arms AFH Inc	2315 N 194th St	98133
Expanded Community Services, Adult Fam	Over The Rainbow AFH 2 LLC	16179 MIDVALE AVE N	98133
Specialized Behavior Support, Expanded C	OVER THE RAINBOW AFH LLC	16325 N PARK AVE N	98133
Adult Family Home	Residence Choice Adult Family Home	17400 17th Pl NE	98155
No Contract	RIMAS ADULT FAMILY HOME INC	1812 N 189TH ST	98133
Adult Family Home	RIVER OF LIFE HOME CARE	239 NE 178TH ST	98155
Meaningful Home Based Activities, Adult	ISAN ANTONIO LTF INC	16747 6TH AVE NE	98155
Adult Family Home	SARAUSAD HOMES INC	20203-B 20TH AVENUE NW	98177
Adult Family Home	SARAUSAD HOMES INC.	20203 A 20TH AVENUE NW	98177
Adult Family Home	SHANGRI LA HOME CARE AFH LLC	104 N 177TH STREET	98133
Adult Family Home	SHI'S HOME	16529 8TH AVE NE	98155
Adult Family Home	SHORELINE GARDENS SENIOR CARE	1233 NE 168TH ST	98155
Adult Family Home	SOUND VIEW ADULT FAMILY HOME	18025 15TH AVE NW	98177
Adult Family Home	ST ANTHONY AFH #1	16108 MIDVALE AVE N	98133
Adult Family Home	ST ANTHONY AFH II	2200 NW 199th St	98177
Adult Family Home	ST JUDE ADULT FAMILY HOME	1219 NE 152ND ST	98155
Adult Family Home	ST LUKE AFH	19136 8th Ave NW	98177
Adult Family Home	ST MARY'S AFH	19540 7TH AVE NE	98155
Adult Family Home	ST MARY'S AFH	339 NE 163RD STREET	98155
Adult Family Home	ST. JOSEPH ADULT FAMILY HOME	1759 NE 148TH ST	98155
Adult Family Home	STELUTA ADULT FAMILY HOME LLC	717 N 184TH ST	98133
Adult Family Home	SUM'S ADULT FAMILY HOME	17916 FREMONT AVE N	98133
Specialized Behavior Support, Expanded (		1133 N 166TH ST	98133
Expanded Community Services, Adult Fan	n SUNRISE ADULT FAMILY HOME II LLC	19121 3RD AVENUE NW	98177
Meaningful Home Based Activities, Adult		16515 N PARK AVE N	98133
Adult Family Home	THE BERGS ADULT FAMILY HOME	310 NE 174TH ST	98155

# Attachment C

Adult Family Home	THE GREAT SHEPHERD'S AFH 2	14511 WALLINGFORD AVE N	98133
Adult Family Home	THE GREAT SHEPHERDS AFH	1658 N 145TH ST	98133
Adult Family Home	THE GREAT SHEPHERDS AFH 1	14519 WALLINGFORD AVE N	98133
Adult Family Home	VAN PATTEN AFH	16905 STONE AVE N	98133
Adult Family Home	VILLA AFH	15520 30TH AVE NE	98155
Adult Family Home	Villa Rey Adult Family Home LLC	16748 Corliss Ave N	98133
Adult Family Home	WASHINGTON CARE ADULT FAMILY HOME	147 NW 183RD ST	98177
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