

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption 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 Steven Szafran, AICP, Senior Planner
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> 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.

In addition to the applicant’s proposed Development Code amendment, the Planning Commission discussed two additional options to amend the Development Code. The Planning Commission discussed the proposed Development Code 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 to the City Council on June 11, 2018 in proposed Ordinance No. 824. During the June 11th Council discussion, Council asked questions of staff and staff has included additional amendments in this staff report for Council to consider based on that discussion.

Tonight, Council is scheduled to adopt proposed Ordinance No. 824 (Attachment A), which would adopt the proposed Development Code amendments relating to care facilities in Shoreline (Exhibit A).

RESOURCE/FINANCIAL IMPACT:

This amendment would have no financial impact on the City.

RECOMMENDATION

The Planning Commission and staff recommend approval of Ordinance No. 824. Staff also recommends that Council move to amend the Planning Commission’s proposed Development Code amendments to include the amendments as proposed in this staff report.

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

BACKGROUND

A non-resident property owner, Ashley House (<https://www.ashleyhousekids.com/>), 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.

In addition to the applicant's proposed Development Code amendment, the Planning Commission discussed two additional options to amend the Development Code. The Planning Commission discussed the proposed Development Code 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 to the City Council on June 11, 2018 in proposed Ordinance No. 824. The staff report and attachments for the June 11th meeting can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2018/staffreport061118-9a.pdf>.

DISCUSSION

At the June 11th Council meeting, Councilmembers had some questions for staff regarding proposed Ordinance No. 824. Two questions that staff were requested to follow up on are noted below. The first question regarding Adult Family Homes and Residential Care Facilities in the Mixed-Use Residential Zones has also generated a staff-recommended amendment to the Planning Commission recommendation.

Adult Family Homes and Residential Care Facilities in the Mixed-Use Residential (MUR) Zones

Council asked staff why these two types of care facilities were excluded from MUR zones in the proposed Development Code. Staff inadvertently excluded Adult Family Homes and Residential Care Facilities from SMC 20.40.160 – Station Area Use Table. Staff recommends adding Adult Family Homes as a permitted use in the MUR-35' zone and excluding them from the MUR-45' and MUR-70' zones. Since single-family homes are a permitted use in the MUR-35' zone and not permitted in the MUR-45' and MUR-70' zones, staff recommends that Adult Family Homes should also be permitted in the MUR-35' zone and not permitted in the MUR-45' and MUR-70' zone.

As Council is aware, there are many existing legal nonconforming single family homes in the MUR-45' and MUR-70' zones. SMC 20.30.280(D) allows for the expansion of single-family homes to 50 percent of the use area or 1,000 square feet, whichever is less. Since new single-family homes are not allowed in the MUR-45' and MUR-70' zones, staff is not recommending to include Adult Family Homes as a permitted use in these zones. Any existing Adult Family Homes in the MUR-45' and MUR-70' zones would be considered legally nonconforming and would also be restricted to the expansion limitations of SMC 20.30.280(D) above.

The same reasoning also applies to Residential Care Facilities in the MUR zones. Since single family homes are allowed in the MUR-35' zone and prohibited in the MUR-45' and MUR-70' zones, staff recommends that Residential Care Facilities should also be allowed in the MUR-35' zone and prohibited in the MUR-45' and MUR-70' zones.

The recommended changes to Table 20.40.160 - Station Area Uses are shown below.

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
RESIDENTIAL				
	Accessory Dwelling Unit	P-i	P-i	P-i
	<u>Adult Family Home</u>	<u>P</u>		
	Affordable Housing	P-i	P-i	P-i
	Apartment	P	P	P
	Bed and Breakfast	P-i	P-i	P-i
	Boarding House	P-i	P-i	P-i
	Home Occupation	P-i	P-i	P-i
	Hotel/Motel			P
	Live/Work	P (Adjacent to Arterial Street)	P	P
	Microhousing			
	<u>Residential Care Facility</u>	<u>C-i</u>		
	Single-Family Attached	P-i	P-i	
	Single-Family Detached	P-i		
	Tent City	P-i	P-i	P-i

Because Residential Care Facilities are recommended to be added to Table 20.40.160 as a conditional use with indexed criteria (C-i), MUR-35' must be added to the indexed criteria in SMC 20.40.280.

20.40.280 Residential Care Facilities (RCF) ~~Community residential facilities I and II~~
~~Repealed by Ord. 352.~~

Residential Care Facilities are permitted in the R-4, R-6, R-8, R-12, and **MUR-35'** 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. The number of residents shall be based on bedroom size. 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. A RCF must be 1,000 feet from an existing RCF (measured in a straight line from property line to property line).
3. Parking must be located onsite, screened from adjacent residential uses through a solid six-foot high fence or wall, and one parking space for every three patients, plus one space for each staff on duty shall be provided.
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).

As these amendments were not included in the Planning Commission recommendation as identified in propose Ordinance No. 824, if Council is interested in making these changes to the proposed Development Code amendments, a Councilmember must make a motion to the amend proposed Ordinance No. 824 to this effect. If a Councilmember is interested in making this amendment, the Councilmembers should use the following motion:

I move to amend the Planning Commission's recommendation, as contained in Exhibit A to Ordinance No. 824, to include Adult Family Homes as a permitted use within the MUR-35 zoning district and Residential Care Facilities as a conditional use subject to index criteria within the MUR-35 zoning district as detailed in tonight's staff report.

Parking Requirements for Residential Care Facilities

A Councilmember also had concerns about parking requirements for Residential Care Facilities, and specifically, the requirement that parking is screened by a six-foot fence or wall and the number of parking stalls may be too great for the proposed use. Staff has proposed that parking for a Residential Care Facility be screened from an adjacent residential use by a six-foot fence or wall. The intent is to provide a visual screen between houses to ensure vehicle movement and lights do not shine directly into an adjacent residential home. The intent is to not make a Residential Care Facility completely walled in the front yard to make the site design incompatible with the neighborhood.

Staff has also researched parking requirements for Residential Care Facilities in other jurisdictions by reaching out to residential care providers. The requirement of one parking space per three patients is fairly typical for Residential Care Facilities and the one parking space per three patients also mirrors the requirement for senior citizen assisted living facilities. In addition, parking should be provided onsite for employees that are on duty at the Residential Care Facility. Because parking is an impact to a residential neighborhood, all required parking should be provided onsite. Parking may be a limiting factor for any proposed Residential Care Facility. Since all Residential Care Facilities must meet the development standards of the zone, for example a 50 percent hardscape maximum in the R-6 zone, the Residential Care Facility may be limited in size by the amount of parking that can be accommodated on a particular parcel.

Staff also researched the King County's Right-Sized Parking Study (The report may be found here: <http://metro.kingcounty.gov/programs-projects/right-size-parking/pdf/rsp-final-report-8-2015.pdf>) in order to determine appropriate parking requirements for Residential Care Facilities. The report only looked at developments of more than 10 units that are either rented as apartments or sold as condominiums. Given this information, staff is not recommending any additional amendments to the proposed Development Code amendment.

RESOURCE/FINANCIAL IMPACT

This amendment would have no financial impact on the City.

RECOMMENDATION

The Planning Commission and staff recommend approval of Ordinance No. 824. Staff also recommends that Council move to amend the Planning Commission's proposed Development Code amendments to include the amendments as proposed in this staff report.

ATTACHMENTS

Attachment A: Proposed Ordinance No. 824

Attachment A, Exhibit A: Proposed Amendments to SMC Title 20

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 Care Facility (RCF) A state licensed facility that provides, on a regular basis, 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.

20.20.044 R definitions

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

20.20.046 S definitions

Secure Community Transitional Facility (SCTF) 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 Residential Care Facilities community residential facilities.

TABLE 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
GROUP RESIDENCES									
	<u>Adult Family Home</u>	<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
	<u>Residential Care Facility Community Residential Facility-I</u>	<u>C-i</u>	<u>C-i</u> <u>P-i</u>	<u>P-i</u>	<u>P-i</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>Community Residential Facility-II</u>		<u>C</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
HEALTH									
622	Hospital			C-i	C-i	C-i	P-i	P-i	P-i
6215	Medical Lab						P	P	P
6211	Medical Office/Outpatient Clinic			C-i	C-i	P	P	P	P
623	Nursing and Personal Care Facility			C	C	P	P	P	P
	<u>Residential Treatment Facility</u>							<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 Residential Care Facilities (RCF) ~~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. The number of residents shall be based on bedroom size. 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. A RCF must be 1,000 feet from an existing RCF (measured in a straight line from property line to property line).
3. Parking must be located onsite, screened from adjacent residential uses through a solid six-foot high fence or wall, and one parking space for every three patients, plus one space for each staff on duty shall be provided.
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, Residential Care Facilities ~~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
<u>Residential Care Facilities-Community residential facilities:</u>	<u>1 per 3 2 patients units, plus 1 per FTE employee on duty</u>
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.

Attachment A - Exhibit A

	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 Permitted	1 per street frontage	1 per street frontage	1 per street frontage
		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-MOUNTED 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	1 per business per facade facing street frontage or parking lot.	
Illumination	Permitted	Permitted	Permitted