

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 913 - Amending Ordinance No. 906 - Interim Zoning Regulations to Allow Siting a 24/7 Enhanced Shelter in the R-48 Zone District
DEPARTMENT:	Planning and Community Development Recreation, Cultural and Community Services
PRESENTED BY:	Nora Gierloff, Planning Manager Colleen Kelly, Recreation, Cultural and Community Services Director
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:

The City has partnered with King County and Lake City Partners Ending Homelessness in establishing a shelter for homeless adults at the former Oaks at Forest Bay Nursing Home (The Oaks), located at 16357 Aurora Avenue North. The facility will serve the North King County area as an enhanced homeless shelter for adults in the short-term (likely three to five years), and permanent supportive housing in the long-term.

On October 26, 2020, the City Council adopted Ordinance No. 906 which provides interim regulations for the operation of an Enhanced Shelter in the R-48 Zone. During that meeting Council approved multiple amendments to Ordinance No. 906, including the requirement that a shelter operator and the City enter into an Interlocal Agreement regarding certain operational issues. Staff is recommending a few minor amendments to the language that was adopted to provide clarity and allow for a more streamlined process to include King County in the Agreement as intended by Council. Proposed Ordinance No. 913 would provide for these amendments.

RESOURCE/FINANCIAL IMPACT:

Adoption of this amending ordinance is not expected to have a financial impact on the City.

RECOMMENDATION

Staff recommends that the City Council adopt Ordinance No. 913 amending Ordinance No. 906.

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

BACKGROUND

The City has partnered with King County and Lake City Partners Ending Homelessness in establishing a shelter for homeless adults at the former Oaks at Forest Bay Nursing Home (The Oaks), located at 16357 Aurora Avenue North. The facility will serve the North King County area as an enhanced homeless shelter for adults in the short-term (likely three to five years), and permanent supportive housing in the long-term.

On October 26, 2020, the City Council adopted Ordinance No. 906 which provides interim regulations for the operation of an Enhanced Shelter in the R-48 Zone. The staff report for the adoption of this Ordinance can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport102620-8a.pdf>.

During that meeting, Council approved multiple amendments to Ordinance No. 906, including the requirement in the index criteria that a shelter operator and the City enter into an Interlocal Agreement regarding certain operational issues. Staff is recommending a few minor amendments to the language that was adopted to provide clarity and allow for a more streamlined process to enter into agreement with King County as intended by Council.

DISCUSSION

Below are the index criteria for the new Enhanced Shelter use in the R-48 Zoning District. Staff is recommending that the term “primary funding organization” be added and that “Interlocal Agreement” be changed to “memorandum of agreement” at Index Criteria “G” in Shoreline Municipal Code Section 20.40.355. These changes are shown in ~~strikeout~~/underline to item “G” below.

20.40.355 Enhanced Shelter

Enhanced shelters are not allowed in the R-18 and R-24 zones. Enhanced shelters are allowed in the R-48 zone subject to the below criteria:

- A. It shall be operated by state, county, or city government, a State of Washington registered nonprofit corporation; or a Federally recognized tax exempt 501(C)(3) organization that has the capacity to organize and manage an enhanced shelter;*
- B. It shall permit inspections by City, Health and Fire Department inspectors at reasonable times for compliance with the City’s requirements. An inspection by the Shoreline Fire Department is required prior to occupancy;*
- C. It shall develop and enforce a code of conduct acceptable to the City that articulates the rules and regulations of the shelter. These rules shall include, at a minimum, prohibitions against criminal activities, such as theft and threats or acts of violence, and the sale, purchase, possession, or use of alcohol or illegal drugs within the facility or on the facility grounds;*
- D. It shall be located with frontage on a principal arterial and within ¼ mile of a transit stop with frequent all-day service as defined by King County Metro Transit;*

- E. *A solid, 6-foot tall fence shall be provided along all property lines that abut residential zoning districts;*
- F. *Submittal of a parking plan acceptable to the City prior to occupancy: and*
- G. *The primary funding organization and shelter operator shall enter into an memorandum of agreement ~~Interlocal Agreement~~ with the City addressing operational issues of concern such as:*
 - *Staffing plans*
 - *Requirement for regular reports to the Council on how the shelter is meeting performance metrics*
 - *Documentation of the number of calls for service to the site and an agreement that the shelter operator will be billed for calls over an agreed threshold.*
 - *If possible, shelter operator to contribute to the cost of a mental health professional to assist in police response, perhaps through part of the RADAR program.*
 - *Require adherence to a Good Neighbor Plan that addresses litter, noise, security procedures, and other issues of concern.*
 - *Staff to develop criteria to discontinue the shelter use if documented violations of the operational agreements are not addressed in a timely manner.*
 - *Provisions for city approval of any proposed change in shelter operator.*

Some additional, minor technical corrections are also being proposed to this section of the adopted code.

Staff is recommending these primary changes for the following reasons:

1. **Shelter Operator:** In further conversations with King County, who is the primary funding organization for the Enhanced Shelter at the Oaks Property, the County has stated that they do not directly operate shelters. Rather, they fund shelters and contract with organizations to operate the shelters. Given that the intent of the City Council when Ordinance No. 906 was discussed and adopted on October 26th was to also have an agreement with the sponsor or funder of the shelter (in this case, King County) it would be appropriate to make a change to clarify that it is the primary organization funding the shelter will also be required to have an agreement with the City.
2. **Interlocal Agreement:** In further conversations with King County, changing the term “Interlocal Agreement” to “memorandum of agreement” in this Indexed Criteria will provided for a more streamlined and efficient process of entering into agreement with the primary shelter funder. In this case, this change will allow the King County Executive to execute the agreement on behalf of the County without obtaining County Council authorization, which is alignment with their business practices. As was stated by staff when Ordinance No. 906 was adopted by the City Council on October 26th, it will still require that the Shoreline City Council authorize the City Manager to execute the agreement. The agreement will have the same enforceability as an Interlocal Agreement.

Proposed Ordinance No. 913 (Attachment A) would provide for these amendments. Staff recommends that Council approve proposed Ordinance No. 913 to amend the interim regulations as identified in this staff report.

COUNCIL GOAL(S) ADDRESSED

This item directly responds to Council Goal #5, Action Step #7: Begin a process of developing partnerships with North King County cities and other key stakeholders in support of siting a 24/7 shelter/navigation center to serve homeless single adults in North King County.

RESOURCE/FINANCIAL IMPACT

Adoption of this amending ordinance is not expected to have a financial impact on the City.

RECOMMENDATION

Staff recommends that the City Council adopt Ordinance No. 913 amending Ordinance No. 906.

ATTACHMENTS

Attachment A: Proposed Ordinance No. 913

ORDINANCE NO. 913**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING ORDINANCE NO. 906 RELATING TO INTERIM REGULATIONS SET FORTH IN SMC 20.40.355 TEMPORARILY AUTHORIZING ENHANCED SHELTERS WITHIN THE RESIDENTIAL 48 (R-48) ZONING DISTRICT TO PROVIDE CLARITY AND TO CORRECT FORMAT.**

WHEREAS, on October 26, 2020, pursuant to RCW 35A.63.220 and RCW 36.70A.390, after conducting a public hearing, the City Council adopted Ordinance No. 906 establishing SMC 20.40.355 which sets forth interim regulations pertaining to Enhanced Shelters within the R-48 zoning district for a six-month period; and

WHEREAS, the interim regulations delineate index criteria that would assist in mitigating impacts of the use, specifically as set forth in SMC 20.40.355(G), a requirement for the shelter operator to enter into an interlocal agreement with the City; and

WHEREAS, since adoption of Ordinance No. 906, the City discovered uncertainty as to whether SMC 20.40.355(G) accurately expressed the City Council's intent as to the type of agreement, the required content of the agreement, and the parties to the agreement; these amendments clarify this provision and format the provision consistent with the requirements of the SMC;

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

Section 1. Amendments to Ordinance No. 906, Section 2, Enactment of Interim Regulations. The interim regulations adopted by Ordinance No. 906, Section 2, are amended as set forth below.

20.40.355 Enhanced Shelter

Enhanced shelters are not allowed in the R-18 and R-24 zones. Enhanced shelters are allowed in the R-48 zone subject to the below criteria:

- A. It shall be operated by state, county, or city government, a State of Washington registered nonprofit corporation; or a Federally recognized tax exempt 501(C)(3) organization that has the capacity to organize and manage an enhanced shelter;
- B. It shall permit inspections by City, Health, and Fire Department inspectors at reasonable times for compliance with the City's requirements. An inspection by the Shoreline Fire Department is required prior to occupancy;
- C. It shall develop and enforce a code of conduct acceptable to the City that articulates the rules and regulations of the shelter. These rules shall include, at a minimum, prohibitions against criminal activities, such as theft and threats or acts of violence, and the sale, purchase, possession, or use of alcohol or illegal drugs within the facility or on the facility grounds;

- D. It shall be located with frontage on a principal arterial and within ¼ mile of a transit stop with frequent all-day service as defined by King County Metro Transit;
- E. A solid 6-foot tall fence shall be provided along all property lines that abut residential zoning districts; ~~and~~
- F. Submittal of a parking plan acceptable to the City prior to occupancy; and
- G. The primary funding organization and shelter operator shall enter into an memorandum of agreement ~~Interlocal Agreement~~ with the City regarding operational issues of concern such as:
 - 1. Staffing plans.
 - 2. Requirement for regular reports to the Council on how the shelter is meeting performance metrics.
 - 3. Documentation of the number of calls for service to the site and an agreement that the shelter operator will be billed for calls over an agreed threshold.
 - 4. If possible, shelter operator to contribute to the cost of a mental health professional to assist in police response, perhaps through part of the RADAR program.
 - 5. Require adherence to a Good Neighbor Plan that addresses litter, noise, security procedures, and other issues of concern.
 - 6. Staff to develop criteria to discontinue the shelter use if documented violations of the operational agreements are not addressed in a timely manner.
 - 7. Provisions for City approval of any proposed change in shelter operator.

Section 2. Directions to the City Clerk.

- A. Transmittal to the Department of Commerce.** The City Clerk is hereby directed to cause a certified copy of this Ordinance to be provided to the Director of Planning and Community Development who shall transmit the Ordinance to the Washington State Department of Commerce within ten (10) calendar days of passage as provided in RCW 36.70A.106.
- B. Corrections by the City Clerk.** Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this Ordinance, including the correction 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.
- C. Ordinance not to be Codified.** Because this Ordinance adopts amendments, interim regulations adopted by Ordinance No. 906, which was not codified, the City Clerk shall not codify this Ordinance.

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 become effective five (5) calendar days after publication.

Section 5. Duration. These amendments to the interim regulations adopted by Ordinance No. 906 shall remain in effect from the effective date of this Ordinance until the end of the six (6) month period established in Ordinance No. 906. After which, these amended interim regulations shall automatically expire unless extended as provided by statute or otherwise superseded by action of the City Council, whichever occurs first.

ADOPTED BY THE CITY COUNCIL ON NOVEMBER 16, 2020.

Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Margaret King
City Attorney

Date of Publication: _____, 2020
Effective Date: _____, 2020