



SHORELINE CITY COUNCIL STUDY SESSION

Monday, December 3, 2007
6:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

	<u>Page</u>	<u>Estimated Time</u>
1. CALL TO ORDER		6:30
2. FLAG SALUTE/ROLL CALL		
3. CITY MANAGER'S REPORT AND FUTURE AGENDAS		
4. COUNCIL REPORTS		
5. GENERAL PUBLIC COMMENT		6:40
<i>This is an opportunity for the public to address the Council on topics other than those listed on the agenda, and which are not of a quasi-judicial nature. The public may comment for up to three minutes; the Public Comment under Item 5 will be limited to a maximum period of 30 minutes. The public may also comment for up to three minutes on agenda items following each staff report. The total public comment period on each agenda item is limited to 20 minutes. In all cases, speakers are asked to come to the front of the room to have their comments recorded. Speakers should clearly state their name and city of residence.</i>		
6. STUDY ITEMS		
(a) South Echo Lake Property Discussion	<u>1</u>	7:00
(b) Special Needs Group Housing in the City of Shoreline	<u>11</u>	7:30
7. ADJOURNMENT		8:00

The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 546-8919 in advance for more information. For TTY service, call 546-0457. For up-to-date information on future agendas, call 546-2190 or see the web page at www.cityofshoreline.com. Council meetings are shown on Comcast Cable Services Channel 21 Tuesdays at 12 noon and 8 p.m., and Wednesday through Sunday at 6 a.m., 12 noon and 8 p.m. Online Council meetings can also be viewed on the City's Web site at <http://cityofshoreline.com/cityhall/citycouncil/index.cfm>.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: South Echo Lake Property Discussion
DEPARTMENT: Parks, Recreation and Cultural Services/CMO
PRESENTED BY: Dick Deal, Parks, Recreation and Cultural Services Director
John Norris, Management Analyst

PROBLEM/ISSUE STATEMENT:

Echo Lake Buffer Associates, LLC, the property owner of the Echo Lake buffer property, has submitted a proposal to the City Council whereby they would donate the buffer property to the City of Shoreline. The proposal also states that the City, not the property owner or Inland Group, the developer of the Echo Lake mixed-use development, would be responsible for the work called out for in the Contract Rezone Agreement for the Echo Lake buffer area. Previously, staff has recommended that the proposal not be accepted, as all, or nearly all, of the public access and wetland buffer benefits are available in perpetuity through the rezone requirements at no additional public expense. The City Council requested that this issue be further examined by the Parks, Recreation, and Cultural Services Board.

FINANCIAL IMPACT:

If the Echo Lake Buffer Associates, LLC proposal is accepted, the financial impact would be \$353,250 in one-time capital funding (as estimated by Raedeke and Associates) and \$24,128 in on-going capital and operational funding. However, this capital cost estimate is greatly dependent on many factors, such as materials used, overall site design, and boardwalk construction design. Staff has outlined an additional alternative in this report where the City would assume ownership of the property including future maintenance, liability, and future upgrades such as a dock, beach, parking, and restroom installation upon completion of the rezone requirements by the developer.

RECOMMENDATION:

Staff recommends that if the City Council wishes to accept this property for a park site, that it do so under the terms outlined in the Additional Alternative section of this report.

Approved By:  City Manager _____ City Attorney _____

INTRODUCTION:

On April 17, 2007, Echo Lake Buffer Associates, LLC, the property owner of the Echo Lake buffer property submitted a proposal to the City Council regarding the Echo Lake buffer area (Attachment A). The proposal stated that the property owner would be willing to donate the buffer property to the City of Shoreline if the City would not require Inland Group, Echo Lake Associates, LLC, or members of Echo Lake Buffer Associates, LLC to do any of the work called out for in the Contract Rezone Agreement for the Echo Lake buffer, shifting this required work to the City. The proposal also stated that the buffer area would be named Rotary Park.

The City Manager subsequently directed that a cost-benefit analysis be conducted so that the City Council had more information about the benefits and costs of the proposal in order to make an informed decision on whether to accept the proposal. In the analysis, the one-time capital costs and on-going operational and capital costs associated with taking over ownership of the buffer were weighed against the benefits of having the property in public ownership. A cost estimate was completed by Raedeke and Associates that identified the one-time capital costs at \$353,250, and the ongoing operational and capital costs at roughly \$24,128 per year. After analyzing the benefits of having the property in public ownership and the costs associated with having to construct the enhancements mandated in the Contract Rezone Agreement, staff initially recommended that the proposal should be rejected.

This analysis, along with additional background information and identified allowable uses of the buffer property, were presented to the City Council for review at their September 24, 2007 Council meeting. The outcome of the Council discussion regarding this item was that the Council felt that just two alternatives, either rejecting or accepting the proposal, was generally too limiting. Most Councilmembers were interested in having staff explore whether additional alternatives existed that would allow the buffer property to be transferred to public ownership. A few potential alternatives mentioned by Councilmembers at their September 24th meeting included having the current property owner provide the initial capital enhancements and the City take on ownership and ongoing maintenance of the property, or having other organizations provide funding, support, or other resources to help the City take ownership of the property. Based on this desire for additional options to consider, Council unanimously moved to refer this item back to the City Manager's Office for further review and consultation with the Parks Board and other entities.

BACKGROUND:

The Echo Lake buffer property is a 66,822 square foot property that is directly south of Echo Lake and encompasses approximately 245 feet of the lake's shoreline. The property serves as the mandated wetland buffer between Echo Lake, a Type II wetland, and the development south of Echo Lake. This development will feature approximately 469 multifamily housing units in three buildings in the interior and on the east on the site, and two commercial buildings with apartments above the commercial space at the corner of Aurora Avenue and N. 192nd Street. The property in the northwest corner of the site is being developed with a new YMCA building and onsite parking.

On June 30, 2005, the City of Shoreline and the Echo Lake Associates, LLC entered into a Concomitant Rezone Agreement and Covenant running with the land (Contract Rezone Agreement) for the entire Echo Lake property (including the buffer property)

with conditions affecting how the site was to be developed. Staff has been working with the developers of the property since April 2006 to ensure that the Contract Rezone Agreement conditions are met. In total, 19 conditions exist in the Contract Rezone Agreement. However, condition numbers 3, 8, 9, 10, 11, 12, 13, and 19 specifically relate to the buffer portion of the site and affect how the property will be constructed as a buffer that allows for public access. These conditions are as follows:

3. Developer shall provide a 115-foot buffer around the wetland.
8. The developers will secure the services of a certified wetland biologist to direct the design of the enhancement and restoration plan for the shoreline of Echo Lake. The plan shall be based upon and consistent with the Department of Ecology's (DOE) "Best Available Science for Freshwater Wetlands Projects," Volumes One and Two. Subject to City approval, the developers will implement this plan.
9. The developers will not take any actions that result in further significant degradation of the wetland or buffer. The developers will use their best efforts to preserve and enhance the existing higher quality shoreline areas at the eastern and western boundaries.
10. The developers will restore and enhance all but a contiguous 70 feet of the lake shoreline, 10 feet of which will be used for a boardwalk to the lake. Within this 70-foot area, the developers intend to apply for a permit to construct a publicly accessible beach and dock.
11. The restored areas of the shoreline will consist of:
 - a. A 10-foot area along the fully submerged portions of the lake's shoreline that will be planted with native plants that are compatible with and will enhance the lake's ecology and wildlife.
 - b. A 10-foot area along the shoreline that has a sufficiently high water table to support native plants that are compatible with and will enhance the shoreline's ecology and wildlife. If necessary and supported by Best Available Science, some grading may be required to establish a new grade that will support wetland plants within this area. Any wetland area created in this manner shall not be considered new wetland boundary for the purposes of future buffer calculation. This requirement will not apply if the ground water is not sufficiently high to sustain moist soil-dependent plants.
 - c. A 55-foot area along the shoreline that is adjacent to the ten-foot area described above will be planted with native plants that are appropriate for wetland uplands areas and that support the lake's ecology and wildlife.
12. The developers will construct a boardwalk with public access through the buffer area. This boardwalk shall not intrude within the existing natural or newly restored areas described above. The boardwalk shall be constructed with kick-rails and signage to discourage public intrusion into the natural areas, and shall utilize materials and construction methods that are based on Best Available Science for natural and wetland areas. The public access shall be ensured through perpetuity through the appropriate legal document.

13. The developers shall ensure that all plantings are established and self-sustaining. The developers will implement a monitoring and maintenance plan, for two years, consistent with the wetland biologist's recommendations.
19. The developers will provide public access from Aurora Avenue on the northern half of the site from the Aurora Avenue Frontage to the boardwalk along the lake. This public access shall be ensured through perpetuity through the appropriate legal document.

Based on these Contract Rezone Agreement conditions and the approved buffer enhancement plan, it is understood that the buffer property will radiate from the lake's edge and will contain a 10-foot area containing native plantings that will enhance the shoreline's ecology, a 55-foot area containing native plantings appropriate for wetland uplands, a 10-foot boardwalk connecting the Interurban Trail and Aurora Avenue adjacent to this area, and a 40-foot unaltered area beyond the boardwalk that is subject to the Critical Areas section of the City's Development Code for Type II wetland buffer areas. Certain activities will not be allowed in this unaltered "upland" area, such as building, spraying, the use of pesticides/chemicals, and other invasive activities. However, according to City of Shoreline Planning and Development Services interpretation, mowing in this area could be permitted, as well as outdoor recreational activities, as long as they did not include structures or impervious surfaces.

It is also understood that the buffer property owner shall ensure that all plantings in the buffer area are established and self-sustaining for two years by implementing a monitoring and maintenance plan. The improvements for public access, by contrast, are to be maintained in perpetuity, recognizing that access would be lost if the boardwalk were to fall into disrepair.

Generally, all areas of the buffer property are restricted to passive uses which are consistent with the purpose and function of a wetland buffer and do not detract from its integrity. The most likely degradation of the buffer area will be from the public venturing off the boardwalk and damaging plantings and littering. However, the boardwalk and buffer perimeter will be signed with information relating to the sensitive nature of the buffer.

The Contract Rezone Agreement conditions also mandate a 10-foot wide boardwalk access to the lake edge, and state that the "developers intend to apply for a permit to construct a publicly accessible beach and dock." According to City of Shoreline Planning and Development staff, because the conditions are silent as to any improvements in the beach area, such as fire rings, picnic tables, or shelters, staff would construe the rezone conditions and location of the site adjacent to and surrounded by the critical areas to mean that such structures or improvements are prohibited. Uses of the beach, such as sunbathing, fishing, or hand launch of small watercraft, would appear to be within the range of relatively passive activities that would not conflict with permit or statutory restrictions.

PARKS BOARD CONSIDERATION AND RECOMMENDATION:

Based on direction provided by the City Council, staff presented this item to the Parks, Recreation and Cultural Services Board at their October 25th and November 15th meetings. In addition to providing Parks Board members with a tour of the site, background information on the property proposal and allowable uses of the site, and a recap of the initial September 24th Council presentation and discussion, questions regarding input the City Manager was seeking were also posed to the Parks Board. They are:

- Would the buffer property make a good park for Shoreline citizens if it were to be owned by the City and operated and maintained by the Parks Department?
- If so, what park elements would be needed beyond the Contract Rezone Agreement enhancements for the property to function as a Shoreline Park?
- If Inland Development Group were to give additional property to the City that is adjacent to, but outside the buffer property, what would be the desired use for this property, given that the allowable uses of this property differ from that of the buffer?

At the Parks Board's October 25th meeting, the Board concluded that they were not comfortable providing input on the proposal until additional information could be provided, and recommended that staff meet with Inland Group and the YMCA to understand their needs for the site and plans for its use. As part of this staff discussion with Inland Group and the YMCA, it was confirmed that both Inland and the YMCA are supportive of the City taking over ownership of the buffer property as a park site if an agreement can be reached with Echo Lake Buffer Associates, LLC on terms to donate the property (Attachment B and C). Inland Group also expressed their willingness to consider conveying their two sections of property (triangle properties) directly outside the buffer area and give or dedicate parking spaces they control for access to the buffer site (Attachment B). The YMCA also expressed their willingness to let the park users utilize their bathrooms on a short-term basis if permanent bathrooms would be constructed somewhere outside the buffer area, potentially on the donated Inland triangle properties.

After this staff discussion with Inland Group and the YMCA was held, the Parks Board discussed the South Echo Lake buffer property again at their November 15th meeting. Following questions for staff and public comment, the Parks Board recommended that the Echo Lake buffer property would make a good park site for Shoreline citizens, especially given the fact that many users of the park will probably be Inland Group development residents (who will be Shoreline residents) and YMCA patrons, many of which will be Shoreline residents. The Parks Board also recommended that City staff should negotiate with Inland Group for the triangle properties, which could be used for bathrooms or other permanent structures, and for a specified number of designated parking spaces to be determined by City staff, as both of these elements would be needed for the property to function as a City park.

Parks Board members also stated that the naming of the park should conform to the Parks Board Naming Policy, and that naming the buffer property Rotary Park without going through the Parks Board naming process would be a concern. Finally, by a show of hands, a majority of the Parks Board recommended that if the City takes over ownership, liability, maintenance, and additional park upgrades, the City should

negotiate with the current property owner, Echo Lake Buffer Associates, LLC, regarding responsibility for the cost of installing the mandated Contract Rezone Agreement buffer enhancements.

In addition to this guidance provided by the Parks Board, some Planning Commissioners also expressed serious concerns to the City Manager regarding the property proposal submitted by the property owner. These concerns relate to the City setting a precedent of relieving developers of the legal requirements to construct and maintain required wetland buffers if the proposal is accepted. The conditions in the Contract Rezone Agreement were carefully reviewed, developed and negotiated by the Commission in the context of the entire development and its impacts.

ADDITIONAL ALTERNATIVE:

The initial staff report submitted to Council for their September 24th Council meeting recommended that the City not accept the property since most, if not all, of the public access benefits to the property would be available under the rezone requirements at no additional cost to the public. These buffer and public access benefits were negotiated and required as part of the rezone approval and are available in perpetuity. Based on the Parks, Recreation and Cultural Services' Board recommendation that the buffer property can function as a park site if certain upgrades are achieved, staff has identified another option for Council consideration regarding the Echo Lake Buffer Associates, LLC proposal.

This option is outlined as follows:

- The City of Shoreline would take over the buffer property as a park site and assume long-term ownership of the property, liability insurance, property maintenance costs in perpetuity, additional property upgrades beyond the mandated Contract Rezone Agreement enhancements such as beach and dock installation (if allowable through permit process), enhancement of the "upland" portion of buffer, such as installation of grass and potential irrigation, bathroom construction outside of buffer property, and long-term capital costs, such as boardwalk replacement costs.
- Echo Lake Buffer Associates, LLC would install all of the improvements and buffer enhancements required under the Contract Rezone Agreement and transfer ownership responsibility to the City.
- The City of Shoreline would negotiate with Inland Group for conveyance of their two sections of property directly outside buffer area (triangle properties) and donation or dedication of parking spaces they control for access to the buffer.

If the City is to develop this area as a park, there are significant additional improvements that will be needed such as restrooms, parking, and signage as well as on going maintenance expenses. The City would need to develop a capital plan for these improvements, prioritize the project in the CIP and seek additional funding. There is currently no funding available for such improvements, nor is their funding available for up to \$353,000 if the City were to undertake the buffer enhancement requirements on behalf of the developer. It is also important to consider that all of the required improvements need to be in place prior to occupancy permits being issued for the development. It would be difficult for the City to find such funding in time to meet the enhancement requirements prior to occupancy. Additionally, there are still benefits to

the developer under this option, since the City would assume the on-going maintenance costs, liability insurance, and replacement obligations.

FINANCIAL IMPACT:

If the original Echo Lake Buffer Associates, LLC proposal is accepted, the financial impact to the City would be \$353,250 in one-time capital funding (as estimated by Raedeke and Associates) and \$24,128 in on-going capital and operational funding. However, this capital cost estimate is greatly dependent on many factors, such as materials used, overall site design, and boardwalk construction design.

If the alternative outlined above is accepted, the cost to the City would be \$24,000 in annual maintenance costs and as yet undetermined costs for installation of restrooms, parking, possible dock and beach, and signage.

RECOMMENDATION:

Staff recommends that if the City Council wishes to accept this property for a park site, that it do so under the terms outlined in the Additional Alternative section of this report.

APPENDIX:

Attachment A

Echo Lake Buffer Associates, LLC property proposal.

April 17, 2007

Mr. Robert Ransom, Mayor
City of Shoreline
17544 Midvale Avenue North
Shoreline, WA 98133

Dear Bob,

I would like to make the following proposal to the Shoreline City Council regarding the 66,822 square foot buffer area at the south end of Echo Lake.

1) Echo Lake Buffer Associates, LLC currently owns the buffer parcel at the south end of Echo Lake. I understand that this parcel contains 245 feet of water frontage along the lake and that this parcel comprises 66,822 square feet. At one time, the City of Shoreline was going to purchase this property along with property for their new City Hall. As most people know, property along Aurora is selling for \$30.00 and more per square foot. Echo Lake Buffer Associates, LLC would be willing to donate this parcel to the City of Shoreline if, in return, they were to receive documentation that would satisfy the IRS that a gift was made in an valued at a mutually agreeable amount.

2) As further inducement for Echo Lake Buffer Associates, LLC to donate the land, the City of Shoreline would not require Inland Construction, Echo Lake Associates, LLC, or members of Echo Lake Buffer Associates, LLC to do any of the work called out for in the Contract Rezone for the Echo lake buffer. This work was agreed to in order to provide commercial zoning for the new City Hall. The current development, consisting primarily of residential units, could have been constructed under the previous zoning.

3) The Buffer area would be named Rotary Park, although there would be no liability to the local Rotary Clubs, Rotary District 5030, or Rotary International because of this naming. The two local Rotary Clubs would hope to be able to work with the Shoreline Park Department to make improvements that would be enjoyed by the entire Shoreline Community. This naming would allow the Clubs to install signage, approved by the City of Shoreline, naming the Park, Rotary Park.

*Inland Construction has provided some timelines for when work is to be completed in the buffer area. Therefore, time is of the essence to come to an agreement on this proposal.

Sincerely,

Harley D. O'Neil, Jr., Managing Member
Echo Lake Buffer Associates, LLC
c/o Royal Property Management Company
1408 N.W. Richmond Beach Rd.
Shoreline, WA 98177

ATTACHMENT B

Email from Darin Davidson, President, Inland Group.

-----Original Message-----

From: Darin Davidson [mailto:Darind@InlandConstruction.com]

Sent: Tuesday, November 13, 2007 6:09 PM

To: Dick Deal

Cc: Chuck Daiger

Subject: RE: South Echo Lake

Dick – as I've expressed previously, we are willing to consider the parking stall designation for park users and we're willing to consider allowing the triangle pieces to be included and used in the park layout. However, the details need to be worked out before we can commit to anything. Obviously, what is placed in those areas and how the structures are constructed will impact our development – could be positive or negative. Both issues, parking and the triangle property, are possibilities from our perspective. I don't know that I can be anymore definitive or specific at this time. I still believe the more significant issue is working out an agreement with the current owner.

Please call or email if you'd like to discuss further.

Darin Davidson

ATTACHMENT C

Letter from Courtney Whitaker, Executive Director, Dale Turner YMCA.



November 14, 2007

Shoreline Parks, Recreation and
Cultural Services Board
c/o Dick Deal
City of Shoreline
17544 Midvale Avenue N.
Shoreline, WA 98133

**Dale Turner
Family YMCA**

1220 NE 175th Street
Shoreline, WA
98155
206-364-1700
Fax 206-363-3142

Dear Parks Board and Staff;

As one of the landowners at the Echo Lake property site, the YMCA is very excited about the dynamic and exciting plans for this multi-acre parcel. It has always been our hope that in addition to a new community YMCA and substantial affordable and market-rate housing opportunities, that our community would benefit from the redevelopment of the south end of Echo Lake. When we began work with the prior owner more than three years ago, the vision to create a small park facility and a boardwalk that showcased the natural beauty of that area was a huge draw for the YMCA in choosing this location.

As with many things in life, the negotiations for the "buffer space" have been tenuous. We are thrilled that the City of Shoreline and the Parks, Recreation and Cultural Services Board is looking at potential partnerships to enhance this area into a small neighborhood or mini park. We appreciate the Parks Department's willingness to investigate the possibilities for this space and their openness to soliciting feedback and input from both the YMCA and the Inland Group.

The YMCA has many programs for youth on sustainable communities and environmental education and we look forward to helping our next generation of community leaders develop ownership for restoring and maintaining the environmental beauty of the south end of Echo Lake. We support the work of the City staff and will do our best to accommodate reasonable requests for YMCA usage and joint programming as needed to make this dream of a park on the south end of Echo Lake a reality. I appreciate your time and consideration of this work as well and look forward to working with the City over the next several months to develop a plan.

Please do not hesitate to contact me if you have any questions or concerns about the YMCA's involvement and support of this venture. I can be reached at cwhitaker@seattleyymca.org or (206) 364-1700.

Warmest regards,

A handwritten signature in black ink, appearing to read 'C. Whitaker', written in a cursive style.

Courtney K. Whitaker

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Special Needs Group Housing in the City of Shoreline
DEPARTMENT: CMO
PRESENTED BY: John Norris, Management Analyst

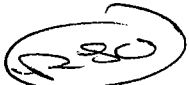
PROBLEM/ISSUE STATEMENT:

The Shoreline Police and Fire Departments have indicated that there is a burden on Police and Fire services (first responders) in safely and effectively responding to service calls at Group Homes. This burden, which may be caused by the high concentration of Group Homes in Shoreline, constrains the Shoreline Police and Fire Department's available resources to provide service to the community at large. Citizen concerns with the concentration of some Group Homes in residential neighborhoods may also exist.

Solutions to these problems can only be achieved within the legal framework created by state and federal law. As Group Homes are certified and licensed by the Washington State Department of Social and Health Services (DSHS), there is often little that local jurisdictions can do to "regulate" their operation, including how often and under which circumstances calls for service to local Police and Fire Departments are requested. Attempts at various types of municipal code ordinances that try to manage how Group Homes operate may be scrutinized and deemed in violation of the various federal and state laws that address Group Homes.

RECOMMENDATION

No action is required. This report presents potential options for Council discussion and consideration.

Approved By:  City Manager _____ City Attorney _____

INTRODUCTION:

City of Shoreline, Shoreline Police Department and Shoreline Fire Department staff have tried to address various issues that concern Group Homes in Shoreline for many years. Most prominently, the Shoreline Police Department formally tried to start addressing safety and lack of information concerns in Group Homes in 2001. Discussions were also held between City of Shoreline Human Service staff and the Shoreline Police and Fire Departments regarding various Group Home issues, and the Shoreline City Attorney's Office began drafting a memo in 2003 (updated in 2006) which outlines what types of restrictions the City of Shoreline can and cannot place on Adult Family Homes and other types of residential care facilities. Although these previous efforts and discussions had taken place, in November of 2006, additional meetings attended by City of Shoreline, Shoreline Police and Shoreline Fire staff were held to further discuss first responder concerns. This culminated in a meeting held May 31, 2007, where systemic problems and concerns regarding Group Homes and potential solutions to these problems were identified.

At this meeting it was confirmed that a high concentration of Group Homes exists in Shoreline. It was also confirmed by the Police and Fire Departments that there is a heavy burden on their agencies in safely and effectively responding to service calls at Group Homes. This burden constrains the Shoreline Police and Fire Department's available resources to provide service to the community at large.

In addition to these City staff and first responder concerns, various City Councilmembers have identified questions and concerns about the level of first responder service provided to Group Homes. Most recently, at the Council's April 2, 2007 Council meeting, some questions regarding Group Homes were identified during the King County Medic One/Emergency Medical Services Levy Authorization discussion. Specifically, questions were raised regarding Group Homes "taking advantage" of Emergency 911 services by utilizing those services prior to addressing a resident concern using their own resources. Other questions were also noted, such as whether the Fire Department can begin tracking data on the number of service calls to Group Homes to determine if there is a disproportionate level of service being provided.

As a result of these long standing discussions, Council questions and City and first responder identified issues, it was determined that a general Council briefing on Group Homes in Shoreline might be helpful to Shoreline Councilmembers. This staff report will attempt to provide this briefing as well as provide possible options for Council consideration to address the issues identified by Shoreline first responders. Additionally, this staff report will contain an overview of the classifications of Group Homes, an overview of the legal and regulatory environment of Group Homes, and an analysis of the concentration of Group Homes in the City of Shoreline.

BACKGROUND:

Group Homes serving special needs populations are regulated and overseen by the Washington State Department of Social and Health Services (DSHS). DSHS is a very large state agency that serves many functions, from providing service to developmentally disabled persons, to overseeing child protective services, to administering drug and alcohol detoxification services. Similarly, there are many ways in which they provide housing and residential support services to special needs clients. How they organize,

contract, case manage, license and certify the various homes, service programs and individuals they are responsible for is fairly complex. The next few sections of this report will attempt to provide some clarification on the Group Homes located in Shoreline and some of the services provided in Shoreline that are overseen by DSHS.

Group Home Classifications:

There are generally two types of special needs adult Group Homes within the City of Shoreline: Licensed and Unlicensed Group Homes. Licensed Group Homes include Boarding Homes, Adult Family Homes, and Nursing Homes, and are licensed by the DSHS, Aging and Disability Services Administration (ASDA), Residential Care Services Division (RCS). See Exhibit 1 in the Appendix for a map of all Licensed Group Homes in Shoreline.

Unlicensed Group Homes includes private housing whose residents receive services from the Certified Community Residential Services and Support (CCRSS) program. CCRSS are services provided by the DSHS, ASDA, Division of Developmental Disabilities (DDD) to DDD clients in a residential setting, either licensed or unlicensed. CCRSS is a joint DSHS, ASDA, DDD/RCS program where the DDD provides case management for support services and holds the contracts for service providers, while RCS certifies and oversees the residential service provider.

Adult Family Homes:

Adult Family Homes (AFH) are regular family homes where a person or persons provides room and board, personal care, intermittent nursing care, and potentially other types of service to more than one but not more than six unrelated adults.¹ A room, meals, laundry, supervision and varying levels of assistance with care are provided. Some AFHs provide occasional nursing care, while some offer specialized care for people with mental health issues, developmental disabilities or dementia. RCS requires that AFHs have sufficient space to accommodate all residents and still maintain a satisfactory quality of life. AFHs are inspected at least once every 18 months, but unannounced inspections can happen at any time. AFHs are considered a residential use of property, and state law permits their use in those areas zoned for single family dwellings.

As of October of this year, there were 117 Adult Family Homes in Shoreline. The number of AFHs seems to be steadily increasing, as anecdotal counts of the number of Group Homes/Adult Family Homes compiled by City Human Service staff and Police Department staff places the number at around 70 in 2002. However these numbers were not confirmed with DSHS, RCS.

Most of the current AFHs have a six bed capacity, while some offer four or five beds. The Shoreline AFHs are located all throughout the City, and most offer at least one specialty service (mental health, developmental disabilities, or dementia). It is currently unknown how many Statements of Deficiencies (problems uncovered during DSHS inspections) exist for AFHs in Shoreline over the course of the last couple of years. In November of 2006, City of Shoreline staff requested copies of all Statements of Deficiencies for

¹ RCW 70.128.010

Shoreline AFHs, but were provided just two as examples of Shoreline statements instead of data on the total number of statements issued.

Boarding Homes:

Boarding Homes are licensed facilities in a community setting where staff assumes responsibility for providing housing, basic services, and general responsibility for the safety and well-being of the residents, which may include domiciliary care, to seven or more residents.² Many Boarding Homes call themselves "Assisted Living" facilities, and some offer specialized care for people with mental health issues, developmental disabilities, or dementia. Housing, meals, laundry, supervision, and varying levels of assistance with care are provided, such as Adult Residential Care (ARC), Enhanced Adult Residential Care (EARC), and Assisted Living Services. Boarding Homes are inspected at least once every 18 months, but unannounced inspections can happen at any time

As of October of this year, there were seven licensed Boarding Homes in Shoreline. Bed capacity at these Boarding Homes ranges from a low of six to a high of 100, with an average of 48 beds. Examples of some of the Boarding Homes located in Shoreline include Aegis Assisted Living of Shoreline, Aegis Senior Living of Shoreline, Anderson Plaza, and the Crista Senior Community Assisted Living located on the Crista Ministries campus.

Nursing Homes:

Nursing homes are any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves.³ Convalescent and chronic care may include but not be limited to any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of some medical treatment. It may also include care of mentally incompetent persons. Nursing Homes are inspected at least once prior to their annual renewal process, but can also be inspected at any time.

As of October of this year, there were nine licensed Nursing Homes in Shoreline. Bed capacity at these Nursing Homes ranges from a low of six to a high of 188 at one of the Fircrest facilities. The average number of beds at Shoreline Nursing Homes is 112. Examples of some of the Nursing Homes located in Shoreline include two facilities at Fircrest, Anderson Plaza, and the Crista Senior Community located on the Crista Ministries campus.

Certified Community Residential Services and Support (CCRSS):

CCRSS are services provided by the DSHS, ASDA Division of Developmental Disabilities (DDD) to DDD clients in either a licensed or unlicensed residential setting. CCRSS is a joint DSHS, ASDA DDD/RCS program where the DDD provides case management for support services and holds the contracts for service providers, while RCS certifies and

² RCW 18.20.020

³ RCW 18.51.010

oversees the residential service provider. RCS does a certification review of the service providers about every two years.

There are a few options where DDD clients can receive CCRSS:

1. Clients can live in their own homes (which included unlicensed private Group Homes) and receive contracted support services through the Certified Supported Living Services (CLLS) program. Homes must be owned, rented, or leased by the clients or their legal representatives, and clients are responsible for paying for their daily living expenses, such as rent, utilities, and food, using their personal financial resources. The level of support is based on each client's support needs, and may range from one hour per month to twenty-four hours per day of staff support per client.
2. Clients can live in their own homes and receive services through the State Operated Living Alternatives (SOLA) Program which is staffed by DDD employees rather than contracted service providers.
3. Clients can live in a certified Group Home (licensed Adult Family Home or Boarding Home), which is both licensed by DSHS, RCS and certified by DSHS, RCS, CCRSS. These certified Group Homes must have a contract with DDD and the service provider must ensure that the homes comply with all applicable licensing regulations. These types of Adult Family Homes and Boarding Homes are a subset of licensed Group Homes which can generally serve more types of clients than just developmentally disabled persons.

It is currently unknown how many Shoreline residents receive CCRSS services. Because CCRSS services are not defined by the physical place where the services are provided but rather who the service is provided to, the unlicensed settings in which the services are provided are hard to quantify. As of this year, there are 38 contracted service providers providing CLLS services in King County (DSHS Region 4), with 15 of these providers operating in Shoreline. Some of these service providers operating in Shoreline include Banchemo Friends Services, Camelot Society, Dolphin Residential Services, Provail, and Walsh and Associates.

In addition to these contracted service providers, other organizations exist that coordinate private group housing for Developmentally Disabled clients where they can receive services through the CLLS program. As per DDD policy, these organizations cannot also provide CLLS services to the same DDD clients that they typically rent housing to, as a conflict of interest may arise. Parkview Services for instance, owns 49 homes throughout King County which support over 150 extremely low-income people with developmental disabilities. Of these 49 homes, they own 18 in Shoreline where other service providers provide CLLS services to their residents.

Legal Environment:

According to a memo drafted by the Shoreline City Attorney's Office from October of 2006, both federal law and state law affect a local government's ability to regulate adult family homes and other care facilities for disabled individuals. This is codified at the federal level in the U.S. Fair Housing Act Amendments (FHAAs), and at the state level in RCW 35A.63.240, "Treatment of residential structures occupied by persons with handicaps."

Federal Law:

The FHAAs prohibit discrimination against people with disabilities, which includes any person suffering from a physiological, neurological or mental disorder or disability, including individuals recovering from drug and alcohol addiction. The law also prohibits local governments from passing zoning and land use policies that affect the availability of housing for individuals protected by the FHAAs. Thus, certain types of zoning for group homes, including dispersion rules (i.e., no clustering), limits on the number of unrelated residents of homes and licensing and special use permits, are seen as having a discriminatory impact on individuals protected by the FHAAs.

Two federal cases involving Washington cities highlight disallowed restrictions on care facilities: *The Children's Alliance v. City of Bellevue*, and *City of Edmonds v. Oxford House*. In both cases, the local jurisdictions tried to regulate group homes within their communities by either restricting where certain types of group homes could locate based on how the group home was operated (Bellevue) or by defining who can compose a family unit (Edmonds). Generally, courts do not allow licensing and registration schemes which would deny group homes the ability to locate within residential neighborhoods. Spacing requirements have also been overruled by the courts, even though the courts acknowledge the importance of avoiding clustering and allowing for community integration.

Washington State Law:

Washington State law (RCW 35A.63.240) also prohibits any city from enacting an ordinance or regulation which treats a residential structure occupied by a person with disabilities differently than a similar residential structure occupied by a family or other unrelated individuals. Thus, cities are restricted from treating the residential structures for the disabled any differently than other single family homes, so long as those homes meet the definition of "family."

State law also preempts a local government's ability to regulate adult family homes, boarding homes and nursing homes. Any city regulation placing restrictions on adult residential facilities may either be preempted by state law or be subject to a disparate treatment/discriminatory impact challenge under the FHAAs.

Regulatory Environment:

As stated earlier, DSHS regulates Adult Family Homes, Boarding Homes, Nursing Homes, Certified Community Residential Services and Supports, and other types of group housing serving individuals with special needs. The type and extent of regulation depends on the classification of Group Home. Each Group Home classification typically has its own Washington Administrative Code statute that outlines the various regulations associated with that type of home. Common regulatory topics that apply to most categories of Group Homes include: licensing requirements, staff training requirements, physical plant maintenance and upkeep requirements, speciality service provision requirements, resident management, resident rights, care-giving requirements, emergency preparedness and evacuation requirements, and reporting requirements.

Within these regulations, no requirements could be found regarding group home staff procedures and protocols for 911 response calls or local first responder interactions. Although there is a long list of training topics and areas in which group home staff must be knowledgeable, when, how, and under which circumstances staff should (and should not)

utilize first responder services is not addressed in state regulations. However, according to DSHS staff, DSHS, RCS has provided a few quality assurance trainings (for Adult Family Homes, Nursing Homes, and Boarding Homes) regarding the appropriate use of 911 services. They have also sent out a letter to all these Group Home providers regarding this same issue.

Shoreline Regulation:

Although the Shoreline Municipal Code (SMC) does not try to regulate the operation of group homes or greatly restrict their location, the SMC identifies and defines Community Residential Facilities, explains how many unrelated individuals can live in the same single-family dwelling, and identifies in which zones Community Residential Facilities can locate, based on the size of the facility. The SMC (SMC 20.20.014) defines Community Residential Facilities (CRFs) 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 have at least nine individuals living in them, including both residents and staff. Thus, Adult Family Homes are typically not defined as CRFs.

The SMC (SMC 20.20.020) restricts the amount of unrelated individuals who can live together in a single-family dwelling to eight or less, not including minors. As mandated by state law, single dwelling units are permitted uses in all residential zones.

The SMC also considers group homes with nine or ten residents and staff to be Community Residential Facilities-I (“CRF-I”) and requires these homes to secure a conditional use permit in areas zoned R-4, R-6, R-8, or R-12. Group homes with eleven or more residents and staff are classified as Community Residential Facilities-II (“CRF-II”) and are not allowed uses in areas zoned R-4, R-6, R-8, or R-12.⁴ DSHS group homes that would typically fall into either CRF category would be Boarding Homes or Nursing Homes. Beyond this regulation, the City does not require a business license or place any other restrictions on location of group homes and residential care facilities.

Other Municipal Regulation:

Only one example of a municipal ordinance that addresses Group Home operations was identified in this research. The City of Edmonds (Edmonds Municipal Code Chapter 20.18) requires that Group Homes submit an operating plan, including a description of the facility, the residents and staff, and requires all group homes to obtain a business license. Written notice of the facility is then provided to the community and an informational meeting is held for the neighbors. Further, if Edmonds receives three complaints from neighbors about the facility, City staff will hold a neighborhood mediation.

However, it should be noted that this Group Home ordinance only relates to DSHS licensed Boarding Homes with seven or more people, not smaller Adult Family Homes. Furthermore, at the time this research was completed, no new Boarding Home had been constructed within the City of Edmonds since the adoption of this section of their municipal code, leaving the requirements in the ordinance untested.

⁴ SMC 20.40.120

Concentration of Group Homes in Shoreline:

As of October 2007, 133 licensed Group Homes (Adult Family Homes, Boarding Homes, and Nursing Homes) were located in Shoreline, totaling 2,000 licensed Group Home beds. There are also an additional number of unlicensed private group home settings where CCRSS services are provided. However, because these homes are not licensed, many owned by non-profit or for-profit entities, the number and location of most of these homes is unknown. In comparing licensed Group Homes in Shoreline to other cities in the Puget Sound region, Shoreline has a high concentration of homes, whether comparing total beds, total facilities, or beds per capita. Of the eleven other cities analyzed, only Seattle has more licensed Group Home beds and facilities than Shoreline. While Seattle does have more than twice the number of facilities and three times the number of beds than Shoreline, relative to the size of the population of Seattle, this is a rather small number (see Exhibit 2 and 3 in the Appendix). Using 2000 census population data, Shoreline has 3.8 licensed Group Home beds per 100 residents, more than any other local city included in this analysis, including Seattle, Bellevue, Auburn, and Lynnwood (see Exhibit 4 in the Appendix).

It has been suggested by Shoreline Human Services staff that Shoreline may have a high concentration of Group Homes because of the location of the Fircrest School, a Washington State Residential Habilitation Center (RHC) for the developmentally disabled, in Shoreline. As many of these large habilitation institutions began to "deinstitutionalize" their residents over the last three or four decades, many of the residents may have looked to locate in the community in which the institution exists. This in turn may have signaled to individuals and entities looking to create and locate residential Group Home settings in various communities that Shoreline was a good community for these homes. As well, it has also been suggested that the large single-family homes in Shoreline with relatively affordable housing prices may have also contributed to the cause of high concentration, especially of Adult Family Homes or private Group Homes where CLLS service are provided.

Another theory as to why Shoreline has a high concentration of Group Homes relates to the labor force currently employed at the Fircrest School. Fircrest School administrative staff have stated that a large number of their employees also work part time in community residential settings (Group Homes) that require many of the licensed skills the employees already possess. Due to this "built in" labor pool, some Group Home owners may have decided to locate their Group Homes near to where this labor pool is primarily employed. It should be noted however, that no data exists to support either of these theories, and that they are both based on anecdotal information.

First Responder Service Calls to Group Homes in Shoreline:

Although the Shoreline Police and Fire Department do not regularly track response calls to Group Homes, they have compiled some data that highlights the number of EMS calls (Fire Department) or Police Dispatches (Police Department) to Group Homes that they have responded to in various time frames. In 2005, 289 service calls were responded to by the Shoreline Fire Department that originated in Adult Family Homes located in Shoreline. Additionally, between January 2001 and October of this year, although the

number of EMS medical service calls originating from Group Homes⁵ is less than non-Group Home locations, the number of service calls has been increasing at an average rate of about 15% per year for Group Homes, compared with less than one percent per year for non-Group Homes (see Exhibit 5 in the Appendix).

Data from the Shoreline Police Department highlights that from January 1st to November 30th, 2006, approximately 111 group home mental-health related complaints and eight (8) group home fourth degree assault complaints were responded to. Of the 111 mental health complaints, approximately 32 were related to one specific Group Home dealing with one specific client. In roughly the same time frame this year (2007), the number of Group Home responses decreased to 42, with 20 of the 42 pertaining to mental health complaints. Ten of the 20 mental health complaints were related to one specific Group Home dealing with one specific client.

According to Police Department personnel, many of the cases in 2007 involved patients becoming combative with their caregivers or other residents. This typically results in a minimum of two officers responding to these calls for safety reasons. Shoreline Police officers have stated that they sometimes feel as if they are being used as “muscle” to try and calm some of the more combative clients down and to get individuals under control when they are exhibiting behavior that is not considered criminal. They have also identified that some of the individuals with more severe behavioral issues that they have been called to respond to on more than one occasion may have dual diagnoses (primarily developmental disabilities and mental health issues).

It should also be noted that the City of Shoreline Customer Response Team does not track complaints/issues relating to Group Homes in Shoreline, as they typically transfer issues along to DSHS, RCS.

IDENTIFIED ISSUES:

The Shoreline Police and Fire Departments have indicated that there is a burden on Police and Fire services (first responders) in safely and effectively responding to service calls at Group Homes. This burden, which may be caused by the high concentration of Group Homes in Shoreline, constrains the Shoreline Police and Fire Department's available resources to provide service to the community at large. Citizen concerns with the concentration of some Group Homes in residential neighborhoods may also exist.

In discussing the concentration of Group Homes in Shoreline with staff from the Shoreline Police and Fire Departments and the real and perceived problems associated with them, four primary issues were identified:

- Some residents of the City of Shoreline may have concerns regarding the number and location of Group Homes (most significantly Adult Family Homes or unlicensed private homes where CLLS services are provided) within the City, especially if there are multiple homes concentrated within a residential neighborhood. It is

⁵ The Shoreline Fire Department uses property use codes to track their service call data. For this data analysis, four property use codes were captured: 24-hour care Nursing homes, Adult Family Home, Mental retardation/development disability facility, and Multifamily/Assisted living facility.

sometimes argued by residents that these homes may affect property values, change the character or quality of a neighborhood, affect parking issues, and increase safety concerns, among other issues.

- Given that the location and specifics of some Group Homes (primarily unlicensed private homes where CLLS services or other types of special need services are provided) are unknown to first responders, the safety and effectiveness of first responders, primarily Shoreline law enforcement officers, are jeopardized given the potentially unstable nature of some of the residents of these homes.
- The disproportionate level of service being given to the elderly residents of Group Homes (primarily Boarding Homes, Nursing Homes, and Adult Family Homes specializing in dementia) causes resource constraints on the first responders from the Shoreline Fire Department in responding to all 911 Emergency Management Services calls (EMS). Since January 2001, the percentage of EMS calls to Nursing Homes and Adult Family Homes has increased at a significantly greater rate than all other calls.
- Certain individuals who reside at Group Homes are frequent users of Shoreline Police and Fire services and therefore place an undue burden on these services. Often times, these “frequent service users” exhibit out of control behavior which is not dealt with effectively by Group Home staff. Subsequently, the first intervention that Group Home staff may make in responding to issues with these individuals is to place an emergency service call to first responders.

Another identified concern relates to the staff at various Group Homes in Shoreline. According to first responders, Group Home staff competence and their ability to communicate effectively varies greatly by home. This ultimately may have a large impact on their utilization of first responder services in addressing client issues.

OPTIONS FOR DISCUSSION:

All of these identified issues are distinct from one another and relate to different problems or perceived problems with Group Homes. The ability of first responders and City staff to address these problems also varies, as local officials are precluded from taking certain actions that would violate state law, federal law, or personal privacy rights of individuals living in Group Homes. For example, it is not possible to address potential Shoreline resident concerns regarding the number, location, or operation of Group Homes in single-family neighborhoods through local regulation or ordinances. As well, dictating to Group Home owners and operators how and when they utilize first responder services is not a viable option.

Furthermore, there may be few solutions for the disproportionate number of service calls to the Shoreline Fire Department coming from AFHs and other Group Homes that care for the elderly. There is probably not a lot that can be done to moderate demand for emergency service when older adults routinely get sick and occasionally fall. However, if some of these calls for service to Group Homes serving the elderly relate to behavioral issues, there may be other solutions that could help minimize these calls.

Even with these limitations, there are a few options that the City Council, City Manager, Shoreline Police and Shoreline Fire Department should consider that might ameliorate some of these identified issues. They are:

- If a multitude of Shoreline residents express concerns regarding the number and location of Group Homes within the City, the City Manager should consider working with the Shoreline Police and Fire Departments to hold a public meeting to engage the concerned residents, explain the regulatory and legal limitations of local government as they pertain to Group Homes, and hopefully outline areas of concern and solutions that can be addressed through City and DSHS collaboration.
- The Shoreline Police and Fire Departments should consider continuing to collect and monitor Group Home service call data. As this data is collected and analyzed, Shoreline Police and Shoreline Fire staff should discuss identified concerns with City of Shoreline and DSHS staff. City of Shoreline, Shoreline Police and Shoreline Fire staff should also work with DSHS staff and local State legislators to identify processes and protocols for more efficient and effective Group Home interactions with first responders.
- Although Shoreline Police and Fire Department staff have had joint meetings with DSHS and specific Group Home staff to address some Group Home residents that were identified as frequent first responder service users, some of these meetings were not successful in addressing identified problems. Thus, creating a more formal process that would be utilized by City of Shoreline, Shoreline Police and Shoreline Fire Department staff to help manage Group Home residents that are frequent service users has been suggested. This process would entail 1) identifying a "trigger point" where it would be determined when a Group Home resident would be identified as a "frequent service user", and 2) subsequent process steps that would outline what actions should be taken by DSHS to appropriately manage the resident so his/her frequent service use would be minimized or negated.

Through this process, Shoreline Police and Fire staff could advocate to DSHS and Group Home staff that additional services be provided to clients exhibiting behavioral problems or frequently utilizing first responder services. DSHS also has behavioral specialists who consult with staff in Group Homes that may be able to provide training of staff to reduce behavioral problems before they become acute. Utilization of other programs, such as the Fircrest In-patient Crisis Respite Program, might also be an option that first responders could advocate for. In this voluntary program managed by Fircrest with admission controlled by the Regional DDD Administrator, Fircrest staff employ medical and behavioral treatment techniques not available in Group Homes with the goal of stabilizing clients so they can function again in a community living arrangement.

- Beginning in 2001, the Shoreline Police and Fire Departments tried to address the issue of having more information on Group Home client's disabilities and special needs by instituting their Police and Fire Emergency Information Sheet Program. This is a voluntary, DSHS-approved program that some Group Homes have participated in that outlines individual client information and identifies what police

and fire officials should know to assist in responding to an individual, and what the potential recommended interventions are as described by the client's treatment team.

However, due to the lack of Police resources, many Group Homes have not received the necessary information sheets, been trained on how to fill the information sheets out, or provided information how the information sheets would potentially be used by first responders. The Shoreline Police and Fire Departments should consider expanding their Emergency Information Sheet Program with City of Shoreline staff help so that as many Group Homes as possible within Shoreline (primarily Adult Family Homes and homes where residents receive Certified Supported Living Services) are involved in the program.

- City of Shoreline, Shoreline Police and Shoreline Fire staff should consider working with DDD contracted service providers to identify the location of and services provided at as many unlicensed private Group Homes as possible. This would provide first responders with information that would potentially make their interaction with Group Home residents more safe and effective, would provide City officials and first responders greater information for emergency management planning and preparedness purposes, and would allow the Shoreline Police and Fire Departments the ability to discuss the Emergency Information Sheet Program with these homes.
- The City Council should consider the implementation of a City Business License program, which would provide the ability to better identify who is operating group housing and/or providing services to those individuals in group housing, and where those operations/service provisions are taking place. This especially pertains to unlicensed Group Home locations, which are not explicitly identified by DSHS. A City Business License could be structured so that it would have to be renewed each year, thus capturing changes in where all business are operating within the City.

A Business License program would also provide the ability for City staff to engage Group Home owners/operators and special needs service providers when they process their business license application. This will provide an opportunity for staff to discuss the voluntary Police and Fire Emergency Information Sheet Program, in addition to any other questions or concerns that owners/operators might have.

RECOMMENDATION

No action is required. This report presents potential options for Council discussion and consideration.

Exhibit 1.



Exhibit 2.

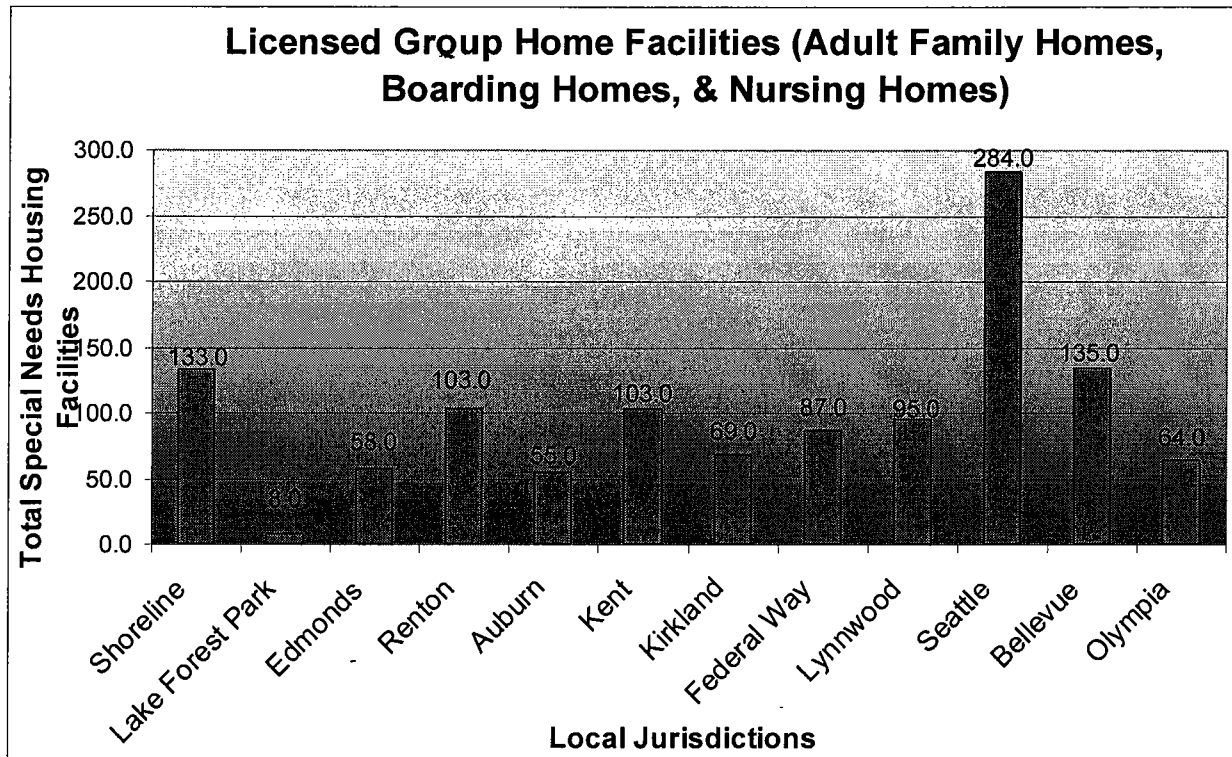


Exhibit 3.

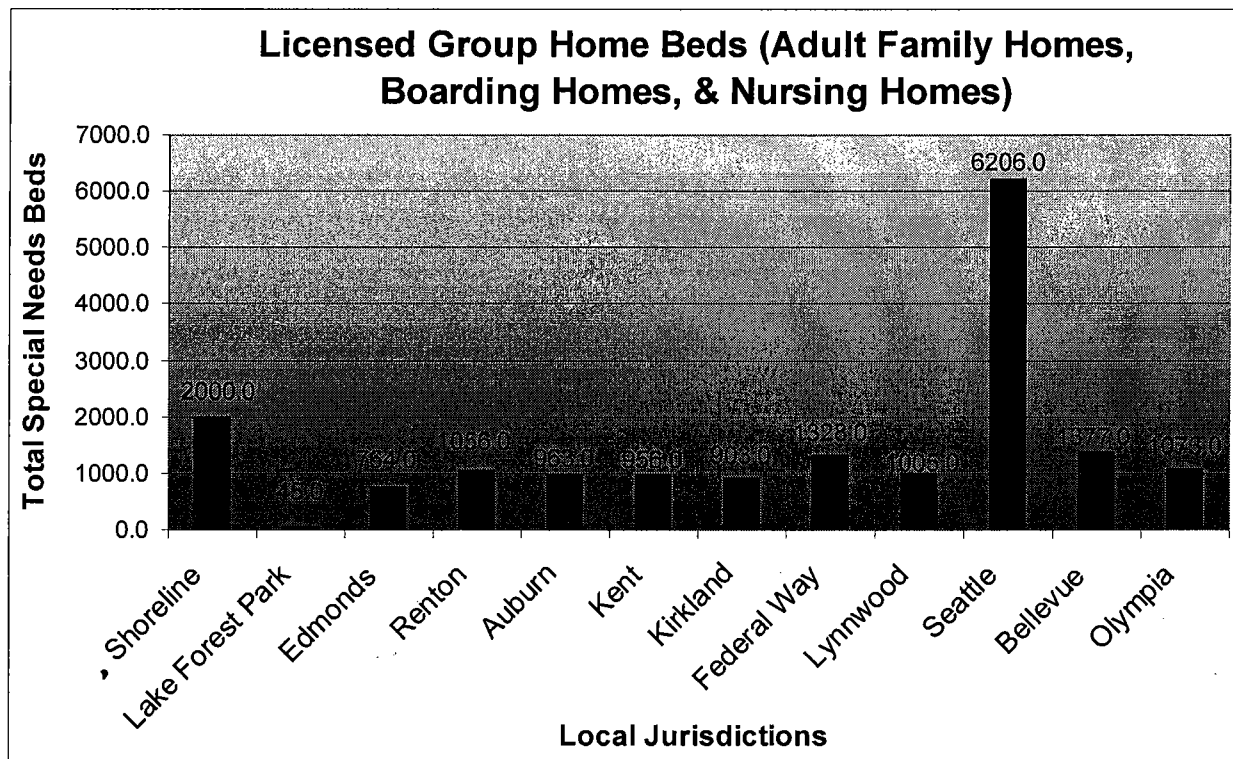


Exhibit 4.

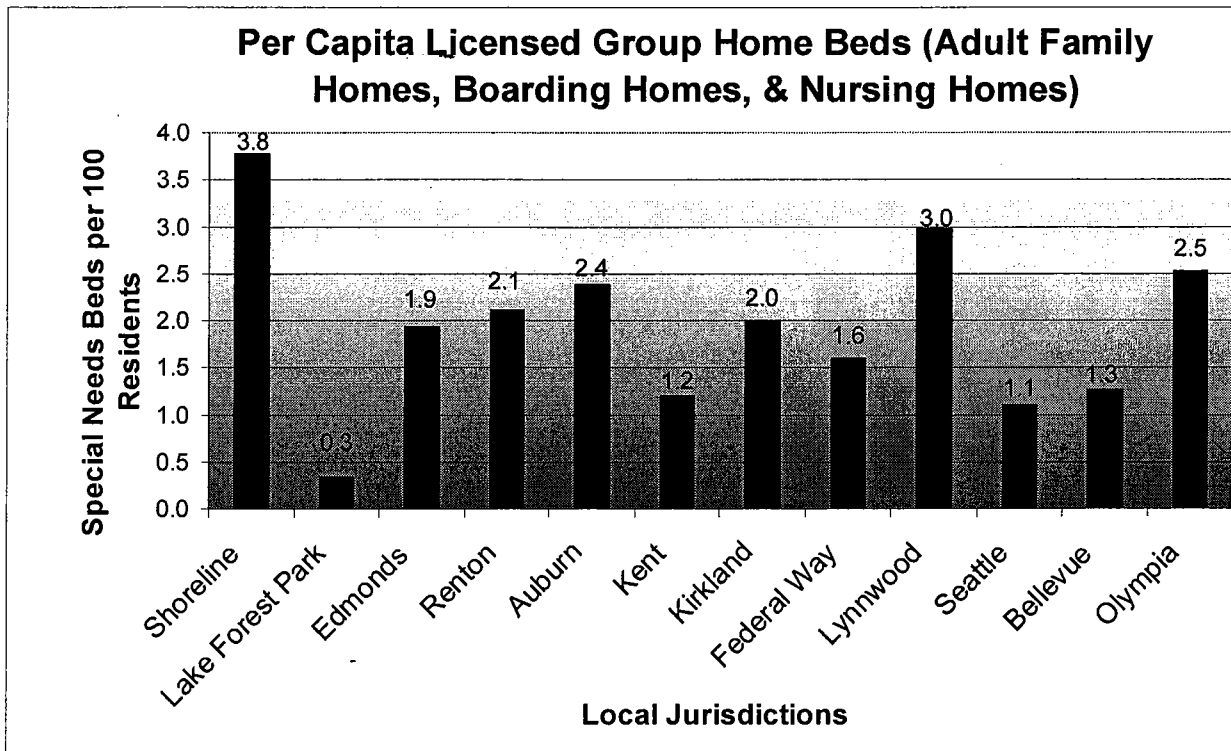


Exhibit 5.

