

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Public Hearing and Adoption of Ordinance 321 Amendments to the Cottage Housing Regulations in 20.40.300 of the Development Code
<b>DEPARTMENT:</b>	Planning and Development Services
<b>PRESENTED BY:</b>	Tim Stewart, Director, Planning and Development Services Brian Krueger, Planner

**PROBLEM/ISSUE STATEMENT**

The issue before Council is the consideration of amendments to the cottage housing regulations within the Development Code. The City Council adopted regulations in June of 2000 that permitted a new form of development within the City. These regulations authorize the development of cottages at less than 1000 square feet of total floor area oriented around a common open space with specific parking, setback, and design, and density provisions. Three projects have been constructed under the current cottage regulations: the Greenwood Avenue Cottages, the Madrona Cottages, and the Meridian Park Cottages.

The Growth Management Act specifies that development regulations shall be subject to continuing review and evaluation. Staff initiated a program with the Planning Commission to review and evaluate the cottage regulations by looking at and touring three projects constructed under the regulations and comparing them for consistency with community values. The review included a mail survey of cottage neighbors and interviews with cottage developers. The Planning Commission has reviewed the constructed projects, neighbor survey results, and developer interview notes. The Commission has heard public testimony at numerous workshops and a public hearing. The staff and Planning Commission recommend amendments to the cottage housing regulations. The Council is the decision-making authority on any amendments to the Development Code.

**ALTERNATIVES ANALYZED:** The following options are within the Council's discretion and have been analyzed by staff:

- The Council could not adopt the amendments to the Development Code.
- The Council could adopt the amendments as recommended by the Planning Commission and staff by adopting Ordinance No. 321 (Attachment A).
- The Council could amend the proposal under consideration.
- The Council could propose an alternative amendment.

**FINANCIAL IMPACTS:**

- There are no direct financial impacts to the City.

**RECOMMENDATION**

Staff and the Planning Commission recommend that Council hold a public hearing on the proposed amendments and adopt Ordinance No. 321, which amends the cottage housing regulations in Chapter 20.40.300 of the Development Code.

Approved By: City Manager  City Attorney 

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## **BACKGROUND**

### **The Comprehensive Plan**

On November 23, 1998 City Council adopted Shoreline's first Comprehensive Plan that included Land Use policy number 27:

LU27: Allow cottage housing in residential areas of 6 dwelling units per acre and up, if they go through design review and adhere to the following characteristics:

- common open space
- reduced parking areas
- detached homes
- common amenities (e.g. garden plots, play areas, storage buildings, orchard)

### **The Development Code**

This Comprehensive Plan policy was implemented in June of 2000 when the Shoreline Development Code was adopted by the City Council. The new Development Code included cottage housing regulations that allow cottage housing as a permitted use subject to supplemental criteria in the R-8 to R-48 zones and as a conditional use subject to supplemental criteria in the R-4 and R-6 zones. In the R-8 to R-48 zones cottage housing is allowed subject to a site development permit and individual building permits for individual cottages. In the R-4 and R-6 zones a conditional use permit is required including noticing requirements and public comment period before a site development permit and building permits may be issued.

Cottage housing in all zones is subject to the supplemental criteria in 20.40.300 (Attachment A, Exhibit A). These supplemental criteria are the core of the cottage housing regulations. Within the criteria are provisions that regulate the specific elements that make up cottage housing such as common open space, clustering, density, and setbacks.

### **Objectives for the Review of the Cottage Housing Regulations**

Cottage Housing is a relatively new building form in the region. Since adoption of the regulations in 2000 staff has administered the cottage housing regulations on three different projects.

1. Greenwood Avenue Cottages—Greenwood Avenue N at NW Innis Arden Way
2. Madrona Cottages—Dayton Avenue N near N 160<sup>th</sup> Street
3. Meridian Park Cottages—N 185<sup>th</sup> Street at Stone Avenue N.

Although they are all cottage housing developments, these three projects have a different feel, scale, construction quality, affordability, and street appearance. With these projects completed the City initiated a program to review and evaluate the City's cottage housing regulations. The program provides a "check in" with the community to see if the cottage housing constructed meets the values of the community and potentially adopt changes to the regulations to meet the community vision for cottage housing development. The objectives of the program include:

- To provide an up close look at the cottage housing projects in Shoreline
- To identify problems with administering cottage housing regulations
- Clarify the community vision for cottage housing in Shoreline

- To provide clear and complete standards that are easy for the development community and the public to understand.
- To have cottage housing regulations that produce projects on the ground that capture the community vision

**PROCESS**

The following table is a chronology of the cottage housing regulations review program that has led to the current proposed amendments. See Attachment B for minutes of the Planning Commission meetings.

DATE	DESCRIPTION
August 7, 2002	<ul style="list-style-type: none"> <li>• Cottage neighbor survey mailed to residents within 500 feet of the three constructed cottage housing developments.</li> </ul>
August 28, 2002	<ul style="list-style-type: none"> <li>• Developers of the Meridian Park Cottages and the Greenwood Avenue Cottages interviewed.</li> </ul>
October 3, 2002	<ul style="list-style-type: none"> <li>• Planning Commission Special Meeting: Tour of Cottage Housing Developments</li> </ul>
October 17, 2002	<ul style="list-style-type: none"> <li>• Planning Commission Regular Meeting: Workshop on the identification of potential amendments</li> </ul>
December 5, 2002	<ul style="list-style-type: none"> <li>• Planning Commission Regular Meeting: Workshop on staff's proposed amendments</li> </ul>
January 16, 2003	<ul style="list-style-type: none"> <li>• Planning Commission public hearing on proposed amendments</li> </ul>
February 6, 2003	<ul style="list-style-type: none"> <li>• Planning Commission deliberation and recommendation to City Council for approval of proposed amendments</li> </ul>
March 24, 2003	<ul style="list-style-type: none"> <li>• City Council public hearing on proposed amendments</li> <li>• City Council Decision on Ord. No. 321</li> </ul>

**PUBLIC COMMENT**

**Cottage Neighbors**

To solicit feedback from residents that live adjacent to the new cottage projects staff mailed a questionnaire to all residents within 500 feet of the three cottage housing projects. Individual questionnaires were coded so that feedback for each individual project could be separated. The City received 46 responses. A binder with a copy of the full text original questionnaire response forms that were submitted to the City and a matrix that summarizes individual comments by project may be viewed at the Planning and Development Services Department.

**Cottage Developers**

Staff invited each cottage developer to meet with the City to discuss a number of survey questions that the project team developed. Staff met with Eric Sundquist of Viking Properties, Inc. developer of the Meridian Park Cottages and Jim Soules of the Cottage Company, LLC developer of the Greenwood Avenue Cottages to discuss their experience with constructing cottage housing in Shoreline. A binder with a copy of the

list of developer survey questions, meeting notes, and their individual responses may be viewed at the Planning and Development Services Department.

### **Public Hearing**

The Planning Commission held a Public Hearing on the proposed amendments on January 16, 2003. The minutes from that meeting can be found in Attachment B.

### **Public Comment Period**

A written public comment period was advertised and opened on January 1 and closed on January 15. The City received one letter from Mr. Martin Kral regarding the proposed amendments it can be found in Attachment C.

### **Agency Review**

The Growth Management Act requires jurisdictions to notify State agencies anytime that a jurisdiction is proposing changes to development regulations or comprehensive plans. Staff submitted the proposed amendments to the cottage housing regulations to the State for their review. The letter, located in Attachment D, was received on January 10, 2003 from the State Office of Community Development in support of the proposed amendments.

## **ALTERNATIVES ANALYSIS**

### **NOT ADOPT PROPOSED AMENDMENTS**

If Council does not adopt the proposed amendments the Development Code would remain unchanged.

### **ADOPTION OF AMENDMENTS AS PROPOSED**

After consolidating feedback from the public at large, cottage neighbors, cottage developers, and staff administering the cottage regulations specific potential amendments were identified for in depth review by the Planning Commission. The Planning Commission reviewed the proposed amendments received public comment, proposed alternative amendments, deliberated, and made a recommendation for approval of the proposed amendments in Attachment A. The proposed amendments to the cottage housing regulations can be characterized in two different ways:

- Clarifications of existing provisions; or
- New regulations.

In the following section staff will highlight those proposed amendments that garnered the most comment at the Planning Commission and/ or are substantial new regulations. All of the proposed amendments can be found in Attachment A in legislative format.

### **Intent Statement**

The Neighborhood Survey results showed that many neighbors of cottage housing developments did not understand what cottage housing was or why it was being constructed in their neighborhood. The Planning Commission proposed the idea of adding an intent statement to the regulations to make the intent clear to the public at large and potential developers of cottage housing. The new intent statement conveys information about the City's Comprehensive Plan, the Growth Management Act, and the expectations for cottage housing developments as infill development. The intent statement in 20.40.300(A) along with the definition for cottage housing in 20.20.014 gives staff additional tools to explain what the City expects from cottage housing developments in Shoreline.

### **Common Open Space Dimensional Requirement**

The cottage regulations state “Cottage homes shall be oriented around and have the covered porches or main entry from the common open space. The common open space must be at least 250 square feet per cottage home.” The provision does not include a minimum dimension for the common open space to be included in the calculated common open space.

The requirement for 250 square feet for common open space is easy to calculate. Staff measures a contiguous area of open space from the cottage façades that abut the open space around the commons to calculate the open space requirement. The open space requirement is 250 square feet per cottage, for eight cottages, 2,000 square feet would be required, or an area approximately 40 feet by 50 feet in size.

Some developments have created common open space on site that includes area less than 15 feet in width. The definition of cottage housing requires that the “Site shall be designed with a coherent concept in mind, including: shared functional open space...” Staff and Planning Commission recommend adding a clarification to 20.40.300(F), the common open space requirement, that common open space with a dimension of less than 20 feet shall not be included in the calculated common open space. This amendment will require common open space that is large enough to be functional and shared by all residents of the cottage housing development.

### **Private Use Open Space**

Planning Commission and staff recommend adding a requirement for private use open space for cottage housing developments. The regulations currently only require common open space for a cottage housing development. The proposed amendment to add 20.40.300(G) that would require in addition to providing common open space that 250 square feet of private use open space be provided on site for each cottage. The proposed amendment would require that the private use open space have no dimension of less than ten feet on one side. The private use open space should be contiguous to each cottage, for the exclusive use of the cottage resident, and oriented towards the common open space.

The intent behind this amendment is to increase the overall open space on cottage housing developments and to provide a semi private area that creates a transition between the common open space and the privacy of the porch and cottage. The requirement for a private use open space that would function as a private yard space provides cottages with similar characteristics as other detached single family houses and makes cottage housing more compatible with the existing neighborhood. A figure illustration is also provided for the proposed amendment and can be found in 20.40.300(G) in Attachment A.

### **Parking Layout and Screening**

Another design element that staff has consistently struggled with has been the location and layout of the parking on site. The regulations state that parking shall be “clustered and separated from the common area by landscaping and/or architectural screen” and “screened from public street and adjacent residential uses by landscaping and/or architectural screen.” Staff has been challenged to define architectural screen. Is it a fence? Is it a “special fence”? Is it a trellis? Staff has been challenged to define landscaping. How much? What kind? Staff has been challenged to define parking cluster. How many cars does a cluster contain? These questions have been difficult to answer and staff has had to interpret each cottage parking layout for consistency with the regulations for screening and clustered parking.

After review staff and the Planning Commission recommend two amendments to 20.40.300(K) regarding these issues for clarification. First, to reduce the impacts of large clusters of parking on cottage sites, the proposed amendment would limit the number of abutting parking spaces to five. Parking would have to be clustered in groups of spaces within the parcel broken up by landscaping, screens, or structures. This type of parking layout would reduce the impacts of large clusters of parking that appear similar to multifamily parking arrangements and that may not be compatible with a single family neighborhood.

Secondly, Planning Commission and staff propose an amendment to clarify that solid board fencing is not an architectural screen. Solid board fencing does screen cars, but it also creates "dead spaces" on a parcel that cannot be seen by residents or from the street and may create safety concerns. Long blank expanses of solid board fence are not consistent with the regulations for other single-family types of development. Staff is currently preparing an information handout regarding cottage housing developments that illustrates and encourages the use of landscaping, trellis, rockeries, and architectural screens to screen parking areas from common areas, abutting residential uses, and the public street.

### **Porch and Entry**

The current regulations require that "Cottage homes shall have a covered porch or entry at least 60 square feet in size."

Staff identified the "porch issue" early as a problematic provision to administer. The regulations state a minimum size for the porch, but not a minimum dimension. The regulations also require that cottage homes shall be oriented around and have the covered porches or main entry from the common open space. A covered porch provides additional outdoor living space for the cottages and provides opportunities for interactions between cottage residents through the common open space. It is clear in the regulations what the porch size shall be, but no specificity as to usable size. In order to accommodate a person sitting in a chair and space for a person to move past them a porch must have at least a minimum dimension of four feet.

The neighbor survey included comments on the porch size of the Meridian Park Cottages such as "ridiculous porches" and "unusable." One developer suggested that the regulations be changed to provide a "Minimum clear finished dimension on porch of 6 feet." Another developer commented that increasing the size of a required porch would equate to a decrease in density on site. Staff and Planning Commission recommend amending the regulations in 20.40.300(H) for the required porch to include a minimum dimension of six feet on any side. This will require porches to be a functional aspect of the cottage housing development.

### **Fences**

The current cottage housing regulations are silent on the subject of fence height for cottage housing developments. As a form of single family detached development, cottage housing is subject to the Single Family Detached Residential Design Standards 20.50.060-115 that include standards for fences. 20.50.110(B) states that the maximum height of fences along a property line is 6 feet. Staff and the Planning Commission share the concern that without further specificity in the regulations for cottage housing residents or developers may be inclined to fence off private yards for each cottage with six foot high fences effectively separating cottages from the common open space.

The Greenwood Avenue Cottages include private yards that are fenced by a two foot high wood fence that provides a sense of enclosure for the cottage resident, but does not separate the cottage from the common open space. Some new residents at the Meridian Park Cottages have fenced off private back yard space with six-foot high fences. Comments from a Meridian Park neighbor states "The houses are larger, but less private, and already residents are erecting tall (ugly) fences." Staff and the Planning Commission recommend a proposed amendment to 20.40.300(M) to clarify that fences on the interior of the lot may be not higher than 36" and that chain link fences would not be allowed. Cottage housing development would be allowed to use six-foot high fences along the perimeter of the parcel subject to the site distance provisions in the Development Code.

### **Don't Do This/Do This**

The current cottage regulations do not include any figure illustrations to help a developer understand the concepts of parking that is "clustered and separated" and cottages that are "oriented around common open space" and other concepts in the regulations. Staff has created two illustrations to help the public and developers understand the key concepts of cottage housing. Staff and the Planning Commission propose an amendment to add a "Don't do this/Do this" figure illustration consistent with other figure illustrations in the Development Code. The proposed illustration summarizes the concepts of cottage housing into one drawing that features two cottage site plans that illustrate key concepts of the regulations including what to do and what not to do when designing a cottage site plan.

A second figure illustration was included to demonstrate the location of private use open space oriented towards the common open space. This concept and figure is described in the section on "Private Use Open Space" above.

Planning Commission and staff have evaluated the proposed amendments and found them to be consistent with the Development Code amendment decision criteria, listed below, provided in Section 20.30.350 of the Development Code.

- Criteria 1: The amendment is in accordance with the Comprehensive Plan.*
- Criteria 2: The amendment will not adversely affect the public health, safety or general welfare.*
- Criteria 3: The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.*

The Planning Commission and staff recommend the amendments be adopted as proposed. The Planning Commission deliberation and recommendation can be found in Attachment B: February 6, 2003 Minutes.

### **AMEND THE PROPOSAL UNDER CONSIDERATION**

The Council could amend the current proposal under consideration if it is a minor change that would be within the scope of the amendments that were advertised for the Public Hearing. If the Council wants to make significant changes to the proposal please see alternative amendment below.

### **ALTERNATIVE AMENDMENT**

The Council under its authority in 20.30.100 to initiate Development Code amendments could direct staff to consider alternative amendments. Noticing requirements in the

Development Code would require the City to readvertise any alternative amendment and would require an additional Public Hearing and Planning Commission recommendation.

**RECOMMENDATION**

Staff and the Planning Commission recommend that Council hold a public hearing on the proposed amendments and adopt Ordinance No. 321, which amends the cottage housing regulations in Chapter 20.40.300 of the Development Code.

**ATTACHMENTS**

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|---------------------|---|
| <b>Attachment A</b> | Ordinance No. 321<br>Exhibit A: Amendments to 20.40.300   |
| <b>Attachment B</b> | Planning Commission Meeting Minutes from October 17, 2002,<br>December 5, 2002, January 16, 2003, and February 6, 2003. |
| <b>Attachment C</b> | Public Comment Letter   |
| <b>Attachment D</b> | Agency Comment Letter   |