

6a. Staff Report - Community Residential Facilities Development Code

Planning Commission Meeting Date: March 1, 2018

Agenda Item: 6a

PLANNING COMMISSION AGENDA ITEM CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Community Residential Facilities Development Code Amendment

DEPARTMENT: Planning & Community Development

PRESENTED BY: Paul Cohen, Planning Manager
Steven Szafran, AICP, Senior Planner

Public Hearing

Discussion

Study Session

Update

Recommendation

Other

Introduction

Every year, Development Code amendments are collected and presented to the Planning Commission and City Council for study and possible adoption. In some cases, a single Development Code amendment is considered outside of the general batch of amendments based on such factors as the availability of staff time to analyze and prepare an amendment for Planning Commission and Council consideration; the value added by processing an amendment sooner than the annual batch; and emergent needs for the amendment to be presented separately from the annual batch.

A citizen has applied for a privately-initiated code amendment to SMC 20.40.120 to allow a Community Residential Facility II (CRF-II) in the R-4 and R-6 zones subject to the approval of a Conditional Use Permit (CUP).

The purpose of this study session is to:

- Review the proposed Development Code amendment;
- Respond to the Commission's questions regarding the proposed development regulations;
- Gather public comment; and
- Develop the Planning Commission's recommendation for the public hearing.

Amendments to Shoreline Municipal Code (SMC) Title 20 (Development Code) are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the reviewing authority for legislative decisions and is responsible for holding an open record Public Hearing on the proposed Development Code amendment and making a recommendation to the City Council.

Approved By:

Project Manager 

Planning Director 

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Proposal

Currently, CRF-I (up to 10 residents and staff) are permitted in R-4 and R-6 zones but CRF-II (11 or more residents and staff) are not. CRF-IIs are allowed in the R-8 and R-12 zones with a Conditional Use Permit and permitted in the R-18 through R-48, Town Center 1 through 4, Neighborhood Business, Community Business, and Mixed-Business zones.

The applicant has submitted an application to allow CRF-IIs in the R-4 and R-6 zones with the approval of a Conditional Use Permit. The applicant states that a homeowner or potential business owner should have the opportunity to apply for a CRF-II use in the R-4 and R-6 zones in the same way as a CRF-I use. They state that some CRF-I uses may be more intense than some CRF-II uses and the number of residents is less relevant than the use. The applicant's application and responses to the decision criteria is included as **Attachment A**.

Background

The City is divided into zones established in the Development Code:

1. To provide for the geographic distribution of land uses into zones that reflect the goals and policies of the Comprehensive Plan.
2. To maintain a stability in land use designation with similar characteristics and level of activity through the provisions of harmonious groupings of zones together.
3. To provide an efficient and compatible relationship of land uses and zones.

The purpose of low density residential, R-4 and R-6 zones, is to provide for a mix of predominantly single detached dwelling units and other development types, such as accessory dwelling units and community facilities that are compatible with existing development and neighborhood character.

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

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

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

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

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It is important to note that the CRF-II use does not have an upper threshold for residents and staff. Also, the R-4 and R-6 zones are not comprised of exclusively single family land uses. Uses such as fire stations, schools, churches, libraries, daycares, museums, utility facilities, transfer stations, and other regional uses are allowed through the Conditional Use Permit process.

Other residential type uses

The City does not list but allows Adult Family Homes that meet the definition of “family” as defined under RCW 70.128 in the R-4 and R-6 zones. Specifically, no more than eight unrelated people in a residential home is considered a family.

Shoreline defines “family” as,

An individual; two or more persons related by blood or marriage, a group of up to eight persons who may or may not be related, living together as a single housekeeping unit; or a group living arrangement where eight or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the dwelling unit by resident or nonresident staff. For purposes of this definition, minors living with a parent shall not be counted as part of the maximum number of residents.

The Development Code does not list Adult Family Homes as a use since they can be located in any residential zone subject to State requirements. Adult Family Homes can also act as a CRF and provide care to up to 8 residents and staff. Nursing and Personal Care facilities can provide care to residents in R-18 and up through all commercial zones.

Overall, there are four categories of care facilities that span through all zones in Shoreline – Adult Family Homes (AFH), CFR-I, CFR-II, and Nursing and Personal Care Facilities.

The table below lists each use with the corresponding number of residents and what zone each use is allowed in.

Use	Max. Residents	Allowed in R-4/R-6?
Adult Family Home	8 including staff	Yes
CRF-I	10 including staff	With CUP
CRF-II	No Max	No
Nursing Care	No Max	No

Staff research shows that the City has very few CRFs in R-4 and R-6 zones. The City recently approved a CRF-II in the R-12 zone for a facility that treats patients with traumatic brain injuries (TBI). The facility is located at 1548 NE 175th Street, in the R-12 zone, just east of the North City Business District. The facility houses adult TBI survivors who are not able to live independently. In addition to 24-hour support services,

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residents have access to specialized therapy and nursing services. This 12-bedroom facility will meet the needs for low-income adults in our community, including veterans.

Discussion

1. Intent of CRF-I and CRF-II facilities

Community Residential Facility (CRF) is a confusing term since most other jurisdictions use the word “community” to mean places accessible to the public. Typical definitions including the term “community” are places that are open to the public such as schools, parks, and libraries such as:

A non-commercial use established primarily for the benefit and service of the population of the community in which it is located. (Palm Desert, CA)

A community use including but not limited to schools, churches, community centers, fire stations, libraries, parks and playgrounds, cemeteries, or government buildings. (Sandy, OR)

Typically, uses that contain the term “community” refer to uses that are open and accessible to the public and not private, residential health care centers.

Staff recommends that “Community Residential Facility” be renamed to “Residential Care Facility” since Residential Care Facility better describes the land use and clarifies that these uses are intended for personal care in the residential zones.

Residential Care Facilities (RCF) will allow people of all ages to live or recuperate in a residential setting versus a larger and generally more sterile setting such as a hospital. The model is that a RCF can provide 24-hour specialized care that a patient might need, while also providing the comforts of a residential home. Staff was advised by a representative from Nursing Evolutions, that the State limits skilled, long-term nursing care to children in residential settings, not in hospitals.

Staff has recently received requests from Ashley House (<https://www.ashleyhousekids.com/>) and Nursing Evolutions (<https://www.nursingevolutions.com/copy-of-our-vision-1>) which conduct the types of businesses that are described above. These businesses, and ones like it, strive to provide skilled health care at a reasonable cost, in a comforting residential setting. The applicant is working with representatives from Ashley House. Ashley House is looking to locate in an existing single family residence and provide respite care to 10-16 children. These children are transitioning from care at Children’s Hospital to Ashley House with the goal of returning home to be cared for by their families. Family members are also trained by the staff at Ashley House to provide care to meet their child’s special medical needs. Ashley House is generally staffed with five employees. Staff was advised by a representative from Nursing Evolutions, that they need a single family property in residential neighborhood that can accommodate a parking ratio of at least one (1) parking space per patient/resident bed.

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2. CRF-II Upper Limit

Currently under our code, CRF-II facilities have no upper limit for the number of residents and staff. Is a CRF-II appropriate in R-4 to R12 zoning without an upper residential capacity for the land use with only a Conditional Use Permit to shape the capacity and compatibility to the neighborhood? It should be noted that a family is not limited to the amount of people that may reside in a single-family home as long as they are related by blood or marriage. However, there is a limit of six cars and two recreation vehicles or boats that can be stored outdoors before vehicles need to be stored indoors. Even though CRFs have the potential to add more population to a neighborhood, so does a large family. Staff recommends adding a maximum number of residents for a CRF located in the R-4 and R-6 zones.

3. City-wide Residential Care Facilities

The Development Code does not distinguish between CRF's and Nursing and Personal Care Facilities. However, considers CRFs to be a subset of Nursing and Personal Care or only a difference in the size of the operations. Shoreline defines CRFs (20.20.014) but not Nursing and Personal Care Facilities. Other cities in the region have similar uses to Shoreline's Nursing and Personal Care and CRFs and define them as follows:

City of Bellevue –

Nursing home – Any home, place or institution which operates or maintains facilities providing convalescent or chronic care, for 24 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. 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 treatment prescribed by a duly licensed practitioner of the healing arts. It may also include care of mentally incompetent persons. Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both. Nothing in this definition shall be construed to include any boarding home, guest home, hotel or related institution which is held forth to the public as providing, and which is operating to give only board, room and laundry to persons not in need of medical or nursing treatment or supervision except in the case of temporary acute illness. The mere designation by the operator of any place or institution as a hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both, shall not exclude such place or institution from the provisions of this Code; provided, that any nursing home providing psychiatric treatment shall, with respect to patients receiving such treatment, comply with the provisions of RCW 71.12.560 and 71.12.570.

The City of Kent allows a similar type of use as the applicant's request in their residential zones called Residential Facility with Health Care. Kent defines the use as:

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A medically staffed facility intended for the long-term residential care of more than 10 handicapped individuals who, because of age or medical condition, are incapable of independent living. This definition also includes nursing homes, as defined in RCW 18.51.010, and continuing care retirement communities as defined in RCW 70.38.025, but does not include group homes.

The intent of the CRF use is to bridge the gap between Adult Family Homes (Up to eight individuals) and Nursing and Personal Care Facilities (no maximum residents). While Adult Family Homes can be located anywhere in the R-4 and R-6 zones, Nursing Homes can only be located R-18 through Mixed-Business zone.

OPTIONS

Option 1 – This option is the applicant’s proposed amendment. The applicant has proposed to change Table 20.40.120 to make CRF-II’s a Conditional Use in the R-4 and R-6 zones.

TABLE 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
GROUP RESIDENCES									
	Boarding House	C-i	C-i	P-i	P-i	P-i	P-i	P-i	P-i
	Community Residential Facility-I	C	C	P	P	P	P	P	P
	Community Residential Facility-II	<u>C</u>	C	P-i	P-i	P-i	P-i	P-i	P-i
721310	Dormitory		C-i	P-i	P-i	P-i	P-i	P-i	P-i

Recommendation – Staff does not recommend this option. This option allows an applicant to apply for a CRF-II in the R-4 and R-6 zones, which does not have an upper limit to the amount of residents and staff that may occupy a home in the low-density residential neighborhoods; does not directly address parking; and does not regulate over-concentration.

Option 2 – This amendment is proposed by staff. Staff anticipates the demand for more Residential Care Facilities (RCFs) as the population starts to age and health care costs continue to rise. Staff proposes the following amendments:

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- Combine CRF-I and CRF-II into one land use category and rename the category Community Residential Facilities (CRF) to “Residential Care Facility” (RCF).
- Allow an RCF as a conditional use in R-4, R-6, R-8, and R-12 zones.
- Adds index criteria to address parking, screening, and a 10 resident limit (excludes staff).
- A RCF must be 1,000 feet from an existing RCF (measured from property line to property line).
- Fills the availability gap between Adult Family Homes in R-4 and R-6 zones and Nursing and Personal Care in R-18 and above zones.

The Proposed Development Code amendments are shown below:

Residential Care Facility (RCF) Community Residential Facility (CRF)

Living quarters in a dwelling unit in the R-4, R-6, R-8, R-12, R-18, R-24, R-48 and TC-4 zones 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, and medical treatment, excluding drug and alcohol detoxification which is classified as health services. Residential Care Facilities do not provide care for the acutely ill and do not maintain and operate facilities for major surgery. RCFs are further classified as follows:

- A. ~~GRF-I—Nine to 10 residents and staff;~~
- B. ~~GRCF—Eleven or more residents and staff, Up to a maximum of 10 residents, excluding staff.~~

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

TABLE 20.40.120 Residential Uses

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

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NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
721310	Dormitory		C-i	P-i	P-i	P-i	P-i	P-i	P-i

20.40.280 Residential Care Facilities ~~Community residential facilities I and II~~

Repealed by Ord. 352.

Residential Care Facilities are required to meet the following standards:

1. The number of unrelated residents shall not exceed ten (10).
2. A RCF must be 1,000 feet from an existing RCF (measured from property line to property line).
3. Parking must be located onsite, screened from adjacent residential uses through a solid six-foot high fence or wall.
4. No more than six parking spaces may be located outside. If more than six (6) parking spaces are required, those spaces above six (6) must be located in a structure or garage.
5. Signs are limited to Residential sign standards in Table 20.50.540(G).

Miscellaneous amendments to change the name “Community Residential Facilities” to “Residential Care Facilities”–

20.40.400 Home Occupation

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

Table 20.50.390B – Special Residential Parking Standards

RESIDENTIAL USE	MINIMUM SPACES REQUIRED
Bed and breakfast guesthouse:	1 per guest room, plus 2 per facility
Residential Care Facilities-Community residential facilities:	1 per 3 2 residents units, plus 1 for each staff person
Dormitory, including religious:	1 per 2 units
Hotel/motel, including organizational hotel/lodging:	1 per unit
Senior citizen assisted:	1 per 3 dwelling or sleeping units

Secure Community Transitional Facility (SCTF)

A residential facility for persons civilly committed and conditionally released to a less restrictive community-based alternative under Chapter 71.09 RCW operated by or under contract with the Washington State Department of Social and Health Services. A secure community transitional facility has supervision and

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security, and either provides or ensures the provision of sex offender treatment services. SCTFs shall not be considered Residential Care Facilities ~~community residential facilities~~.

Table 20.50.540(G) – Sign Dimensions.

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

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

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Recommendation – The City currently allows Adult Family Homes in all zones throughout the City with up to a maximum of eight people per home. The CRF-I allows the number of residents to be increased by two, up to 10 people including staff, with the approval of a CUP. The Residential Care Facilities as proposed by staff would allow for ten (10) residents/patients plus any staff required to provide care to the residents/patients. The RCF must meet all of the standards of the residential zones; index criteria and the Conditional Use Permit criteria. Staff believes Residential Care Facilities can be developed in the R-4 and R-6 zones and meet the intent of these zones which is “to provide for a mix of predominantly single detached dwelling units and other development types, such as accessory dwelling units and community facilities that are compatible with existing development and neighborhood character”. Staff recommends amendments proposed in Option 2.

Option 3 – This option leaves the Development Code unchanged and will address the topic of residential care facilities with other housing issues in the future. These include Accessory Dwelling Units, Cottage Housing, Tiny Homes, and housing design. Residential Care Facilities is another use that could potentially impact residential neighborhoods and the development of guidelines should be included in a bigger, community-wide planning process.

Decision Criteria

SMC 20.30.350 states, “An amendment to the Development Code is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City”. Development Code amendments may also be necessary to reduce confusion and clarify existing language, respond to regional and local policy changes, update references to other codes, eliminate redundant and inconsistent language, and codify Administrative Orders previously approved by the Director. Regardless of their purpose, all amendments are to implement and be consistent with the Comprehensive Plan.

The decision criteria for a Development Code amendment in SMC 20.30.350 (B) states the City Council may approve or approve with modifications a proposal for a change to the text of the land use code when all of the following are satisfied. The Applicant provided responses to the following decision criteria and staff has analyzed each of the criteria below (**Attachment A: Application to Amend the Development Code**).

1. The amendment is in accordance with the Comprehensive Plan.

Applicant’s Response:

Since the proposal calls for a Conditional Use Permit, any potential uses that would be contrary to the Comprehensive Plan could be identified and prohibited. However, expanding the opportunity for consideration of operation in the R-4 and R-6 zones to CRF-IIs could enhance the accomplishment of the goals and policies of the Comprehensive Plan.

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Staff Analysis:

The applicant sites goals and policies that support the proposed Development Code amendment in their application. While some of the goals and policies cited by the applicant could be interpreted to meet decision criteria #1, there are a number of goals and policies that may not support the proposal including:

Goal LU V: Enhance the character, quality, and function of existing residential neighborhoods while accommodating anticipated growth.

Goal T V: Protect the livability and safety of neighborhoods from the adverse impacts of the automobile.

H23: Assure that site, landscaping, building, and design regulations create effective transitions between different land uses and densities.

ED3: Encourage and support home-based businesses in the city, provided that signage, parking, storage, and noise levels are compatible with neighborhoods.

Contrary to the applicant's response, the City cannot restrict a proposed CRF-II facility solely based on the tenets of a CUP (**Attachment B: CUP Decision Criteria**). There may be some CRF proposals that are inconspicuous and may not be a burden on the residential neighborhoods. In other cases, there may be proposals that negatively impact a single-family neighborhood. Staff is proposing indexed criteria that will lessen the impact of RCFs throughout Shoreline including requirements for a maximum number of residents, screening, parking, and signage standards.

Staff believes the applicant's request (Option 1) does not meet decision criteria #1 but staff proposed Option #2 does meet decision criteria #1.

2. The amendment will not adversely affect the public health, safety or general welfare.

Applicant's Response:

The applicant states that the amendment does not automatically allow for any uses that are contrary to the well-being of the neighborhood and it does not allow for a change in the types of activities that can currently be considered for an R-4 and R-6 neighborhood. The amendment does allow for consideration of the operation of a facility with more than ten occupants, but the impact of the change would be fully examined under the CUP process and any detriment to the neighborhood could be specifically determined at the time.

Staff Analysis:

The applicant's proposed change to the Development Code has the potential to adversely affect the public health, safety or general welfare. The potential

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number of patients that could inhabit a single-family dwelling unit could adversely affect public health, safety or general welfare. Increased noise, traffic, and parking could impact established single-family neighborhoods. The City does have the opportunity to impose conditions that may decrease the impacts of a proposed CRF but does not have the authority to deny a use based on the types of services offered.

Staff believes amendments proposed in Option #2 will not adversely affect public health, safety, or general welfare. The residential neighborhoods will be protected from the potential for overcrowding of single family dwelling units by limiting the amount of residents each RCF may serve. This will in turn control daily traffic to and from the sites. Imposing a separation between RCFs will alleviate concerns about overcrowding of a particular neighborhood while also protecting the character of the single-family neighborhood. The proposed parking standards will require onsite parking for residents and staff while adhering to the single family residential limits for outside storage which includes parking of vehicles. Requirements for screening of parking areas will also protect the residential character of the single family dwelling unit.

3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

Applicant's Response:

The applicant states that the proposed amendment might allow for better use of some existing structures in the R-4 and R-6 zones that are already being used for more deleterious uses to a neighborhood than a proposed use exercising the CUP process. The amendment does not allow for any new uses without public input and scrutiny.

Staff Analysis:

Residential Care Facilities are not contrary to the best interests of the citizens and property owners of the City of Shoreline with appropriate limitations. As stated in the staff report, as the population of the region ages and health care cost rise, residential home care will become more in demand and will provide care options for those who wish to stay in a residential setting.

The R-4 and R-6 zones allow a number of uses that are not traditional single-family in nature. For example, Shoreline allows Adult Family Homes, home-based businesses, Accessory Dwelling Units, schools, churches, and daycares. The CUP process requires public notice and a neighborhood meeting. The neighborhood can comment on the impacts of a proposed project but ultimately the decision lies with the Planning Director. Shoreline's definition of family also allows for up to eight related or unrelated persons plus their related minors to live as a single housekeeping unit without a CUP and indexed criteria. There are large and extended families that fit this definition. There are also rooms rented to individuals in single family dwellings.

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The proposed indexed criteria will mitigate impacts from the Residential Care Facility. Even though this amendment has the potential to add a more population to the single-family neighborhoods, staff believes this use can be regulated to be a viable option in the City.

Recommendation

Staff recommends Option 2 as improvement over the current outdated code described in this staff report. However, if the Commission believes that amending the code on this topic raises rather than resolves more issues then Option 3 would be staff's secondary recommendation. The applicant's proposed Option 1, the allowance for CRF-IIs in the single-family neighborhoods with no residency maximums, has the potential to adversely affect health, safety, and general welfare. However, staff proposed Option 2 is tailored to protect the single-family neighborhoods and yet allow slightly more residents and staff than are currently allowed in a CRF-I. The proposed Residential Care Facilities indexed criteria will mitigate potential impacts from an RCF while providing increased options for health care.

Next Steps

The Development Code amendment schedule is as follows:

March 15	Commission Study Session #2
May 3	Commission Public Hearing
June 2018	Council Discussion
July 2018	Council Adoption

Attachments

- Attachment A – Applicant's application
- Attachment B – Conditional Use Permit Criteria

Community Residential Facilities Development Code Amendment A

Please complete the following:

Attachment A

Applicant for Amendment THE ASHLEY HOUSE - KEN MAAZ

Address 18904 BURKE AVE N. City SHORELINE State WA Zip 98133

Phone 206-679-4971 Email KMAAZ@ASHLEYHOUSEKIDS.COM

PLEASE SPECIFY: Shoreline Development Code Chapter 2.40 Section 20.40.120

AMENDMENT PROPOSAL: Please describe your amendment proposal

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



REASON FOR AMENDMENT: Please describe your amendment proposal

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

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

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

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

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DECISION CRITERIA EXPLANATION:

Please describe how the amendment is in accordance with the Comprehensive Plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Please attach additional sheets if necessary.

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

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CONDITIONAL USE CRITERIA

Planning & Community Development

1. **Purpose:** The purpose of a conditional use permit is to locate a permitted use on a particular property, subject to conditions placed on the permitted use to ensure compatibility with nearby land uses.
2. **Decision criteria:** A conditional use permit shall be granted by the City, only if the applicant demonstrates that:
 - a. The conditional use is compatible with the Comprehensive Plan and designed in a manner which is compatible with the character and appearance with the existing or proposed development in the vicinity of the subject property;
 - b. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
 - c. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
 - d. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
 - e. The conditional use is not in conflict with the health and safety of the community;
 - f. The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity;
 - g. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
 - h. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.

The Development Code (Title 20) is located at CodePublishing.com

8/2013

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