

ORDINANCE NO. 929

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CERTAIN SECTIONS OF THE SHORELINE MUNICIPAL CODE (SMC) TITLE 20, THE UNIFIED DEVELOPMENT CODE, INCLUDING ESTABLISHING A NEW SECTION, SMC 20.40.355, SETTING FORTH REGULATIONS FOR ENHANCED SHELTERS, AND REPLACING INTERIM REGULATIONS ADOPTED BY ORDINANCE NO. 906, AS AMENDED BY ORDINANCE NO. 913.

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70A RCW; and

WHEREAS, on October 26, 2020, pursuant to RCW 35A.63.220 and RCW 36.70A.390, after conducting a public hearing, the City adopted Ordinance No. 906 adopting interim regulations temporarily authorizing enhanced shelters within the R-48 zoning district, expiring on May 3, 2021; and

WHEREAS, an enhanced shelter is a facility providing a 24 hour a day facility for adults experiencing homelessness in which they can access basic and social services as they transition to permanent housing; and

WHEREAS, on November 16, 2020, the City adopted Ordinance No. 913, adopting amendments to the interim regulations so as to provide clarity and correct formatting and, retaining the May 3, 2021 expiration date; and

WHEREAS, on February 18, 2021, the City of Shoreline Planning Commission reviewed the proposed Development Code amendments and, on March 18, 2021, held a public hearing on the proposed Development Code amendments so as to receive public testimony; and

WHEREAS, at the conclusion of the public hearing, the City of Shoreline Planning Commission deliberated on the proposed Development Code amendments, and recommend approval of the Development Code amendments, as amended, to the City Council; and

WHEREAS, on April 12, 2021, the City Council held a study session on the proposed Development Code amendments; and

WHEREAS, on May 3, 2021, the interim regulations adopted by Ordinance No. 906 and amended by Ordinance No. 913 expired; and

WHEREAS, pursuant to RCW 36.70A.370, the City has utilized the process established by the Washington State Attorney General so as to assure the protection of private property rights; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to adopt the amendment(s) to its Unified Development Code; and

WHEREAS, the environmental impacts of the amendments to SMC Title 20, the City's land use development regulations, resulted in the issuance of a Determination of Non-Significance (DNS) on March 3, 2021; and

WHEREAS, the City provided public notice of the amendments and the public hearing as provided in SMC 20.30.070; and

WHEREAS, the City Council considered the entire public record, public comments, written and oral, the Planning Commission's recommendation, and determined to modify that recommendation; and

WHEREAS, the City Council has determined that the amendments are consistent with and implement the Shoreline Comprehensive Plan and serves the purpose of the Unified Development Code as set forth in SMC 20.10.020;

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

Section 1. Amendment; Establishing new Section SMC 20.40.355. Title 20 of the Shoreline Municipal Code, Unified Development Code, is amended as set forth in Exhibit A to this Ordinance.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 4. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

ORIGINAL

PASSED BY THE CITY COUNCIL ON MAY 10, 2021.



Mayor Will Hall

ATTEST:



Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:



Julie Ainsworth-Taylor, Assistant City Attorney
On Behalf of Margaret King, City Attorney

Date of Publication: May 6, 2021
Effective Date: May 11, 2021

Ordinance No. 929
Proposed Code Amendments

-E-

20.20.018 E definitions.

Enhanced Shelter A 24 hour a day facility which is open to adults experiencing homelessness regardless of prior criminal history, addiction or mental health challenges as long as the individual is able to live safely in community with others and abide by established program rules. The purpose is to provide safe shelter and access to resources including, but not limited to, housing, basic needs, hygiene, case management and social programs as they transition to permanent housing.

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
TEMPORARY LODGING									
	Homeless Shelter						P-i	P-i	P-i
	Enhanced Shelter							P-i	

20.40.355 Enhanced Shelter

Enhanced shelters are allowed in the MB zone subject to the below criteria:

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

- F. The maximum number of residents in an enhanced shelter shall be determined by the general capacity of the building and the level of staffing to be provided, but shall in no case exceed 100;
- G. A solid, 6-foot tall fence shall be provided along all property lines that abut residential zoning districts;
- H. Submittal of a parking plan acceptable to the City prior to occupancy; and
- I. The primary funding organization and shelter operator shall enter into a memorandum of agreement with the City regarding operational issues that shall include:
 - 1. Staffing plans.
 - 2. Requirements for regular reports to the City on how the shelter is meeting performance metrics.
 - 3. An agreement that if calls for law enforcement and/or the Fire Department services exceed an agreed upon threshold in any given quarter, the shelter operator will work with the City to reduce calls below the threshold level.
 - 4. A coordination plan with the Shoreline Police Department which shall include protocols for Police response to the shelter and to shelter clients throughout Shoreline.
 - 5. Requiring adherence to a good neighbor plan that addresses how the shelter operator will address litter, noise, security procedures, and other issues that may be of concern to the surrounding community.
 - 6. Criteria to determine if/when to discontinue the shelter use if documented violations of the operational agreements are not addressed in a timely manner.
 - 7. Provisions for City approval of any proposed change in shelter operator.