

**DRAFT**  
**CITY OF SHORELINE**

**SHORELINE PLANNING COMMISSION**  
**MINUTES OF REGULAR MEETING**

March 1, 2018  
7:00 P.M.

Shoreline City Hall  
Council Chamber

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**Commissioners Present**

Chair Craft  
Commissioner Malek  
Commissioner Maul  
Commissioner Mork  
Commissioner Thomas

**Staff Present**

Rachael Markle, Director, Planning and Community Development  
Paul Cohen, Planning Manager, Planning and Community Development  
Steve Szafran, Senior Planner, Planning and Community Development  
Julie Ainsworth-Taylor, Assistant City Attorney  
Carla Hoekzema, Planning Commission Clerk

**Commissioners Absent**

Vice Chair Montero

**CALL TO ORDER**

Chair Craft called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

**ROLL CALL**

Upon roll call by Ms. Hoekzema the following Commissioners were present: Chair Craft and Commissioners Malek, Maul, Mork and Thomas. Vice Chair Montero was absent.

**APPROVAL OF AGENDA**

The agenda was accepted as presented.

**APPROVAL OF MINUTES**

The minutes of February 1, 2018 were approved as submitted.

**GENERAL PUBLIC COMMENT**

There were no general public comments.

**STUDY ITEM: COMMUNITY RESIDENTIAL FACILITIES DEVELOPMENT CODE AMENDMENT**

Mr. Szafran announced that this is a privately-initiated amendment, and the applicant has submitted an application to allow Community Residential Facilities (CRF-II) in the Residential (R-4 and R-6) zones. He explained that, currently, up to 10 residents are allowed in CRF-Is and 11 or more residents are allowed in CRF-IIs.

Mr. Szafran advised that, while reviewing the proposed amendment, staff has identified the following issues the Commission should be aware of:

- **The intent of CRF-I and CRF-II facilities.** The CRF name is confusing and staff is recommending that CRFs be renamed to Residential Care Facilities (RCFs). This term better describes the land use and clarifies that the uses are intended for personal care in residential zones. RCFs allow people of all ages to recuperate in a residential setting versus a larger and generally more sterile setting such as a hospital. The model is that RCFs provide 24-hour care that a patient might need within the comfort of a residential home in a residential neighborhood.
- **Number of residents and staff that may occupy a CRF-II facility.** Under the current regulations, a CRF-II facility has no upper limit on the number of residents. This raises the question if a CRF-II is appropriate in the R-4 through R-12 zones without an upper capacity for the land use with only a Conditional Use Permit (CUP) to shape the capacity and compatibility to the neighborhood.
- **Confusion about Adult Family Homes (AFH), Residential Care Facilities (RCF) and Nursing and Personal Care Facilities (NPCF).** As noted in the staff report, the Municipal Code defines CRFs, but there is no definition for AFHs and NPCFs. The Development Code considers RCFs to be a subset of NPCFs, with the only difference being the number of residents allowed. Staff believes the intent of the RCF is to bridge the gap between AFHs (6 residents and 2 staff) and NPCFs, which have an unlimited number of patients in the higher zones. While AFHs can be located anywhere in the R-4 and R-6 zones, NPCFs can only be located in the R-18 through MU zones.

Mr. Szafran reviewed three of the options the Commission could consider as follows:

- **Option 1** is the applicant's proposed amendment, which would change Table 20.40.120 to make CRF-IIs a Conditional Use in the R-4 and R-6 zones.
- **Option 2** is proposed by staff, anticipating the demand for more RCFs as the population starts to age and health care costs continue to rise. This option would combine CRF-I and CRF-II into one land use category and rename the category Residential Care Facility (RCF). It would also amend the definition of RCF to clarify that medical supervision and treatment is allowed, but surgery is not. In addition, the amendment would allow an RCF as a conditional use in the R-4, R-6, R-8 and R-12 zones, add index criteria to address parking and screening, and propose a maximum occupancy of 10 residents (excluding staff). This option also proposes a 1,000-foot separation

between RCFs, measured from property line to property line. This option would fill the availability gap between AFHs and NPCFs.

- **Option 3** leaves the Development Code unchanged and addresses the topic of RCFs at the same time that other housing issues are discussed in the future. Because the amendment could impact a large part of the City, perhaps it should be addressed as part of a larger, community-wide planning project.

Mr. Szafran advised that additional research is being conducted, and staff will provide examples from other jurisdictions in the area that have these types of uses. This additional information will address how the uses are defined, limitations on number of residents and staff, etc. Staff will also analyze the option of adding definitions for AFH and NPCFs. If a definition for AFHs is added, AFH should also be added to the allowed use tables.

Commissioner Malek asked that the additional information also include some numbers to identify the existing and projected demand for these types of uses. From a real estate perspective, between 2009 through 2012, a number of these facilities were up for sale because they were unsuccessful. Many of them ended up being sold for single-family residential uses rather than CRF uses. Now that the business model is more successful, it would behoove the City to have a better understanding of the demand.

Chair Craft asked if the City has an accurate count of the number of AFH and CRFs that currently exist in the R-4 and R-6 zones. Mr. Cohen answered that AFHs are not regulated by the City. However, Assistant City Attorney Ainsworth-Taylor added that this information could be obtained from the State of Washington, since a license is required to operate these care facilities. She concluded that quite a few exist in Shoreline. Chair Craft asked staff to obtain this information prior to the next meeting.

Commissioner Maul said he is leaning toward supporting Option 2, but he is somewhat concerned about the proposed separation requirement of 1,000 feet between facilities. He questioned the reasoning behind a 1,000-foot separation. Chair Craft said he supports the proposed separation requirement and expressed his belief that an even larger separation, perhaps 2,000 feet, would be appropriate. Mr. Szafran said the purpose of the separation requirement is to avoid an overconcentration of the use in one area. Mr. Cohen said the intent is to maintain the single-family nature of the residential neighborhoods.

Commissioner Mork asked how staff came up with the limit of 10 residents for Option 2. Mr. Szafran replied that, currently, CRF-Is are limited to 10 residents, including staff. Option 2 would actually expand the use by allowing 10 residents, excluding staff. Commissioner Maul asked about the option tying the limit to the number of bedrooms in a structure. He suggested that the size of the facility will be the difference in creating reasonable living conditions. For example, a 4-bedroom home would probably not adequately accommodate 10 residents. Commissioner Thomas commented that it is not uncommon for AFHs to accommodate more than two residents in a bedroom.

Commissioner Thomas said it seems that CRF-IIs would be phased out in Option 2. Rather than two levels of CRFs, there would be a single type (RCF) with a lower limit closer to what is now CRF-I. Mr. Szafran agreed that Option 2 would combine CRF-I and CRF-II into a single RCF, which would establish the new upper threshold. Commissioner Thomas asked if the 10-resident limit for RCFs would apply in

all single-family residential zones. Mr. Szafran answered affirmatively. He explained that, in most cases, going beyond 10 residents would not be possible given the parking requirements. Typically, there is not space for a sea of parking on a residential lot. Chair Craft added that increasing the residential limit beyond 10 would require significantly more staff, which would basically create a commercial enterprise in a single-family residential zone. Mr. Szafran said staff is proposing a parking ratio of one stall per 3 residents.

**Ken Maaz, Fife**, said he was present to represent Ashley House, which recently purchased a single-family residence on Burke Avenue North with the intention of establishing a facility for the care of medically-fragile or medically-intensive children in conjunction with Children's Hospital. They submitted the application for the Development Code amendment primarily because the facility they purchased is large enough to accommodate a need that exists to move children out of the hospital and back to their family homes. That need is currently between 12 and 16 kids at any one time. The focus of the program would be to provide nursing care to train families to take care of their kids so they can go home. They appreciate staff's efforts in processing the application. For the most part, they agree with their recommendation, with the exception of the 10-resident limit, which they find to be arbitrary.

Mr. Maaz pointed out that the Staff Report states that the upper limit is designed to mitigate the possible negative impacts to some goals in the Comprehensive Plan, as well as mitigate safety, health and other issues that may be detrimental to the neighborhoods. The applicant believes that allowing a use for more residents by going through a CUP process would provide an opportunity for the city to examine the impacts. Examining the impacts of the residents, as well as the supports needed to care for them, would be a better way to go for the neighborhood, the applicants and those whose needs are being met.

Mr. Maaz pointed out that the City's definition for "family" allows for 8 related or unrelated adults to live together plus their dependent children. You could potentially have 8 single parents living together with 2 to 3 kids, making a total of 24 people in one residence. The house the applicant purchased is 8,000+ square feet, with 12 bedrooms and an equal number of bathrooms. They believe that allowing a facility, such as the one they are proposing, would create less impact to the neighborhood than allowing multiple families to live in the home as currently allowed under the City's definition of "family." They believe that they can mitigate any possible negative impacts related to the goals that are cited by staff by going through the CUP process. They believe that 10 adults living in a facility would have a far greater impact than the use they are proposing, which would accommodate infants, children and perhaps a few teens. He concluded that the limit of 10 residents is arbitrary and unnecessary. Considering the actual use and the contribution the project would make to the neighborhood and community is far more important than limiting the number.

**Marlin Gabbert, Shoreline**, referred to the City of Bothell's code, which limits RCFs to a total of 15 residents. He submitted the reference to staff to become part of the record. He said he could answer questions about RCF's, ADFs, hospitals, etc. He has designed them all.

**Jeanne Monger, Shoreline**, said she is on the board of the Echo Lake Neighborhood Association and the Shoreline Watch Point of Contact (formerly a block watch captain). However, she is present to speak as a Shoreline resident about the proposed Ashley House. She lives a few houses up the street, and she is excited about the prospect of revitalizing what they fondly call "the mansion" for use of such a worthy

cause. A number of neighbors are also in support of the project, including one who lives next door. The Ashley House representative, Mike Pugsley, has been very forthcoming with information and wants to be part of the neighborhood. She asked that the Commission please find a way to make the facility happen in Shoreline and stated that it will be so valuable to the families of medically-fragile children.

Chair Craft referred to Option 3 and recalled that the Commission has spent a lot of time over the past few years about the need to have a comprehensive approach to addressing a variety of housing issues such as accessory dwelling units, cottage housing, etc. He noted that most of the City is zoned single-family residential. He felt that changing the Development Code in a way that would impact residential neighborhoods throughout the City should be done using a more comprehensive approach. Because of the comprehensive nature of what the applicant is asking for and the potential impacts, it would be worthwhile to have a more extensive public process to address all of the issues that have been raised to date. He suggested that the proposed amendment should be grouped together with this broader discussion.

Commissioner Maul said he does not necessarily see a connection between the proposed amendment and future discussions about ADUs, cottage housing, etc. The Commission has time on their schedule now to discuss the issue and make a recommendation to the City Council. He agreed that it would be helpful to have numbers to understand the impact they are talking about. However, after listening to the public and the staff's short presentation, it strikes him that there is a huge range of what these facilities can be. At some point, a CUP process might be more flexible to allow staff to analyze the impact of each project to the neighborhood. He commented that just the parking alone would vary widely between the different types of uses. He is not sure they can pin down a code that covers all possibilities.

Commissioner Craft felt that addressing the issue in a broader fashion would give staff a greater chance of understanding which types of facilities would be allowed. In an effort to be transparent with the public, it is important to understand that there is a broad range of possibilities that could impact the single-family residential neighborhoods that are a big part of the City.

Commissioner Mork said she understands Chair Craft's desire to include the amendment as part of the discussion about housing opportunities in general. However, she doesn't have a clear understanding of when that more comprehensive discussion will take place. The project currently proposed is very unique from many different fronts. The property is unique, as are the people the facility will serve. She asked if the City could use the CUP process to approve this particular project.

Mr. Szafran answered that, under the current code, there is not an option for the applicant to apply for a CUP for a CRF-II. Chair Craft added that the issue with this particular proposal is related to the number of residents. In spite of the fact that the facility could easily accommodate the number of residents and staff proposed, it is not allowed in the zone. Commissioner Mork asked what other options the applicant would have to move the project forward. Mr. Szafran answered that the Development Code would have to be amended.

Chair Craft asked about the consequence of not approving the amendment because there are too many wide-ranging impacts based on what it could do to the broader City. Mr. Szafran summarized that the applicant could either downscale the project to a CRF-I or find another location. Mr. Cohen said staff is

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sympathetic to the applicant's desire, and the intent is good. However, the Commission must look at the proposal as if it could apply anywhere in the City and not just to this particular site.

Commissioner Mork said her understanding is that CUPs are specifically meant for unusual circumstances. Mr. Cohen clarified that CUPs are primarily used for land uses inside single-family neighborhoods that are not single-family residential. The CUP conditions a possible approval so that the project fits more comfortably within the single-family zone. The question with the current proposal is related to scale and the different types of uses that would be allowed. If approved, the amendment would allow a variety of facilities for a number of different situations.

Commissioner Mork asked if it would be possible to address this particular project before discussing how CRFs should be addressed in other areas of the City. The applicants are not trying to avoid neighborhood involvement and they want to work with the City to come up with a useful solution. It would seem that the City could make the requirements for this particular project very specific as opposed to coming up with a solution that addresses any project of this type throughout the City. Mr. Szafran cautioned that the City cannot restrict a use via a CUP. For example, a church requires a CUP in a residential zone, but the City cannot allow one type of church and not another. Chair Craft cautioned that the Commission needs to separate the specifics of this one project from the broader application of the proposed amendment. They must consider the amendment's impacts to the entire City rather than looking at just the merits of this one project.

Commissioner Mork asked what would happen if the City were to amend the code to allow all types of residential care facilities, no matter where they are located, on a limited basis subject to a CUP. Assistant City Attorney Ainsworth Taylor explained that AFHs are specifically defined and licensed under State law (6 residents or less), and they must be treated in the same category as a single-family residence. Any single-family zone must permit them outright without requiring a CUP. As per the current code, a CRF-I (10 or fewer residents and staff) is permitted in the zone where the applicant purchased the property, but a CUP would be required. However, a CRF-II (11 or more residents and staff) is expressly prohibited by the current code.

Commissioner Thomas pointed out that Option 2 would provide indexed criteria, and there is none at this time. She agreed that they should be very careful about making exceptions because it is a very broad brush and as soon as you do it for one, it creates some standing for other people. She pointed out that it is unusual to have a 12-bedroom home in an R6 zone. Perhaps they could recommend Option 2, with the inclusion of additional index criteria related to the size of the structure, recognizing that there would still need to be an upper limit. Is there a way that the limit could be expanded if the house, itself, is large enough to accommodate a slightly bigger group? She noted that a limit of 15 is common in many other jurisdictions.

Mr. Cohen advised that there is a CRF-II project (Brain Trauma Center) in an R-24 zone east of 15<sup>th</sup> Avenue. It is a new building that serves approximately 12 patients. He agreed to provide the Commissioners with visual pictures of what the project looks like as well as advise them of the address so they can visit the site. He felt it would be helpful for them to get a context of how a project of this type would fit within a neighborhood.

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Chair Craft advised that the Commission would continue its discussion at the next meeting. Mr. Cohen said staff would use the feedback provided by the Commission to refine the proposal. Chair Craft commented that, given the City's aging population as well as a large number of millennials with families moving into the City, it is likely that more facilities of this type will be needed. It would be helpful to know more about the existing and future demand. Because the proposed changes would have a broad impact throughout the community, he stressed the need for broad publication to inform citizens. Although the changes may seem insignificant, it is important that residents understand what is being proposed and how they could be impacted.

Commissioner Mork asked staff to further evaluate different mechanisms for addressing the use rather than controlling the maximum number of residents. To her, it is a different question if you have a 7,000 square foot versus a 20,000 square foot lot. While both may be in the R-6 zone, having an arbitrary number is unfair and there could be other ways to look at it.

Mr. Szafran said staff will provide some options looking at different index criteria based on direction from Commissioners Mork and Thomas. Staff will also provide some business license information to identify the number of existing AFHs and CRFs as requested by Chair Craft. Assistance City Attorney Ainsworth-Taylor advised that, after a quick search, there appears to be about 100 AFHs in the City of Shoreline now. Mr. Szafran summarized that the discussion would continue on March 15<sup>th</sup>, with a public hearing tentatively scheduled for May 3<sup>rd</sup>.

### **DIRECTOR'S REPORT**

There was no Director's Report.

### **UNFINISHED BUSINESS**

Commissioner Maul asked when the comprehensive discussion about cottage housing would be take place. Director Markle recalled that the topic of housing was discussed at the joint Commission/City Council meeting, and the City Council indicated a desire to move forward with the single-family attached townhome design standards in 2018. Perhaps the cottage housing discussion will take place in 2019.

Commissioner Malek voiced disappointment that the cottage housing discussion has been delayed indefinitely. He felt that cottage housing should be a menu option in at least some residential zones. He noted that there are only so many opportunities for land to be developed in that way, and it is unfortunate that the code has not been amended to provide for this option.

### **NEW BUSINESS**

There was no new business.

**REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**

As a member of the Point Wells Committee, Commissioner Malek announced the Snohomish County Planning Commission will conduct design review of the Point Wells redevelopment on March 15th at 6:00 p.m. at 3000 Rockefeller Avenue in Everett. Chair Craft noted that none of the Commissioner would be available to attend the meeting since it falls on the same night as their next regularly scheduled meeting.

**AGENDA FOR NEXT MEETING**

Chair Craft reviewed that the March 15<sup>th</sup> agenda includes a continued discussion of the CRF Development Code Amendment. Commissioner Thomas pointed out that two new Commissioners will begin attending meetings starting in April. That means they will not be present at the study sessions prior to participating in a public hearing on May 3<sup>rd</sup>. After discussions with staff, the Commission postponed the study session on the CRF Development Code Amendments to the April 5<sup>th</sup> meeting, with the expectation that the draft Surface Water Master Plan will be ready for presentation to the Commission on March 15<sup>th</sup>.

**ADJOURNMENT**

The meeting was adjourned at 7:57 p.m.

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Easton Craft  
Chair, Planning Commission

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Carla Hoekzema  
Clerk, Planning Commission