

## 6a. Staff Report - Dev. Code Amendment - Community Residential Facilities

Planning Commission Meeting Date: April 19, 2018

Agenda Item: 6a.

### PLANNING COMMISSION AGENDA ITEM CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Development Code Amendment – Community Residential Facilities Study Session #3

**DEPARTMENT:** Planning & Community Development

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

Public Hearing  
 Discussion

Study Session  
 Update

Recommendation  
 Other

#### Introduction

A non-resident property owner, the Ashley House, has applied for a privately-initiated code amendment to SMC 20.40.120 to allow a Community Residential Facility II (CRF-II) to be located in the R-4 and R-6 zones (low density residential) subject to the approval of a Conditional Use Permit (CUP) as provided in SMC 20.30.300.

The Planning Commission discussed the proposed amendments to the Community Residential Facilities (CRF-II) on March 1 and April 5, 2018.

The staff report and attachments for the March 1 meeting can be found here:

<http://www.shorelinewa.gov/home/showdocument?id=37315>

The staff report and attachments for the April 5 meeting can be found here:

<http://www.shorelinewa.gov/home/showdocument?id=38517>

With these presentations, Staff presented the Planning Commission with three (3) options:

Option 1 – Permit CFR-II as a conditional use in the R-4 and R-6 zones.

Option 2 - Amend the code to rename the CRF use to Residential Care Facility (RCF); possibly allow RCFs in the R 4 to R-12 zones as a Conditional Use; add index criteria and separation requirements.

Option 3 - Do not amend the code at this time but consider the topic in the future with other housing issues.

Approved By:

Project Manager 

Planning Director 

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At the above meetings, the Commission heard testimony about Shoreline's need to provide skilled nursing care to a wide variety of people and ages outside of a hospital setting.

At the April 5 meeting, staff acknowledged that they had attempted to provide clear definitions of Adult Family Homes (AFH), Residential Care Facilities (RCF), and Nursing and Personal Care some internal inconsistencies remained. Though Options 1 and 3 remain the same, tonight staff will propose new amendments in Option 2 that update definitions, clarify "personal care", and, as a result, add a new land use category for "Residential Treatment Facilities".

**Option 2** - The key to these changes (grey tones) shown below in the recommended amendments are:

- Change the term of "Nursing and Personal Care" to "Nursing Facility" to remove possible similarities and confusion with RCF, AFH, and the NAICS reference number.
- Modify the RCF definition to clarify that "Residential Treatment Facility" is not included using updated and consistent terminology.
- Add the land use and definition for "Residential Treatment Facility" as a permitted use in Mixed Business (MB) zones since it is not allowed in any of the proposed land uses.

### **Adult Family Home**

A residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services and licensed by the State pursuant to Chapter 70.128 RCW, as amended.

### **Nursing Homes and Personal Care Facility**

Any place that operates or maintains facilities providing convalescent or chronic care, for 24 consecutive hours for any number of 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 to people who are 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 licensed practitioner of the healing arts. It may also include care of mentally challenged 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

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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. Any place or institution such 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.

### **Community Residential Facility (CRF)**

~~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:~~

~~A. — CRF-I — Nine to 10 residents and staff;~~

~~B. — CRCF — Eleven or more residents and staff.~~

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

### **Residential Care Facility (RCF)**

A state licensed facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services for not more than 15 functionally disabled persons and which is not licensed under RCW Chapter 70.128. A residential care facility shall not provide the degree of care and treatment that a hospital provides.

### **Residential Treatment Facility**

A facility in which 24 hour on-site care is provided for the evaluation, stabilization, or treatment of residents for substance use, mental health, or co-occurring disorders. The facility includes rooms for social, educational, and recreational activities, sleeping, treatment, visitation, dining, toileting, and bathing.

**TABLE 20.40.120 Residential Uses**

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

**Table 20.40.140 Other Uses**

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
<b>HEALTH</b>									
622	Hospital			C-i	C-i	C-i	P-i	P-i	P-i
6215	Medical Lab						P	P	P
6211	Medical Office/Outpatient Clinic			C-i	C-i	P	P	P	P
623	Nursing and Personal Care Facility			C	C	P	P	P	P
	<u>Residential Treatment Facility</u>							<u>P</u>	

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**20.40.150 Campus uses.**

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
623	Nursing Facility <del>and Personal Care Facilities</del>	P-m	P-m		P-m
P-m = Permitted Use with approved Master Development Plan					

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

~~Repealed by Ord. 352.~~

Residential Care Facilities are permitted in the R-4, R-6, R-8, and R-12 zones with the approval of a Conditional Use Permit and permitted in the R-18, R-24, R-48 and TC-4 zones provided:

1. The number of residents shall be based on bedroom size. Patient bedroom size requirements must comply with WAC 388-97-2440, as amended. In any case, the total number of residents shall not exceed 15.
2. An RCF must be 1,000 feet from an existing RCF (measured in a straight line 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, and one parking space for every three patients, plus one space for each staff on duty shall be provided.
4. No more than six parking spaces may be located outside. If more than six parking spaces are required or provided, those spaces above six must be located in an enclosed structure.
5. Signs are limited to Residential sign standards in Table 20.50.540(G).

WAC 388-97-2440 provides for a square footage analysis of the minimum usable room space a nursing home should ensure for each bed. To reflect the fact that some residential structures are bigger than others and provides for a maximum total number of residents that may be less than the permitted maximum of 15.

**Staff Recommendation**

The City should provide the possibility for Residential Care Facilities in all zones appropriate to the scale and impacts of each zone. This can be accomplished by allowing Adult Family Homes, Residential Care Facilities, and Nursing Homes with the Development Code amendments proposed in this staff report.

Staff recommends either Option 2 - amend the code as updated above or Option 3 - maintain the status quo for further study, as described in this staff report. The Applicant’s proposed Option 1, the allowance for a CRF-II in the single-family neighborhoods R-4 and R-6 zoning districts with no residency maximums, has the potential to adversely affect health, safety, and general welfare. However, staff proposed Option 2 is timely and tailored to protect the single-family neighborhoods and yet allow Residential Care Facilities in the residential zones with conditions.

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### Next Steps

The Development Code amendment schedule is as follows:

May 3	Commission Public Hearing
June 2018	Council Discussion
July 2018	Council Adoption

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### Attachments

Attachment A – Applicant’s Application

Attachment B – Adult Family Homes in Shoreline