

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

April 19, 2018
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Montero
Vice Chair Mork
Commissioner Davis
Commissioner Lin
Commissioner Malek

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

Commissioner Craft
Commissioner Maul

CALL TO ORDER

Chair Montero called the regular meeting of the Shoreline Planning Commission to order at 7:10 p.m.

ROLL CALL

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

SWEARING IN CEREMONY FOR RE-APPOINTED PLANNING COMMISSIONER

Director Markle swore in re-appointed Commissioner Mork.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of April 5, 2018 were approved as submitted.

GENERAL PUBLIC COMMENT

There were no general public comments.

STUDY ITEM: COMMUNITY RESIDENTIAL FACILITIES DEVELOPMENT CODE AMENDMENT

Mr. Szafran presented the Staff Report, noting that this is the Commission's third study session on the proposed amendment. He reviewed that at the April 5th meeting, staff acknowledged that they attempted to provide clear definitions for Adult Family Home (AFH), Residential Care Facility (RCF) and Nursing and Personal Care Facility (NPCF), but some inconsistencies remained. He referred to the Staff Report, which outlines the changes that have occurred since the April 5th meeting and reviewed each one as follows:

- The definition for "Adult Family Home" was updated to include a reference to the State's Revised Code of Washington (RCW) 70.128.
- The title, "Nursing Home and Personal Care Facility" was changed to "Nursing Facility." The code does not have a personal care use, so there is no need for a definition for the term.
- The definition for "Community Residential Facility" (CRF) was completely removed and replaced with "Residential Care Facility (RCF)." Staff believes it is cleaner to create a new definition than to amend or bend the definition for CRFs.
- A new definition was added for "Residential Treatment Facility" (RTF).
- The proposed definition for nursing in the existing and proposed definitions for Community Residential Facility and Residential Care Facility excluded drug and alcohol detoxification. The State defines this use as a "Health Service," which the code does not address. To correct this issue, "Residential Treatment Facility" was added to the Use Table in the mixed business zone.
- "Personal Care Facility" was removed from the Use Table, since the use of "Residential Treatment Facility" was added. Staff believes it makes it clear to have two separate and unique uses for "Nursing Facility" and "Residential Treatment Facility."

Mr. Szafran advised that the proposed amendment will be presented to the Commission and public at a public hearing on May 3rd. The Staff Report for the hearing will present three options:

- **Option 1** is the applicant's proposed amendment, which would change Table 20.40.120 so that CRF-IIs would be allowed in the R-4 and R-6 zones with approval of a CUP.
- **Option 2** is proposed by staff. This option would combine CRF-I and CRF-II into a more limited land use category called Residential Care Facilities (RCFs). As per this option, RCFs would be allowed in the R-4, R-6, R-8 and R-12 zones, but a CUP would be required. This option would

also add index criteria to address standards for parking and signage, require a 1,000-foot separation between RCFs, and limit occupancy to a maximum of 15 residents based on bedroom size. In addition, definitions would be added for AFHs and Nursing Facilities, and AFHs would be added as an allowed use in the Land Use Table.

- **Option 3** leaves the Development Code unchanged and addresses the topic of RCFs with other housing issues in the future.

Commissioner Malek recalled that, at the last meeting, the Commission discussed that perhaps this amendment should be bundled into a broader discussion of housing issues. He asked if it is possible to recommend one of the three options for application to a specific proposal (Ashley House), and allow the applicant to move forward as a test project. He cautioned that delaying the amendment for further study would have the same impact as placing a moratorium on the use. It would create a hardship on the applicant who is prepared to move the project forward. Again, he asked if it would be possible to allow this one project to go forward as a test case without making a broad, sweeping decision. This test case could be studied and examined when the concept comes before them as part of a broader housing discussion.

Commissioner Szafran said the issue with the applicant's proposal is related to the number of residents. Currently, a CRF-I is allowed in this location, but it cannot accommodate the larger number of residents the applicant ultimately wants. He said he does not know of a way the City could allow this one project to move forward as a test case without amending the code. Director Markle said a test case might be possible if they were to narrow the definition to specific locations where the use would be allowed, but it still would not apply to just this one property. Another option would be to create a City pilot program that would involve a lot of public input and changes in the Comprehensive Plan, but she would not recommend this approach, either.

Commissioner Malek expressed frustration that the code cannot be more flexible to address unique situations. The subject parcel is located in an eclectic neighborhood that was established a long time ago. Having more flexible codes would allow the City to take advantage of something that is unique to the area and consistent with the character of a neighborhood without having to make broad, sweeping changes.

Commissioner Davis asked if it would be possible for the Commission to recommend approval of Option 2, yet still include the concept in their larger discussion on housing issues. Any needed additional modifications could be made at that time. Mr. Cohen answered that the concept could still be included as part of the broader housing discussion even if the proposed amendment is adopted now. Mr. Szafran agreed that this would be an opportunity to change the code to address concerns related to the use.

Chair Montero requested more information about why staff is proposing that Residential Treatment Facilities should be restricted to the Mixed Business zone. Mr. Cohen explained that some people may feel this use is incompatible with residential communities, and that is why staff is proposing that it be restricted to commercial zones. Director Markle explained that the current code language for "Community Residential Facility" states that no alcohol or detoxification services are allowed, and the use is not currently listed in the code as a health service. Staff recognized this as a potential problem and felt it would be appropriate to address it as part of the proposed amendment. Staff is recommending that the use

be allowed in the Mixed Business zone as a starting place, but they can discuss whether or not it would be appropriate in other zones, as well.

Vice Chair Mork asked how existing group homes that currently provide detoxification or similar services would be impacted by the proposed amendment. Director Markle answered that most of the existing group homes fit under the definition of “Family” (8 or fewer unrelated people) and are not regulated. Vice Chair Mork pointed out that the State’s definition for “Adult Family Home” limits occupancy to six residents. Director Markle agreed and explained that she was referring to group homes that provide housing for people with special needs.

Ken Maaz, Fife, said he was representing Ashley House, the applicant for the proposed amendment. He reminded the Commission that Ashley House has provided care for medically-fragile children in single-family residences in neighborhoods since 1989. They recently entered into a cooperative project with Seattle Children’s Hospital to provide a more focused transition for kids who have been hospitalized for a long time back to their family homes. It has always been very important for them to do this in family settings and in neighborhoods. They believe that this very large house in Shoreline (12 bedrooms and 8 bathrooms) would allow them to serve this need in a family-oriented environment.

Mr. Maaz said his understanding is that the home has previously been used for a number of things that are probably more detrimental to the community than what Ashley House is proposing. They have purchased the home and filed an application for the code amendment. Not knowing the context that the amendment would be considered, the applicant simply asked that CRF-II facilities be allowed in R-4 and R-6 zones with a Conditional Use Permit (CUP). However, after examining staff’s proposal and listening to the questions that have been asked, the applicant fully supports the staff’s recommendation for Option 2. They believe it will allow Ashley House and others who might do something similar to move forward. They do not believe the use would be detrimental to any community because a CUP would still be required to allow neighborhoods to consider each individual project on its own merits.

Mr. Maaz said he believes Ashley House’s proposal would be beneficial to the Shoreline community, and they have received good support from the neighborhood. Again, he said the applicant supports Option 2, and he believes that projects like this can be addressed without prohibiting future consideration of all of the other housing issues that need to be considered at some point in the future. He thanked the staff and Commission for their hard work and said he sincerely hopes the Commission will ultimately recommend Option 2 to the City Council.

Simon Simon, Gabbert Architects Planners, said he is part of the architectural team for Ashley House. He said he attended the Commission’s previous study sessions relative to the proposed amendment and felt that many of the fears relate to meeting the criteria that is required in the residential zones. However, as he has worked in Shoreline and other jurisdictions, he has come to realize that the CUP enables the City to streamline the process and alleviates community fears by allowing citizens to participate in the process of deciding what goes on in their neighborhoods. He expressed his belief identifying CUP criteria to consider when reviewing applications provides an opportunity for check and balance. It is an ideal process for distinguishing what projects are compatible with a neighborhood, and it gives all parties equal involvement in making that decision.

Mr. Simon voiced concern about the proposed parking requirement, which requires that all parking stalls over six must be totally enclosed. The goal is for the project to fit in with the neighborhoods, and constructing a parking garage to accommodate the parking would be out of character with surrounding development. He asked if the parking must be totally enclosed in a structure, or if the parking spaces would simply need to be screened from the street.

Jay Sundahl, Shoreline, said he is a member of the Echo Lake Neighborhood Association. He advised that representatives from Ashley House have presented at their association meetings and made great effort to address concerns. The general consensus is that the project would be a welcome improvement for this particular property. Because of the applicant's history and the way the facility would be staffed, the project would be a maintenance upgrade over what previously existed. He acknowledged that there has been some concern that the use not be allowed "willy-nilly" throughout the City. There must be an opportunity for the citizens to have input to make sure the uses fit in with the neighborhoods.

Marlin Gabbert, Shoreline, said he has been a resident of Shoreline for over 40 years, and he has been impacted by a condition that effects many families. He had a son with muscular dystrophy. As he was terminally ill, he was in and out of Seattle Children's Hospital numerous times. The final time he was sent home, equipment was brought into their home that enabled them to care for him. While he was only supposed to live for a month or two, he actually lived another two years. The Ashley House would have offered training to him and his wife on how to best care for their son, as well as respite care. He sees a real need for this type of facility and the type of service that Ashley House would provide to the community.

Vice Chair Mork commented that it appears that the greatest citizen concern is related to parking, and staff has taken real care to address the concern in as equitable a manner as possible. As proposed, on-site parking is required. The first six spaces must be screened, but all additional spaces must be enclosed. She asked if "enclosed" means a garage of some type. Mr. Szafran answered affirmatively, noting that these are the same rules that apply to all development in the single-family residential zones. Vice Chair Mork asked if a carport would be considered "enclosed," and Mr. Szafran answered no. Vice Chair Mork said she was delighted to see that the proposed amendment includes a minimum square foot requirement for each room.

Commissioner Lin clarified that the amendment would change "Nursing Home" to "Nursing Facility." However, the term "Nursing Home" shows up elsewhere in the code. Mr. Cohen agreed to search the language and make sure that "Nursing Facility" is used consistently throughout the code.

Again, Chair Montero announced that a public hearing on the proposed amendment is scheduled for May 3rd.

DIRECTOR'S REPORT

Director Markle did not have any items to report.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Commissioner Malek, a member of the Point Wells Subcommittee, announced that the Snohomish County Department of Planning and Development Services sent a 93-page recommendation to the Hearing Examiner, recommending denial of Blue Square Real Estate’s application to develop Point Wells as an Urban Center for the following reasons: failure to document feasibility, failure to provide acceptable traffic report, noncompliance of concurrency requirements, failure to provide appropriate building setbacks from taller buildings to lower-density zones, failure to satisfy access to public transportation, failure to provide adequate parking, failure to address shoreline management regulations, failure to comply with code provisions regarding critical areas and geological hazardous areas, etc.

Commissioner Malek summarized that it appears Snohomish County is calling attention to the important points, which is that the applicant has failed to comply with what has been asked of them over years, with numerous extensions. A public hearing before the Hearing Examiner is scheduled to begin on May 16th and continue through May 31st. Public comments can be made on May 17th starting at 1:30 p.m. and again on May 18th starting at 9:00 a.m. He suggested that the hearing information should be posted on the City’s Point Wells website. Director Markle agreed to get the information posted.

AGENDA FOR NEXT MEETING

Chair Montero announced that the May 3rd agenda will be a public hearing on the Development Code Amendment related to Community Residential Facilities.

ADJOURNMENT

The meeting was adjourned at 7:47 p.m.


William Montero
Chair, Planning Commission


Carla Hoekzema
Clerk, Planning Commission