



Planning & Community Development.

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ADMINISTRATIVE ORDER #000129- 073118
CODE INTERPRETATION

CODE SECTION: SMC 20.40.570 Unlisted Use

I. ISSUE:

An Interim Use Emergency Shelter is not a use that is listed in Shoreline Municipal Code (SMC) Chapter 20.40 Zoning and Use Provisions. When a use is not specifically listed, the use is classified as an Unlisted Use. The Unlisted Use process specifies that Director must review an Unlisted Use using the Code Interpretation process.

II. CODE SECTION:

Shoreline Municipal Code (SMC)

SMC 20.40.570 Unlisted use.

A. Recognizing that there may be uses not specifically listed in this title, either because of advancing technology or any other reason, the Director may permit or condition such use upon review of an application for Code interpretation for an unlisted use (SMC 20.30.040, Type A action) and by considering the following factors:

1. The physical characteristics of the unlisted use and its supporting structures, including but not limited to scale, traffic, hours of operation, and other impacts; and
2. Whether the unlisted use complements or is compatible in intensity and appearance with the other uses permitted in the zone in which it is to be located.

B. A record shall be kept of all unlisted use interpretations made by the Director; such decisions shall be used for future administration purposes.

II. FINDINGS:

A. On December 14, 2015, the Shoreline City Council approved Resolution No. 379 in support of King County's declaration of emergency due to homelessness effecting King County. The City expressed its commitment to work with the King County and partner agencies to address homelessness. The resolution states, "...members of the Shoreline community should not be forced to live or sleep outdoors, in their vehicles, or on the street due to circumstances often beyond their control, including poverty, unemployment, lack of affordable housing, discrimination, addiction and/or mental illness, domestic violence, or exits from the foster care system." The resolution also includes a directive to "...continue to review the City policies and Codes that may create barriers for those experiencing homelessness..."

B. There are not-for-profit emergency housing shelter and service providers that use vacant existing buildings on an interim basis to provide indoor shelter to homeless persons.

C. Emergency housing shelter providers prefer to locate in areas that are also served with good public transportation, public services, healthcare and other personal services.

D. The Mixed Business (MB) and Town Center (1, 2 & 3) zones are primarily located on either side of Aurora Avenue North, which is served by High Capacity Transit – specifically Bus Rapid Ride.

E. Existing vacant buildings would most likely be found within the Mixed Business, Community Business and Town Center zones.

F. An Emergency Housing Shelter in existing buildings for an interim period would provide lodging on a temporary basis. Temporary lodging is a category of residential uses listed in Table 20.40.120 Residential Uses.

III. CONCLUSIONS

A. Existing buildings in the MB, CB and TC 1, 2 and 3 zones that are vacant while awaiting new tenants or future redevelopment can be used in the interim to provide safe shelter indoors with access to restrooms, heat and other utilities.

B. Since emergency housing shelter providers prefer to locate in areas that are also served with good public transportation to better assist clients struggling with homelessness, the most applicable zones in Shoreline to allow this use would be Mixed Business (MB) and Town Center (1, 2 and 3). These zones are primarily located on either side of Aurora Avenue North, which is served by High Capacity Transit – specifically Bus Rapid Ride. Additionally, temporarily vacant commercial property would also most likely be found within the Mixed Business, Community Business and Town Center zones.

C. Response to Unlisted Use Criteria in accordance with SMC 20.40.570.

1. *The physical characteristics of the unlisted use and its supporting structures, including but not limited to scale, traffic, hours of operation, and other impacts.*

Response: The proposed use, Emergency housing shelter (existing building) is unlikely to alter the existing physical characteristics of the building and its supporting structures. The scale of an Emergency housing shelter (existing building) will ultimately be limited by the occupancy allowed under the International Building and Fire Code. Traffic is expected to be less than that which was generated by the previous use(s) of the existing buildings as most, if not all of the temporary residents do not own cars. Hours of operation are not relevant in the MB, CB and TC 1, 2 and 3 zones as there is no limitation on hours for commercial establishments. Therefore, permitting an Emergency housing shelter (existing building) in the MB, CB and TC 1, 2, and 3 zones will not impact other uses in these zones.

2. *Whether the unlisted use complements or is compatible in intensity and appearance with the other uses permitted in the zone in which it is to be located.*

Response: The proposed use, Emergency housing shelter (existing building) will be located in existing buildings. These buildings have previously been permitted in the MB, CB and TC 1, 2, and 3 zones. Since the use will be interim, changes to the exterior of buildings is not expected or will be very limited. Therefore, permitting an Emergency housing shelter (existing building) in the MB, CB and TC 1, 2 and 3 zones will be compatible in appearance with the other uses permitted in the zone. With regard to intensity, the MB, CB and TC 1, 2 and 3 zones allow for the development of the most intense uses permitted in Shoreline. Other types of Temporary Lodging such as hotels, motels and bed breakfasts are permitted in these zones. Therefore, the Director concludes that an Emergency housing shelter (existing building) will be compatible in intensity and appearance with other uses permitted in the MB, CB and TC 1, 2 and 3 zones.

IV. DECISION:

Emergency Housing Shelter (existing building) shall be permitted with indexed criteria in the Mixed Business (MB), Community Business (CB) and Town Center (TC) 1, 2 and 3 zones. Index Criteria for Emergency Housing Shelter (existing building):

1. Existing buildings that will be used as an Emergency Housing Shelter on an interim basis shall conform to the requirements established by the City of Shoreline Building Official and Shoreline Fire Marshall in Policy-Admin 157 entitled Interim Use Emergency Shelters.
2. The Emergency Housing Shelter (existing building) must be operated by 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 Emergency Housing Shelter (existing building).
3. The Emergency Housing Shelter (existing building) shall permit inspections by City, Health and Fire Department inspectors at reasonable times. An inspection will be conducted by the Shoreline Fire Department prior to occupancy.
4. The Emergency Housing Shelter operator shall have a code of conduct that articulates the rules and regulation of the shelter. These rules shall include, at a minimum, prohibitions against alcohol and/or drug use and violence; and exclusion of sex offenders. The Emergency Housing Shelter (existing building) operator shall keep a cumulative list of all residents who stay overnight in the shelter, including names and dates. The list shall be kept on site.
5. The Emergency Housing Shelter (existing building) operator shall check that adult residents have government-issued identification such as a State or tribal issued identification card, driver's license, military identification card, or passport from prospective shelter residents for the purpose of obtaining sex offender and warrant checks. If adult residents do not have identification, the shelter operator will assist them in obtaining such. No documentation is required to be submitted to the City for the purpose of compliance with this condition.

Note: This decision does not vest a project and is subject to the code in effect at the time of this action.



Rachael E. Markle
Director's Signature

7/31/18

Date

- d. Posting a fire safety and emergency plan according to the International Fire Code (IFC) Section 404 that contains the following:
 - 1. A floor plan or diagram showing emergency egress or escape routes and exits, portable fire extinguishers, and (where provided) areas of refuge, fire alarm manual pulls, control panel, or annunciator;
 - 2. The procedure for reporting a fire (call 9-1-1) or other emergency.
 - 3. The means of notifying occupants of a fire or emergency;
 - 4. Procedures for assisted rescue for persons with disabilities;
 - 5. A procedure for accounting for occupants after evacuation has been completed; and
 - 6. Contact information of personnel or staff who can provide further information or explanation of duties under the plan.

4. Interim Use Emergency Shelter Operators shall implement the following policies and operational standards.

- a. Provide supervision of the shelter through the sleeping hours. Supervision shall ensure continuous and systematic surveillance of the shelter for the purposes of identifying and controlling fire hazards, detecting early signs of fire, raising an alarm in the event of a fire, and notifying the fire department. The supervision shall include the following:
 - 1. Supervision shall be performed by at least one awake, alert adult for every 25 beds. Awake supervision is not required for 10 or fewer beds;
 - 2. Supervision shall be performed by a person knowledgeable with shelter policies, the layout of the building and the fire safety and emergency plan;
 - 3. Record of this supervision shall be maintained in a log with the time between entries no longer than every 30 minutes;
 - 4. Supervision can be provided by a shelter resident, a volunteer, or shelter staff; and
 - 5. Supervision may be shared by more than one person through the sleeping hours as long as the supervision is continuous;
- b. The shelter has a telephone available to call 9-1-1 at all times;
- c. Use of commercial cooking appliances in the building is not permitted during sleeping hours.
- d. Warming ovens or residential-type stove tops used for warming food are allowed during nonsleeping hours;
- e. Smoking is prohibited inside the building;
- f. A no tolerance policy shall be in place that prohibits drinking or drug use onsite, threats of violence, or any other criminal activity; and
- g. Implement operational standards to accommodate the needs of persons with disabilities.

5. Interim Use Emergency Shelters shall not require the following.

- a. Fire sprinklers are not required for the sleeping area and accessory spaces.
- b. The HVAC system need not be altered to comply with current code.
- c. Requirements for change of occupancy need not be met.
- d. No building envelope improvements will be required for an existing heated space.



POLICY – ADMIN 157
Interim Use Emergency Shelters

Approved By: <i>Mark Lawson</i>	Original Policy Date: 07/31/2018	Revision Date: NEW
Supersedes:	See Also: IFC Section 105.6.36	

1. **Shoreline Fire Department will regulate Interim Use Emergency Shelters in existing buildings by issuance of an Operational Fire Permit.**
 - a. This policy explains application of relevant code provisions to Interim Use Emergency Shelter facilities (“shelters”). The need for shelters is great due to the homelessness crisis. These types of facilities are unique, and warrant different treatment in the construction regulatory process. The Building Official and the Fire Marshal have flexibility in applying Building and Fire code provisions provided a reasonable degree of safety is provided.
 - b. Shelter facilities do not fit well into typical residential occupancy categories even though the shelters provide sleeping accommodations. Shelters are supervised while the occupants are sleeping, and shelters are required to provide features that allow occupants to easily exit the shelter in an emergency.
 - c. The sleeping area and accessory spaces of an Interim Use Emergency Shelter shall be permitted to have the same occupancy classification as was last permitted for the space.
 - d. Although there are provisions in the Existing Building Code Section 407 indicating that an occupancy change warrants full compliance, other sections allow flexibility for unique circumstances. For existing buildings, Section 101.3 allows the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety and welfare.
 - e. Interim Use Emergency Shelters will be regulated through use of an Operational Fire Permit under applicable provisions of the International Fire Code as a place of assembly, Section 105.6.36, for 180 day increments and may be approved for subsequent increments.
2. **Interim Use Emergency Shelters shall meet the following Egress requirements.**
 - a. A readily discernible path to two well separated exits from each sleeping area;
 - b. Shelter shall be located within one level of the ground floor;
 - c. Exit lights per International Building Code (IBC) Section 1006;
 - d. Exit signs per IBC 1011; and
 - e. Exit paths for all building occupants shall not be blocked or locked to prevent exiting.
3. **Interim Use Emergency Shelters shall meet the following Emergency Systems requirements.**
 - a. Carbon monoxide detectors according to IBC 908.7;
 - b. Interconnected smoke alarms covering the shelter space and adjacent spaces. Battery operated is acceptable. Must be UL listed smoke alarms with sealed non-removable 10-year batteries;
 - c. Class 2A rated fire extinguisher within 75 feet of all portions of the shelter. Additional fire extinguishers as determined by the Shoreline Fire Department (SFD); and