

6a. Staff Report - Zoning Code Amend. to Allow Enhanced Shelters in the MB Zone

Planning Commission Meeting Date: February 18, 2021

Agenda Item: 6a.

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Zoning Code Amendments to Allow Enhanced Shelters in the Mixed Business (MB) Zone
DEPARTMENT: Planning & Community Development
PRESENTED BY: Nora Gierloff, AICP, Planning Manager

Public Hearing
 Discussion

Study Session
 Update

Recommendation
 Other

INTRODUCTION

In April 2020, the City Council adopted Council Goal No. 5, Action Step No. 7, which reads:

Begin a process of developing partnerships with North King County cities and other key stakeholders in support of siting a 24/7 shelter/navigation center to serve homeless single adults in North King County.

In response to this Council goal, staff began working to explore options for the siting of a shelter for homeless adults to serve the North King County area. Shortly thereafter grant funding for additional homeless shelters became available through the Washington State Department of Commerce. King County asked the City to partner with them and Lake City Partners Ending Homelessness (a not for profit organization that provides shelter and services for people experiencing homelessness) in establishing a shelter for homeless adults at the former Oaks at Forest Bay Nursing Home (The Oaks), located at 16357 Aurora Avenue North.

The current zoning district of that portion of the Oaks property where buildings are located is R-48 (Residential 48 units per acre) and did not permit homeless shelters. In addition, some of the requirements of the grant funding that King County would use to operate the shelter conflict with the zoning code index criteria for homeless shelters as currently defined in SMC 20.40.405.

On October 26, 2020, the City Council adopted Ordinance No. 906 which provides interim regulations for the operation of an Enhanced Shelter in the R-48 Zone. That Ordinance will expire in April and this staff report concerns a set of permanent regulations that would allow homeless shelters in the Mixed Business zone subject to index criteria. The former Oaks site also is the subject of a concurrent rezone from R-48 to MB.

Approved By: Project Manager _____

Planning Director _____

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BACKGROUND

On February 10, 2020, staff presented the City Council with recommendations regarding priority actions related to effectively addressing the challenge of homelessness in Shoreline. As part of this Council discussion, staff identified the greatest need and highest priority for Shoreline is to support the siting and development of a year-round shelter for single adults in North King County. Staff also explained that the shelter would ideally be staffed around the clock, allowing individuals to have a place to leave and access personal belongings. This operational model also increases the ability to provide case management support focused on housing stability planning.

Following this Council discussion, at the Council's 2020 Strategic Planning Workshop, Council identified the siting of a '24/7' shelter/navigation center for single adults in North King County as an Action Step under City Council Goal No. 5. This provided direction to staff to work with other North King County cities and key community stakeholders to begin a process to site a 24/7 shelter for single adults in North King County.

In June, staff became aware that The Oaks at Forest Bay Nursing Home (The Oaks), located at 16357 Aurora Avenue North, was closing and the property was going to be offered for sale. Also, in June of 2020, the Washington State Department of Commerce released information about a grant making significant funds available to expand homeless shelter capacity around the State.

King County expressed interest in leasing the property and partnering with the King County Housing Authority (KCHA) for potential acquisition. The facility could serve as an emergency shelter for up to 60 single adults in the short-term (likely three to five years), and permanent supportive housing in the long-term.

The Enhanced Shelter would be a continuous-stay shelter, in that it offers living arrangements where households have a room or bed assigned to them throughout the duration of their stay. The goal would be to provide services oriented toward bringing people experiencing unsheltered homelessness inside and exiting shelter participants to permanent housing and positive destinations quickly. The Department of Commerce grant guidelines require that rules and policies must be narrowly focused on maintaining a safe environment for participants and the community and avoid exits to homelessness.

Shelter programs funded by the grant must have flexible intake schedules and require minimal documentation. There are specific guidelines that prohibit certain criteria to be used to screen out individuals, including such things as little or no income, previous involvement with the criminal justice system, having been impacted or affected by crime, having active or a history of alcohol and/or substance use. In order to meet the timeline of the grant the Council adopted an interim ordinance in October 2020 allowing enhanced shelters in the R-48 zoning district through April of 2021.

Current Oaks Property Zoning and Uses

The majority of the Oaks property is zoned R-48 (Residential 48 units per acre), with the parking lot in the NW corner zoned R-18. The site is located along the Aurora Avenue

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commercial corridor near a variety of businesses including banks, auto sales and service, marijuana retail, self-storage, a driving school, a youth baseball organization, a martial arts studio, and daycares. It is adjacent to single family houses to the west and apartments and a vacant commercial building to the south.

ANALYSIS

The proposal before the Planning Commission is a code amendment defining Enhanced Shelters and permitting them as a use in the MB zoning district subject to certain index criteria. The MB zone, along with Community Business (CB) and Town Center (TC) 1,2 and 3, already allows homeless shelters though enhanced shelters have different operational criteria and therefore are being defined and regulated separately. A new definition would be added to the Zoning Code:

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.*

During the Council's review of the interim ordinance for enhanced shelters they developed a set of index criteria to mitigate possible incompatibilities and provide a process to resolve conflicts that might arise from the use. These criteria are very similar to what is being proposed for the permanent regulations, with some additional refinements and clarifications. Two significant changes are the inclusion of a maximum occupancy of 100 residents and a spacing requirement of one mile from any other homeless shelters. See Attachment B for a map of the parcels that meet the enhanced shelter criteria.

20.40.355 Enhanced Shelter

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

- A. It shall be operated by state, county, or city government, 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;*

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- 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 service 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.*

A strikeout/underline version of the Code showing these proposed changes is included as Attachment A.

Development Code Amendment Decision Criteria

SMC 20.30.350 states, “An amendment to the Development Code is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City”. Development Code amendments may also be necessary to reduce confusion and clarify existing language, respond to regional and local policy changes, update references to other codes, eliminate redundant and inconsistent language, and codify Administrative Orders previously approved by the Director. Regardless of their purpose, all amendments are to implement and be consistent with the Comprehensive Plan.

The decision criteria for a Development Code amendment in SMC 20.30.350 (B) states the City Council may approve or approve with modifications a proposal for a change to the text of the land use code when all of the following are satisfied.

B. Decision Criteria. The City Council may approve or approve with modifications a proposal for the text of the Land Use Code if:

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1. The amendment is in accordance with the Comprehensive Plan; and

Relevant Comprehensive Plan Policies Regarding Homeless Services:

Goal H VII: Collaborate with other jurisdictions and organizations to meet housing needs and address solutions that cross jurisdictional boundaries.

H19: Encourage, assist, and support non-profit agencies that construct, manage, and provide services for affordable housing and homelessness programs within the city.

H29: Support the development of public and private, short-term and long-term housing and services for Shoreline's population of people who are homeless.

Staff Analysis: The effort to site an enhanced shelter in the City of Shoreline has been a multi-agency partnership to address a regional crisis. The shelter is a collaboration between King County, the King County Housing Authority, and Lake City Partners Ending Homelessness to provide shelter and services to those in need in underserved areas of North King County. In these ways the proposed amendments implement the relevant Comprehensive Plan guidance listed above.

2. The amendment will not adversely affect the public health, safety or general welfare; and

Staff Analysis: The proposed amendments seek to address the homelessness crisis in our region and our City by permitting enhanced shelters to locate here. The index criteria proposed will provide safeguards to prevent or address possible conflicts with the adjacent properties and neighborhood. These criteria include City collaboration with the organization operating the shelter, ongoing collaboration with Shoreline Police, defined expectations around shelter resident behavior, adequate staffing of the shelter, and location near transit facilities.

3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

Staff Analysis: The Council has determined that there is an urgent need for services and shelter for homeless adults in our region. A confluence of factors led to King County establishing an enhanced shelter in Shoreline with the support of the City Council and many Shoreline residents. Providing a safe, stable environment for individuals experiencing homelessness to receive services and begin to address the factors that led to the loss of their housing is known as the "Housing First" model and is becoming a best practice nationwide. Over time, providing shelter and services on the journey back to permanent housing will reduce the number of people sheltering in our parks and open spaces.

RECOMMENDATION

This meeting is for study and discussion purposes only. Staff will bring back a formal recommendation at the public hearing on March 18, 2021.

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NEXT STEPS

March 18 – Hold a public hearing and make a Planning Commission recommendation to the City Council

Attachments

A - Proposed Code Amendments

B – Map of Eligible MB Zoned Properties

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
	<u>Enhanced Shelter</u>							<u>P-i</u>	

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- 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;

Att. A - Proposed Zoning Code Amendments

- 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;
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 - 3. An agreement that if calls for law enforcement service 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.
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 - 7. Provisions for City approval of any proposed change in shelter operator.

Enhanced Shelters

Eligible Tax Parcels Zoned MB*

- Eligible Tax Parcel*
- Tax Parcel (Zoned MB)
- Enhanced Shelter/Oaks Site
- 1 Mile Radius

Street

- Interstate
- Principal Arterial
- Minor Arterial
- Collector Arterial
- Local
- Outside Shoreline
- City Limit
- Bus Stop (Rapid Ride)
- Bus Stop (Route 5)

*Eligibility requirements include MB zoning, with frontage on Aurora Ave N or Westminster Way N

0 1,000 2,000 Feet



This map is not an official map. No warranty is made concerning the accuracy, currency, or completeness of data depicted on this map.

