



ADMINISTRATIVE ORDER #000120-013113

**SITE – SPECIFIC DETERMINATION
1548 NE 175TH STREET**

CODE SECTION: SMC 20.40.120; 20.40.110(H)

I. ISSUE

A potential property owner would like to establish a home at 1548 NE 175th Street for more than 11 people with severe brain injuries that will be staffed with caregivers 24 hours a day. Can this be an allowed use in the R-12 zone? Why is housing for persons who do not explicitly need assistance from caregivers allowed as a Conditional Use in boarding houses for more than 11 people, while a CRF II is not expressly allowed in the R-12 zone?

II. FINDINGS:

Site

Zoning: Residential 12 units per acre

Lot size: 34,385 sq. ft.

Comprehensive Plan: High Density Residential (Allows up to 48 dwelling units per acre)

Maximum # of potential dwelling units on site: 10 units

Codes & Policies

Relevant Comprehensive Plan Goals and Policies:

FG12: *Support diverse and affordable housing choices that provide for Shoreline's population growth, including options accessible for older adults and people with disabilities.*

Goal H VI: *Encourage and support a variety of housing opportunities for those with special needs, specifically older adults and people with disabilities.*

H27: *Support opportunities for older adults and people with disabilities*

to remain in the community as their housing needs change, by encouraging universal design or retrofitting homes for lifetime use.

Shoreline Municipal Code (SMC):

The proposed use meets the definition of a Community Residential Facility (CRF) II.

SMC 20.20.020 Definitions

<i>Community Residential Facility (CRF)</i>	<p><i>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:</i></p> <p>A. <i>CRF-I – Nine to 10 residents and staff;</i></p> <p>B. <i>CRF-II – Eleven or more residents and staff.</i></p> <p><i>If staffed by nonresident staff, each 24 staff hours per day equals one full-time residing staff member for purposes of subclassifying CRFs. CRFs shall not include Secure Community Transitional Facilities (SCTF). (Ord. 515 § 1, 2008).</i></p>
<i>Family</i>	<p><i>An individual; two or more persons related by blood or marriage, a group of up to eight persons who may or may not be related, living together as a single housekeeping unit; or a group living arrangement where eight or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the dwelling unit by resident or nonresident staff. For purposes of this definition, minors living with a parent shall not be counted as part of the maximum number of residents.</i></p>

20.40.110.H. *The Director is authorized to make reasonable accommodations to provisions of the Code that apply to dwellings occupied or to be occupied by disabled persons as defined by the Federal Fair Housing Act and Fair Housing Act Amendments, when such reasonable accommodations may be necessary in order to comply with such acts. All such accommodations shall be personal to the applicant and shall expire immediately if the disabled applicant terminates occupancy at the subject site. (Ord. 609 § 9, 2011; Ord. 425 § 2, 2006; Ord. 238 Ch. IV § 2(B), 2000).*

20.40.120 Residential type uses.

NAICS #	SPECIFIC LAND USE	R4- R6	R8-R12	R18- R48	NB & O	CB & NCBD	MUZ & I
RESIDENTIAL GENERAL							
	Accessory Dwelling Unit	P-i	P-i	P-i	P-i	P-i	P-i

	<i>Affordable Housing</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>
	<i>Apartment</i>		<i>C</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
	<i>Duplex</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>		
	<i>Home Occupation</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>
	<i>Manufactured Home</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>			
	<i>Mobile Home Park</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>			
	<i>Single-Family Attached</i>	<i>P-i</i>	<i>P</i>	<i>P</i>	<i>P</i>		
	<i>Single-Family Detached</i>	<i>P</i>	<i>P</i>	<i>C</i>	<i>C</i>		
GROUP RESIDENCES							
	<i>Boarding House</i>	<i>C-i</i>	<i>C-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>
	<i>Community Residential Facility-I (Less than 11 residents and staff)</i>	<i>C</i>	<i>C</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
	<i>Community Residential Facility-II</i>			<i>P-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>
721310	<i>Dormitory</i>		<i>C-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>	<i>P-i</i>

20.40.260 Boarding houses.

- A. Rooming and boarding houses and similar facilities, such as fraternity houses, sorority houses, off-campus dormitories, and residential clubs, shall provide temporary or longer-term accommodations which, for the period of occupancy, may serve as a principal residence.
- B. These establishments may provide complementary services, such as housekeeping, meals, and laundry services.
- C. In an R-4 or R-6 zone a maximum of two rooms may be rented to a maximum of two persons other than those occupying a single-family dwelling.
- D. Must be in compliance with health and building code requirements.
- E. The owner of the rooms to be rented shall provide off-street parking for such rooms at the rate of one parking stall for each room.
- F. Boarding houses require a boarding house permit. (Ord. 352 § 1, 2004; Ord. 238 Ch. IV § 3(B), 2000).

III. CONCLUSIONS

CRF II facilities are not allowed in the R-12 zone. However, Boarding Houses and Apartments are allowed as Conditional Uses in the R-12 zone.

The current R-12 zoning of the property could allow up to a 10 dwelling unit apartment building of which up to 8 unrelated people could theoretically live in each unit. In addition, Boarding Houses are allowed in the R-12 zone as a conditional use with no maximum limit on the number of rooms that can be rented. The proposal of a CFR II of 12 people plus staff is reasonably within the impacts and nature of a 10 unit apartment building or a Boarding House providing rooms to 12 people. To not allow a project of the proposed scope would be unreasonable and not meet the Federal Fair Housing Act. However, the proposal must meet all other Development Code standards.

To be consistent with the Development Code's requirement of a CRF I in the same R-12 zone, the City will also require a Conditional Use Permit prior to establishing the new use and any construction permits. The purpose of the Conditional Use Permit is to notify the neighborhood and to possibly condition the project to be compatible with the surrounding single family neighborhood.

IV. DECISION:

A CRF II may be allowed in an R-12 zone as a Conditional Use. The property owner or authorized agent must apply for and obtain a Conditional Use Permit prior to changing the use at 1548 NE 175th Street from Single Family Detached to a Community Residential Facility (CRF) II.



Director's Signature

1-31-13

Date