



REVISED AGENDA V.2

SHORELINE CITY COUNCIL SPECIAL MEETING

Monday, March 27, 2017
5:45 p.m.

Conference Room 303 · Shoreline City Hall
17500 Midvale Avenue North

TOPIC/GUESTS: King County Councilmember Dembowski

SHORELINE CITY COUNCIL REGULAR MEETING

Monday, March 27, 2017
7:00 p.m.

Council Chamber · Shoreline City Hall
17500 Midvale Avenue North

	<u>Page</u>	<u>Estimated Time</u>
1. CALL TO ORDER		7:00
2. FLAG SALUTE/ROLL CALL		
(a) Proclamation of Cesar Chavez Day	<u>2a-1</u>	
3. REPORT OF THE CITY MANAGER		
4. COUNCIL REPORTS		
5. PUBLIC COMMENT		
<i>Members of the public may address the City Council on agenda items or any other topic for three minutes or less, depending on the number of people wishing to speak. The total public comment period will be no more than 30 minutes. If more than 10 people are signed up to speak, each speaker will be allocated 2 minutes. Please be advised that each speaker's testimony is being recorded. Speakers are asked to sign up prior to the start of the Public Comment period. Individuals wishing to speak to agenda items will be called to speak first, generally in the order in which they have signed. If time remains, the Presiding Officer will call individuals wishing to speak to topics not listed on the agenda generally in the order in which they have signed. If time is available, the Presiding Officer may call for additional unsigned speakers.</i>		
6. APPROVAL OF THE AGENDA		7:20
7. CONSENT CALENDAR		7:20
(a) Approving Minutes of Regular Meeting of January 30, 2017	<u>7a1-1</u>	
Approving Minutes of Regular Meeting of February 13, 2017	<u>7a2-1</u>	
(b) Approving Expenses and Payroll as of March 10, 2017 in the Amount of \$2,555,777.25	<u>7b-1</u>	
(c) Authorizing the City Manager to Execute a Grant Funding Agreement for TIB Complete Streets	<u>7c-1</u>	
(d) Adopting Resolution No. 406 – Rejecting All Bids for the Bike Plan Implementation Project and Authorizing the Public Works Director to Make Further Calls for Bids in the Same Manner as the Original Call for Bids	<u>7d-1</u>	
8. ACTION ITEMS		

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| (a) Appointing Parks, Recreation and Cultural Services/Tree Board Members | <u>8a-1</u> | 7:20 |
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9. STUDY ITEMS

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|---|-------------|------|
| (a) Discussing the 2017-2019 City Council Goals and Workplan | <u>9a-1</u> | 7:30 |
| (b) Discussing Ordinance No. 760 – Amending the Shoreline Municipal Code to Implement a Deep Green Incentives Program | <u>9b-1</u> | 7:50 |
| (c) Discussing External Workforce Secured Scheduling Regulation Discussion; Sponsored by Councilmembers Salomon and McConnell | <u>9c-1</u> | 8:35 |

10. ADJOURNMENT

9:05

The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2231 in advance for more information. For TTY service, call 546-0457. For up-to-date information on future agendas, call 801-2236 or see the web page at www.shorelinewa.gov. Council meetings are shown on Comcast Cable Services Channel 21 and Verizon Cable Services Channel 37 on Tuesdays at 12 noon and 8 p.m., and Wednesday through Sunday at 6 a.m., 12 noon and 8 p.m. Online Council meetings can also be viewed on the City's Web site at <http://shorelinewa.gov>.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Proclamation Declaring Cesar Chavez Day in the City of Shoreline
DEPARTMENT:	CMO/CCK
PRESENTED BY:	Jessica Simulcik Smith, City Clerk

ISSUE STATEMENT:

On March 31 of each year the nation celebrates Cesar Chavez Day. A true champion for justice, Cesar Chavez advocated for and won many of the rights and benefits we now enjoy, and his spirit lives on in the hands and hearts of working women and men today.

Raised in the fields of Arizona and California, Cesar Chavez faced hardship and injustice from a young age. At the time, farm workers toiled in the shadows of society, vulnerable to abuse and exploitation. Families like Chavez's were impoverished; exposed to hazardous working conditions and dangerous pesticides; and often denied clean drinking water, toilets, and other basic necessities.

Cesar Chavez saw the need for change and made a courageous choice to work to improve the lives of his fellow farm workers. This proclamation calls upon all citizens to observe this day with appropriate service, community, and educational programs to honor Cesar Chavez's enduring legacy.

Members of Shorewood High School Latino Club will be in attendance to accept the proclamation.

RECOMMENDATION

The Mayor should read the proclamation.

Approved By: City Manager **DT** City Attorney **MK**



PROCLAMATION

WHEREAS, Cesar Chavez was raised in the fields of Arizona and California, where he faced hardship and injustice from a young age, exposed to hazardous and unclean working conditions; and

WHEREAS, Mr. Chavez saw the need for change and made a courageous choice to work to improve the lives of his fellow farm workers, and with quiet leadership and a powerful voice, founded the United Farm Workers (UFW) with Dolores Huerta, launching one of our Nation's most inspiring social movements; and

WHEREAS, a true champion for justice, Mr. Chavez advocated for and won many of the rights and benefits we now enjoy, and

WHEREAS, we face the challenges of our day, let us do so with the hope and determination of Cesar Chavez, echoing the words that were his rallying cry and continue to inspire so many today, "Sí, se puede" – "Yes, we can."

NOW, THEREFORE, I, Christopher Roberts, Mayor of the City of Shoreline, on behalf of the Shoreline City Council, hereby proclaim March 31, 2017 as

CESAR CHAVEZ DAY

in the City of Shoreline, and call upon all citizens to observe this day with appropriate service, community, and educational programs to honor Cesar Chavez's enduring legacy.

Christopher Roberts, Mayor

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, January 30, 2017
7:00 p.m.

Council Chambers - Shoreline City Hall
17500 Midvale Avenue North

PRESENT: Mayor Roberts, Deputy Mayor Winstead, Councilmembers McGlashan, Scully, Hall, McConnell, and Salomon

ABSENT: None

1. CALL TO ORDER

At 7:00 p.m., the meeting was called to order by Mayor Roberts who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Roberts led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present.

(a) Proclamation of Black History Month

Mayor Roberts read a proclamation declaring February 2017 as Black History Month in the City of Shoreline. Yadesa Bojia, a Shoreline resident featured in the *Aftermath: Local Artists on African American Experience* Exhibit at City Hall accepted the Proclamation. Mr. Bojia expressed his gratitude to the Council and said he has been a proud resident of the City of Shoreline since its incorporation in 1995. He stated he was happy to hear that Shoreline is a safe and inviting community for immigrants and that the City celebrates diversity. He said it is important to invite people to celebrate their differences and he encouraged people to speak against hate.

3. REPORT OF CITY MANAGER

Debbie Tarry, City Manager, provided reports and updates on various City meetings, projects and events.

4. COUNCIL REPORTS

Deputy Mayor Winstead reported attending a Regional Law, Safety and Justice Committee meeting, and shared that the City of Seattle gave a report on their comprehensive gang model program. She said she also heard a briefing on the legislative session to-date and that other agencies' legislative agendas were presented.

Councilmember Salomon reported attending a Salmon Recovery Group meeting. He shared that the State is stressed with trying to fund education and there is concern that funding for habitat and wildlife restoration will fall by the wayside. He said committee members have been asked to contact their Legislative District Representatives and request funding.

Councilmember Scully shared he is testifying before the Legislature in favor of Senate Bill 5407 on Housing Discrimination, on behalf of the Sound Cities Association. He asked Councilmembers for approval to also represent the City of Shoreline. Councilmembers supported the request and agreed that Senate Bill 5407 is consistent with City Council values.

Mayor Roberts reported attending the Puget Sound Regional Council Executive Board Meeting and said the draft work plan and the initial biennial budget were presented.

5. PUBLIC COMMENT

Deputy Mayor Winstead moved to waive Council Rule 6.1 to allow all speakers signed up for public comment an opportunity to speak. The motion was seconded by Councilmember McConnell, and passed unanimously, 7-0.

Cynthia Roat, Shoreline resident and Greater Seattle Cares President, commented that the proposed transitional encampment amendments will make it hard for churches to host encampments, and that the 20 foot setback reduces potential host churches to three. She expressed concern about the requirement for churches to be the managing agency.

Pam Russell, Prince of Peace Lutheran Church Pastor, stated they just finished sheltering people at their church and shared that the number of churches that are closing means church property wealth is going away. She said she does not feel it is the Council's intent to make it difficult for churches to host encampments, and cautioned them to be careful in writing municipal code for transitional encampments.

Hillary Coleman, Seattle/King County Coalition on Homelessness, commented that homelessness is increasing, and shared 381 Shoreline school age children experienced homelessness from 2015-2016. She stated limiting the temporary use permit to 90 days will make it difficult to find hosts and provide stability to people experiencing homelessness. She said the 20 foot setback requirement reduces potential churches that could host a transitional encampment to three. She thanked the Council for waiving the temporary use permit fee.

Richard Potter, Shoreline resident, said last year the Shoreline School District served 370 homeless students and is currently serving 270. He said they are treated with dignity, compassion, and respect which does not compare with the City's proposal. He commented that the proposed Ordinance would create roadblocks for homeless people and make it difficult for them to live in a clean and safe environment. He asked how increased city taxes and the Ordinance will improve life for the homeless, and for Council to put themselves in their shoes.

Brad Lancaster, Shoreline resident, commented that 14 months ago the Council directed staff to remove a provision in the zoning code that discriminated against homeless people. He expressed disappointment with the outcome, specifically the 20 foot setback and managing agency

requirements. He commented that there is no provision in the code to let children attend school year round. He urged Council to abandon Ordinance No. 762 and send it back to the staff and Planning Commission with instructions.

Roger Franz, Seattle resident, shared he was a five year tent city resident, and that the 20 foot setback violates federal and state law. He read excerpts from the Washington State Encampment Law passed in 2009. He said the 20 foot setback requirement will prevent most churches from hosting encampments and requested that the provision be eliminated.

Eugene McPhail, Shoreline resident and military veteran, shared that he has specific concerns about homeless veterans. He said he wants to invite everyone to read the letter written by Michael Ramos, Executive Director of the Church Council of Greater Seattle, and provided a copy of the letter to the City Clerk.

Anne Kleinecke, Shoreline resident, shared that the homeless problem is not going away and that encampments have been shown to have positive results. She shared by working together that a safe place can be provided to homeless people.

Pam Cross, Shoreline resident, expressed that everyone wants to help the homeless, but stated saying no to backyard encampments is the right thing to do. She said she supports church encampments and all the services they provide to homeless people.

Margaret Willson, Shoreline resident, commented that the issue of backyard encampments was the impetus for the 20 foot setback recommendation which made it difficult for churches to host encampments. She commented that Camp United We Stand is a model encampment and that she would like to see the City find a permanent site for the Camp with tiny houses on a commercial lot.

Stu Tanquist, homeless veteran, shared that he has lived in multiple encampments, and said they are a safe place, and that the proposed amendments are barriers to homeless encampments.

Ginny Scantlebury, Shoreline resident, recommended starting the process over, removing the 20 foot setback, the managing agency aspect, and the ownership/leasing provision requirements because they create barriers to homeless people. She said Resolution No. 379 adopted by the City Council on December 14, 2015 supported the removal of barriers to homeless people and not the creation of them. She shared that Camp United We Stand is pursuing 501c tax status.

Dan Jacoby, Shoreline resident, commented on the Property Tax Exemption Program deadline proposal, and shared it does not resolve the lack of affordable housing in Shoreline. He said programs require a bold new approach to get affordable housing built and suggested that affordable housing be mandatory. He submitted his proposal for the Council to review.

Paul Ashby, Shoreline resident and Richmond Beach Congressional Church Pastor, invited the Council to share in success. He shared that their church has hosted Camp United We Stand twice, shared their successes, and said it provided him an opportunity to make connections and honor life. He stated we hear about homelessness, but how often do we see it and feel it with our

souls. He stressed that homeless people should not be pushed back 20 feet, rather they should be given a hand up instead of another setback.

Les Patton, Shoreline resident and veteran, stated the Shoreline Free Methodist Church has hosted three encampments that were positive experiences and helped to deter criminal activity. He commented on the unorganized encampments in Seattle, and said Shoreline is blessed because it does not have a mess like that to clean up. He cautioned that we are on the brink of a holocaust.

Christopher Carter, Camp United We Stand resident, commented that the 20 foot setback would prevent the camp from having a “boneyard”. He suggested that people be provided a tax write-off for hosting backyard encampments, and stated that the City of Shoreline and Seattle should be the managing agency. He talked about healing and the principle of providing a hand out and hand up and invited people to visit the Camp.

Dan Stern, Richmond Beach Congregational Church, commented that it has been a rewarding experience being close to an encampment. He said he is proud to be connected to a progressive urban community like Shoreline, and shared the real test is not what we print but what we do.

Elizabeth Hansen, Lake Forest Park resident, commented that the number of homeless people has doubled since the recession. She shared that King County’s One Night Homeless Count in 2012 was 2,600, and over 4,500 in 2016. She stated income inequality is growing and that the 20 foot setback is immoral. She said she is required to help the poor and homeless and we should be looking for and addressing the underlining reasons for homelessness. She encouraged support for Senate Bill 5464 establishing the Washington Investment Trust to provide money for homeless encampments and urged that the right thing be done.

Trent Mummery, Magnolia resident and developer of Malmo and Paceland apartments, stated his support for Ordinance No. 771. He said it is positive for development in Shoreline. He shared that Malmo has 26 units designated for affordable housing and are priced significantly less than the rest of the units in the building. He said the Ordinance would allow an additional 45 affordable units at Paceland.

Meghen Peterka, Shoreline resident, said she read comment letters from people who have not had a connection with homeless people. She told a story about speaking to homeless children on the street and about their situation. She said we need to be a part of the solution and have citywide discussions to support people in our community that find themselves homeless.

Gerty Coville, Shoreline resident, thanked everyone for the discussion on homelessness and said she has learned a lot. She thanked the Council for passing Resolution 401, talked about President Trump’s executive order on immigration, and asked the Council to consider making the City of Shoreline a sanctuary city.

Julio Daza, Shoreline resident, thanked Council for doing a good job. He commented that homelessness is affecting everything and said a 20 foot setback will put people on the street. He commented that people not born in this county are scared and have been in the country long

enough to have rights. He said he has been working hard in this country to support his family and asked the Council to support everyone in the community.

Greg Logan, Shoreline resident, commented that he sent the Council a link today on information regarding what is happening behind his home. He shared that he had to leave his home for four hours due to heavy equipment usage next to his home. He said he is traumatized, feels beat up, and asked the Council if they could live with that kind of noise.

6. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

7. CONSENT CALENDAR

Upon motion by Councilmember Hall and seconded by Deputy Mayor Winstead and unanimously carried, 7-0, the following Consent Calendar items were approved:

- (a) Authorize the City Manager to Approve the Conditional Certificate of Property Tax Exemption for 205 Apartments**
- (b) Authorize the City Manager or Designee to Execute an Interlocal Agreement with the US Department of Justice for Participation in the Organized Crime Drug Enforcement Task Force Program**
- (c) Adoption of Resolution No. 403 Delegating Authority to the City Manager or Designee to Legally Bind the City of Shoreline for the Sole Purpose of Requesting Federal Reimbursement for Transportation Projects**

8. STUDY ITEMS

- (a) Discussion of Ordinance No. 762 - Amending SMC for Temporary Encampments

Paul Cohen, Planning Manager, provided background and reviewed the Planning Commission's deliberation process regarding Ordinance No. 762. He identified the following key changes from existing regulations: Remove transitional encampments as an allowed use in the City's Land Use Table; require a Temporary Use Permit (TUP); and waive permit fees for transitional encampments. He reviewed amendments, conditions in previous TUPs that staff is proposing be codified, new encampment criteria, and additional staff recommendations. He recalled camp sizes that have been hosted in Shoreline in the past.

Councilmember McGlashan asked clarifying questions about the definition of managing agency, if the encampment host could serve in that capacity, and how much risk would be assumed by the church if they were the managing agency. Mr. Cohen stated that it is up to the City to decide and recognize what a managing agency is. Margaret King, City Attorney, explained that the City is adding the definition of managing agency, and said she would like to research it further. She shared it is her understanding that hosting agencies require indemnification.

Deputy Mayor Winstead stated that the intent of the Ordinance was not to make the process more difficult or to create barriers to helping people find homes. She commented that the managing and host agency definitions are confusing, and shared that although the Director has the discretion to waive the 20 foot setback, she would like something more definitive. She offered support for the 10 foot setback with a minimum lot size, and expressed concern about backyard encampments.

Councilmember Hall asked how many family members can live on a single family lot without a temporary use permit, and requested clarification on the 20 foot setback adjacent to the City's right-of-way. Mr. Cohen responded that the Shoreline Municipal Code states eight unrelated people can live in a single family residence, and explained that 20 feet is the typical setback for residential but may need to be redefined. Ms. Tarry added that the 20 foot setback was proposed in response to public comment regarding backyard encampments; the intent was never to prevent churches from hosting encampments. She shared staff discussed many options, such as overlays for church properties, as they addressed concerns from the public regarding backyard encampments.

Councilmember Salomon shared that he works with people who are homeless in his capacity as a public defender, and he co-founded a nonprofit for homeless youth called Peace for the Streets by Kids from the Streets (PSKS). PSKS started out as an advocacy organization, so he appreciates hearing from members of the audience advocating for homeless encampments. He apologized if anyone has felt discriminated against, and stressed it is not the Council's intent. He said he feels the camps Council are talking about are organized and orderly and that the 20 foot setback is not needed for religious and commercial properties. He recommended a discussion of a 5 foot setback, or a zero setback. He said there needs to be a balance between single family homeowners' interests and to expand the ability for churches and commercial properties to host transitional encampments. He suggested keeping the code to allow eight unrelated members of a family living in single family housing and asked if there is a reason to limit transitional encampments to 180 days, considering the concern for child homelessness and school stability. He expressed surprise that the managing agency and host agency is controversial, and said he would like to hear more about it. He concluded by saying the Ordinance may need to go back to the Planning Commission for improvement.

Ms. King advised Council that the definition of family as allowing eight unrelated persons to live together is a density requirement, and stated there are considerations under state and county law that might preclude people from living in tents in backyards that need to be researched. Councilmember Salomon requested a legal memo to address how these laws work together. Ms. King responded that she will draft the memo for the Council.

Councilmember Scully commented that he has a differing opinion on the definition of a managing agency and offered a way to simplify it. He suggested taking a look at screening measures instead of implementing setbacks and noted not all property lines need a 20 foot setback. He expressed concern about the identification requirement and said he does not want to collect a list of people's names. Mr. Cohen responded that identification is not a new regulation and is currently required for temporary encampments.

Mr. Cohen pointed out that the 180 day limit was suggested by the churches, and that the 20 foot setback is the multifamily and commercial setback requirement adjacent to single family zoned property.

Deputy Mayor Winstead commented that she would like to take another look at the 180 day limit, and expressed that her priority is to build housing stock for kids. She shared there are legal requirements to ensure people have gone through background checks to keep camp residents safe. Ms. King added that there is a requirement to do background checks to keep kids in the camp safe, and often comes at the request of the camp residents.

Councilmember McConnell asked if the identification list is turned over to King County, and how the churches settled on 180 day duration for encampments. She said she wants language to give control back over to churches on how long the camps can stay. She said her preference is to ease up on the setback language where it is not necessary, except when you are close to single family residential. She commented on the definitions for managing agency and host agency, and asked if the term “host” is sufficient to identify a church’s responsibilities. Ms. Lehmberg answered that the list is turned in directly to the King County Sheriff’s Communications Office.

Mayor Roberts asked if the screening recommended by the Planning Commission is at the setback line or at the property line. He stated that 20 foot setbacks do not seem right, and suggested requiring a minimum lot size to host transitional encampments with a 5 foot setback. He pointed out there is also a provision in the Ordinance to waive the \$1,500 TUP fee. Ms. Lehmberg responded that the screening could be at the property line. Mr. Cohen answered staff will work on language supporting a minimum size lot and corresponding setbacks required to host a transitional encampment.

Councilmember Hall shared the intent of the setback is to manage situations where encampments are 5 feet away from a single family home’s property lines and could negatively impact them. He said a list identifying churches’ lot sizes in the City might be of assistant to Council. He conveyed that the goal is to find ways to have transitional encampments be on church property with a minimum distance from a residential structure. He said he would like to entertain a spectrum of ideas and prefers taking more time to find a better solution.

Councilmember Salomon clarified that setbacks would be smaller if a minimum lot size requirement was implemented. But if a church property cannot accommodate the minimum lot size, it cannot host an encampment; therefore he is not sure he can support this recommendation. He asked if the City could allow the church to host a transitional encampment for up to 12 months, and if the Temporary Use Permit can currently be waived. Ms. Tarry explained part of the reason churches do not host encampments for that long is due to their ability to manage the unwanted wildlife on the property. She said a host can extend up to one year, but churches have stated a preference for 180 days. She said the City Manager can waive the \$1,500 fee.

Mayor Roberts commented that the Council wants to get this right, and pointed out that the Director already has ability to waive fees so there is no urgency to move quickly. He said another Study Session with new ideas identifying setbacks from buildings, taking another look at the definition of managing agency, and discussion on identification requirements is needed.

(b) Discussion of Ordinance No. 771- Amending the Property Tax Exemption Program to Encourage Affordable Housing Application Deadline

Dan Eernisse, Economic Development Manager, explained Ordinance No. 771 encourages affordable housing in the City of Shoreline, and provides incentives to developers with light local burden, and allows the application process to be extended through construction and prior to occupancy.

Councilmember McGlashan questioned how common is a temporary occupancy granted. Mr. Eernisse provided examples.

Councilmember Salomon said he is supportive of the Ordinance. He agreed with public comment that using King County's AMI, which is higher than Shoreline's, makes "affordable" units less affordable to Shoreline residents. However, due to building costs, a developer needs to charge more than Shoreline's 80% AMI to make a project pencil out. He admitted the PTE program is not enough to solve the housing problem, but he still thinks it works because it provides units with lower rents than the market rate units.

Mr. Eernisse responded that PTE is a public/private partnership that provides a public benefit by providing more housing and more housing for the workforce.

Councilmember Hall said he supports the Ordinance because more affordable housing options will be available in the future, and he does not have a problem with adjusting the application deadline.

Mayor Roberts asked if the developer still pays the underline property tax under the PTE Program, and clarified that PTE is not offered in the 145th and 185th Light Rail Station Subareas because mandatory affordable housing is required. Mr. Eernisse responded that the PTE is on improvement value, and said developers will continue to pay taxes on the land. He confirmed that PTE is not offered in the Light Rail Subareas and because affordable housing is mandatory.

(c) Discussion of Paid Parental Leave Policy

Paula Itaoka, Human Resource Director shared that the Paid Parental Leave Policy originated from the Council's 2016 Strategic Planning Workshop and was presented to Council on December 5, 2016 where staff was asked to bring forward a draft policy for discussion. She reviewed the draft policy and said it mirror's King County's Policy. She explained the policy supplements accrued leave banks allowing employees to take up to 12 weeks paid leave when welcoming a child through birth, adoption, or foster care placement. She discussed existing leave benefits, employee leave demographics, estimated value of supplemental paid parental leave, and an equitable alternative for regular employees. She reviewed types of leave covered under the Family Medical Leave Act (FMLA).

Councilmember Scully shared that he would like for the City to adopt the equitable alternative option, and wants it adopted sooner rather than later. Deputy Mayor Winstead commented that she also likes the equitable alternative option.

Mayor Roberts asked if in the alternative option the City will handle paid parental leave differently than other leaves. Ms. Itaoka answered no and said all leaves would be available once every three years. Mayor Roberts said that some families do have multiple children within a three year period and limiting leave to once every three years would jeopardize the bonding period with a child. He asked if staff's recommendation mirrors King County's policy. Ms. Itaoka explained the similarities and differences, and Ms. Tarry advised that Council can provide direction to staff on what they want the policy to be.

Councilmember Hall said he can see making paid parental leave available once a year but pointed out that with paid FMLA leave the City could have an employee caring for an aging parent for 10 years. This would put the City in a position of compensating an employee with a full time salary for 10 years when they are only working three quarters of the time. He proposed that a limit should be considered, or the types of purposes for leave should be broadened.

Councilmember McConnell commented the City is a small organization and extended employee absences would adversely impact the City.

Mayor Roberts said he thinks it is okay to have separate policies and he wants birth/adoption/foster leave to be available to employees every twelve months, and FMLA leave every three years.

Deputy Mayor Winstead suggested reducing paid leave for birth/adoption/foster to two years, and said a person should not have to choose between taking care of their child or parent. Ms. Itaoka provided examples of qualifying FMLA events.

Councilmember Hall expressed concern about the authority being delegating to the City Manager under Agenda Item 8d. Ms. Tarry shared that the authority delegated to the City Manager has to meet certain budget requirements, have a minimal impact on future costs, and requires that the City Council be notified.

(d) Discussion of Res. No. 402 - Amending the Personnel Policies

Councilmember Salomon moved to table the discussion to a future date. The motion failed for lack of a second.

Ms. Itaoka explained that the Employee Handbook was first adopted in 1996 and since then periodic isolated edits have been performed, and one comprehensive review in 2016. She reviewed housekeeping edits, and noted staff's recommended moderate to substantial updates are: adding city manager authority, adding limited term definitions, addressing outdated inaccurate or non-applicable text, clarifying recruitment and selection, clarifying job classification and classification review, adding reasonable accommodation, clarifying vacation carry over, and adding a vaping free workplace.

Councilmember Hall asked how often the Council has updated the Employee Handbook. Ms. Itaoka answered it is updated when a law changes or a policy is updated, approximately every

three or four years, and Ms. Tarry added at the most every two years. Councilmember Hall stated he is fine with staff's recommended edits and updates, with the exception of giving delegating authority to the City Manager.

Councilmember Salomon commented that he is not supportive of giving delegating authority to the City Manager or with the vaping free workplace recommendation. He said he does not think vaping smoke effects people the same as tobacco, and said he does not want to place added restrictions on what people can do outside of city buildings.

Councilmember McGlashan commented that he is okay with the delegation clause because the City Manager would have to provide Council with a 30 day notice prior to exercising authority.

Councilmember Scully commented that he does not support delegating authority to the City Manager.

Deputy Mayor Winstead stated giving delegating authority to the City Manager is fine because of the 30 day notice requirement. She stated she is supportive of a vape free workplace.

Mayor Roberts stated he is not comfortable with giving delegating authority to the City Manager, and asked a clarifying question about telecommuting. Ms. Itaoka explained that there is a clause in the Handbook regarding telecommuting and the employee's purchase and ownership of equipment that needs to be corrected.

Mayor Roberts clarified that the Paid Supplemental Family Leave Alternative and the Employee Handbook updates, without giving delegating authority to the City Manager, will be placed as an Action Item on the February 27, 2017 Agenda.

9. ADJOURNMENT

At 9:51 p.m., Mayor Roberts declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, February 13, 2017
7:00 p.m.

Council Chambers - Shoreline City Hall
17500 Midvale Avenue North

PRESENT: Mayor Roberts, Deputy Mayor Winstead, Councilmembers McGlashan, Scully, Hall, and McConnell

ABSENT: None

1. CALL TO ORDER

At 7:00 p.m., the meeting was called to order by Mayor Roberts who presided.

2. FLAG SALUTE/ROLL CALL

Mayor Roberts led the flag salute. Upon roll call by the City Clerk, all Councilmembers were present, with the exception of Councilmember Salomon.

Councilmember Scully moved to excuse Councilmember Salomon for personal reasons. The motion was seconded by Councilmember McConnell, and passed unanimously, 6-0.

3. REPORT OF CITY MANAGER

Debbie Tarry, City Manager, provided reports and updates on various City meetings, projects and events.

4. COUNCIL REPORTS

Councilmember Scully reported attending the Sound Cities Association Public Issues Committee Meeting. He shared that there were discussions on bills pending in the Legislature, some providing cities with more flexibility on funding and other issues, and some taking it away. He said they both merit close watching.

Councilmember McGlashan reported that he and Councilmember McConnell attended the Seashore Transportation Forum Meeting and said Metro representatives gave a presentation on service increases and changes to accommodate Light Rail.

Councilmember McConnell reported attending the Council of Neighborhoods Meeting and shared the Shoreline Police Department gave a presentation on the Risk Awareness, De-escalation, and Referral (RADAR) Program.

Mayor Roberts reported that he, Deputy Mayor Winstead, and Councilmember Salomon, have been appointed to the Parks, Recreation, and Cultural Services Board Interview Subcommittee.

5. PUBLIC COMMENT

Bruce Amundson, Shoreline resident, spoke about public arts funding and stated the 1% General Fund allocation for the arts, established in 2002, should be reserved for public art. He said it is difficult for a one-third.3 FTE to perform all the duties required of the Public Arts Coordinator, and urged the Council to make it a full-time position. He requested the Council to oppose funding permanent and temporary art using the 1% General Fund allocation.

Randy Bannecker, King County Seattle Realtors, thanked the Council for working on housing, and offered support for the unit lot development amendment contained in the Development Code Amendments. He said it offers greater affordability for residents, better use of land, and will help address housing shortages.

Dan Jacoby, Shoreline resident, shared why he now opposes extending the Property Tax Exemption Program application deadline. He said it will increase multifamily units and there is not a demand for them. He proposed that property owners will save more than their tenants and money should not be spent to promote apartment buildings the City does not need for Growth Management Act compliance. He urged the City to come up with a better plan.

Katie Schielke, Shoreline resident, Parks Boardmember, Arts Committee Member, and past Chair and founder of the Parkwood Neighborhood Association, endorsed the Public Arts Plan and increasing the Public Arts Coordinator position to full-time status. She shared how public art can positively transform a community.

Jerry Patterson, Richmond Beach Association President, commented that he is excited about the Arts Plan. He announced that the Association will be displaying 21 Orca statues and three Orca mini pods throughout Richmond Beach, to debut on May 13, 2017 at the Strawberry Festival.

Jane Mayer, Shoreline resident, presented her artwork displayed on an Orca statue and said she appreciates the arts in Shoreline.

Paul Grace, Shoreline resident, offered support for the Public Arts Plan, and shared the words aspiration, achievable and realistic, resonated with him. He supports the Public Arts Coordinator position going to half-time, and said to realistically support the Plan the position should be fulltime, and funded by the General Fund. He recommended annual increases to Public Art Plan and establishing a Public Arts Commission.

Yoshiko Saheki, Shoreline resident, commented on her request to implement the Property Tax Exemption (PTE) Program in the 145th Light Rail Station Subarea. She said Shoreline Municipal Code 20.40.235 Affordable Housing violates the Affordable Housing Provision Code in the Revised State of Washington Code by not offering mandatory affordable housing incentives in the Station Subarea, and that it is counter to the Subarea Plan. She recalled that the Council received an award for adopting policies that encourage affordable housing near the Light Rail

Stations, and proposed that without incentives affordable housing units will never be built. She shared that the City has adversely affected homes in MUR-45 and 70 zones, and requested Council's feedback on what she perceives as an incompatibility with Shoreline Code and State Code, and their rationale for not offering PTE in the Subareas.

Sara Snedeker, Shoreline resident, endorsed the Public Arts Plan and a fulltime Public Arts Coordinator position. She stated more funds should go to the permanent installations of murals and shared her experiences in creating public art in the community.

Bill Clemens, Shoreline resident and Arts Committee Member, asked the Council to increase the City's support for the Public Arts Program and the Public Arts Coordinator to a fulltime position. He cautioned against diverting the 1% General fund arts allocation.

Dia Dreyer, Shoreline resident, commented that she does not want her front yard treated as a public open space and shared that a three foot fence requirement would infringe on her right to privacy.

Lorie Hoffman, Shoreline/Lake Forest Park Art Council Executive Director, offered support for the Public Art Plan, and thanked the City for their support over the years. She shared city funding makes up 15.6% of their annual budget and is the foundation for their fundraising efforts. She provided fundraising examples and requested a funding increase from the General Fund.

Matthew Cobb, Shoreline resident, commented that PTE makes affordable housing possible and stated without incentives rents will go up to compensate for construction cost. He said requiring affordable housing in the Light Rail Station Subarea has depreciated housing values and encouraged the Council to allow PTE in the Station Subareas.

6. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

7. CONSENT CALENDAR

Upon motion by Deputy Mayor Winsted and seconded by Councilmember Hall and unanimously carried, 6-0, the following Consent Calendar items were approved:

(a) Minutes of Special Meeting of January 9, 2017 and Regular Meeting of January 9, 2017

(b) Approval of expenses and payroll as of January 27, 2017 in the amount of \$3,836,385.18

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
1/15/17-1/28/17	2/3/2017	70404-70622	14779-14799	65986-95991	\$533,428.92
					\$533,428.92

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
2/2/2017	65911	65916	\$72,468.88
2/2/2017	65917	65925	\$46,062.08
2/2/2017	65926	65935	\$53,231.23
2/3/2017	65936	65944	\$32,787.55
2/8/2017	65172	65172	(\$186.15)
2/8/2017	65945	65945	\$186.15
2/9/2017	65946	65954	\$11,364.73
2/9/2017	65955	65964	\$17,873.89
2/9/2017	65965	65969	\$710.77
2/9/2017	65970	65975	\$110,411.75
2/9/2017	65976	65985	\$132,052.08
			\$476,962.96

(c) **Authorize the City Manager to Execute a Contract in an Amount not to Exceed \$88,105 with DA Hogan for Design and Construction Management Services for the Twin Ponds Park Turf and Lighting Replacement Project**

(d) **Adoption of Resolution. No. 399 – Title VI Plan**

(e) **Adoption of Ordinance No. 713 - Repealing Shoreline Municipal Code Chapter 16.10 Shoreline Management Plan**

(f) **Adoption of Ordinance. No. 714 - Repealing Shoreline Municipal Code Chapter 16.20 Fee Schedule**

(g) **Adoption of Ordinance. No. 771 - Amending the Property Tax Exemption Program to Encourage Affordable Housing**

(h) **Motion to Authorize the City Manager to Execute a Contract in the Amount of \$60,000 with the Shoreline Historical Museum**

(i) **Motion to Authorize the City Manager to Execute a Contract in the Amount of \$120,000 with The Shoreline/Lake Forest Park Arts Council**

(j) **Motion to Authorize the City Manager to Execute a Contract in the Amount of \$121,708 with Sound Generations for programs to support the Shoreline/Lake Forest Park Senior Center**

(k) Motion to Authorize the City Manager to Execute a Contract in an Amount not to Exceed \$200,000 with AECOM to Provide Construction Administration and Document Control Services

8. ACTION ITEMS

- (a) Adoption of Ordinance No. 767 - Amending Certain Sections of the Shoreline Municipal Code Title 20, the Unified Development Code, Representing the 2016 Development Code Batch Amendments

Steve Szafran, Senior Planner, stated there are 37 proposed amendments in the 2016 Development Code Batch Amendments. He provided an overview of the amendments Council discussed at the January 9, 2017 Study Session, and reviewed the new proposed language pertaining to Unit Lot Development, Side Yard Setbacks, fences and walls.

Councilmember McGlashan moved to adopt Ordinance No. 767 as recommended by the Planning Commission. The motion was seconded by Councilmember Scully.

Councilmember McGlashan expressed concerns about the exterior maintenance of attached units.

Councilmember McGlashan moved to amend the main motion to replace SMC 20.30.410(D)(4) with staff's proposed language as follows; "Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and/or the homeowners association shall be executed for use and maintenance of common garage, parking and vehicle access areas; on-site recreation; landscaping; underground utilities; common open space; exterior building facades and roofs of individual units; and other similar features, and shall be recorded with the King County Recorder's Office". The motion was seconded by Councilmember Scully.

Councilmember McGlashan stated the added language is important to address the maintenance and upkeep of attached privately owned properties. Councilmember Scully stated less regulation is better, but said he is fine with the amendment because it provides the homeowner the freedom to do what they want to their property.

The motion passed unanimously, 6-0.

Councilmember McGlashan moved to amend the main motion to keep wording regarding the fencing in the proposed amendment to 20.50.110. The motion was seconded by Councilmember Hall.

Councilmember McGlashan stated this amendment allows homeowners the freedom to build a fence to maximum height requirements. Councilmember Hall agreed and stated the City does not need to regulate fences to be short, but cautioned that fences can wall-off neighborhoods and does not support a sense of community.

Councilmember Scully stated he is voting against the Amendment because he does not think a recommendation needs to be in the Code.

Mayor Roberts stated he is supporting the Amendment, and commented that there are public benefits to having shorter fences, like crime prevention.

Deputy Mayor Winstead pointed out that people sometimes need higher fences for the safety of kids and animals, and said she will be supporting the motion.

Councilmember McConnell stated she is supporting the motion and that people should be allowed to put fences up to 6 feet on their property if they want.

The motion passed, 5-1, with Councilmember Scully voting no.

The main motion, as amended, passed 6-0.

9. STUDY ITEMS

(a) Discussion of Res. No. 404 - Public Art Plan for 2017 – 2022

Betsy Robertson Parks, Recreation and Cultural Service (PRCS) Board Chair; Randy Witt, PRCS Director; and David Frances, Public Arts Coordinator, provided the staff report. Ms. Robertson reviewed the Public Arts Plan's public involvement process and shared it has been approved by the PRCS Board. She stated the Plan includes a recommendation to increase the Public Arts Coordinator position from .3 to .5 FTE, disbanding the Public Arts Subcommittee, elevating the Arts position back to the Board level, and artist representation on the Board.

Mr. Francis reviewed how the City artistically defines public space, and the mission, vision, and goals for public art in Shoreline. He presented the goals are:

- Phase I - commission a major new work of art and activate more neighborhood art;
- Phase II – identify sustainable funding strategies and commission a major installation by a local artist; and
- Phase III - activate permanent community cultural space in a new community/aquatics center.

Mr. Friedli reviewed the Plan's implementation process and said it includes revision of the Public Art Policy, restructuring the Art Committee's roles and responsibilities, and transitioning the Public Arts Coordination position from 0.35 FTE Extra Help to a 0.5 FTE regular employee. He reviewed policy changes, budget, and cost recommendations.

Deputy Mayor Winstead commented that it is important to continue to build on the City's current public arts program and stated permanent installations are important to the Community. She said she would like to see more funding go to the arts, and that she supports making the Public Arts Coordinator into a .5 regular full time position.

Councilmember Scully stated the City does not need a full time Public Arts Coordinator at this time, and he does not think the 1% General Fund allocation for the arts should be going towards the Public Arts Coordinator's salary.

Councilmember Hall commented that he supports the arts and is a huge fan of performing arts. He noted that the Shoreline/Lake Forest Park Arts Council is a perfect example of an effective public/private partnership. He said he does not support a City Arts Commission, and that he prefers to make the current model work. He stated his preference is to have the 1% General Fund for the Arts Policy be flexible and include funding for performing arts.

Councilmember McConnell commented that she would like to see the 1% General Fund allocation go only to the arts. She stated that she supports the Public Arts Coordinator as a 1.0 FTE budgeted for 2018. She said she wants to consider changing PRCS Board requirements so a least three members have art backgrounds.

Councilmember McGlashan asked for clarification about the art selection panel, and agreed that 1% General Fund allocation is for the arts only and not for salary. He stated his support for the .5 FTE position. Mr. Friedli responded that the selection panel would consist of Shoreline residents.

Mayor Roberts asked which expenditures are paid by the General Fund and which are paid by the Arts Fund. He stated that he would like to consider a \$25,000 increase from the General Fund to support the Public Arts Coordinator position. Mr. Friedli responded that half of the Public Arts Coordinator salary and all support provided to the Arts Council are funded by the General Fund.

Councilmember Hall asked if Sound Transit has its own program for funding the arts, and said the larger investment in art is going to come from them. Mr. Francis responded that they do. Councilmember Hall reminded the Council that the Community just passed a levy lid lift and spending money on the arts was not a part of that proposal. Deputy Mayor Winstead agreed and said she wants to see funding changes in relation to the overall budget and evaluate what is needed to administer the program.

Councilmember McConnell commented that the arts are an important component to increasing the quality of life in Shoreline. She reiterated that she wants to consider increasing the Public Arts Coordinator position to fulltime for the 2018 budget process.

- (b) Discussion of Resolution. No. 405 – Adoption of a Public Art Policy as Provided in SMC 3.35.150

Mr. Friedli commented that Resolution No. 405 adopts the Public Art Policy and implements the proposed Public Arts Plan.

- (c) Discussion of Ordinance. No. 770 - Repealing all Prior City of Shoreline Public Art Policies

Mr. Friedli commented that Ordinance No. 770 would repeal all prior public art policies.

- (d) Discussion of Park Impact Fees – Introduction

Maureen Colaizzi, Parks Project Coordinator, shared that Community Attributes was hired to explore implementing Park Impact Fees (PIF) in the City of Shoreline, and introduced Mark Goodman, Project Manager, and Michaela Jellicoe, Economics Analyst. Mr. Goodman explained that impact fees are a one-time payment by new development to pay for capital costs of facilities needed by new development, and can pay for system improvements in an adopted Capital Improvement Plan if they add capacity. He shared that cities impose impact fees as a revenue source so growth can pay for growth and for quality of life issues to allow public facilities, like parks, to keep up with growth. He said impact fees cannot pay for existing facilities or project improvements that do not add capacity, reviewed State laws regarding impact fees, and noted that they are working closely with Randy Young, Henderson Young & Company, who helped set the City's Transportation Impact Fees (TIF).

Mayor Roberts confirmed that PIF can be used for improvements to existing parks to support increased capacity. Mr. Goodman replied yes.

Ms. Jellicoe presented impact fee methodology and stated they are recommending a single category for all parks, recreational facilities, and open space to be included in PIFs. They are also recommending that trails in park facilities that serve to connect a park facility or are used as a recreational asset are linked to the PIF, and trails that serve primarily as a transportation mode are linked to TIF.

Councilmember Hall agreed that the community needs may change and preserving flexibility related to growth is good. Councilmember McGlashan asked if the trail under the light rail track, currently designated as multi-modal, should be included in the PIF. Ms. Jellicoe responded it depends how staff address the trail in the CIP and if it is evaluated as a park asset. Ms. Colaizzi said it has not been determined if the Trail Under the Rail will become a part of the park system. Ms. Tarry added that staff will use the CIP to determine whether trails should be charged to TIF.

Ms. Jellicoe stated the recommendation is for the City to analyze both types of ownership scenarios for facilities, outright ownership and those that are in a shared agreement. Councilmember Scully asked for an example of a shared owned facility, and Ms. Colaizzi responded that Paramount School Park and Sunset School Park are examples. Mayor Roberts questioned if the park types, ownership, and geography identified in the staff report will be included in the calculation of the overall valuation for the impact fee, and said more property would yield a higher impact fee. Ms. Jellicoe responded that is generally correct, and that they would be added to current inventory which will increase the value of the park system.

Ms. Jellicoe shared they are recommending the creation of a single citywide service area to allow all parks to serve all residents; to study park impact fees to be paid by both residential and nonresidential developments; and that the residential fee be applied based on the type of dwelling unit.

Councilmember Scully asked if there are other ways to assess fees. Ms. Jellicoe responded that they could be assessed based on size, or bedrooms, but cautioned the permitting process could be circumvented. She said the best practice is to use type of dwelling.

Ms. Jellicoe explained that they are reviewing the exemptions contained in the TIF, and anticipate using the same exemptions for the PIF.

Councilmember Hall commented about the robust discussions that took place during the TIF City Council Study Sessions, and requested that Council be provided the staff report that shows what exemptions Council decided on as a result of those discussions.

Ms. Jellicoe stated they are recommending that PIF be used based on the value of the park system and current level of services. Councilmember Hall agreed and stated this means impact fees can only be used to maintain the same level of services as the city grows and that General Funds or other funding sources can be used to grow the level of service.

Ms. Jellicoe explained that the PIF Program must be linked to the Capital Facilities Plan and levels of service, and be legally defensible. She stated other funding sources are required to support PIF and shared strategies will be developed for funding non-capacity generation projects. She shared implementation issues include adjusting for inflation, processing PIF updates, accounting for other mitigation requirements. She then reviewed the next steps in the process.

Councilmember Hall expressed concern using annual increase in assessed values and believes using the Implicit Price Deflator (IPD) would be a better tool. He asked if reciprocal PIFs can be used to address large development in neighboring cities that will impact Shoreline parks and requested that it be considered. Ms. Jellicoe responded that reciprocal agreements can be done, but they are rare. She said reciprocal PIF will be analyzed.

10. ADJOURNMENT

At 9:25 p.m., Mayor Roberts declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Approval of Expenses and Payroll as of March 10, 2017
DEPARTMENT: Administrative Services
PRESENTED BY: Sara S. Lane, Administrative Services Director

EXECUTIVE / COUNCIL SUMMARY

It is necessary for the Council to formally approve expenses at the City Council meetings. The following claims/expenses have been reviewed pursuant to Chapter 42.24 RCW (Revised Code of Washington) "Payment of claims for expenses, material, purchases-advancements."

RECOMMENDATION

Motion: I move to approve Payroll and Claims in the amount of \$2,555,777.25 specified in the following detail:

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
1/29/17-2/11/17	2/17/2017	70623-70844	14800-14818	66116-66123	\$719,001.98
2/12/17-2/25/17	3/3/2017	70845-71073	14819-14837	66240-66245	\$546,571.31
					<u>\$1,265,573.29</u>

***Wire Transfers:**

Expense Register Dated	Wire Transfer Number	Amount Paid
2/28/2017	1118	\$5,058.20
		<u>\$5,058.20</u>

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
2/14/2017	65992	65993	\$250.00
2/16/2017	65994	65996	\$135,060.97
2/16/2017	65997	66000	\$70,391.74
2/16/2017	66001	66014	\$60,331.30
2/16/2017	66015	66029	\$66,520.86
2/16/2017	66030	66037	\$160.79
2/16/2017	66038	66056	\$17,986.74
2/16/2017	66057	66074	\$23,522.50

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
2/16/2017	66075	66079	\$978.20
2/16/2017	66080	66080	\$105.75
2/22/2017	66081	66082	\$37,198.05
2/23/2017	66083	66083	\$1,234.44
2/23/2017	66084	66087	\$115,135.53
2/23/2017	66088	66097	\$34,442.74
2/24/2017	66098	66115	\$56,534.57
3/1/2017	66124	66128	\$36,916.10
3/1/2017	66129	66143	\$66,376.86
3/1/2017	66144	66158	\$36,775.04
3/2/2017	66159	66164	\$68,824.44
3/2/2017	66165	66178	\$40,224.37
3/2/2017	66179	66192	\$118,717.05
3/7/2017	66193	66204	\$138,350.16
3/7/2017	66205	66215	\$88,713.22
3/8/2017	66216	66223	\$15,073.03
3/8/2017	66224	66239	\$55,321.31
			<u>\$1,285,145.76</u>

Approved By: City Manager **DT**

City Attorney **MK**

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Motion to Authorize the City Manager to Execute an Agreement with the Transportation Improvement Board to obligate \$250,000 for the Complete Streets Work Program
DEPARTMENT:	Public Works
PRESENTED BY:	Nora Daley-Peng, Senior Transportation Planner
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

Staff is requesting that the City Council authorize the City Manager to execute an agreement with the Transportation Improvement Board (TIB) to obligate \$250,000 of TIB Complete Streets grant funds for Complete Streets Work Plan improvements on N 195th Street and 5th Avenue. In accordance with the City's purchasing policies, Council authorization is required in order for staff to obligate grant funds exceeding \$50,000.

On October 3, 2016, the Council adopted Ordinance No. 755 to establish a codified Complete Streets Program and to become eligible to apply for the TIB Complete Streets Award Program. The staff report for October 3, 2016 Council presentation can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2016/staffreport100316-7d.pdf>.

Following the formal establishment of this program, in January 2017, the City was awarded a \$250,000 TIB Complete Streets Grant based, in part, from nominations from the Transportation Choices Coalition and Futurewise, as well as the City's Complete Streets Work Plan (see Attachment A), to design and implement pedestrian/bike improvements on segments of N 195th Street and bike lanes on segments of 5th Avenue. These improvement projects were chosen to close the gap of missing pedestrian and bicycle facilities along these corridors and to support non-motorized access to the future 145th Street and 185th Street light rail stations.

RESOURCE/FINANCIAL IMPACT:

The Complete Streets Work Plan was developed to match the design and implementation cost of the \$250,000 TIB Complete Street Grant Award Agreement (see Attachment B). The Grant Award Agreement provides the City up to three years to implement the Work Plan and allows the City to request revisions to the Work Plan, including the addition or removal of items. This level of flexibility will allow the City to request revisions, if necessary, as the project's design and cost estimate become more refined. No additional staff resources are required for this request.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute an agreement with the Transportation Improvement Board to obligate \$250,000 for the Complete Streets Work Program.

ATTACHMENTS

Attachment A: TIB Complete Streets Award Work Plan

Attachment B: TIB Complete Streets Award Grant Agreement

Approved By: City Manager ***DT*** City Attorney ***MK***



Transportation Improvement Board Complete Streets Work Plan



Agency City of Shoreline

Agency Contact Nora Daley-Peng

Phone 206-801-2483

Email ndaleypeng@shorelinewa.org

Total Work Plan
Complete Streets Funding \$250,000

Proposed Work Item	Description	Complete Streets Funding	Estimated Completion Year
N 195th St - Ped/Bike Gap Filler	<p>The N. 195th St. Corridor is part of Shoreline's Transportation Master Plan and the Interurban/Burke-Gilman Trail Connectors Plan, which seek to improve ped/bike connectivity between the Interurban and Burke-Gilman Trails. In addition, the N. 195th St Corridor connects to the existing 195th St. Non-Motorized Bridge which provides an important east/west crossing of I-5 for pedestrians and cyclists and a linkage to the future 185th St. Light Rail Station, which is expected to open in 2023. Currently, the N. 195th St Corridor includes a multi-use path from 5th Ave. NE to 1st Ave., a trail from 1st Ave. NE to Meridian Ave. N, and ped/bike facilities via a recent Safe Routes to School project from Meridian Ave. N to Echo Lake Elementary School. Through the Complete Streets Work Plan, the City of Shoreline proposes to complete gaps on both ends of N. 195th St to provide a safe and continuous ped/bike route between the Interurban Trail and the 195th St. Bridge. On the western end, pedestrian/bicycle improvements will close the one block gap between Echo Lake Elementary School at the corner of Ashworth Ave. N. to the Interurban Trail. On the eastern end, pedestrian/bicycle improvements will close an approximate one and half block gap from 5th Ave. NE to the 195th St. Bridge.</p>	\$ 215,000	2019

5th Ave NE - Bike Lane Gap Filler

This project is part of Shoreline's Transportation Master Plan and Shoreline's Bike Implementation Plan. Through the Complete Streets Grant, the City of Shoreline proposes to complete a gap in bike lanes on 5 Ave. NE from N 155th to N 148th St. This project will strengthen bicycle access to the future 145th St. Station; which is expected to open in 2023.

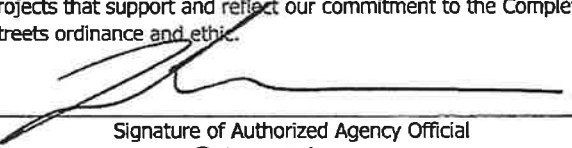
\$

35,000

2019

Agency Certification

Certification is hereby given that the proposed work plan represents projects that support and reflect our commitment to the Complete Streets ordinance and ethic.


 Signature of Authorized Agency Official

Acting City Manager
 Agency Official Name & Title

12-16-16

Date

TIB Approval

Project Engineer Review



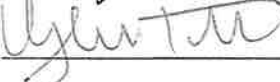
Date 12/19/2016

Engineering Manager



Date 12/19/16

Finance Manager



Date 12/19/16



City of Shoreline
C-P-202(001)-1
Complete Streets Award

STATE OF WASHINGTON
TRANSPORTATION IMPROVEMENT BOARD
AND
CITY OF SHORELINE
GRANT AGREEMENT

THIS GRANT AGREEMENT ("Agreement") is made and entered into between the WASHINGTON STATE TRANSPORTATION IMPROVEMENT BOARD ("TIB") and CITY OF SHORELINE ("RECIPIENT").

WHEREAS, the TIB has developed a grant program, Complete Streets, to provide for the retrofit of streets and roads ("Project") for eligible cities, towns, and counties to provide access to all users, including bicyclists, pedestrians, motorists, and public transportation riders, and

WHEREAS, the above-identified RECIPIENT is eligible to receive a Project grant pursuant to ordinance 755 and that it has the legal authority to receive such grant and to perform the Project pursuant to the terms of this grant

NOW, THEREFORE, pursuant to chapter 47.26 RCW, RCW 47.04.320, and WAC 479-10-500 *et seq*, the above recitals that are incorporated herein as if fully set forth below, and in consideration of the terms, conditions, and performances contained herein, and the attached Exhibits, if any, which are made a part hereof,

IT IS MUTUALLY AGREED AS FOLLOWS:

1. GRANT

TIB agrees to grant funds in the amount of TWO HUNDRED FIFTY THOUSAND AND 00/100 (\$250,000) for the Project pursuant to the terms contained herein, and the RECIPIENT agrees to accept such grant funds and agrees to perform and be subject to the terms and conditions of this Agreement.

2. PROJECT AND BUDGET

The Project shall provide for the retrofit of identified streets or roads on the RECIPIENT's approved work plan. In accordance with applicable laws and ordinances, the RECIPIENT agrees to enter into an agreement with an independent contractor and/or material providers, or otherwise provide for the Project work plan to be completed by the RECIPIENT's own forces. The RECIPIENT further agrees that it shall be solely responsible for and shall pay its independent contractor and/or material providers. If RECIPIENT uses its own forces, it shall be solely responsible for paying the costs thereof. Under no circumstances shall the TIB be responsible to any third party for the payment of labor or materials used in completing the Project work plan. The Project work plan may be amended by the Parties, pursuant to Section 7.



3. PROJECT WORK PLAN AND DOCUMENTATION

The RECIPIENT agrees to and shall make reasonable progress and submit timely Project documentation, as applicable, throughout the term of this Agreement and Project.

Required documents include, but are not limited to the following:

- a) Project work plan describing eligible items with estimated costs;
- b) Documentation to support all costs expended on the Project work plan; and
- c) Project work plan Closeout Form.

4. PAYMENT AND RETURN OF GRANT FUNDS

TIB will pay the full grant award to the RECIPIENT after TIB approves the Project work plan and the Parties fully execute this Agreement; provided that there are legislatively appropriated funds available. The RECIPIENT agrees that it shall hold the grant funds in a separate and identifiable account and only use said funds to pay the actual direct and related indirect costs of the approved Project work plan. Grant funds not expended on approved Project work plan items within three years of the date of TIB's Grant approval shall be returned to TIB within ninety (90) days after receipt of TIB's written notification.

5. USE OF COMPLETE STREETS GRANT FUNDS

RECIPIENT agrees that the grant funds shall only be used to complete the approved Project work plan. Otherwise, RECIPIENT is subject to the Default and Termination provisions of Section 9.

6. RECORDS MAINTENANCE

6.1 The RECIPIENT shall maintain books, records, documents, data and other evidence relating to this Agreement and performance of the Project work plan, including but not limited to accounting procedures and practices which sufficiently and properly reflect all actual direct and related indirect costs of any nature expended in the performance of this Agreement. RECIPIENT shall retain such records for a period of six years after the completion of the Project work plan and TIB's acceptance of the Project work plan Closeout Form. At no cost to TIB, these records shall be provided when requested; including materials generated under the Agreement, and shall be subject at all reasonable times to inspection, review or audit by TIB personnel, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

6.2 If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

7. REVISIONS TO THE PROJECT WORK PLAN

RECIPIENT may request revisions to the Project work plan, including the addition or removal of items. Requests must be made in writing, and TIB, in its sole discretion, will determine whether to accept the proposed revisions. Should the TIB approve a Project work plan revision, the Parties shall amend this Agreement pursuant to Section 14. The RECIPIENT shall be solely responsible for all costs incurred in excess of the Agreement grant award.



8. TERM OF AGREEMENT

This Agreement shall be effective upon execution by the Parties and shall continue through closeout of the grant amount, or amendment thereof, or unless terminated as provided herein. In no event shall the Agreement term exceed three years, unless extended by Agreement amendment pursuant to Section 14.

9. NON-COMPLIANCE, DEFAULT AND TERMINATION

9.1 NON-COMPLIANCE

- a) In the event TIB determines, in its sole discretion, the RECIPIENT has failed to comply with the terms and conditions of this Agreement and applicable rules under WAC 479-10-500 et seq, TIB shall notify the RECIPIENT, in writing, of RECIPIENT's non-compliance.
- b) RECIPIENT shall provide a written response within ten (10) business days of receipt of TIB's notice of non-compliance, which shall include either a detailed plan to correct the non-compliance, a request to amend the Project work plan, or a denial accompanied by supporting documentation. An agreement to amend the Project work plan must be pursuant to Section 14.
- c) RECIPIENT shall have thirty (30) days in which to make reasonable progress toward compliance pursuant to its Project work plan to correct or implement an amendment to the Project work plan.
- d) Should RECIPIENT dispute non-compliance, TIB will investigate the dispute and, in its sole discretion, TIB may require the RECIPIENT to stop incurring additional Project work plan costs during the investigation. Should TIB require the RECIPIENT to stop incurring additional costs to be paid with the grant funds, the RECIPIENT shall be solely obligated for paying any additional costs incurred by such suspension of work, contractor claims, or litigation costs; such costs cannot be paid for with grant funds.

9.2 DEFAULT

RECIPIENT is in default if TIB determines, in its sole discretion, that:

- a) RECIPIENT is not making reasonable progress toward correction and compliance with this Agreement and the Project work plan;
- b) TIB denies the RECIPIENT's request to amend the Project work plan; and
- c) After investigation, TIB confirms RECIPIENT'S non-compliance.

9.3 TERMINATION

- a) In the event of default as determined pursuant to Section 9, TIB shall serve RECIPIENT with a written notice of termination of this Agreement, which may be served in person, by email or by certified letter. Upon service of notice of termination, the RECIPIENT shall immediately stop incurring costs chargeable against the grant funds and/or take such actions necessary as may be directed by TIB to protect TIB's grant funds.
- b) In the event of termination, the RECIPIENT may be liable for damages as authorized by law including, but not limited to, repayment of all grant funds.
- c) The rights and remedies of TIB provided in this Agreement are not exclusive and are in addition to any other rights and remedies provided by law.



10. DISPUTE RESOLUTION

- a) The Parties shall make good faith efforts to quickly and collaboratively resolve any dispute arising under or in connection with this Agreement. The dispute resolution process outlined in this Section applies to disputes arising under or in connection with the terms of this Agreement.
- b) Informal Resolution. The Parties shall use their best efforts to resolve disputes promptly and at the lowest organizational level.
- c) In the event that the Parties are unable to resolve the dispute, the Parties shall submit the matter to non-binding mediation facilitated by a mutually agreed upon mediator. The Parties shall share equally in the costs of the mediator.
- d) Each Party agrees to participate to the fullest extent possible and in good faith in resolving the dispute in order to avoid delays or additional incurred cost to the Project work plan.
- e) The Parties agree that they shall have no right to seek relief in a court of law in accordance with Section 11, until and unless the Dispute Resolution process has been exhausted.

11. GOVERNANCE, VENUE, AND ATTORNEYS FEES

This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington and venue of any action brought hereunder shall be in the Superior Court for Thurston County. The Parties agree that each Party shall be responsible for its own attorneys' fees and costs.

12. INDEMNIFICATION, HOLD HARMLESS, AND WAIVER

12.1 RECIPIENT, shall protect, defend, indemnify, and save harmless the TIB, its officers, officials, employees, and authorized agents, while acting within the scope of their employment as such, from any and all costs, claims, judgments, and/or awards of damages (both to persons and/or property), arising out of, or in any way resulting from, RECIPIENT'S negligent acts or omissions which may arise in connection with its performance under this Agreement.

RECIPIENT shall not be required to indemnify, defend, or save harmless the TIB if the claim, suit, or action for injuries, death, or damages (both to persons and/or property) is caused by the sole negligence of TIB; provided that, where such claims, suits, or actions result from the concurrent negligence of the Parties, or involves those actions covered by RCW 4.24.115, the indemnity provisions provided herein shall be valid and enforceable only to the extent of RECIPIENT's own negligence

12.2 RECIPIENT agrees that its obligations under this section extends to any claim, demand and/or cause of action brought by, or on behalf of, any of its officers, officials, employees or authorized agents. For this purpose, RECIPIENT, by mutual negotiation, hereby waives, with respect to TIB only, any immunity that would otherwise be available to it against such claims under the Industrial Insurance provisions of Title 51 RCW.

12.3 The obligations of this indemnification and waiver Section shall survive termination of this Agreement.

13. ASSIGNMENT

The RECIPIENT shall not assign or transfer its rights, benefits, or obligations under this Agreement without the prior written consent of TIB. The RECIPIENT is deemed to consent to



assignment of this Agreement by TIB to a successor entity. Such consent shall not constitute a waiver of the RECIPIENT's other rights or obligations under this Agreement.

14. AMENDMENTS

This Agreement may be amended by mutual agreement of the Parties. Such amendments shall not be binding unless they are in writing and signed by persons authorized to bind each of the Parties.

15. INDEPENDENT CAPACITY

The RECIPIENT shall be deemed an independent contractor for all purposes and the employees of the RECIPIENT or any of its contractors, subcontractors, and employees thereof shall not in any manner be deemed employees of TIB.

16. ENTIRE AGREEMENT

This Agreement, together with the Exhibits, if any, the provisions of chapter 47.26 RCW, chapter 479 WAC, and TIB Policies, constitute the entire Agreement between the Parties and supersedes all previous written or oral agreements between the Parties. RECIPIENT agrees to abide by all applicable federal, state and local laws, ordinances, and rules when performing under the terms of this Agreement.

City of Shoreline

Transportation Improvement Board

Chief Executive Officer

Date

Date

Print Name

Print Name

Approved as to Form

By: _____

ANN E. SALAY

Senior Assistant Attorney General

NOTE: Any changes to the terms of this Agreement shall require further approval of the Office of the Attorney General

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Adoption of Resolution No. 406 – Rejecting All Bids for the Bike Plan Implementation Project and Authorizing the Public Works Director to Make Further Calls for Bids in the Same Manner as the Original Call for Bids

DEPARTMENT: Public Works

PRESENTED BY: Tricia Juhnke, City Engineer

ACTION: _____ Ordinance X Resolution _____ Motion
 _____ Discussion _____ Public Hearing

PROBLEM/ISSUE STATEMENT:

On March 14, 2017, the City opened bids for the Bike Plan Implementation Project. The one (1) bid received was substantially higher than the engineer's estimate and exceeds available funding. Proposed Resolution No. 406 rejects all bids for this project and authorizes the Public Works Director to call for rebid in the same manner as the original call, pursuant to RCW 35.23.352.

RESOURCE/FINANCIAL IMPACT:

The single bid received for this project is \$450,948.82 more than the engineers estimate for this work (base bid only). Approximately \$295,083 would have to be added to the project budget to award the contract to the bidder.

Project Expenditures:**Construction:**

Staff and other Direct Expenses	\$ 26,000.00
Construction Contract (Base Bid Only)	\$785,358.82
Total Construction	\$811,358.82
Contingency	\$ 19,500.00
<hr/> Total Project Expenditures	<hr/> \$830,858.82

Project Revenue:

Federal Grant (STPUL)	\$463,445.00
Roads Capital Fund	\$ 72,330.00
<hr/> Total Available Revenue	<hr/> \$535,775.00

RECOMMENDATION

Staff recommends that Council adopt Resolution No. 406 rejecting all bids for the Bike Plan Implementation Project and authorizing the Public Works Director to call for rebid in the same manner as the original call.

Approved By: City Manager ***DT*** City Attorney ***MK***

DISCUSSION

On March 14, 2017, the City opened bids for the Bike Plan Implementation Project. Only one (1) bid was received, with a base bid of \$785,358.82. This bid amount exceeded the engineer's base bid estimate of \$334,410 by \$450,948.82

The bid exceeds the available funding; therefore, staff recommends rejecting all bids and re-advertising for bids after determining the likely cause of the difference between the bid and the engineer's estimate. Proposed Resolution No. 406 rejects all bids and authorizes the Public Works Director to call for rebid in the same manner as the original call, pursuant to RCW 35.23.352.

RESOURCE/FINANCIAL IMPACT

The cost for the City to rebid the project is less than 1 percent of the \$295,083.82 in additional funds needed to cover the difference between the bid and the available funding.

The single bid received for this project is \$450,948.82 above the engineers estimate for this work (base bid only). Approximately \$295,083 would have to be added to the project budget to award the contract to the bidder.

Project Expenditures:

Construction:

Staff and other Direct Expenses	\$ 26,000.00
Construction Contract (Base Bid Only)	\$785,358.82
Total Construction	\$811,358.82
Contingency	\$ 19,500.00
Total Project Expenditures	\$830,858.82

Project Revenue:

Federal Grant (STPUL)	\$463,445.00
Roads Capital Fund	\$ 72,330.00
Total Available Revenue	\$535,775.00

RECOMMENDATION

Staff recommends that Council adopt Resolution No. 406 rejecting all bids for the Bike Plan Implementation Project and authorizing the Public Works Director to call for rebid in the same manner as the original call.

ATTACHMENTS

Attachment A – Proposed Resolution No. 406

RESOLUTION NO. 406

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, REJECTING ALL BIDS FOR BID NUMBER 8365: BIKE PLAN IMPLEMENTATION.

WHEREAS, the City of Shoreline has an identified capital improvement public works project for completing various routes in the City of Shoreline's adopted Bicycle System Plan and Wayfinding Program; and

WHEREAS, the City solicited sealed public bids for this capital improvement public works project, identified as Bid Number 8365; and

WHEREAS, on March 14, 2017, a single bid was received and opened by the City; and

WHEREAS, the single bid received substantially exceeded the engineer's estimate and the available funding for the project; and

WHEREAS, pursuant to RCW 35.23.352, the City Council may, by resolution, reject all bids and authorize further calls for bids in the same manner as the original call; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, HEREBY RESOLVES:

All bids received for Bid Number 8365: Bike Plan Implementation are hereby rejected and the Public Works Director is hereby authorized to make further calls for bids in the same manner as the original call for this project.

This Resolution shall take effect and be in full force immediately upon passage by the City Council.

ADOPTED BY THE CITY COUNCIL ON APRIL 3, 2017.

Mayor Christopher Roberts

ATTEST:

Jessica Simulcik Smith
City Clerk

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Appointment of the Parks, Recreation, and Cultural Services / Tree Board Members		
DEPARTMENT:	Parks, Recreation, and Cultural Services Department		
PRESENTED BY:	Eric Friedli, PRCS Director		
ACTION:	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input checked="" type="checkbox"/> Motion
	<input type="checkbox"/> Discussion	<input type="checkbox"/> Public Hearing	

PROBLEM/ISSUE STATEMENT:

On March 31, 2017 the terms of three adult Parks, Recreation, and Cultural Services (PRCS) /Tree Board members expire. The members whose terms expire are John Hoey, Betsy Robertson, and Christine Southwick. All three members have served one four-year term and are eligible for reappointment.

DISCUSSION:

The City advertised the PRCS /Tree Board vacancies in *Currents* and on the City's website. Applications were received from all three incumbent members plus eight additional Shoreline residents and one Shoreline property owner. A City Council Subcommittee comprised of Mayor Roberts, Deputy Mayor Winstead, and Councilmember Salomon were appointed to review qualifications and interview candidates.

Following their review of applications the Council Subcommittee recommends that Council waive the Rules of Procedure Section 2.4 and reappoint John Hoey, Betsy Robertson and Christine Southwick to the PRCS/Tree Board without convening the Council Subcommittee to conduct interviews. The reappointment of these incumbent members maintains continuity on the Board during the completion and initial implementation of the 2017 Parks, Recreation & Open Space Plan and recognizes the faithful service of these Board members throughout their first term.

FINANCIAL IMPACT:

There is no financial impact created as a result of this Council action.

RECOMMENDATION

Staff recommends that the City Council move to waive the Rules of Procedure Section 2.4 and reappoint John Hoey, Betsy Robertson, and Christine Southwick to the Parks, Recreation, and Cultural Services/Tree Board to serve their second four year term.

Approved By: City Manager **DT** City Attorney **MK**

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussing the 2017-2019 City Council Goals and Workplan		
DEPARTMENT:	City Manager's Office		
PRESENTED BY:	John Norris, Assistant City Manager		
ACTION:	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion
	<input checked="" type="checkbox"/> Discussion	<input type="checkbox"/> Public Hearing	

PROBLEM/ISSUE STATEMENT:

At the City Council's annual Strategic Planning Workshop, which was held March 3 and 4, 2017, the Council discussed their proposed 2017-2019 goals. Council did not propose any changes regarding the continued focus of their goals towards achievement of Vision 2029 and being a sustainable city in all respects:

- Sustainable neighborhoods – ensuring they are safe and attractive;
- Sustainable environment – enhancing our build environment so that it protects our natural resources; and
- Sustainable services – supporting quality services, facilities and infrastructure.

Council also determined that the goals themselves are still relevant and in keeping with their direction for City, although they provided direction that they would like two of the five goals for 2017-2019 to have slightly amended language. Specifically, Council Goal #2 was amended so that the word "municipal" was removed from the 2016-2018 goals, in recognition that most infrastructure within the City is in fact municipal, and thus keeping this word in the goal statement seemed somewhat redundant. As well, Council Goal #3 was amended in recognition that this goal is no longer just in reference to preparation for the Lynnwood Link Extension light rail project. Given the passage of the Sound Transit 3 ballot measure, Council Goal #3 should be expanded to encompass preparation for regional mass transit in Shoreline, including bus rapid transit that will run along the 145th Street corridor as part of ST3 package.

As noted in Attachment A, the proposed 2017-2019 City Council Goals are as follows:

1. Strengthen Shoreline's economic base to maintain the public services that the community expects;
2. Improve Shoreline's infrastructure to continue the delivery of highly-valued public services;
3. Continue preparation for regional mass transit in Shoreline;
4. Expand the City's focus on equity and inclusion to enhance opportunities for community engagement; and
5. Promote and enhance the City's safe community and neighborhood programs and initiatives.

In addition to the Council Goals themselves, the Council also reviewed the Action Steps, or sub-goals, that implement the five Council Goals at their Strategic Planning Workshop. Attachment A to this staff report provides the proposed 2017-2019 Council Goals and Workplan, which include the suggested Action Steps under each goal. The tracked changes noted on Attachment A represent the additions and edits that the Council requested staff make to the staff-proposed Council Goals and Action Steps that were initially presented to Council at the March 3-4 Workshop. Council was generally supportive of staff's recommend Goals and Action Steps.

Tonight, staff is requesting that Council review the proposed 2017-2019 Council Goals and Action Steps and provide staff direction to further amend the Goals, if needed, and bring them back for adoption. Adoption of the 2017-2019 Council Goals is currently scheduled for April 10, 2017.

RESOURCE/FINANCIAL IMPACT:

Resources needed to accomplish the Council's Goals and Workplan are included in the 2017 budget and will be included in the 2018 proposed budget.

RECOMMENDATION

No action is required. Staff recommends that Council discuss the 2017-2019 Council Goals and Work plan. Staff further recommends that Council adopt the 2017-2019 Council Goals and Workplan when they are brought back to Council for adoption on April 10, 2017.

ATTACHMENTS:

Attachment A – Proposed 2017-2019 City Council Goals and Workplan

Approved By: City Manager **DT** City Attorney **MK**

2017-2019 City Council Goals and Workplan

The Council is committed to fulfilling the community's long-term vision – Vision 2029 – and being a sustainable city in all respects:

- Sustainable neighborhoods—ensuring they are safe and attractive;
- Sustainable environment—preserving our environmental assets and enhancing our built environment so that it protects our natural resources; and
- Sustainable services—supporting quality services, facilities and infrastructure.

The City Council holds an annual Strategic Planning Workshop to monitor progress and determine priorities and action steps necessary to advance Vision 2029. This workplan, which is aimed at improving the City's ability to fulfill the community's vision, is then reflected in department workplans, the City's budget, capital improvement plan, and through special initiatives.

Goal 1: Strengthen Shoreline's economic base to maintain the public services that the community expects

Shoreline voters approved Proposition No. 1 in November 2016, which will help maintain essential service levels through 2022. While Proposition No. 1 was renewed by Shoreline voters in 2016, it is vital to attract investment in Shoreline businesses and neighborhoods to enhance the local economy, provide jobs, and support the services that make Shoreline a desirable place to live. Investment will strengthen our tax base while providing our residents with greater housing choices, local employment, retail opportunities, and lifestyle amenities.

ACTION STEPS:

1. Implement the Community Renewal Plan for Aurora Square, including developing recommendations for incentives, property acquisition, and capital improvements for a regional stormwater detention/retention system and intersection improvements at N 155th Street and Westminster Way N to encourage Vision 2029 businesses to locate and thrive at Aurora Square
2. Enhance the attractiveness of Shoreline as a place for private investment, including investment by small and medium sized developments, by ensuring that the permit process is predictable, timely and competitive, and by constantly evaluating and improving the quality of regulations for the City and other local permitting organizations
3. Continue to implement the 10-year Financial Sustainability Plan strategies to achieve sufficient fiscal capacity to fund and maintain priority public services, facilities, and infrastructure, with specific focus on Strategy 1 - encouraging a greater level of economic development, Strategy 5 - seeking to replace the General Fund support of the Roads Capital Fund with another dedicated funding source, and Strategy 6 - engaging the business community in a discussion regarding potential implementation of a Business & Occupation Tax
4. Continue to foster innovative, community-supported place-making efforts that help create diverse communities with a mix of residential and commercial uses and promote economic development encourage people to spend time in Shoreline
5. Measure and maintain the 'Surprised by Shoreline' campaign that promotes Shoreline as a progressive and desirable community to new residents, investors, and businesses
6. Continue to promote the growing media production activities occurring in Shoreline and explore development of a state-of-the-art media campus that makes Shoreline the regional center of the digital media production industry

Goal 2: Improve Shoreline's municipal infrastructure to continue the delivery of highly-valued public services

Shoreline inherited an aging infrastructure system when it incorporated in 1995. The City has identified needed improvements to strengthen its municipal infrastructure to maintain public services the

community expects through its 20-year planning documents, including the Comprehensive Plan, Surface Water Master Plan, Transportation Master Plan and Parks, Recreation and Open Space Master Plan. Improvements are not limited to infrastructure investments. The City is also interested in improving coordination, planning, and overall information sharing among all service providers. As capital improvements are made, it is important to include efforts that will enhance Shoreline's natural environment, ultimately having a positive impact on the Puget Sound region.

ACTION STEPS:

1. Identify funding strategies, including grant opportunities, to implement the City's Transportation Master Plan including construction of new non-motorized improvements
2. Determine a strategy for replacing the Spartan Recreation Center and the Shoreline Pool
3. Implement the Ronald Wastewater District Assumption Transition Plan and formally assume the District in October 2017
4. Continue to Implement the Urban Forest Strategic Plan
5. Implement the 2016-2019 Priority Environmental Strategies, including adoption of a ~~Deep Green Incentive Program~~ incentives for environmentally sustainable buildings, exploration of district energy, update of the City's Forevergreen website, and continued focus on effective stormwater management practices including restoration of salmon habitat
6. Implement a comprehensive asset management system, including asset inventory, condition assessment and lifecycle/risk analysis, for the City's streets, facilities, trees, parks, and utilities
7. Construct the Shoreline Police Station at City Hall to better meet community needs
8. Evaluate alternatives for City maintenance facility needs
9. Update and begin implementation of the Surface Water Master Plan, the Transportation Master Plan, and the Parks, Recreation and Open Space Master Plan, and Wastewater Master Plan
10. Initiate environmental review and design for the N 175th Street Corridor Project from Interstate-5 to Stone Avenue N

Goal 3: Continue preparation Prepare for two regional mass transit in Shoreline light rail stations

In 2008, Shoreline voters supported the Sound Transit 2 (ST2) funding package by 61%, and in 2016, Shoreline voters supported the Sound Transit 3 (ST3) package by 59%. Our community looks forward to increasing mobility options and reducing environmental impacts through public transit services. The ST2 light rail extension from Northgate to Lynnwood includes investment in two stations in Shoreline, which are planned to open in 2023. The ST3 package includes funding for corridor improvements and Bus Rapid Transit service along State Route 523 (N 145th Street) from Bothell Way connecting to the 145th Street Light Rail Station. Engaging our community in planning for the two Shoreline light rail stations and improved transportation options and infrastructure along N 145th Street in Shoreline continues to be an important Council priority.

ACTION STEPS:

1. Work with the City of Seattle, King County, Sound Transit, the Washington State Department of Transportation, and federal agencies on a plan that will improve safety and efficiency for all users of 145th Street, including a design for the 145th Street and Interstate-5 interchange, design of the 145th Street corridor from Interstate-5 to Aurora Avenue N, and coordination with Sound Transit for design and construction of 145th Street improvements from Highway 522 to Interstate-5 as part of ST3
2. Negotiate agreements with Sound Transit and pursue other means to obtain any necessary mitigation and improvements related to Sound Transit's light rail projects, including non-motorized access improvements around each station and across the 145th Street and 185th Street bridges, a new non-motorized bridge across Interstate-5 ~~north of 145th~~ at 148th Street, a new trail along the rail alignment, park impact mitigation, and rights-of-way relocation or replacement
3. Partner with Sound Transit to host local public meetings for the 60% and 90% project design milestones and provide comment on the design of the light rail stations, garages and associated facilities at these milestones in accordance with the Council-adopted Guiding Principles for Light Rail

Station Design

4. Work collaboratively with Sound Transit to support the development and review of environmental, architectural, engineering and construction plans for the Lynnwood Link facilities within the City of Shoreline through Sound Transit's Special Use Permit and other permitting reviews
5. Identify anticipated impacts to Shoreline neighborhoods from future construction and operation of the Lynnwood Link Extension and work proactively with Sound Transit to develop plans to minimize, manage, and mitigate these impacts, including construction management planning and neighborhood traffic impact management
6. Conduct the 185th Street Corridor Study between Aurora Avenue N and 10th Avenue NE to identify multi-modal transportation improvements necessary to support growth associated with the 185th Street Station Subarea Plan and the Sound Transit Light Rail Station
7. Finalize and begin implementation of the light rail station subarea parks and open space plan, including adoption of park impact fees
8. Implement the Affordable Housing Program as identified in light rail station subarea plans

Goal 4: Expand the City's focus on equity and inclusion to enhance opportunities for community engagement

The Council values all residents and believes they are an important part of the Shoreline community, including those that have been underrepresented. The Council believes it is important to expand the ways in which the City can develop and implement processes, policies and procedures that increase inclusion and equity in a meaningful and impactful way.

ACTION STEPS:

1. Implement the City's Diversity and Inclusion Program
2. Facilitate the development of affordable housing projects in Shoreline, and engage in regional efforts focused on addressing homelessness, ~~and explore housing security regulations~~
3. Explore secured scheduling regulations
4. Ensure continued compliance with federal and state anti-discrimination laws, including Title VI of the Civil Rights Act, the Civil Rights Restoration Act, the American with Disabilities Act, and Washington's Law Against Discrimination, so as to ensure all Shoreline residents benefit from the City's programs and activities
5. Conduct ~~a community meetings~~ with residents to discuss ~~immigration concerns~~ current issues, City policy and other changes that ~~are occurring at the federal level~~ may impact the community
6. Implement the Shoreline Citywise Project to help the community build familiarity with the many aspects of Shoreline government and its role in providing services
7. Broaden the Nurturing Trust Program to reach additional underrepresented members of the Shoreline community
8. Continue to use social media to expand reach in the broader community and to solicit input and ideas on City business, events and policy issues

Goal 5: Promote and enhance the City's safe community and neighborhood programs and initiatives

Maintaining a safe community is the City's highest priority. The 2016 Citizen Survey reflected that 93% of respondents felt safe in their neighborhood during the day and 80% had an overall feeling of safety in Shoreline. These results are reflective of statistics from medium-sized cities across the United States, and the former measure was a slight increase from previous citizen surveys conducted by the City. The City is continuing a concentrated workplan to enhance our public safety communication and crime prevention efforts to ensure that our residents and businesses continue to find Shoreline a safe place to live, work, and play.

ACTION STEPS:

1. Use data driven policing to address crime trends and quality of life concerns in a timely manner.
2. Continue quarterly meetings of the City's cross-department safe community team to address public safety problems and implement solutions
3. Continue the partnership between the Parks Department and Police, focusing on park and trail safety through Crime Prevention Through Environmental Design (CPTED), Problem Solving Projects (PSPs) and police emphasis to improve safety and the feeling of safety
4. Continue to partner with Shoreline schools and the Shoreline Fire Department to implement best practice school safety measures
5. Continue to address traffic issues and concerns in school zones and neighborhoods using the City's speed differential map and citizen traffic complaints
6. Continue to coordinate efforts between the Community Outreach Problem Solving (COPS) officer and the City's Neighborhoods Program to work on crime prevention education and outreach
7. Partner with the business community to enhance communication on crime trends and crime prevention efforts
8. Continue to implement the Risk Analysis De-escalation And Referral (RADAR) program to create a systematic policing approach to deal with mental illness in the community

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Ordinance No. 760 - Deep Green (Building) Incentive Program		
DEPARTMENTS:	Planning & Community Development		
PRESENTED BY:	Miranda Redinger, Senior Planner		
ACTION:	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion
	<input checked="" type="checkbox"/> Discussion	<input type="checkbox"/> Public Hearing	

PROBLEM/ISSUE STATEMENT:

In 2015, the City Council discussed various strategies from the City's adopted Climate Action Plan, King County-Cities Climate Collaboration Joint Climate Commitments, and the Carbon Wedge Analysis that was performed for the City. These discussions identified priority sustainability programs for implementation over the 2016-2019 timeframe. These programs included:

- Adoption of a Living Building Challenge Ordinance and consideration of a Petal Recognition Program;
- Studying feasibility of District Energy, specifically in the light rail station subareas, the Community Renewal Area, and Town Center; and
- Conducting a Solarize campaign.

Over the course of 2016 and into this year, staff has been working on the first of these priorities - Adoption of a Living Building Challenge Ordinance and consideration of a Petal Recognition Program. Now called the Deep Green Incentive Program (DGIP), the development regulations that make up this program were discussed with the Planning Commission on numerous occasions last year, culminating in a public hearing that occurred over several meetings in December 2016 and January 2017. On January 19, 2017, the Planning Commission formulated their recommendation, which is shown in proposed Ordinance No. 760 (Attachment A).

Tonight, Council will have an opportunity to discuss proposed Ordinance No. 760 and provide direction to staff regarding the DGIP. Proposed Ordinance No. 760 is currently scheduled for adoption on April 17.

RESOURCE/FINANCIAL IMPACT:

No resource impacts are anticipated as a result of this discussion. If Council adopts the Deep Green Incentive Program on April 17, 2017, and developers request fee waivers or reductions under the program, there could be impacts to permit fee and other revenues.

RECOMMENDATION

While no action is required as part of this discussion, staff would appreciate direction regarding proposed changes to the draft Deep Green Incentive Program in order to facilitate adoption of proposed Ordinance No. 760 on April 17.

Approved By: City Manager ***DT*** City Attorney ***MK***

BACKGROUND

Since the 2008 adoption of the City's [Environmental Sustainability Strategy](#), the City has positioned itself to be a regional and national leader on how local governments can work to reduce the potential severity of climate change. Most significantly, on September 30, 2013, Council adopted the Shoreline [Climate Action Plan](#) (CAP), thereby committing to reduce community greenhouse gas (GHG) emissions 80% by 2050, with an interim target of 50% reduction by 2030. As well, in 2014, the City reaffirmed that commitment by signing the King County-Cities Climate Collaboration (K4C) [Climate Commitments](#), joining with the County and other cities in similar targets.

Through its partnership with the K4C, the City had the opportunity to work with Climate Solutions' New Energy Cities Program to perform a [Carbon Wedge Analysis and Strategies](#) to examine what it would take for the City to achieve these "ambitious but achievable" targets. Council was introduced to the analysis and recommended actions at their October 14, 2014 meeting.

Other City initiatives that have focused on environmental sustainability include:

- Analysis of [City and Community Carbon Footprints](#) (2009 and 2012);
- Launching of the [forevergreen](#) indicator tracking website (2012);
- Completion of significant capital projects with a variety of climate and other benefits, such as the construction of a LEED Gold certified City Hall (2010) and completion of the Aurora Avenue Corridor project (2016); and
- Adoption of 185th and 145th Street Station Subarea Plans (2015 and 2016, respectively), including legislative rezone and Development Code amendments to promote transit-oriented development, walkable neighborhoods, and neighborhood-serving businesses.

In addition to these initiatives, in order to focus the City's environmental sustainability efforts, on September 14, 2015, Council discussed various strategies from the CAP, K4C Climate Commitments, and the Carbon Wedge Analysis, and identified priority programs for implementation over the 2016-2019 timeframe. The three priority programs identified were:

- Adoption of a Living Building Challenge Ordinance and consideration of a Petal Recognition Program;
- Studying feasibility of District Energy, specifically in the light rail station subareas, the Community Renewal Area, and Town Center; and
- Conducting a Solarize campaign.

The staff report and materials from this Council meeting are available at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2015/staffreport091415-9b.pdf>.

On February 1, 2016, the Council further discussed these three priority strategies. The staff report from this Council meeting is at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2016/staffreport020116-8a.pdf>.

Living Building Challenge/Petal Recognition Program Background

On February 18, 2016, the Planning Commission received a presentation from City staff and staff from the International Living Future Institute (ILFI) to introduce the Living Building Challenge and Petal Recognition Programs, which are that organization's most stringent certifications for high-performing green buildings. The staff report from this meeting is available at the following link:

<http://www.shorelinewa.gov/home/showdocument?id=25137>.

A video of that meeting, which contains the ILFI presentation, is available here:

http://shoreline.granicus.com/MediaPlayer.php?view_id=9&clip_id=671

On October 20, 2016, the Planning Commission discussed draft Ordinance No. 760 and implementing regulations for the Deep Green Incentive Program (DGIP), the new name of the Living Building Challenge/Petal Recognition Program. It is important to note that between February and October, staff worked with a K4C committee and green building certification programs to develop the draft ordinance and regulations. One result of this process was that the incentive program be expanded to include the highest level certification through Built Green and US Green Building Council programs, in addition to the International Living Future Institute. This necessitated a change to the name of the incentive program, from the Living Building Challenge and Petal Recognition Program to the Deep Green Incentive Program. Additional naming options are included in the Discussion section of this staff report. The staff report from the October 20 Commission meeting is available here: <http://www.shorelinewa.gov/home/showdocument?id=29219>.

The Planning Commission held a public hearing on draft Ordinance No. 760 and implementing regulations for the DGIP on December 1, 2016, which was continued until January 5, and again until January 19, 2017. The staff reports and minutes from those meetings are available below:

- December 1- staff report
<http://www.shorelinewa.gov/home/showdocument?id=29613> ; minutes
<http://www.shorelinewa.gov/Home/ShowDocument?id=29861>
- January 5- staff report
<http://www.shorelinewa.gov/home/showdocument?id=30043>; minutes
<http://www.shorelinewa.gov/Home/ShowDocument?id=30669>
- January 19- staff report
<http://www.shorelinewa.gov/home/showdocument?id=30147>; minutes
<http://www.shorelinewa.gov/Home/ShowDocument?id=30818>

Throughout the course of the public hearings, the Commission included programs that had been suggested by staff (Built Green 5-Star and Emerald Star and Leadership in Energy and Environmental Design [LEED] Platinum) and also added a couple new programs (Living Community Challenge and Salmon Safe) in their recommendation to Council. Following the completion of the public hearing on January 19, 2017, the Planning Commission recommended regulations as provided in proposed Ordinance No. 760 for Council consideration.

Because the Commission did not receive specific presentations on the Living Community Challenge, LEED Platinum, Built Green 5- and Emerald Star, and Salmon Safe programs, they invited organizations that administer these programs to their March 2, 2017 meeting to provide additional information. The staff report and minutes from that meeting are available below:

- <http://www.shorelinewa.gov/home/showdocument?id=30714>
- <http://www.shorelinewa.gov/home/showdocument?id=30832>

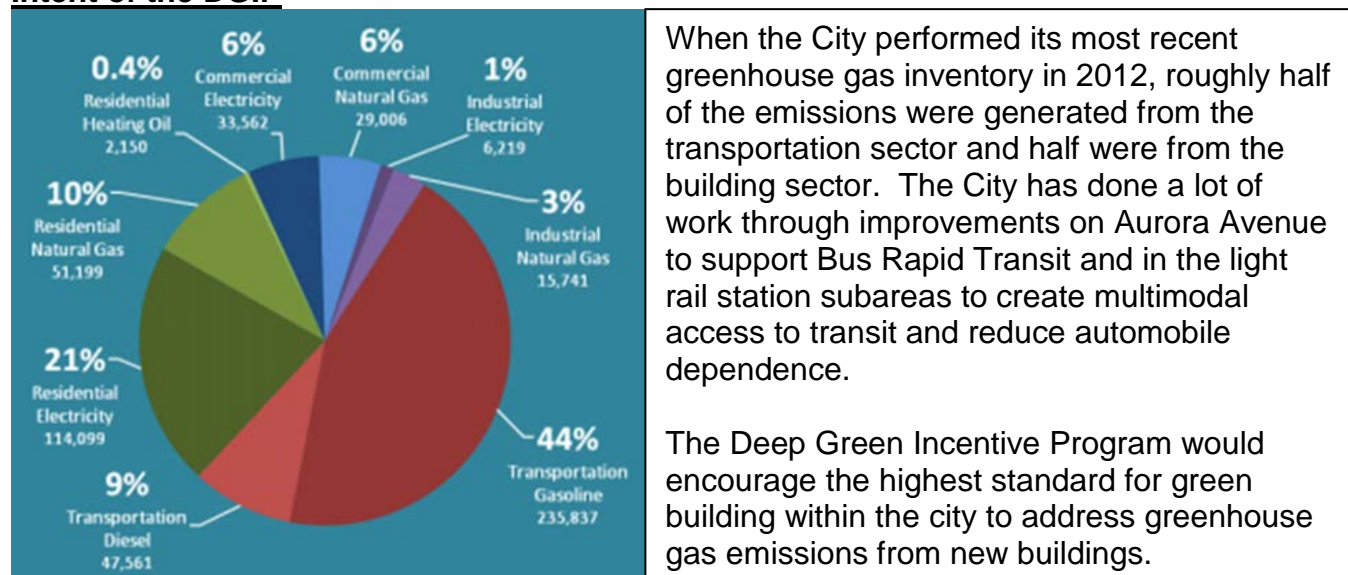
A video of the meeting is also available at the following link:
http://shoreline.granicus.com/MediaPlayer.php?view_id=9&clip_id=750.

Staff recommends that Councilmembers watch the video prior to their discussion because there will not be sufficient time at the Council meeting to provide this level of detailed information about the programs.

On March 13, 2017, the K4C committee that has been working with multiple jurisdictions interested in adopting their own versions of a Living Building Challenge or Deep Green Ordinance hosted a Green Building Developers Forum to get feedback on draft program language. A summary report from this meeting is included as Attachment B.

DISCUSSION

Intent of the DGIP

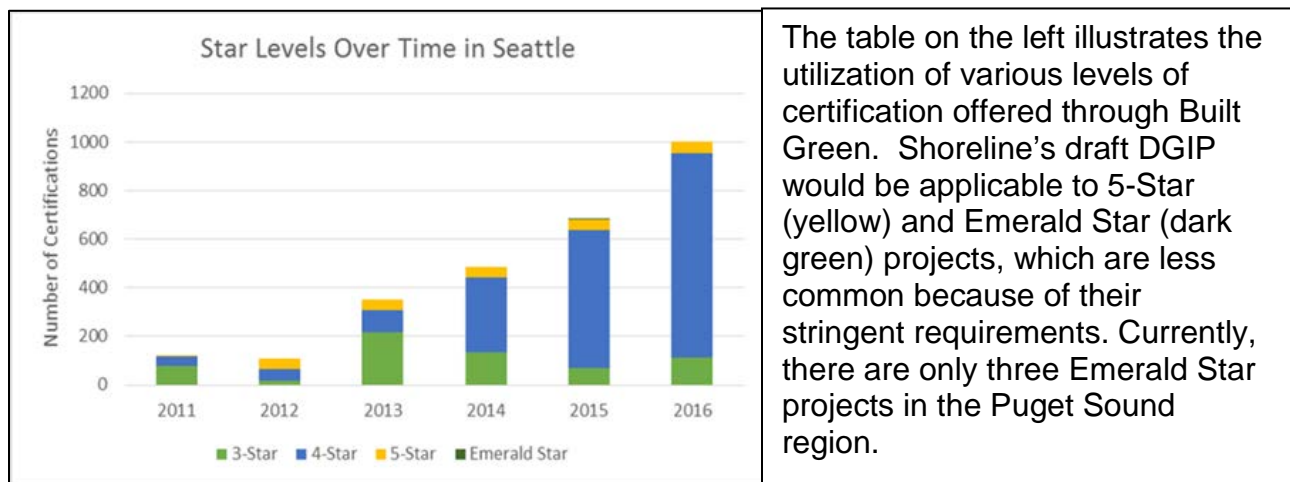


The stated purpose of the DGIP, articulated in SMC Subchapter 9: 20.50.630(A) (Attachment A, Exhibit A), is:

1. encouraging development that will serve as a model for other projects throughout the city and region resulting in the construction of more Living and Deep Green Buildings; and
2. allowing for departures from Code requirements to remove regulatory barriers.

Words like “Living and Deep Green Buildings” and “highest standard” denote that this program is meant to incentivize only the most stringent and comprehensive green building programs. Each of the certification programs included in the DGIP have lower level certifications available, which are becoming more commonly used in the building industry, but these would not qualify for Shoreline’s proposed incentive program. For example, lower levels of certification available through Built Green require 15% energy efficiency above code, as opposed to Emerald Star, which requires net-zero energy (meaning that the building must produce all of its energy needs). Other highlights of the requirements to achieve Emerald Star certification include that the project:

- Be located within a half mile of five essential services;
- Achieve net zero energy;
- Include a signed waiver to share utility data with Built Green;
- Conduct a blower door test with a score of 2.4 or better;
- Provide a 70% reduction in occupant water usage compared to the average Washington resident;
- Achieve 100% infiltration for single-family or 50% for multi-family;
- Provide a minimum of 20 components with environmental attributes (recycled material, rapidly renewal, salvaged, etc.);
- Ensure that 90% of wood must have environmental attributes;
- Require that all non-toxic materials must be used; and
- Provide a Heat Recovery Ventilator system.



DGIP Structure

“Deep Green” refers to an advanced level of green building that requires more stringent standards for energy and water use, stormwater runoff, site development, materials, and indoor air quality than required by the Building Code. With regard to the DGIP, this definition is divided into tiers based on the stringency of green building certification programs as follows:

- Tier 1- International Living Future Institute’s (ILFI) Living Building Challenge™ or Living Community Challenge™;
- Tier 2- ILFI’s Petal Recognition™ or Built Green’s Emerald Star™; and

- Tier 3- US Green Building Council's Leadership in Energy and Environmental Design™ (LEED) Platinum, Built Green's 5-Star™, or ILFI's Net Zero Energy Building™ (NZEB) in combination with Salmon Safe where applicable.

DGIP Incentives

The current draft DGIP includes two types of incentives. The first is a potential fee waiver or reduction, which could include waiving pre-application and a certain percentage of application fees, based on tier, and possibly reducing transportation impact fees, based on project-specific analysis. The second type of incentive would be the ability to grant certain departures from Development Code standards (like solar panels extending above the sidewalk right-of-way) so that the project would be able to meet certification requirements for a specific program.

Attachment A, Exhibit A outlines the Planning Commission recommended development code regulations that would implement the DGIP. Potential fee waivers are described in section 20.50.630(D):

1. A project qualifying for Tier 1 - Living Building Challenge or Living Community Challenge may be granted a waiver of 100% City-imposed pre-application and permit application fees. A project qualifying for Tier 2 – Emerald Star or Petal Recognition may be granted a waiver of 75% of City-imposed application fees. A project qualifying for Tier 3 – LEED Platinum, 5-Star, or NZEB/Salmon Safe may be granted a waiver of 50% of City-imposed application fees.
2. Projects qualifying for the DGIP may be granted a reduced Transportation Impact Fee based on a project-level Transportation Impact Analysis.
3. Departures from Development Code requirements when in compliance with SMC 20.50.630(E).
4. Expedited permit review without additional fees provided in SMC Chapter 3.01

Section 20.50.630(E)(3) enumerates potential departures from Development Code requirements:

- a. SMC 20.50.020. Residential density limits
 - i. Tier 1 – Living Building Challenge or Living Community Challenge Certification: up to 100% bonus for the base density allowed under zoning designation for projects meeting the full Challenge criteria;
 - ii. Tier 2 – Emerald Star or Living Building Petal Certification: up to 75% bonus for the base density allowed under zoning designation for projects meeting the program criteria;
 - iii. Tier 3 - LEED Platinum, 5-Star, or NZEB/Salmon Safe Certification: up to 50% bonus for the base density allowed under zoning designation for projects meeting the program criteria.

Minimum lot size of 10,000 square feet is required in R-4 and R-6 zones in order to request density bonus. Any additional units granted would be required to be built to the same green building standard as the first.
- b. SMC 20.50.390. Parking requirements (not applicable in R-4 and R-6 zones):
 - i. Tier 1 – Living Building Challenge or Living Community Challenge Certification: up to 50% reduction in parking required under 20.50.390 for projects meeting the full Challenge criteria;

- ii. Tier 2 – Emerald Star or Living Building Petal Certification: up to 35% reduction in parking required under 20.50.390 for projects meeting the program criteria;
 - iii. Tier 3 - LEED Platinum, 5-Star, or NZEB/Salmon Safe Certification: up to 20% reduction in parking required under 20.50.390 for projects meeting the program criteria.
- c. Setback and lot coverage standards, as determined necessary by the Director;
- d. Use provisions, as determined necessary by the Director
- e. Standards for storage of solid-waste containers;
- f. Open space requirements;
- g. Standards for structural building overhangs and minor architectural encroachments into the right-of-way;
- h. Structure height bonus up to 20 feet for development in a zone with a height limit of 45 feet or greater; and
- i. A rooftop feature may extend above the structure height bonus provided in SMC 20.50.020 or 20.50.050 if the extension is consistent with the applicable standards established for that rooftop feature within the zone.

DGIP Penalties and Enforcement

The draft DGIP includes multiple points where project proponents would need to demonstrate they were on track to meeting certification requirements, and outlines multiple penalties if they are not meeting their goals. In order to demonstrate program compliance, project proponents would be required to:

- Register with the program through which they intend to achieve certification;
- Attend a pre-application meeting with the City to discuss which departures they may request;
- Hold a neighborhood meeting if requesting departures in R-4 or R-6 zones;
- Submit a report at application detailing how they will meet certification requirements;
- Demonstrate to third-party verifiers throughout the development process that they are meeting standards for certification;
- Submit documentation to the City that they have achieved certification appropriate for six-month and two-year timeframes after issuance of Certificate of Occupancy.

Code section 20.30.770(D)(8) Enforcement Provisions- Civil Penalties outlines multiple fines imposed if project proponents fail to submit required reports on time or fall short of meeting their proposed certification goals:

- a. Failure to submit the supplemental reports required by subsection 20.50.630(F) by the date required- within six months and two years of issuance of the Certificate of Occupancy- is subject to civil penalties as specified in 20.30.770(D)(1) and 20.30.770(D)(4).
- b. If the project does not meet the requirements after two years of occupancy as detailed under SMC 20.50.630(F)(5)(a-c), the applicant or owner will required to pay the following:
 - i. Failure to demonstrate compliance with the provisions contained in subsection 20.50.630(F)(6)(a-c) is subject to a maximum penalty of five

- percent of the construction value set forth in the building permit for the structure. This fee may be reduced at the discretion of the Director based on the extent of noncompliance.
- ii. In addition, the applicant or owner shall pay any permit or other fees that were waived by the City.

The five percent construction value fine is based on Seattle's updated Living Building Challenge Ordinance. Seattle reduced this fine from the original 10 percent because project applicants were meeting their certification goals and because others who considered the program but did not apply found it to be a barrier.

To examine projected versus actual energy consumption, Built Green commissioned a soon-to-be-released study that compared homes certified through their program compared to non-certified homes in 2014. On average, 5-Star homes were 41% more efficient than non-certified homes that were built to code. This is 11% better than the minimum 30% that Built Green would expect, and means that the modeling protocol they use to certify buildings is conservative compared to actual performance.

DGIP Application in Single-Family Neighborhoods

This program is far more likely to be utilized in multi-family and commercial zoning, but because the Planning Commission elected not to limit the program exclusively to these zones, they carefully considered how to minimize potential unintended consequences if a project were to be proposed in a single-family neighborhood. While the Planning Commission did not remove the potential for a density bonus in single-family zoning, they made several revisions to limit incentives in these areas, including:

- Requiring a minimum 10,000 foot lot size to request utilization of DGIP in R-4 and R-6 zones;
- Removing the ability to request a parking reduction in R-4 and R-6 zones;
- Removing the ability to request a height bonus in zones with a 35 foot height limit;
- Reducing the available parking reduction in all tiers of the program; and
- Clarifying that any additional units built through a density bonus would be required to achieve the same level of green building certification.

In order to facilitate tonight's discussion, there are several areas worth focusing on in greater detail.

Why are builders less likely to utilize DGIP in single-family zones?

There are several factors that contribute to the low number of single-family homes built to the highest levels of green building certification that would be eligible under the DGIP. Primarily these are based on cost, including the expense and relative scarcity of "non-red-list materials"; i.e., allowable green building materials, and the price of certification. Without additional units to spread these costs over, they are more difficult to recoup through efficiency-based savings alone.

Generally speaking, if someone wants to build a Living Building single-family home, it is based on a personal commitment rather than a profit motive. It is therefore unlikely that a property owner would request a density bonus for a Living Building (Tier 1) or Petal

Recognition (Tier 2) project. It is more likely that a speculative developer would build a Net Zero Energy Building (Tier 3) project, for which they might consider a density bonus to be a meaningful incentive.

For examples of existing single-family homes certified through ILFI programs throughout the world, visit <https://living-future.org/lbc/case-studies/>.

Density Bonus

Despite the aforementioned reasons that the DGIP would be utilized infrequently (if at all) in single-family zones, the only concerns expressed to date by residents or Commissioners centered on this possibility. In order to alleviate this concern:

Staff recommends removing the option to request a density bonus in R-4 and R-6 zones.

If Council wishes to remove density bonus as an option in these zones, as well as the 10,000 sq. ft. minimum lot size that currently applies only to these zones, a motion could amend 20.50.630(E)(3)(a) to state, “SMC 20.50.020. Residential density limits (not applicable in R-4 and R-6 zones)...” and strike “~~Minimum lot size of 10,000 square feet is required in R-4 and R-6 zones in order to request density bonus.~~”

If Council wishes to remove the density bonus as an option in these zones, but would like to retain the minimum 10,000 sq. ft. lot size for other zones, a motion could amend 20.50.630(E)(3)(a) to state, “Minimum lot size of 10,000 square feet is required in all zones with a density maximum in order to request density bonus. Density bonus is not available in R-4 and R-6 zones.”

Height Bonus

The Planning Commission recommendation did not include the option to request a height bonus in any zones with a 35 foot height limit. The intent was to preserve single-family neighborhood character, as well as transition zones between higher intensity zoning and existing single-family in the light rail station subareas. While staff supports this intent, the Council may want to consider whether they would allow height bonus in R-8, R-12, R-24, R-48, and TC-4 zones, which also have 35 foot height limits. The primary reason to consider allowing a height bonus in zones that are not considered Low-Density Residential or MUR-35' would be to protect solar access if photovoltaic arrays are necessary to meet energy certification requirements.

Staff recommends allowing the option of a height bonus in R-8, R-12, R-18, R-48 and TC-4 zones, but NOT allowing the option of a height bonus in R-4, R-6, and MUR-35'.

If Council wishes to revise code language to make this change, a motion could amend 20.50.630(E)(3)(h) to state, “Structure height bonus of up to 10 feet in a zone with height limit of 35 feet, excluding R-4, R-6, and MUR-35' zones. Structure height bonus up to 20 feet for development in a zone with a height limit of 45 feet or greater;”

Incentive Program Name

As mentioned in the Background section of this staff report, the name Deep Green Incentive Program evolved from the previously named Living Building Challenge Ordinance because the latter refers to a specific and proprietary ILFI certification. Expanding the incentive program to include other high-level green building certifications necessitated a name change, but Council may wish to provide additional clarification based on a concern that the title of the program would be confusing to lay people. One option would be to add the word “building”, to read Deep Green Building Incentive Program, since many people know what a ‘green building’ is. If the concern is that “deep” green is not meaningful to most people, other title options could include “Net Zero Incentive Program” but staff believes this term is more obscure than green building. Other ideas by Councilmembers are welcomed.

RESOURCE/FINANCIAL IMPACT

No resource impacts are anticipated as a result of this discussion. If Council adopts the Deep Green Incentive Program on April 17, 2017, and developers request fee waivers or reductions under the program, there could be impacts to permit fee and other revenues.

RECOMMENDATION

While no action is required as part of this discussion, staff would appreciate direction regarding proposed changes to the draft Deep Green Incentive Program in order to facilitate adoption of proposed Ordinance No. 760 on April 17.

ATTACHMENTS

Attachment A - Draft Ordinance No. 760 Adopting the Deep Green Incentive Program
Attachment A, Exhibit A - Draft Regulations to Implement the DGIP
Attachment B - Summary Report from March 13 Green Building Developers Forum

ORDINANCE NO. 760

AN ORDINANCE OF THE CITY OF SHORELINE AMENDING THE UNIFIED DEVELOPMENT CODE, SHORELINE MUNICIPAL CODE TITLE 20, CHAPTERS 20.20, 20.30, AND 20.50, AND ESTABLISHING A NEW SUBCHAPTER WITHIN SMC 20.50, TO IMPLEMENT A DEEP GREEN INCENTIVE PROGRAM

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70A RCW; and

WHEREAS, buildings are responsible for a large portion of negative environmental impacts, accounting for approximately fifty percent of U.S. carbon emissions and contributing to climate change, persistent toxins in the environment, raw resource consumption, impacts to water supply, habitat loss, and other related concerns; and

WHEREAS, the City Council designated adoption of a Living Building Challenge Ordinance and consideration of a Petal Recognition Program as priority strategies for 2016-2019 on September 14, 2015, thereby requesting the Department of Planning & Community Development and the Planning Commission to develop recommendations for implementing the Living Building Program within the City of Shoreline; and

WHEREAS, the Deep Green Incentive Program establishes goals for building owners, architects, design professionals, engineers, and contractors to build in a way that provides for a sustainable future through buildings informed by their ecoregion's characteristics that generate all of their own energy with renewable resources, capture and treat all of their water, and operate efficiently with maximum beauty; and

WHEREAS, Deep Green and Living Buildings require a fundamentally different approach to building design, permitting, construction, and operations that may necessitate flexibility in current codes and regulatory processes in order to support their development; and

WHEREAS, the City has been a leader in encouraging sustainable building through construction of a LEED Gold City Hall; adoption of regulations that require green building in areas near future light rail stations at 145th and 185th; identifying energy and water efficient buildings as a primary strategy to meet its greenhouse gas reduction targets adopted through the Climate Action Plan; and initiated other processes, regulations, and incentives to encourage the private market to follow the City's lead; and

WHEREAS, the goal of this Ordinance and implementing regulations is to encourage the development of buildings that meet the criteria for certification under the International Living Future Institute, Built-Green, US Green Building Council, or Salmon Safe programs, through a variety of incentives; and

WHEREAS, the City desires to establish a Deep Green Incentive Program supporting the development of new buildings and the retrofitting of existing buildings that meet the standards defined by the International Living Future Institute, Built Green, US Green Building Council, or Salmon Safe; and

WHEREAS, the environmental impacts of the proposed amendments resulted in the issuance of a Determination of Non-Significance (DNS) on October 13, 2016; and

WHEREAS, the City has provided public notice of the amendments and the public hearing as provided in SMC 20.30.070; and

WHEREAS, pursuant to RCW 36.70A.370, the City has utilized the process established by the Washington State Attorney General so as to assure the protection of private property rights; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to adopt the proposed amendments to Title 20; and

WHEREAS, on October 20, 2016, the City of Shoreline Planning Commission reviewed the proposed amendments; and

WHEREAS, on December 1, 2016, the Planning Commission held a public hearing on the proposed amendments so as to receive public testimony and continued the public hearing until January 5, 2017 and again to January 19, 2017; and

WHEREAS, at the conclusion of January 19, 2017 public hearing, the Planning Commission adopted its recommendation on the proposed amendments for submittal to the City Council; and

WHEREAS, on March 27, 2017, the City Council held a study session on the proposed amendments as recommended by the Planning Commission; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

WHEREAS, the City Council has determined, as provided in SMC 20.30.350, that the proposed amendments are consistent with and implement the Shoreline Comprehensive Plan, will not adversely affect the public health, safety, or general welfare, and is not contrary to the best interest of the citizens and property owners of the City;

THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE,
WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendment of the Unified Development Code, SMC Title 20. The amendments to the Unified Development Code, SMC Title 20, attached hereto as Exhibit A are adopted.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation.

Section 4. Effective Date. A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after.

PASSED BY THE CITY COUNCIL ON APRIL 17, 2017.

Christopher Roberts
Mayor

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Margaret King
City Attorney

Date of Publication: _____
Effective Date: _____

PLANNING COMMISSION RECOMMENDATION
Amendments to Shoreline Municipal Code Title 20
Chapters 20.20, 20.30, and 20.50
Deep Green Incentive Program
Ordinance No. 760, Exhibit A
January 19, 2017

20.20.016 D definitions.

Deep Green- refers to an advanced level of green building that requires more stringent standards for energy and water use, stormwater runoff, site development, materials, and indoor air quality than required by the Building Code. With regard to the Deep Green Incentive Program, this definition is divided into tiers based on certification programs as follows:

- Tier 1- International Living Future Institute's (ILFI) Living Building Challenge™ or Living Community Challenge™.
- Tier 2- ILFI's Petal Recognition™ or Built Green's Emerald Star™; and
- Tier 3- US Green Building Council's Leadership in Energy and Environmental Design™ (LEED) Platinum, Built Green's 5-Star™, or ILFI's Net Zero Energy Building™ (NZEB) in combination with Salmon Safe where applicable.

20.20.032 L definitions.

Living Building™- generates all of its own energy with renewable resources, captures and treats all of its water, and operates efficiently and for maximum beauty. With regard to the Deep Green Incentive Program, it refers specifically to the International Living Future Institute's Living Building Challenge™ or Living Community Challenge™ programs, which are comprised of seven performance areas. These areas, or "Petals", are place, water, energy, health and happiness, materials, equity, and beauty.

20.30.045 Neighborhood meeting for certain Type A proposals.

A neighborhood meeting shall be conducted by the applicant or owner for the following in the R-4 or R-6 zones.

1. developments consisting of more than one single-family detached dwelling unit on a single parcel. This requirement does not apply to accessory dwelling units (ADUs); or
2. developments requesting departures under the Deep Green Incentive Program, SMC 20.50 Subchapter 9.

This neighborhood meeting will satisfy the neighborhood meeting requirements when and if an applicant or owner applies for a subdivision (refer to SMC [20.30.090](#) for meeting requirements).

20.30.080 Preapplication meeting.

A preapplication meeting is required prior to submitting an application for any Type B or Type C action and/or for an application for a project that may impact a critical area or its buffer consistent with SMC [20.80.045](#).

A preapplication meeting is required prior to submitting an application for any project requesting departures through the Deep Green Incentive Program to discuss why departures are necessary to achieve certification through International Living Future Institute, Built Green, US Green Building Council, or Salmon Safe programs. A representative from prospective certifying agency will be invited to the meeting, but their attendance is not mandatory. The fee for the preapplication meeting will be waived.

Applicants for development permits under Type A actions are encouraged to participate in preapplication meetings with the City. Preapplication meetings with staff provide an opportunity to discuss the proposal in general terms, identify the applicable City requirements and the project review process including the permits required by the action, timing of the permits and the approval process.

Preapplication meetings are required prior to the neighborhood meeting.

The Director shall specify submittal requirements for preapplication meetings, which shall include a critical areas worksheet and, if available, preliminary critical area reports. Plans presented at the preapplication meeting are nonbinding and do not “vest” an application.

20.30.297 Administrative Design Review (Type A).

1. Administrative Design Review approval of departures from the design standards in SMC 20.50.220 through 20.50.250 and SMC 20.50.530 through 20.50.610 shall be granted by the Director upon their finding that the departure is:
 - a) Consistent with the purposes or intent of the applicable subsections; or
 - b) Justified due to unusual site constraints so that meeting the design standards represents a hardship to achieving full development potential.
2. Projects applying for certification under the Living Building or Community Challenge, Petal Recognition, Emerald Star, LEED-Platinum, 5-Star, or Net Zero Energy Building/Salmon Safe programs may receive departures from development standards under SMC 20.40, 20.50, 20.60, and/or 20.70 upon the Director’s finding that the departures meet A and/or B above, and as further described under 20.50.630. Submittal documents shall include proof of enrollment in the programs listed above.

20.30.770 Enforcement provisions.

D. Civil Penalties.

8. Deep Green Incentive Program.

- a. Failure to submit the supplemental reports required by subsection 20.50.630(F) by the date required- within six months and two years of issuance of the Certificate of Occupancy- is subject to civil penalties as specified in 20.30.770(D)(1) and 20.30.770(D)(4).

- b. If the project does not meet the requirements after two years of occupancy as detailed under SMC 20.50.630(F)(5)(a-c), the applicant or owner will required to pay the following:
 - i. Failure to demonstrate compliance with the provisions contained in subsection 20.50.630(F)(6)(a-c) is subject to a maximum penalty of five percent of the construction value set forth in the building permit for the structure. This fee may be reduced at the discretion of the Director based on the extent of noncompliance.
 - ii. In addition, the applicant or owner shall pay any permit or other fees that were waived by the City.

20.50.400 Reductions to minimum parking requirements.

A. Reductions of up to 25 percent may be approved by the Director using a combination of the following criteria:

1. On-street parking along the parcel's street frontage.
2. Shared parking agreement with nearby parcels within reasonable proximity where land uses do not have conflicting parking demands. The number of on-site parking stalls requested to be reduced must match the number provided in the agreement. A record on title with King County is required.
3. Parking management plan according to criteria established by the Director.
4. A City approved residential parking zone (RPZ) for the surrounding neighborhood within one-quarter mile radius of the subject development. The RPZ must be paid by the developer on an annual basis.
5. A high-capacity transit service stop within one-quarter mile of the development property line with complete City approved curbs, sidewalks, and street crossings.
6. A pedestrian public access easement that is eight feet wide, safely lit and connects through a parcel between minimally two different rights-of-way. This easement may include other pedestrian facilities such as walkways and plazas.
7. City approved traffic calming or traffic diverting facilities to protect the surrounding single-family neighborhoods within one-quarter mile of the development.

B. A project applying for parking reductions under the Deep Green Incentive Program may be eligible for commercial and multi-family projects based on the certification they intend to achieve. No parking reductions will be eligible for single-family projects. Reductions will be based on the following tiers:

1. Tier 1 – Living Building or Living Community Challenge Certification: up to 50% reduction in parking required under 20.50.390 for projects meeting the full International Living Future Institute (ILFI) program criteria;
2. Tier 2 – Living Building Petal or Emerald Star Certification: up to 35% reduction in parking required under 20.50.390 for projects meeting the respective ILFI or Built Green program criteria;
3. Tier 3 - LEED Platinum, 5-Star, or Net Zero Energy Building/Salmon Safe Certification: up to 20% reduction in parking required under 20.50.390 for

projects meeting the respective US Green Building Council, Built Green, or ILFI and Salmon Safe program criteria.

BC. In the event that the Director approves reductions in the parking requirement, the basis for the determination shall be articulated in writing.

CD. The Director may impose performance standards and conditions of approval on a project including a financial guarantee.

DE. Reductions of up to 50 percent may be approved by Director for the portion of housing providing low income housing units that are 60 percent of AMI or less as defined by the U.S. Department of Housing and Urban Development.

EE. A parking reduction of 25 percent may be approved by the Director for multifamily development within one-quarter mile of the light rail station. These parking reductions may not be combined with parking reductions identified in subsections A, B, and ED of this section.

FG. Parking reductions for affordable housing or the Deep Green Incentive Program may not be combined with parking reductions identified in subsection A of this section.

THE ENTIRE CODE SECTION BELOW CONSTITUTES A NEW SUBCHAPTER.

Subchapter 9: 20.50.630 – Deep Green Incentive Program (DGIP)

A. Purpose. The purpose of this section is to establish an incentive program for Living and Deep Green Buildings in the City of Shoreline. The goal of the DGIP is to encourage development that meets the International Living Future Institute's (ILFI) Living Building Challenge™, Living Community Challenge™, Petal Recognition™, or Net Zero Energy Building™ (NZEB) programs; Built Green's Emerald Star™ or 5-Star™ programs; the US Green Building Council's (USGBC) Leadership in Energy and Environmental Design™ (LEED) Platinum program; and/or the Salmon Safe™ program by:

1. encouraging development that will serve as a model for other projects throughout the city and region resulting in the construction of more Living and Deep Green Buildings; and
2. allowing for departures from Code requirements to remove regulatory barriers.

B. Project qualification.

1. Application requirements. In order to request exemptions, waivers, or other incentives through the Deep Green Incentive Program, the applicant or owner shall submit a summary demonstrating how their project will meet each of the requirements of the relevant certification program, such as including an overall design concept, proposed energy balance, proposed water balance, and descriptions of innovative systems.
2. Qualification process. An eligible project shall qualify for the DGIP upon determination by the Director that it has submitted a complete application

pursuant to SMC 20.30.297 Administrative Design Review, and has complied with the application requirements of this subsection.

3. The project must be registered with the appropriate third-party certification entity such as the International Living Future Institute, Built Green, US Green Building Council, or Salmon Safe.
4. Projects requesting departures under the DGIP shall meet the current version of the appropriate certification program, which will qualify them for one of the following tiered packages of incentives:
 - a. Tier 1 - Living Building Challenge or Living Community Challenge Certification: achieve all of the Imperatives of the ILFI programs;
 - b. Tier 2 – Emerald Star or Petal Certification: satisfy requirements of Built Green program or three or more ILFI Petals, including at least one of the following- Water, Energy, or Materials; or
 - c. Tier 3- LEED Platinum, 5-Star, or NZEB plus Salmon Safe: satisfy requirements of the respective USGBC, Built Green, or ILFI/Salmon Safe programs. The addition of Salmon Safe certification to NZEB projects is not required for detached single-family projects.

C. Director's determination. All Shoreline Deep Green Incentive Program projects are subject to review by the Director under Section 20.30.297. Any departures from the Shoreline Development Code (SMC Title 20) must be approved by the Director prior to submittal of building permit application.

D. Incentives. A project qualifying for the Shoreline Deep Green Incentive Program will be granted the following tiered incentive packages, based on the certification program for which they are applying:

1. A project qualifying for Tier 1 - Living Building Challenge or Living Community Challenge may be granted a waiver of 100% City-imposed pre-application and permit application fees. A project qualifying for Tier 2 – Emerald Star or Petal Recognition may be granted a waiver of 75% of City-imposed application fees. A project qualifying for Tier 3 – LEED Platinum, 5-Star, or NZEB/Salmon Safe may be granted a waiver of 50% of City-imposed application fees.
2. Projects qualifying for the DGIP may be granted a reduced Transportation Impact Fee based on a project-level Transportation Impact Analysis.
3. Departures from Development Code requirements when in compliance with SMC 20.50.630(E).
4. Expedited permit review without additional fees provided in SMC Chapter 3.01

E. Departures from Development Code requirements. The following requirements must be met in order to approve departures from Development Code requirements:

1. The departure would result in a development that meets the goals of the Shoreline Deep Green Incentive Program and would not conflict with the health and safety of the community. In making this recommendation, the Director shall

- consider the extent to which the anticipated environmental performance of the building would be substantially compromised without the departures.
2. A Neighborhood Meeting is required for projects departing from standards in the R-4 or R-6 zones.
 3. Departures from the following regulations may be granted for projects qualifying for the Shoreline Deep Green Incentive Program:
 - a. SMC 20.50.020. Residential density limits
 - i. Tier 1 – Living Building Challenge or Living Community Challenge Certification: up to 100% bonus for the base density allowed under zoning designation for projects meeting the full Challenge criteria;
 - ii. Tier 2 – Emerald Star or Living Building Petal Certification: up to 75% bonus for the base density allowed under zoning designation for projects meeting the program criteria;
 - iii. Tier 3 - LEED Platinum, 5-Star, or NZEB/Salmon Safe Certification: up to 50% bonus for the base density allowed under zoning designation for projects meeting the program criteria.
 - Minimum lot size of 10,000 square feet is required in R-4 and R-6 zones in order to request density bonus. Any additional units granted would be required to be built to the same green building standard as the first.
 - b. SMC 20.50.390. Parking requirements (not applicable in R-4 and R-6 zones):
 - i. Tier 1 – Living Building Challenge or Living Community Challenge Certification: up to 50% reduction in parking required under 20.50.390 for projects meeting the full Challenge criteria;
 - ii. Tier 2 – Emerald Star or Living Building Petal Certification: up to 35% reduction in parking required under 20.50.390 for projects meeting the program criteria;
 - iii. Tier 3 - LEED Platinum, 5-Star, or NZEB/Salmon Safe Certification: up to 20% reduction in parking required under 20.50.390 for projects meeting the program criteria.
 - c. Setback and lot coverage standards, as determined necessary by the Director;
 - d. Use provisions, as determined necessary by the Director
 - e. Standards for storage of solid-waste containers;
 - f. Open space requirements;
 - g. Standards for structural building overhangs and minor architectural encroachments into the right-of-way;
 - h. Structure height bonus up to 20 feet for development in a zone with a height limit of 45 feet or greater; and
 - i. A rooftop feature may extend above the structure height bonus provided in SMC 20.50.020 or 20.50.050 if the extension is consistent with the applicable standards established for that rooftop feature within the zone.

F. Compliance with minimum standards.

1. For projects requesting departures, fee waivers, or other incentives under the Deep Green Incentive Program, the building permit application shall include a report from the design team demonstrating how the project is likely to achieve the elements of the program through which it intends to be certified.
2. For projects applying for an ILFI certification (Tiers 1, 2, or 3), after construction and within six months of issuance of the Certificate of Occupancy, the applicant or owner must show proof that an LBC Preliminary Audit has been scheduled; such as a paid invoice and date of scheduled audit. After construction and within twelve months of issuance of Certificate of Occupancy, the applicant or owner must show a preliminary audit report from ILFI demonstrating project compliance with the Place, Materials, Indoor Air Quality, and Beauty/Inspiration Imperatives that do not require a performance period.
3. For projects aiming for Built Green Emerald Star (Tier 2) or 5-Star (Tier 3) certification, after construction and within six months of issuance of the Certificate of Occupancy, the applicant or owner must show proof that the project successfully met Built Green certification by way of the Certificate of Merit from the program.
4. For projects pursuing LEED certification (Tier 3), the applicant or owner must show, after construction and within six months of issuance of the Certificate of Occupancy, that the project has successfully completed the LEED Design Review phase by way of the final certification report.
5. For projects pursuing Salmon Safe certification (Tier 3 in conjunction with NZEB when applicable), the applicant or owner must show, after construction and within six months of issuance of the Certificate of Occupancy, that the project has successfully obtained the Salmon Safe Certificate.
6. No later than two years after issuance of a final Certificate of Occupancy for the project, or such later date as requested in writing by the owner and approved by the Director for compelling circumstances, the owner shall submit to the Director the project's certification demonstrating how the project complies with the standards contained in this subsection. Compliance must be demonstrated through an independent certification from ILFI, Built Green, or USGBC/Green Building Cascadia Institute (GBCI). A request for an extension to this requirement must be in writing and must contain detailed information about the need for the extension.
 - a. For projects pursuing ILFI certification (Living Building Challenge, Living Community Challenge, Petal Recognition, or Net Zero Energy Building), performance based requirements such as energy and water must demonstrate compliance through certification from ILFI within the two year timeframe noted above.
 - b. For projects pursuing Built Green certification post-occupancy compliance must be demonstrated with analysis proving 12 consecutive months of net zero energy performance and/or 70% reduction in occupant water use. It is the owner's responsibility to submit utility information to Built Green so analysis can be conducted and shown to the Director.

- c. For projects pursuing LEED certification, the applicant or owner must show proof of certification by way of the final LEED Construction Review report and LEED Certificate issued by USGBC/GBCI.
- 7. If the Director determines that the report submitted provides satisfactory evidence that the project has complied with the standards contained in this subsection, the Director shall send the owner a written statement that the project has complied with the standards of the Shoreline Deep Green Incentive Program. If the Director determines that the project does not comply with the standards in this subsection, the Director shall notify the owner of the aspects in which the project does not comply. Components of the project that are included in order to comply with the minimum standards of the Shoreline Deep Green Incentive Program shall remain for the life of the project.
- 8. Within 90 days after the Director notifies the owner of the ways in which the project does not comply, or such longer period as the Director may allow for justifiable cause, the owner may submit a supplemental report demonstrating that alterations or improvements have been made such that the project now meets the standards in this subsection.
- 9. If the owner fails to submit a supplemental report within the time allowed pursuant to this subsection, the Director shall determine that the project has failed to demonstrate full compliance with the standards contained in this subsection, and the owner shall be subject to penalties as set forth in subsection 20.30.770.

DRAFT

Green Building Developer Forum: Potential Living Building and Deep Green Incentive Programs

Monday, March 13, 2017; 11am-1pm; King Street Center, Seattle



Attendance

- Aaron Barnett, Cascade Built
- Cathy Beam, City of Redmond
- Mindy Black, Weber Thompson
- Mark Chen, Turner Construction Co.
- Matthew Combe, 2030 District
- Megan Curtis-Murphy, City of Issaquah
- Alicia Daniels-Uhlig, ILFI
- Jennifer Ewing, City of Bellevue
- Dave Favour, City of Issaquah
- Jess Harris, City of Seattle
- Cameron Hall, Perkins + Will
- Paul Hintz, City of Renton
- Marty Kooistra, Housing Development Consortium
- Leah Missik, Built Green
- Brett Phillips, Unico
- Miranda Redinger, City of Shoreline
- Sloan Ritchie, Cascade Built
- Zack Semke, NK Architects
- Patti Southard, King County
- Lisa Verner, King County
- Susan Wickwire, 2030 District
- Amy Waterman, 2030 District

Meeting Purpose

The Living Building Challenge Demonstration Ordinance Subcommittee of the Regional Code Collaboration convened a meeting to solicit feedback from single-family, mid-rise, mixed-use, and commercial green builders. Several jurisdictions in King County are developing high performance building ordinances, and wanted to hear from developers about meaningful incentives and common barriers as they develop incentive packages.

Presentations

Regional Code Collaboration

Patti Southard provided an overview of King County's Regional Code Collaboration (RCC), which includes staff from cities and counties in the region working to develop code language that can be locally adapted and adopted to meet sustainability commitments, including the King County-Cities Climate Collaboration (K4C) joint commitments. Key work in 2016-2017 includes a Living Building Challenge demonstration ordinance, a construction and demolition recycling ordinance, an aspirational energy code, and updating multifamily recycling codes.

City of Shoreline Green Building Incentives

Miranda Redinger provided an overview of Shoreline's draft Deep Green Incentive Program (DGIP), which provides incentives for third party high performance building certification, including Living Building Challenge (LBC), Living Community Challenge, Petal Recognition, Built Green Emerald Star and 5-Star, LEED Platinum, and Net Zero Energy Building (NZEB) + Salmon-Safe certification. Incentives include fee waivers or reductions and exemptions or departures from development standards such as parking requirements, open space requirements, set back and lot coverage, and height limits.

City of Bellevue Green Building Incentives

Jennifer Ewing provided an overview of current and potential new green building incentives in Bellevue. Like Shoreline, Bellevue has proposed a tiered incentive system based on third-party green building certifications (LBC, Built Green, and LEED). Bellevue is proposing a fixed FAR bonus ranging from 0.2 to 0.3 FAR for its downtown, depending on certification level. The City is also considering an advanced green building pilot program that could potentially incorporate additional incentives, such as facilitated and/or expedited permitting, fee reductions, and additional land use bonuses and allow for departures and code alternates for projects seeking green building certification.

Facilitated Small Group Discussions

Attendees were split into three groups, each with 7-8 individuals for facilitated small group discussions to solicit feedback on the incentive programs and discuss what types of incentives are most meaningful to developers. Discussion questions are presented below, along with a summary of attendee responses to those questions.

1. What incentives are most meaningful? How would you prioritize them? (e.g. Land Use, Parking Reductions, Permit Fee Reductions, Utility/Transportation Impact Fee Reductions, Expedited Permitting)

- Smaller developers prefer incentives that reduce the cost of a project (such as fee reductions) over those that increase project size—they may lack the capital and other resources to implement a bigger project, even if the increased lot size is available to them.
- Other developers prefer incentives that can increase revenue instead of saving permit fees; \$200,000 increase in annual revenue is more valuable than saving \$200,000 on a permit.
 - Increased density is a meaningful incentive to developers. Increasing rentable floor space (via FAR) can be really valuable to project ROI.
 - One suggested having developers take example sites and develop pro formas to vet proposed incentives.
- Facilitated permitting is helpful, especially for more complex projects that require departures from or code alternates. Expedited permitting nice to have but not as meaningful.
 - Seattle is an example where managing different approvals for permits (e.g., Department of Neighborhoods, design review board, historic preservation boards, for example) can be challenging.
- Incentives that could help developers work with utilities (and reduced associated costs) would be very helpful. Some noted that navigating stormwater requirements and exemptions can be challenging.
- Some incentives such as parking are less meaningful since projects are still market-driven. For projects more than a mile from light rail, for example, reduced parking isn't an incentive since the developers are still going to have to build parking.
 - Additionally, from an affordable housing standpoint, many residents are car-dependent for their jobs. There must be a certain level of parking in these types of projects.
- Consider, in addition to a FAR bonus, exempting the space associated with equipment space requirements for green buildings (such as purple pipes and heat recovery systems). FAR bonus should be actual leasable space.
- Not all jurisdictions own their utilities, consider reduced hook-up fees in jurisdictions that have public utility districts.
- Developers prioritize certainty and predictability, avoid risk. Incentives needs to allow for a reasonable return on cost and construction risk associated with pursuing higher levels of green building certification. Incentives need to align with costs, otherwise they won't be utilized.

2. How do you value the incentives in your decision-making and planning?

- Whether developers will “develop and hold” is something to consider when developing incentives.
- Consider long-term vs. short-term investments. Green building efforts pay out over the longer term.

- Longer-term investments can be hard to justify because of availability of funding sources; lenders aren't incentivized to take on a longer term investment risk. Lenders also may not recognize and do not factor into lending discussions and terms the operational savings from green buildings.
 - Incentives are influential, but FAR and building height are main drivers, especially in Seattle.
 - Long term developers may benefit from long term savings but short term (up to 7 years) may want to see incentives pay off right away due to the length of time they would own the building(s)
- 3. Are you typically already planning on developing a green building, and the incentives help to get you to a higher level, or do they help take a regular building up to a green building?**
- Cost is a factor for what people will pursue. For example, some projects with green stormwater elements have been included in the design phase, but then removed in development due to pricing.
 - Building codes have progressed a lot since LEED's early days. Some projects want to design to LEED but don't want to certify due to cost and administrative burden. Some non-certified buildings are still getting above-market rents due to green features.
- 4. Do you work on a lot of projects that are designed to LEED (or other) standards but don't pursue certification?**
- Built Green certification reported to be straightforward, but one attendee expressed challenges when pursuing Passive House certification. The barrier was not financial but time; the third-party response time was too slow.
 - Certification may not be a barrier for big developers (e.g., Unico, Vulcan); the process and cost is already built into their development process.
 - Implementing Petal Recognition standards for mid-rise buildings is already very challenging. When designing a project for certification, the developer always designs beyond the goal standard (as a contingency to avoid penalties if a few points are lost along the way).
 - Many higher education and federal projects are still going for LEED certification.
 - One attendee noted that their firm has had LEED standard designed projects, but in the end tradeoff between certification costs and other budget items means they don't typically pursue certification. Contractors find managing all the certification requirements challenging, which further raises costs in development.
- 5. What has been your experience working with Seattle's LBC Pilot and/or Priority Green Program and what are your recommendations for similar programs in other cities?**
- Some challenges meeting Seattle's sustainability design review requirements. One example is a project that hit a roadblock in design review due to difficulty getting a lower cost but less established sustainable building material approved. Developers face challenges balancing the costs associated in the project while implementing sustainability features; there should be some flexibility when developers are already spending a lot on other green building elements.
 - Seeing an increase in Built Green projects. Priority Green has helped.
 - Need to consider if the purpose of these incentives is to enable the development of a smaller group of very high performing buildings, or a more broad update of green building practices, which might not be the most advanced, but are more likely to be adopted at a larger scale.
 - Full LBC certification is a challenge:
 - Net zero water is tough to achieve, especially under current codes.
 - Options to achieve net zero energy more limited with buildings over six floors; most consider Petal Recognition only (not net zero energy) feasible for high rise buildings.
 - Consider equity. If someone doesn't have the means to pursue certification, make sure they aren't kept from receiving the incentives of green building.
 - Seattle's Alternative Path program allows for small projects which follow green building standards to still receive expedited permitting without having to demonstrate certification.

- Jurisdictions have concerns about the capacity to approve green features, certification systems are third party and they take pressure off the permitting agency.

6. Are there additional opportunities to address code barriers that you have encountered, which are not included in draft language presented today?

- There is some tension between building codes and new building trends. One example cited is HVAC for a high density Passive House project—building code requirements for minimum ventilation per room were excessive given the Passive House design.
- Scale jumping and district solutions. There are economies of scale for harvesting energy and processing water on a regional level. In an urban context, we have the ability to reach out and pay into wind farm and offset energy use, use bigger systematic catchments to harvest rainwater, etc.
- There are ongoing concerns regarding barriers to water systems in the plumbing code, interpretations by individual jurisdictions are not consistent.

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of External Workforce Secure Scheduling Regulations		
DEPARTMENT:	City Manager's Office		
PRESENTED BY:	Alex Herzog, CMO Management Analyst		
ACTION:	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion
	<input checked="" type="checkbox"/> Discussion	<input type="checkbox"/> Public Hearing	

PROBLEM/ISSUE STATEMENT:

Council has discussed various external and internal workforce regulations over the past few months, including increased minimum wage, paid sick leave, and supplemental paid family leave regulations. Councilmembers Salomon and McConnell have requested tonight's discussion of another external workforce regulation, secure scheduling (sometimes called "fair scheduling").

Though secure scheduling regulations have been implemented in only a handful of jurisdictions in the nation, they are typically applicable to large-scale employers. Generally such regulations aim to improve the consistency, predictability, and livability of retail workers' schedules, and often include provisions whereby employers must:

- Provide employees advance notice of their work schedules
- Pay them for reporting to work as scheduled and for time they are "on call"
- Provide the ability to request schedule changes without fear of retaliation

Tonight, staff will present a couple of models of how secure scheduling regulations can be structured. Staff is also interested in understanding if Council has any further questions or information that staff should bring back for Council consideration of potential regulations.

RESOURCE/FINANCIAL IMPACT:

There is no financial impact of tonight's discussion.

If Council enacts secure scheduling regulations, there would likely be little impact to the City's employees and budgets. Most secure scheduling models are applicable to only large-scale employers; the City would likely not fit that definition if regulations similar to others are adopted. Even if the City were to be included in such regulations, the City's policies and practices meet or exceed the intent of secure and predictable scheduling and provide fair compensation for unexpected events.

However, there may be a significant impact on various City processes and operations. If Council enacts secured scheduling regulations, staff would need to identify the City's existing policies and practices that meet the intent of the regulation and, if Council directs, change those policies and practices to exactly match new regulations. More

information on potential changes to policies and practices is in the Resource/Financial Impact section below.

Seattle's suite of workforce regulations (paid sick and safe time, minimum wage, fair chance employment, secure scheduling, and wage theft) are enforced by the City's Office of Labor Standards. This Office has full-time staff dedicated to receiving and investigating complaints, and conducting outreach to businesses. In preliminary discussions about Seattle's various regulations, Seattle staff noted the need to undertake significant business outreach efforts after continually finding that businesses in Seattle were unaware of the regulations three years after their enactment, and therefore not in compliance. In fact, after implementing a number of workforce regulations, an additional \$1 million was authorized for the Office to expand outreach and education efforts.

Businesses operating in Shoreline would be impacted. Though, depending on the specific provisions of the regulations, the extent and manner in which employers and employees would be effected is difficult to estimate.

RECOMMENDATION

No formal action is required at this time. Staff recommends that Council discuss the various aspects of secure scheduling. Council should also determine if there are any further questions or information that staff should bring back for Council consideration of potential regulations.

If the Council is in favor of potentially enacting secure scheduling regulations, further outreach, legal review, and policy development would have to be conducted. Also, if the City enacts additional workforce regulations, outreach and enforcement of those would fall to the City. Other local jurisdictions' experiences with implementing workforce regulations, including secure scheduling, indicate that Shoreline may need additional full-time staff for purposes of outreach and enforcement of these regulations.

Approved By: City Manager **DT** City Attorney **MK**

BACKGROUND

At the Council's Strategic Planning Workshop in February 2016, Councilmembers asked staff to return with various external workforce regulations for discussion, including increased minimum wage and paid sick leave. At its March 28 and December 5, 2016 meetings, Council discussed these two regulations and other external workforce regulations. Materials from the March 28 meeting can be found on the City's website: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2016/staffreport032816-8a.pdf>. Materials from the December 5 meeting can also be found on the City's website: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2016/staffreport120516-9c.pdf>.

Since the December 5 meeting, Council discussed, and ultimately adopted on February 27, a new internal policy: Supplemental Paid Family Leave for most regular City employees. Materials from the February 27 meeting at which the Supplemental Paid Family Leave policy was adopted can be found on the City's website: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2017/staffreport022717-8a.pdf>.

Councilmembers Salomon and McConnell have requested tonight's discussion of secure scheduling.

DISCUSSION

There are only a few jurisdictions in the country that have implemented secure scheduling regulations. Seattle is the second municipality in the nation to adopt secure scheduling regulations, after San Francisco. Several other cities are considering secure scheduling laws, including New York City and Washington DC.

Seattle Model:

Beginning in March 2016, City policymakers conducted extensive outreach in the business and labor community to gather information on best practices, challenges, and scheduling needs of both workers and employers. City staff conducted roundtable conversations with business and labor leaders, visited workplaces, and separately met with business owners, scheduling managers, and individual workers to better understand how schedules are created and their impact on workers' lives.

Seattle's secure scheduling legislation (Attachment A) was adopted on September 19, 2016 and will take effect July 1, 2017.

The legislation extends to retail and quick or limited food service establishments with more than 500 employees worldwide, and full service restaurants with more than 500 employees and 40 full-service restaurant locations worldwide. Key provisions include:

- **Good Faith Estimate:** Upon hire, employers must provide a good faith estimate of the median hours an employee can expect to work, including on-call shifts.
- **Right to Request:** Employees may request schedule preferences to balance their other commitments, like caring for a family member, working another job

and attending school. Employers must engage in an interactive process with employees to discuss these requests, and must grant a request related to a major life event unless there is a business reason.

- **Advance Notice:** Employers must post employees' work schedules 14 days in advance.
 - Additional hours: If an employer adds hours to the employee's schedule after it is posted, the employer must pay the employee for one additional hour of "predictability pay."
 - Subtracted hours: If an employee is scheduled for a shift and then sent home early, the employer must pay the employee for half of the hours not worked.
 - On-Call Protections: Employees receive half-time pay for any shift they are "on-call" and do not get called into work.
 - Exceptions to predictability pay:
 - When an employee requests changes to a schedule (e.g. when an employee requests to leave work early to attend a concert.)
 - When an employee finds replacement coverage for hours through an employee-to-employee shift swap.
 - When an employer provides notice of additional hours through mass communication and an employee volunteers to cover hours.
 - When an employer conducts an in-person group conversation with employees currently on shift to cover new hours to address customer needs and an employee consents to take the hours.
- **Right to Rest:** If the gap between a closing and opening shift (i.e. "clopening") is less than 10 hours, the employer must pay the employee time-and-a-half for the difference.
- **Access to Hours:** Employers must offer additional hours of work to qualified existing employees before hiring external employees.
- **Record-Keeping Requirements:** Employers must keep records for three years to show compliance.
- **Protection from Retaliation:** Employees have the right to decline any hours not on the originally posted schedule.
- **Workplace Poster:** Employers must display the City of Seattle's workplace poster in a conspicuous and accessible place at the worksite, in English and the employees' primary language(s). The Office of Labor Standards will create the poster and provide translations.

San Francisco Model:

The San Francisco Board of Supervisors passed two ordinances addressing scheduling, hours, and retention at formula retail establishments on November 25, 2014. The legislation took effect October 3, 2015.

The laws apply to "Formula Retail Establishments" (or chain stores) with at least 40 formula retail establishments worldwide and 20 or more employees in San Francisco as well as their janitorial and security contractors. Key provisions include:

- **Offering Additional Work to Part-time Employees:** Covered employers must offer any extra work hours to current qualified part-time employees in writing before hiring new employees or using contractors or staffing agencies to perform additional work.
- **Employee Retention:** If a covered Formula Retail Establishment is sold, the Successor Employer must retain, for 90 days, eligible employees who worked for the former employer for at least six months prior to the sale. The employer must post a notice of the "change in control" and provide employees with a notice about their rights.
- **Scheduling:**
 - **Initial Estimate of Work Schedule** - Covered employers are required to provide new employees with a good faith written estimate of the employee's expected minimum number of scheduled shifts per month and the days and hours of those shifts.
 - **Two Weeks' Notice of Work Schedules** - Employers must provide employees with their schedules two weeks in advance. Schedules may be posted in the workplace or provided electronically, so long as employees are given access to the electronic schedules at work.
 - **Predictability Pay for Schedule Changes** - If changes are made to an employee's schedule with less than seven days' notice, the employer must pay the employee a premium of 1 to 4 hours of pay at the employee's regular hourly rate (depending on the amount of notice and the length of the shift).
 - **Pay for on Call Shifts** - If an employee is required to be "on-call," but is not called in to work the employer must pay the employee a premium of 2 to 4 hours of pay at the employee's regular hourly rate (depending on the amount of notice and the length of the shift).
 - **Exceptions** - Employers do not have to provide "predictability pay" or payment for on-call shifts if any of the following conditions apply:
 - Operations cannot begin or continue due to threats to Employees or property;
 - Operations cannot begin or continue because public utilities fail;
 - Operations cannot begin or continue due to an Act of God or other cause not within the Employer's control (such as an earthquake);
 - Another Employee previously scheduled to work that shift is unable to work and did not provide at least seven days' notice;
 - Another Employee failed to report to work or was sent home;
 - The Employer requires the Employee to work overtime; or
 - The Employee trades shifts with another Employee or requests a change in shifts.
- **Equal Treatment for Part-time Employees:** Employers must provide equal treatment to part-time employees, as compared to full-time employees at their same level, with respect to (1) starting hourly wage, (2) access to employer-provided paid time off and unpaid time off; and (3) eligibility for promotions. Hourly wage differentials are permissible if they are based on reasons other than part-time status, such as seniority or merit systems. Further, employees' time off allotments may be prorated based on hours worked.

- **Retaliation Prohibited:** It is illegal for an employer to take adverse action against any person in retaliation for exercising his or her rights under the Ordinances.
- **Janitorial and Security Contractors:** Janitorial and security contractors of Formula Retail Establishments covered by these Ordinances must comply with most of the provisions of Police Code Articles 33 F and G, and Formula Retail Establishments must notify their contractors of these requirements.

RESOURCE/FINANCIAL IMPACT

There is no financial impact of tonight's discussion.

If Council enacts secure scheduling regulations, there would likely be little impact to the City's employees and budgets. Most secure scheduling models are applicable to only large-scale employers; the City would likely not fit that definition if regulations similar to others are adopted. Even if the City were to be included in such regulations, the City's policies and practices meet or exceed the intent of secure and predictable scheduling and provide fair compensation for unexpected events.

However, there may be a significant impact on various City processes and operations. If Council enacts secured scheduling regulations, staff would need to identify the City's existing policies and practices that meet the intent of the regulation and, if Council directs, change those policies and practices to exactly match new regulations. Based on the Seattle and San Francisco models, the following is an example of policies and practices that would need to change to exactly match those particular regulations:

Sampling of Regulated Mandates from Seattle and San Francisco Models	Related City Policies and/or Practices That Would Need Updating to Match Those Models
<ul style="list-style-type: none"> • Additional hours & 'Predictability Pay' • Subtracted hours & ½ of shift not worked pay • On-Call pay for time spent on call but not called in • 'Clopening' Pay for hours between shifts not worked • Mandated staffing protocols for extra hours • Starting hourly wage 	<ul style="list-style-type: none"> • Overtime pay • Stand by pay • Call back pay • Compensatory time • 12 hour shifts and pay to transition into 12-hour shifts • Shift differential • Pay for meal breaks • Inclement weather and premium pay for work on days when the city is closed • Recruitment and selection • Pay schedules and starting salaries

Seattle's suite of workforce regulations (paid sick and safe time, minimum wage, fair chance employment, secure scheduling, and wage theft) are enforced by the City's Office of Labor Standards. This Office has full-time staff dedicated to receiving and investigating complaints, and conducting outreach to businesses. In preliminary discussions about Seattle's various regulations, Seattle staff noted the need to undertake significant business outreach efforts after continually finding that businesses in Seattle were unaware of the regulations three years after their enactment, and therefore not in compliance. In fact, after implementing a number of workforce regulations, an additional \$1 million was authorized for the Office to expand outreach and education efforts.

Businesses operating in Shoreline would be impacted. Though, depending on the specific provisions of the regulations, the extent and manner in which employers and employees would be affected is difficult to estimate.

RECOMMENDATION

No formal action is required at this time. Staff recommends that Council discuss the various aspects of secure scheduling. Council should also determine if there are any further questions or information that staff should bring back for Council consideration of potential regulations.

If the Council is in favor of potentially enacting secure scheduling regulations, further outreach, legal review, and policy development would have to be conducted. Also, if the City enacts additional workforce regulations, outreach and enforcement of those would fall to the City. Other local jurisdictions' experiences with implementing workforce regulations, including secure scheduling, indicate that Shoreline may need additional full-time staff for purposes of outreach and enforcement of these regulations.


ATTACHMENTS

Attachment A: City of Seattle Secure Scheduling Flyer



SECURE SCHEDULING

Adding Stability & Predictability to Workers' Schedules & Incomes

 Councilmembers Lisa Herbold and M. Lorena González with Mayor Ed Murray

Problem

Retail and food services employees currently bear a significant burden of unpredictability in the workplace: last minute schedule changes, inadequate hours, back-to-back shifts that prevent a good night's sleep, and being on call without being paid.

Solution

Secure Scheduling will give employees more stability in their schedules as well as opportunities to earn additional, predictable income if desired.

Who




- Hourly Seattle employees working at:
- Retail, food services or drinking establishments with 500+ employees worldwide
 - Full-service restaurants with 500+ worldwide employees and 40+ full service locations worldwide

How It Works






Schedule Set 14 Days in Advance

Employers must give employees their schedules 14 days in advance.

-  When the employer subtracts hours, the employee is paid for half of the hours not worked.
-  When the employer adds hours, the employee is paid for one additional hour.
-  When an employer doesn't ask an on-call employee to report for duty, the employee is paid half the hours not worked.

Protecting Workers' Flexibility - Predictability pay doesn't apply:

-  When an employee requests changes to a schedule.
-  When employee finds replacement coverage for hours through an employee-to-employee shift swap.
-  When an employer provides notice of additional hours through mass communication and receives a volunteer to cover hours.



Maintain Workers' Flexibility

The City understands the flexible benefits of working in the retail and food services industries. Employees will continue to enjoy their current flexibility; they can swap shifts and pick-up new shifts.




Access to Full-Time Hours

Before hiring new employees, employers must offer additional hours to qualified internal candidates. Part-time unpredictable pay isn't enough to make ends meet in an increasingly expensive city.



Right to Rest

Employees have a right to decline closing and opening shifts that are separated by less than 10 hours.

-  If the gap between the closing and opening is less than 10 hours, time-and-half kicks in for the difference.
e.g. 8 hour gap = 2 hours of time-and-a-half.



Worker Schedule Input

To help balance their other commitments, like caring for a family member, working another job and attending school, employees may request preferences on their schedule.

Questions?

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