



AGENDA

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SHORELINE CITY COUNCIL REGULAR MEETING

Monday, January 6, 2020
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
(a) Oath of Office Ceremony for Newly Elected City Councilmembers, performed by Shoreline District Court Judge Marcine Anderson	<u>1a-1</u>	
• Council Position No. 2 Keith Scully		
• Council Position No. 4 Doris McConnell		
• Council Position No. 6 Betsy Robertson		
2. FLAG SALUTE/ROLL CALL		
(a) Election of Mayor and Deputy Mayor	<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		7:40
7. CONSENT CALENDAR		7:40
(a) Approving Minutes of Workshop Dinner Meeting of December 2, 2019	<u>7a1-1</u>	
Approving Minutes of Workshop Dinner Meeting of December 9, 2019	<u>7a2-1</u>	
(b) Authorizing the City Manager to Execute an Agreement with Marshbank Construction Inc. in the Amount of \$3,063,201.66 for the Construction of the Westminster Way N and N 155 th Street Intersection Improvements Project and Approve a Change Order Authorization up to an Additional \$307,000	<u>7b-1</u>	
(c) Authorizing the City Manager to Execute an Agreement with KBA, Inc. in the Amount of \$439,700 for Construction Management and	<u>7c-1</u>	

Inspection of the Westminster Way N and N 155th Street
Intersection Improvements Project

- (d) Authorizing the City Manager to Execute an Amendment to Contract #9210 with the Blueline Group, LLC in the Amount of \$120,000 for On-Call Development Review and Construction Inspection Services 7d-1

8. ACTION ITEMS

- (a) Adopting Ordinance No. 871 – Townhouse Design Standards Development Code Amendments 8a-1 7:40
- (b) Adopting Ordinance No. 874 – Amending SMC 3.35.150 Municipal Art Fund 8b-1 8:00

9. STUDY ITEMS

- (a) Discussing Resolution No. 451 - Amending Resolution No. 432 Recreation Program Refund Policies and Procedures 9a-1 8:30

- 10. EXECUTIVE SESSION: Property Acquisition - RCW 42.30.110(1)(b) and Litigation - RCW 42.30.110(1)(i)** 8:50

The Council may hold Executive Sessions from which the public may be excluded for those purposes set forth in RCW 42.30.110 and RCW 42.30.140. Before convening an Executive Session the presiding officer shall announce the purpose of the Session and the anticipated time when the Session will be concluded. Should the Session require more time a public announcement shall be made that the Session is being extended.

- 11. ADJOURNMENT** 9:10

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:	Election of the Mayor and Deputy Mayor		
DEPARTMENT:	CMO/CCK		
PRESENTED BY:	Jessica Simulcik Smith, City Clerk		
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:

State law and the Council's Rules of Procedure establish that Councilmembers shall elect a Mayor and Deputy Mayor for a term of two years on even-numbered years. This election will occur at the January 6, 2020 Council meeting. After the meeting is called to order and the newly-elected Councilmembers are sworn in, the Clerk will lead the flag salute, call the roll, and then conduct the election of the Mayor.

As per Council Rule 2.2.D, the City Clerk will call for nominations. No Councilmember may nominate more than one person for office until every member wishing to nominate a candidate has an opportunity to do so. Nominations do not require a second. The Clerk will repeat each nomination until all nominations have been made. When it appears that no one else wishes to make any further nominations, the Clerk will ask again for further nominations and if there are none, the Clerk will declare the nominations closed. A motion to close the nominations is not necessary. After nominations have been closed, voting for Mayor takes place in the order nominations were made. Only affirmative votes for Mayor shall be given and Councilmembers will be asked to vote by a raise of hands. As soon as one of the nominees receives a majority vote (four affirmative votes), the Clerk will declare that nominee elected. No votes will be taken on the remaining nominees. If none of the nominees receives a majority vote, the Clerk will call for nominations again and repeat the process until a single candidate receives a majority vote.

Following the election of the Mayor, the Clerk will turn the gavel over to the Mayor, who will conduct the election of Deputy Mayor in the same manner described above. As per Council Rule 5.15, the Mayor sits at the center of the dais, with the Deputy Mayor to the right of the Mayor. Thus, after the election of the Mayor, the Mayor should move to the center of the dais before conducting the vote for the Deputy Mayor. Following the election of the Deputy Mayor, the Deputy Mayor should also take the appropriate seat on the dais.

RECOMMENDATION

Staff recommends that Councilmembers offer nominations for Mayor and Deputy Mayor and vote on the nominees by Council motion.

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

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF SPECIAL WORKSHOP DINNER MEETING

Monday, December 2, 2019
5:45 p.m.

Conference Room 303 - Shoreline City Hall
17500 Midvale Avenue North

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

ABSENT: None

STAFF: Debbie Tarry, City Manager; John Norris, Assistant City Manager; Jessica Simulcik Smith, City Clerk; and Allison Taylor, Deputy City Clerk

GUESTS:

At 5:45 p.m., the meeting was called to order by Mayor Hall.

John Norris, Assistant City Manager, led conversation to clarify the logistics and planned discussion topics of the 2020 Council Strategic Planning Workshop. Mr. Norris reviewed the schedule for the two day planning retreat and stated that typically the Council focuses on key discussion topics on Friday and additional policy issues on Saturday.

Deputy Mayor McConnell arrived at 5:48 p.m.

After reviewing the suggested key discussion topics, it was agreed that analyzing the impacts of the passage of State Initiative 976, and dialogue on Proposition 1 and the next steps for a Shoreline Aquatics, Recreation, and Community Center (ShARCC), including the possibilities of community partnerships are important areas of focus. It was generally agreed that allotting time for financial discussions is a top priority.

Debbie Tarry, City Manager, shared insight on current and upcoming work projects that could be topics for future study sessions.

The Council discussed the value of including panels of experts in the discussions of commercial requirements in non-residential zones, and on evaluating the options for reassessing funding for the ShARCC. There was general conversation regarding the areas of professional expertise that the Council would most like included on panels.

The opinion was expressed that because the Council has spent a significant amount of time this year discussing transportation and connection planning, allotting more time at the retreat may not be necessary.

The Councilmembers vocalized interest in future updates and conversations on the city's work on Diversity and Inclusion and Shoreline's rental property market and regulations. It was offered by one Councilmember that retreat time is best used in discussion, rather than as a forum for receiving updates on ongoing projects.

Mr. Norris reviewed the additional policy issues proposed for discussion, and the Councilmembers discussed the best ways to budget time for these topics. To maximize time, the approaches of dedicating future study sessions and utilizing white paper reports were considered.

Councilmember Roberts arrived at 6:23 p.m.

Mr. Norris said the retreat agenda will be finalized after the January 13, 2020 Workshop Dinner Meeting with the retreat facilitator, Allegra Calder.

Jessica Simulcik Smith, City Clerk; and Allison Taylor, Deputy City Clerk, gave an overview of the proposed updates to the list of proclamations to be presented in Council Meetings in 2020. The Council authorized the addition of recognition for Mental Health Awareness Month, PRIDE Month, Welcoming Week, and Native American Heritage Month. Proclamations to be retired include Student Champions Day and Edwin T. Pratt Day. Staff was asked to do further research on the community representation that is connected to Armed Services Appreciation Day.

At 6:54 p.m. the meeting adjourned.

Allison Taylor, Deputy City Clerk

CITY OF SHORELINE

SHORELINE CITY COUNCIL SUMMARY MINUTES OF WORKSHOP DINNER MEETING

Monday, December 9, 2019
5:45 p.m.

Room 303– Shoreline City Hall
17500 Midvale Avenue North

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

ABSENT: None

STAFF: Debbie Tarry, City Manager; John Norris, Assistant City Manager; Colleen Kelly, Community Services Manager; Constance Perenyi, Neighborhoods Coordinator

GUESTS: Stephanie Angelis and Yarden Sheffer, Ballinger Neighborhood Association; Bill Dwyer and Lee Keim, Briarcrest Neighborhood Association; Dale Lydin and Marla Tullio, Echo Lake Neighborhood Association; Maria Ales and Cyndi Robinson, Highland Terrace Neighborhood Association; Andy McRea, The Highlands; Ann Erickson and Michaela Malone, Hillwood Neighborhood Association; Dom Dellino and Mai Norden, Innis Arden Neighborhood Association; Dan Dale, North City Neighborhood Association; Chris Brummer, Parkwood Neighborhood Association; Chris Beck and Tom Petersen, Richmond Beach Neighborhood Association; Pete Gerhard and Kathy Plant, Richmond Highlands Neighborhood Association; Dustin McIntyre and Lisa Martinez, Ridgecrest Neighborhood Association;

At 5:45 p.m., the meeting was called to order by Mayor Hall.

After a welcome by the Mayor, the City Council and members of the Council of Neighborhoods (CON) enjoyed dinner together and discussed neighborhood accomplishments in 2019. The Mayor thanked CON members for their work, reported on City accomplishments in 2019, and reiterated the City's commitment to diversity and inclusion. Constance Perenyi, Neighborhoods Coordinator, invited all to the January CON meeting for a training. Dan Dale, CON Chair, talked about the importance of neighborhood collaboration, and invited CON members to talk about a success in their neighborhood in 2019.

At 6:45 p.m., the meeting was adjourned.

Constance Perenyi, Neighborhoods Coordinator

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorizing the City Manager to Execute an Agreement with Marshbank Construction, Inc. in the Amount of \$3,063,201.66 for Construction of the Westminster Way N and N 155 th Street Intersection Improvements Project and Approving Change Order Authorization up to an Additional \$307,000
DEPARTMENT:	Public Works
PRESENTED BY:	Tricia Juhnke, City Engineer
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 a contract with Marshbank Construction, Inc. for construction of the Westminster Way N and N 155th Street Intersection Improvements Project in the amount of \$3,063,201.66 and approve change order authorization for the City Manager up to an additional \$307,000.

The project includes roadway work at the intersection of Westminster Way N and N 155th Street for intersection realignment, regrading and reconstruction of the roadway, pedestrian facilities, a storm drainage system, an illumination system, and a new signal system. In addition to the intersection improvements, the project also includes the installation of a joint utility trench, relocation of a deep storm line in Westminster Way, and sewer line, and water main extensions.

The City solicited bids from November 20 to December 17, 2019 for construction of this project. The engineer's estimate for construction was \$3,498,600. Marshbank Construction, Inc. submitted the low bid in the amount of \$3,063,201.66. Staff has determined that the bid from Marshbank Construction, Inc. is responsive and that they have met the City's responsibility requirements.

RESOURCE/FINANCIAL IMPACT:

The project is fully funded in the adopted 2019-2024 Capital Improvement Plan. The summary of funding is as follows:

EXPENDITURES

Design

Project Administration	\$704,080
Real-estate Acquisition	\$139,723

Construction

Staff and other Direct Expenses	\$45,000
Construction Management Services	\$439,700
Materials Testing Services	\$15,000
Construction Contract (This Contract - Marshbank)	\$3,063,202
Change Order Authorization (This Contract - Marshbank)	\$307,000
TOTAL (Construction and Design)	\$4,713,705

REVENUE

Estimated Private Donations (MGP)	\$1,900,000
Transportation Improvement Board Grant	\$3,616,471
TOTAL	\$5,516,471

Private donations by Merlone Geier Partners (MGP) are to meet the requirements of the Developers Agreement and the Relocation Agreement they entered into with the City. These contributions will be revised based on actual costs and the conditions of the agreements. Any surplus revenue can be redistributed through the CIP and budget process.

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to execute a construction contract with Marshbank Construction, Inc. in the amount of \$3,063,201.66 for the Westminster Way N and N 155th Street Intersection Improvements Project and approve change order authorization for the City Manager or designee up to an additional \$307,000.

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

BACKGROUND

This project provides full reconstruction of the intersection of Westminster Way N and N 155th Street. A vicinity map of this project is attached to this staff report as Attachment A. Improvements include realignment of the intersection, revised lane configurations, a new traffic signal, regrading and reconstruction of the roadways, new pedestrian facilities, a new illumination system, landscaping, and storm drain system. In addition to the intersection improvements, the project will construct several utility improvements to support the redevelopment of Shoreline Place.

On September 9, 2019, the City Council authorized a Development Agreement between the City and Merlone Geier Partners (MGP) that identifies financial contributions from MGP for specific transportation improvements included in the City CIP. The staff report for authorization of this agreement can be found at the following link:
<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2019/staffreport090919-8b.pdf>.

Subsequently, on November 4, 2019, Council authorized an Agreement for the Relocation of Stormwater and Sewer Lines and Waterline Extensions with MGP for the installation and payment of these utilities as part of the City's CIP project. The staff report for authorization of this agreement can be found at the following link:
<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2018/staffreport091018-7e.pdf>.

ALTERNATIVES ANALYZED

From November 20 to December 17, 2019, the City solicited bids for contractors to construct the Westminster Way N and N 155th Street Intersection Improvements Project. Bids were opened on December 17, 2019 and seven (7) bids were received:

Bidder	Total Bid
<i>Graham Contracting Ltd.</i>	\$3,808,644.34
<i>Razz Construction, Inc.</i>	\$3,438,310.99
<i>Jansen Inc.</i>	\$4,430,764.33
<i>Titan Earthwork LLC</i>	\$3,539,300.40
<i>Allied Construction Associates, Inc.</i>	\$3,655,732.68
<i>Marshbank Construction, Inc.</i>	\$3,063,201.66
<i>A-1 Landscaping and Construction, Inc</i>	\$4,243,126.27

As is noted above, Marshbank Construction, Inc. was the low bidder with a bid of \$3,063,201.66. The engineer's estimate for construction of this project was \$3,498,600. City staff determined that the bid from Marshbank Construction, Inc. is responsive and has met the responsibility requirements of the bid. This was verified by:

- Evaluation of the bid through the creation of bid tabulations.
- Verification that the contractor is properly licensed in Washington and has not been barred from contracting on federal and state-funded projects.
- Supplemental Criteria including the completion of five projects of similar size and scope.

The alternative of not awarding this contract would result in delay of construction, possible forfeiture of grant funding, and failure to meet terms of the City’s agreements with the adjacent developers. Construction of the Project is anticipated to start in February 2020 with completion anticipated by October 2020.

Staff is therefore requesting that Council authorize the City Manager to execute a construction contract with Marshbank Construction, Inc. in the amount of \$3,063,201.66 for this project and approve change order authorization for the City Manager or designee up to an additional \$307,000. Council authorization is needed to enter into this contract with Marshbank Construction, Inc.

COUNCIL GOAL(S) ADDRESSED

This project supports two Council Goals:

- Goal 1: Strengthen Shoreline’s economic climate and opportunities; specifically, this goal identifies implementing the Community Renewal Plan for Shoreline Place, including execution of development agreements in the Community Renewal Area and construction of intersection improvements at N 155th Street and Westminster Way N.
- Goal 2: Improve Shoreline’s infrastructure to continue the delivery of highly-valued public service.

RESOURCE/FINANCIAL IMPACT

The project is fully funded in the adopted 2019-2024 Capital Improvement Plan. The summary of funding is as follows:

EXPENDITURES

Design

Project Administration	\$704,080
Real-estate Acquisition	\$139,723

Construction

Staff and other Direct Expenses	\$45,000
Construction Management Services	\$439,700
Materials Testing Services	\$15,000
Construction Contract (This Contract - Marshbank)	\$3,063,202
Change Order Authorization (This Contract - Marshbank)	\$307,000
TOTAL (Construction and Design)	\$4,713,705

REVENUE

Estimated Private Donations (MGP)	\$1,900,000
Transportation Improvement Board Grant	\$3,616,471
TOTAL	\$5,516,471

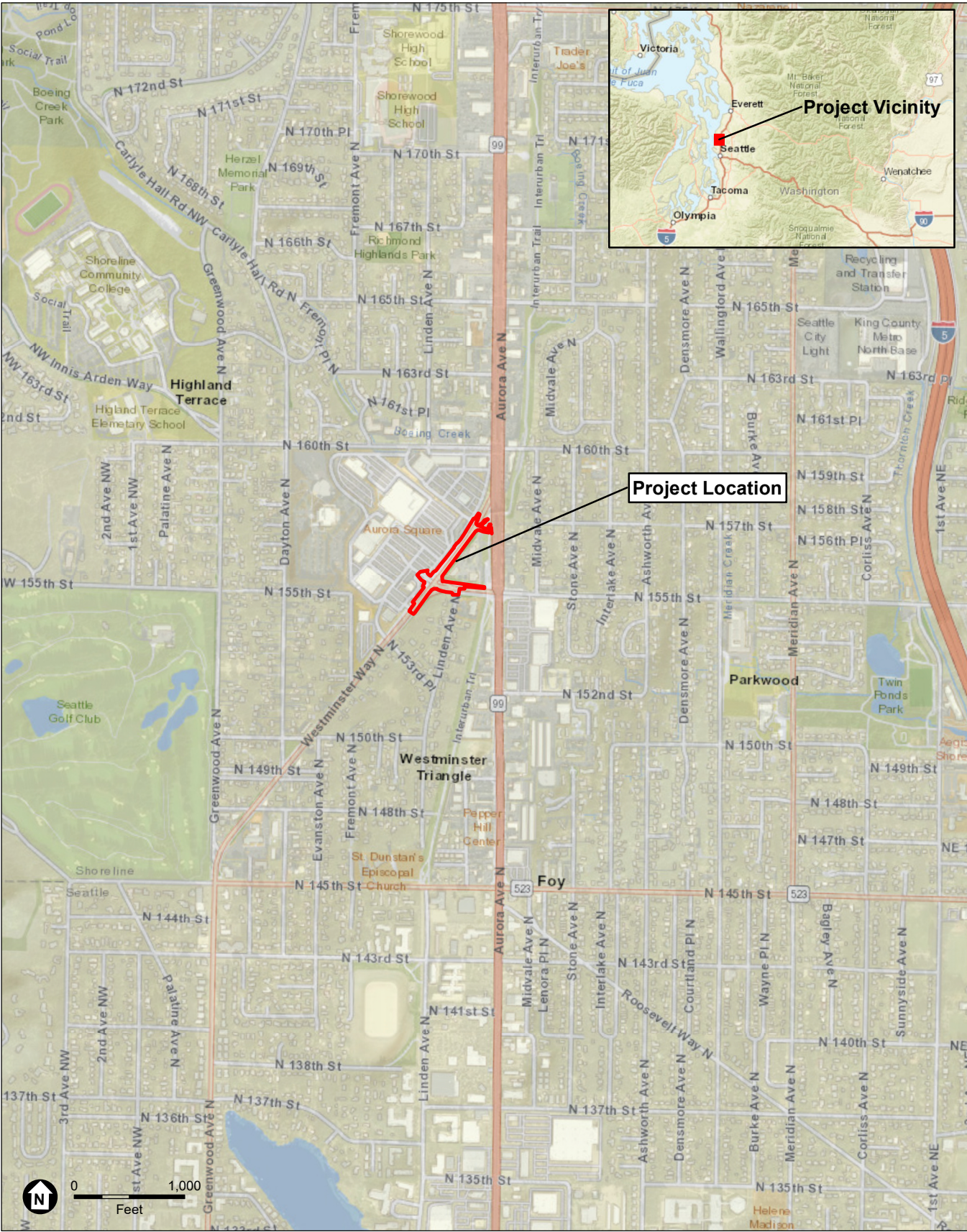
Private donations by Merlone Geier Partners (MGP) are to meet the requirements of the Developers Agreement and the Relocation Agreement they entered into with the City. These contributions will be revised based on actual costs and the conditions of the agreements. Any surplus revenue can be redistributed through the CIP and budget process.

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to execute a construction contract with Marshbank Construction, Inc. in the amount of \$3,063,201.66 for the Westminster Way N and N 155th Street Intersection Improvements Project and approve change order authorization for the City Manager or designee up to an additional \$307,000.

ATTACHMENTS

Attachment A – Vicinity Map



SOURCE: ESRI 2017

Westminister Way N and N 155th Street Intersection Improvements

Attachment A
Vicinity Map

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorizing the City Manager to Execute a Professional Services Agreement with KBA, Inc. in the Amount of \$439,700 for Construction Management and Inspection of the Westminster Way N and N 155 th Street Intersection Improvements Project
DEPARTMENT:	Public Works
PRESENTED BY:	Tricia Juhnke, City Engineer
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 Council authorize the City Manager to execute a contract with KBA, Inc. for construction management services on the Westminster Way N and N 155th Street Intersection Improvements Project in the amount of \$439,700. The project includes roadway work at the intersection of Westminster Way N and N 155th Street for intersection realignment, regrading and reconstruction of the roadway, pedestrian facilities, storm drainage system, illumination system, and a new signal system. In addition to the intersection improvements, the project also includes the installation of a joint utility trench, relocation of a deep storm line in Westminster Way, and sewer line and water main extensions.

Due to increased development activity and the start of the construction phase for the Sound Transit Lynnwood Link Extension project, City construction inspectors are not available to provide inspection services for a project of this size. Therefore, contract inspection services are needed to complete this project and KBA, Inc. has been selected as the most qualified firm to support the City with this project through the construction phase. Council authorization is needed to enter into this professional services agreement with KBA, Inc.

RESOURCE/FINANCIAL IMPACT:

The project is fully funded in the adopted 2019-2024 Capital Improvement Plan. The professional services for construction management of the Westminster Way N and N 155th Street Intersection Improvements Project will be funded through the Capital Improvement Plan as shown below:

EXPENDITURES

Design Phase

Project Administration	\$704,080
Real-estate Acquisition	\$139,723

Construction

Staff and other Direct Expenses	\$45,000
Construction Management Services (This Contract -KBA)	\$439,700
Materials Testing Services	\$15,000
Construction Contract	\$3,063,202
Change Order Authorization	\$307,000
TOTAL (Construction and Design)	\$4,713,705

REVENUE

Private Donations (MGP)	\$1,900,000
TIB Fuel Tax Grant	\$3,616,471
TOTAL	\$5,516,471

Private donations by Merlone Geier Partners (MGP) are to meet the requirements of the Developers Agreement and the Relocation Agreement they entered into with the City. These contributions will be revised based on actual costs and the conditions of the agreements. Any surplus revenue can be redistributed through the CIP and budget process.

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to execute a professional services agreement with KBA, Inc. for construction management and inspection services in the amount of \$439,700 for the Westminster Way N and N 155th Street Intersection Improvements Project.

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

BACKGROUND

This project provides full reconstruction of the intersection of Westminster Way N and N 155th Street. Improvements include realignment of the intersection, revised lane configurations, a new traffic signal, regrading and reconstruction of the roadways, new pedestrian facilities, a new illumination system, landscaping, and storm drain system. In addition to the intersection improvements, the project will construct several utility improvements to support the redevelopment of Shoreline Place.

On September 9, 2019, the City Council authorized a Development Agreement between the City and Merlone Geier Partners (MGP) that identifies financial contributions from MGP for specific transportation improvements included in the City CIP. The staff report for authorization of this agreement can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2019/staffreport090919-8b.pdf>.

Subsequently, on November 4, 2019, Council authorized an Agreement for the Relocation of Stormwater and Sewer Lines and Waterline Extensions with MGP for the installation and payment of these utilities as part of the City's CIP project. The staff report for authorization of this agreement can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2018/staffreport091018-7e.pdf>.

The complex nature of the project, including coordination with multiple businesses, property owners, utilities and contractors, requires a more expansive construction management approach than what can be provided with City staff and their current workload. Thus, staff selected KBA, Inc. to provide construction management and inspection of this project throughout its construction phase.

ALTERNATIVES ANALYZED

On March 4, 2019, the City issued a Request for Qualifications (RFQ) for establishment of a Construction Services Roster. Five firms submitted Statements of Qualifications (SOQ's), which were reviewed by staff. Four firms were selected for final consideration and KBA, Inc. was subsequently selected as the most qualified for this project.

The alternative to not authorizing this contract is utilizing current staffing resources either by re-prioritizing other work or delaying the project until staffing resources become available, which is not recommended. Current staff are fully utilized on other construction projects including private development, the Sound Transit Lynnwood Link Extension Project, and other capital projects. Construction of this Project is anticipated to start in February 2020 with final completion anticipated by September 2020.

Staff is therefore requesting that Council authorize the City Manager to execute a professional services agreement with KBA, Inc. for construction management on the Project in the amount of \$439,700. The scope of work of this proposed contract is attached to the staff report as Attachment A. Council authorization is needed to enter into an agreement with KBA, Inc.

COUNCIL GOAL(S) ADDRESSED

This project supports two Council Goals:

- Goal 1: Strengthen Shoreline’s economic climate and opportunities; specifically, this goal identifies implementing the Community Renewal Plan for Shoreline Place, including execution of development agreements in the Community Renewal Area and construction of intersection improvements at N 155th Street and Westminster Way N.
- Goal 2: Improve Shoreline’s infrastructure to continue the delivery of highly-valued public service.

RESOURCE/FINANCIAL IMPACT

The project is fully funded in the adopted 2019-2024 Capital Improvement Plan. The professional services for construction management of the Westminster Way N and N 155th Street Intersection Improvements Project will be funded through the Capital Improvement Plan as shown:

EXPENDITURES

Design Phase

Project Administration	\$704,080
Real-estate Acquisition	\$139,723

Construction

Staff and other Direct Expenses	\$45,000
Construction Management Services (This Contract -KBA)	\$439,700
Materials Testing Services	\$15,000
Construction Contract	\$3,063,202
Change Order Authorization	\$307,000
TOTAL (Construction and Design)	\$4,713,705

REVENUE

Private Donations (MGP)	\$1,900,000
TIB Fuel Tax Grant	\$3,616,471
TOTAL	\$5,516,471

Private donations by MGP are to meet the requirements of the Developers Agreement and the Relocation Agreement they entered into with the City. These contributions will be revised based on actual costs and the conditions of the agreements. Any surplus revenue can be redistributed through the CIP and budget process.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute a professional services agreement with KBA, Inc. for construction management and inspection services in the amount of \$439,700 for the Westminster Way N and N 155th Street Intersection Improvements Project.

ATTACHMENTS

Attachment A – KBA, Inc. Scope of Work

EXHIBIT A
SCOPE OF SERVICES
Construction Management Services
for
Westminster Way N and N 155th St
Intersection Improvements

KBA, Inc. (Consultant) will provide Construction Management (CM) services to City of Shoreline (Client) for the Project known as **Westminster Way N and N 155th St. Intersection Improvements**. These services will include consultation, contract administration, field observation, documentation, and material testing, as required during the construction of the Project, as detailed below.

Project Description: This project provides for the improvement of Westminster Way N and N 155th Street. The work includes a new signal system, upgrade of utilities, new curb and sidewalk, pavement and rechannelization. The Designer of Record on this project is Reid Middleton (Designer).

I. CONSTRUCTION MANAGEMENT SERVICES

A. Consultant Contract and Team Management. Provide overall day-to-day management of the consultant contract and team, including:

1. Decide on best modes and frequency of communication with Client and Designer and use them. Liaison and coordinate with Client on a regular basis to discuss Project issues and status.
2. Review monthly expenditures and Consultant Team scope activities. Prepare and submit to Client monthly, an invoice and progress report describing Consultant Team services provided that month. Prepare and submit reporting required by funding source(s), if any.

Deliverables

- Monthly invoices and progress reports

B. Preconstruction Services

1. Review Contract Documents to familiarize team with Project requirements.
2. Assist and co-lead preconstruction conference:
 - a. Attend and participate in the meeting.
3. Provide one set of preconstruction photographs and video of the project site.

Deliverables

- Co-Lead Preconstruction Conference
- Preconstruction photos and video

C. Construction Phase Services – Contract Administration

1. Liaison with the Client, construction contractor, Designer, appropriate agencies, property owners, and utilities.
2. Provide the Client with brief monthly construction progress reports, highlighting progress and advising of issues which are likely to impact cost, schedule, or quality/scope.
3. Schedule Review:
 - a. Review construction contractor's schedules for compliance with Contract Documents.

- b. Monitor the construction contractor's conformance to schedule and require revised schedules when needed. Advise Client of schedule changes.
4. Progress Meetings. Lead regular (usually weekly) progress meetings with the construction contractor, including Client pre-briefing. Provide input for weekly meeting agenda and meeting notes. Track outstanding issues on a weekly basis.
5. Review work plans, shop drawings, samples, and test reports submitted by the construction contractor, for general conformance to the Contract Documents.
6. Prepare weekly statement of working days for Client to distribute to the Contractor.
7. Manage RFI (Request for Information) process. Review/evaluate, or cause to be reviewed/evaluated by other appropriate party, RFIs.
8. Change Management. Evaluate entitlement, and prepare scope, impact, and independent estimate for change orders. Facilitate resolution of change orders. Provide change order information to the Client for processing.
9. Monthly Pay Requests. Assist the Client with the preparation of monthly pay requests.
 - a. Bid item quantities will be measured, verified, and agreed upon on a daily basis with the Contractor.
 - b. Prepare Field Note Records (FNR) in accordance with Client requirements.
 - c. Calculate and tabulate all quantity delivery tickets. Collection must be done on the date of delivery. Tickets shall be marked as to location (stationing per plans) where materials were used in the project and provide corresponding bid item number.
 - d. Check that manufacturer's Certifications and Certification of Materials Origins are received prior to payment.
 - e. Prepare Force Account (FA) sheets on the day the work occurred. Obtain signature from the Contractor prior to submitting the FA sheets to the Client for further processing.
 - f. Assist the Client with any discrepancies to the monthly pay requests.
10. Evaluate construction contractor's Schedule of Values for lump sum items. Review the Contract Price allocations and verify that such allocations are made in accordance with the requirements of the Contract Documents.
11. Assist the Client in the investigation of malfunctions or failures during construction.
12. Public Information. Provide information for Client to prepare media communications and public notices on Project status. Provide information for Client's inclusion into a Project website and/or newsletters, if requested.
13. Record Drawings. Review not less than monthly, the construction contractor's redline set of contract plans. Maintain a CM Team set of conformed drawings tracking plan changes, location of discovered anomalies and other items, as encountered by the CM team. Use these markups to check the progress of the Contractor-prepared Record Drawings.
14. Project closeout, and recommendation for formal acceptance by the Client. Make recommendations to the Client concerning operational acceptance, substantial completion, physical completion, and final acceptance of the work. Include review of the request for substantial completion of the project, perform a final review and inspection of the construction work and prepare a final punch list of items to be corrected. Verify completion of the punch list.

15. Final Records. Assist the client with the closeout of the final Project records.

Deliverables

- Monthly Construction Progress Reports
- Schedule Review Comments
- Weekly Statement of Working Days
- Change Order(s)
- Field Note Records, Force Account Sheets, Delivery Tickets.
- Punchlist

D. Construction Phase Services – Field

1. Observe the technical conduct of the construction, including providing day-to-day contact with the construction contractor, Client, utilities, and other stakeholders, and monitor for adherence to the Contract Documents. The Consultant's personnel will act in accordance with Sections 1-05.1 and 1-05.2 of the WSDOT/APWA Standard Specifications.
2. Observe material, workmanship, and construction areas for compliance with the Contract Documents and applicable codes the Client of any non-conforming work observed during site visits.
3. Prepare Inspector Daily Reports (IDRs), recording the construction contractor's operations as actually observed by the Consultant; includes quantities of work placed that day, contractor's equipment and crews, and other pertinent information. Verify in the daily report that the Contractor is working within the proper traffic control plans. Document work being done on a Force Account basis.
4. Interpret Construction Contract Documents, in coordination with Designer.
5. Evaluate issues which may arise as to the quality and acceptability of material furnished, work performed, and rate of progress of work performed by the construction contractor. Verify that material approval is complete per the Record of Materials (ROM) prior to materials being used on site.
6. Establish communications with adjacent property owners. Respond to questions from property owners and the general public.
7. Coordinate with permit holders on the Project to monitor compliance with approved permits, if applicable.
8. Prepare field records and documents to help facilitate administration of the Project in accordance with funding agency requirements.
9. Attend and actively participate in regular on-site meetings.
10. Take periodic digital photographs during the course of construction
11. Punch List. Upon substantial completion of work, coordinate with the Client and affected agencies, to prepare a 'punch list' of items to be completed or corrected. Coordinate final inspection with those agencies.

12. Testing. Conduct or cause to be conducted, materials and laboratory tests. Coordinate the work of the Field Representative(s) and testing laboratories in the observation and testing of materials used in the construction; document and evaluate results of testing; and inform Client and construction contractor of deficiencies.

Deliverables

- IDRs with Project photos – submitted on a weekly basis
- Field Note Records and Daily Reports of Force Account Worked
- Punch List(s)
- Test reports

E. Assumptions

1. Budget:
 - a. Staffing levels are anticipated in accordance with the attached budget estimate. Consultant services are budgeted for a ten-month period, from January 1, 2020 through October 31, 2020. This is intended to span the originally planned construction duration, plus time allotted for Project setup and closeout. Overtime has not been figured into the budget.
 - b. Consultant will work up to the limitations of the authorized budget. If additional budget is needed to cover such instances as the following, Client and Consultant will negotiate a supplement to this Agreement:
 - i. The contractor's schedule requires inspection coverage of extra crews and shifts.
 - ii. The construction contract runs longer than the time period detailed above.
 - iii. Any added scope tasks.
 - iv. The work is anticipated to be performed during daytime hours. Should night work be necessary, a 15 percent differential for labor will be applied to all night shift hours worked by Consultant's employees.
 - c. The budget allocations shown on the attached budget estimate are itemized to aid in Project tracking purposes only. The budget may be transferred between tasks or people, or between labor and expenses, provided the total contracted amount is not exceeded without prior authorization.
 - d. The budget assumes that Consultant's standard forms, logs, and processes will be used. Any customization to meet specialized Client requirements will be Extra Work.
 - e. Should Consultant's level of effort extend beyond the time period detailed in the attached budget estimate, and into a new year, labor rates will adjust annually on January 1, with 30-day written notice to Agency.
2. Items and Services Client will provide:
 - a. Meeting arrangements and facilities for pre-bid and preconstruction meetings. Prepare and distribute meeting notes from pre-bid meeting(s), if any.
 - b. Workstation in Clients office, including:
 - i. desk, chair, and storage for 2 staff
 - ii. combination printer/copier/scanner machine with these capabilities: 11x17 size, color
 - iii. hi-speed data connection (minimum 2-GB upload speed)
 - iv. miscellaneous office supplies
 - v. utilities and sanitary facilities
 - c. Retain Engineer of Record for shop drawing review, RFIs, design changes, and final record drawings.

- d. Coordination with and enforcement of utility franchise agreements and/or contracts and schedules for services related to this Project.
 - e. Verify that the required permits, bonds, and insurance have been obtained and submitted by the construction contractor. Obtain all permits not required to be provided by construction contractor.
 - f. Construction Survey. Provide project control survey and staking that is not already assigned to the construction contractor.
 - g. Material Testing. Provide testing firm for all required material testing.
3. Scope:
- a. Consultant will provide observation services for the days/hours that its' Inspector(s) personnel is/are on-site. The Inspector(s) will not be able to observe or report construction activities, or collect documentation, during the time they are not on-site.
 - b. The Consultant's monitoring of the construction contractor's activities is to ascertain whether or not they are performing the work in accordance with the Contract Documents; in case of noncompliance, Consultant will reject non-conforming work and pursue the other remedies in the interests of the Client, as detailed in the Contract Documents. The Consultant cannot guarantee the construction contractor's performance, and it is understood that Consultant shall assume no responsibility for proper construction means, methods, techniques, Project site safety, safety precautions or programs, or for the failure of any other entity to perform its work in accordance with laws, contracts, regulations, or Client's expectations.
 - c. Definitions and Roles. The use of the term "inspect" in relation to Consultant services is synonymous with "construction observation," and reference to the "Inspector" role is synonymous with "Field Representative," and means: performing on-site observations of the progress and quality of the Work and determining, in general, if the Work is being performed in conformance with the Contract Documents; and notifying the Client if Work does not conform to the Contract Documents or requires special inspection or testing. Where "Specialty Inspector" or "specialty inspection" is used, it refers to inspection by a Building Official or independent agent of the Building Official, or other licensed/certified inspector who provides a certified inspection report in accordance with an established standard.
 - d. Because of the prior use of the Project site, there is a possibility of the presence of toxic or hazardous materials. Consultant shall have no responsibility for the discovery, presence, handling, removal or disposal of toxic or hazardous materials, or for exposure of persons to toxic or hazardous materials in any form at the Project site, including but not limited to asbestos, asbestos products, polychlorinated biphenyl (PCB), or other toxic substances. If the Consultant suspects the presence of hazardous materials, they will notify the Client immediately for resolution.
 - e. Review of Shop Drawings, samples, and other submittals will be for general conformance with the design concept and general compliance with the requirements of the contract for construction. Such review will not relieve the Contractor from its responsibility for performance in accordance with the contract for construction, nor is such review a guarantee that the work covered by the shop drawings, samples and submittals is free of errors, inconsistencies or omissions
 - f. Any opinions of probable construction cost provided by the Consultant will be on the basis of experience and professional judgment. However, since Consultant has no control over competitive bidding or market conditions, the Consultant cannot and does not warrant that bids or ultimate construction costs will not vary from these opinions of probable construction costs.

- g. Development of construction schedules and/or sequencing, and/or reviewing and commenting on contractor's schedules, is for the purpose of estimating number of days to complete a project, and for identifying potential schedule and coordination challenges and determining compliance with the construction contract. It is not a guarantee that a construction contractor will complete the Project in that sequence or timeline, as means and methods are the responsibility of the construction contractor.
- h. Consultant is not responsible for any costs, claims or judgments arising from or in any way connected with errors, omissions, conflicts or ambiguities in the Contract Documents prepared by others. The Consultant does not have responsibility for the professional quality or technical adequacy or accuracy of the design plans or specifications, nor for their timely completion by others.
- i. Consultant's indemnity and defense obligations are limited to the extent of those damages directly caused by the negligent acts, errors, or omissions of the Consultant. Any damages and/or costs that may be recovered shall be limited to the total amount authorized for this Project.
- j. Client agrees to include a statement in the construction Bid Documents for this Project, requiring construction contractor to name KBA, Inc. as an additional insured via CG 2010 & CG 2037 10/01, or their equivalent, endorsements to the contractor's commercial general liability and automobile insurance policies.
- k. RCW 4.24.115 is applicable to Consultant's services provided under this Agreement.
- l. Services provided by the Consultant under this Agreement will be performed in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances, in the same geographical area and time period. Nothing in the Agreement is intended to create, nor shall it be construed to create, a fiduciary duty owed by either party to the other.
- m. Client agrees that Consultant will not be held liable for the completeness, correctness, readability, or compatibility of any electronic media submitted to Client, after an acceptance period of 30 days after delivery of the electronic files, because data stored on electronic media can deteriorate undetected or can be modified without Consultant's knowledge.
- n. Consultant will not be liable for any damage to the field office premises or utilities provided by Client, unless caused by Consultant's own negligence.

II. OPTIONAL SERVICES

All services not detailed above, are considered Optional Services, which, along with any other Extra Work requested by the Client, will be performed only when a mutually negotiated Supplement to this Agreement is executed, specifying scope of services and budget.



Project Name: Westminster Way N
 Client Project No.: TBD
 KBA Project No.: 019026-TBD
 Contract Type: Cost + Net Fee (on DSC only)
 Date Prepared: 11/25/2019
 Prepared by: Mark Fuglevand
 Salary Escalation: 5%

Determination of Hours	Month	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20
	Days/Mo	22	20	22	22	20	22	22	21	21	22
	Hr/Mo	176	160	176	176	160	176	176	168	168	176
	Extra Work	6%	8%	10%	11%	12%	12%	12%	12%	12%	11%
	Adj Hr/Mo	187	173	194	195	179	197	197	188	188	195

Schedule	START UP	CONSTRUCTION										CLOSEOUT

KBA Labor Hours

Employee	Title	2020 Rate	2021 Rate	Total Hours	2020 Total	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20
Mark Fuglevand	(M3) Project Manager	\$76.00	\$79.80	42	42	8	4	4	4	4	4	4	4	4	2
Paige Barnes	(A4) CA	\$39.48	\$41.45	24	24	4	2	2	2	2	2	2	2	2	4
Resident Engineer	Resident Engineer	\$57.60	\$60.48	1,480	1,480	40	160	176	176	160	176	176	168	168	80
Inspector	Inspector	\$45.56	\$47.84	1,400	1,400	-	160	176	176	160	176	176	168	168	40
Subtotal - KBA Labor Hours				2,946	2,946	52	326	358	358	326	358	358	342	342	126

Direct Expenses

Item	Total Costs	2020 Total	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20
Vehicles @ \$950/month (plus tax)	\$ 17,562	17,562	-	2,096	2,096	2,096	2,096	2,096	2,096	2,096	2,096	794
Misc: Supplies, Equipment, Copies, Postage	\$ 127	127	-	127	-	-	-	-	-	-	-	-
Subtotal - Direct Expenses	\$ 17,689	17,689	-	2,223	2,096	2,096	2,096	2,096	2,096	2,096	2,096	794

Combined Costs

Employee	Title	2020 Rate	2021 Rate	Total DSC	2020 Total	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20
Mark Fuglevand	(M3) Project Manager	\$76.00	\$79.80	\$ 3,192	3,192	608	304	304	304	304	304	304	304	304	152
Paige Barnes	(A4) CA	\$39.48	\$41.45	\$ 948	948	158	79	79	79	79	79	79	79	79	158
Resident Engineer	Resident Engineer	\$57.60	\$60.48	\$ 85,248	85,248	2,304	9,216	10,138	10,138	9,216	10,138	10,138	9,677	9,677	4,608
Inspector	Inspector	\$45.56	\$47.84	\$ 63,784	63,784	-	7,290	8,019	8,019	7,290	8,019	8,019	7,654	7,654	1,822
Direct Salary Costs				\$ 153,172	153,172	3,070	16,889	18,539	18,539	16,889	18,539	18,539	17,714	17,714	6,740
Overhead (Home) @ 167.65%				\$ 6,940	6,940	1,284	642	642	642	642	642	642	642	642	520
Overhead (Field) @ 144.90%				\$ 215,947	215,947	3,339	23,917	26,308	26,308	23,917	26,308	26,308	25,112	25,112	9,318
Subtotal (DSC + OH)				\$ 376,059	376,059	7,692	41,447	45,489	45,489	41,447	45,489	45,489	43,468	43,468	16,578
Fee (on DSC only) @ 30.00%				\$ 45,951	45,951	921	5,067	5,562	5,562	5,067	5,562	5,562	5,314	5,314	2,022
Subtotal (DSC + OH + Fee)				\$ 422,010	422,010	8,613	46,514	51,051	51,051	46,514	51,051	51,051	48,782	48,782	18,600
Direct Expenses (No Markup)				\$ 17,689	17,689	-	2,223	2,096	2,096	2,096	2,096	2,096	2,096	2,096	794
TOTAL ESTIMATED COSTS				\$ 439,700	439,700	8,613	48,737	53,147	53,147	48,610	53,147	53,147	50,878	50,878	19,394

Rounded to nearest whole dollar.

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(Net Revenue/Direct Labor) = Labor Multiplier of: **2.56795**

Contracted Labor Multiplier:
 Home 2.97650
 Field 2.74900

Home Hours % 2.24%
 Field Hours % 97.76%

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorizing the City Manager to Execute an Amendment with The Blueline Group, LLC in the Amount of \$120,000 for On-Call Development Review and Construction Inspection Services
DEPARTMENT:	Public Works
PRESENTED BY:	Randy Witt, Public Work 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 4, 2019, with City Council authorization, the City Manager executed a contract with The Blueline Group, LLC for on-call development review and construction inspection services. Expenditures on this contract are expected to reach the full contract amount of \$120,000 by the end of January 2020. These services have proved to be beneficial in managing the increase in development activity the City continues to experience and allows staff to deliver predictable and consistent development review. Staff proposes to continue the use of these services through the end of 2020 with the option to extend the term for an additional year.

Tonight, Council is being asked to authorize the City Manager to execute an amendment to the contract with The Blueline Group, LLC to increase the contract amount by \$120,000 for a total contract amount of \$240,000.

RESOURCE/FINANCIAL IMPACT:

The current contract amount for The Blueline Group, LLC is \$120,000 and the amount of this contract amendment is \$120,000. Budget for this contract was approved by Council through the 2019-2020 Mid-biennial Budget Update and cost for this contract will be supported through permit revenue.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute an amendment to the contract with The Blueline Group, LLC in the amount of \$120,000 for a contract total of \$240,000.

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

BACKGROUND

Over the past several years, the City has used on-call development review services to provide a resource to manage workload and allow staff to meet review targets. On January 28, 2019, City Council authorized the City Manager to execute a contract with The Blueline Group, LLC for on-call development review services. The staff report for this Council authorization can be found at the following link: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2019/staffreport012819-7f.pdf>.

Development activity in the City remains high and the demand for providing consistent and dependable development review continues. Use of an outside consultant has helped meet this demand. In addition, on November 18, 2019, one of the City's Development Review Engineers accepted the City's vacant Engineer II Surface Water position. Staff has advertised the vacant Engineer II Development Review position and expects to have it filled by mid-February. On-call development review services are being used to manage workload during this vacancy and will continue to help after the position has been filled while the new Development Review Engineer II is trained. This amendment will provide the resources to assist staff in meeting target review times.

DISCUSSION

Tonight, Council is being asked to authorize the City Manager to execute an amendment to the contract with The Blueline Group, LLC to increase the contract amount by \$120,000 for a total contract amount of \$240,000. Expenditures on The Blueline Group, LLC contract are expected to reach the full contract amount of \$120,000 by the end of January 2020. These services have proved to be beneficial in managing the increase in development activity the City continues to experience and allows staff to deliver predictable and consistent development review.

Staff estimates this contract amendment will allow for up to three (3) reviews per week as needed through the end of 2020. Staff continues to receive high quality review from The Blueline Group's staff who are experienced in the City's codes, permitting processes, the Stormwater Management Manual for Western Washington and the associated NPDES general stormwater permit. There is no proposed change to the term of the original contract, which goes through December 2020 with the option to extend the term for an additional year.

RESOURCE/FINANCIAL IMPACT

The current contract amount for The Blueline Group, LLC is \$120,000 and the amount of this proposed contract amendment is \$120,000. Budget for this contract was approved by Council through the 2019-2020 Mid-biennial Budget Update and cost for this contract will be supported through permit revenue.

RECOMMENDATION

Staff recommends that Council authorize the City Manager to execute an amendment to the contract with The Blueline Group, LLC in the amount of \$120,000 for a contract total of \$240,000.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adopting Ordinance No. 871 - Amending Certain Sections of the Shoreline Development Code to Provide for Townhouse Design Standards
DEPARTMENT:	Planning & Community Development
PRESENTED BY:	Catie Lee, AICP, Associate Planner Nora Gierloff, AICP, Planning Manager Rachael Markle, AICP, Director
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

The City has experienced increasing demand for the townhouse housing style since the adoption of the Mixed Use Residential (MUR) 35' and 45' zoning in the 185th and 145th Station Areas in 2015 and 2016. The City's current design standards for townhouses are better suited for apartment buildings than townhouses. While the increase in new townhouses constructed helps to expand housing choice within the City, it is important that these developments be appropriately designed to ensure both functional and desirable places to live.

The current design standards for townhouses are found in Shoreline Municipal Code (SMC) Sections 20.50.120 through 20.50.210 - Multifamily and Single-Family Attached Residential Design. Proposed Ordinance No. 871 (**Attachment A**) would amend these and other sections of the code to update the townhouse design standards. If the proposed ordinance is approved, most of the current section will be deleted in its entirety and replaced with "Single-Family Attached Residential Design."

The regulations in SMC 20.50.220 through 20.50.250 – Subchapter 4, Commercial Zone Standards, will regulate all multifamily development in the City regardless of zoning district. Other Development Code sections, such as Definitions - SMC Chapter 20.20, Unit Lot Subdivision - SMC 20.30.410(B)(4), and Landscaping - SMC 20.50 Subchapter 7, need to be amended in conjunction with the townhouse design standards amendments. The overarching goal of the proposed amendments is to yield quality townhouse developments that add value to the community.

The City Council discussed proposed Ordinance No. 871 on November 25, 2019 and had comments and/or concerns on some of the amendments. Staff has reflected those comments/concerns in the Discussion section of this report. Tonight, Council is scheduled to adopt proposed Ordinance No. 871.

RESOURCE/FINANCIAL IMPACT:

If Council adopts proposed Ordinance No. 871, the new regulations are likely to slow townhouse redevelopment while developers adjust to the new requirements and in many instances will assemble more than one property to create a code-compliant development. This slowdown will be reflected in reduced permit application fee revenue for the City related to townhouse development.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 871 as recommended by the Planning Commission with the amendments proposed by staff for Amendment Nos. 1-9, 14, 15 and the amendment proposed by Mayor Hall for Amendment No. 18. Should the Council reject Amendment No. 14, and pass Amendment No. 10 and/or Amendment No. 16, then staff recommends passing Amendment Nos. 11, 12 and 13. If Amendment No. 17 is passed, then Amendment No. 18 is not needed and visa versa. A flow chart depicting these recommendations is attached as **Attachment B** to this staff report.

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

BACKGROUND

Research was conducted by staff earlier this year that looked at the zoning code of 22 jurisdictions in the Pacific Northwest as it pertains to townhouse design standards. City staff met with internal and external stakeholders in a series of nine (9) meetings from January to June this year. An online visual preference survey was open the month of April that received 534 total responses. On August 1, 2019 before the Planning Commission meeting, a public workshop was held. City staff made a presentation after which the meeting divided into two smaller groups to discuss site design and building design. Ten (10) community members were in attendance. City staff and several Planning Commissioners also attended the workshop. Summaries of project development and stakeholder input are further detailed in staff reports, and their associated attachments, to the Planning Commission.

Planning Commission Review

The Planning Commission held two study sessions on this topic on August 1 and September 5, 2019, and a Public Hearing on October 3, 2019. Staff reports for these Planning Commission agenda items, along with the meeting minutes and public comments, can be found at the following links:

- August 1st:
<http://www.shorelinewa.gov/Home/Components/Calendar/Event/14008/182?toggle=allpast>.
- September 5th:
<http://www.shorelinewa.gov/Home/Components/Calendar/Event/14014/182?toggle=allpast>.
- October 3rd:
<http://www.shorelinewa.gov/Home/Components/Calendar/Event/14018/182?toggle=allpast>.

On October 3rd, following the Public Hearing, the Planning Commission voted 4-1 to recommend the proposed townhouse residential design standards as proposed in Exhibit A to proposed Ordinance No. 871.

November 25, 2019 City Council Review

The Council discussed the proposed Development Code amendments on November 25, 2019. The staff report for this Council discussion can be found at the following link: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2019/staffreport112519-9a.pdf>.

The Council had comments and/or concerns on some of the amendments, which staff has reflected in the Discussion section of this report below. Tonight, Council is scheduled to discuss and adopt proposed Ordinance No. 871. If Council desires to amend the Planning Commission's recommendation, staff has provided the Council with proposed motion language.

During the November 25, 2019 Council meeting, Councilmember Scully also inquired how many lots in MUR-35' and MUR-45' are 70 feet wide or less. Based on data

compiled by staff, out of 752 lots, there are 375 lots under 70 feet wide. This is 50 percent of the lots in MUR-35' and MUR-45'.

DISCUSSION

Council reviewed the Planning Commission's recommendation on November 25, 2019. During the discussion, Council identified questions and/or concerns on several of the amendments that may result in modifications by the City Council to the Planning Commission recommendation. The Planning Commission recommendation, staff recommendation and Councilmember recommendations are outlined in **Attachment C** to this staff report.

To address the modifications proposed by the Planning Commission, staff and the City Council, this discussion is divided into five sections:

- A. In **Section A (Amendment Nos. 1-9)**, staff will address amendments that need to be made to the Planning Commission recommendation to address clerical errors and provide accuracy in the code illustrations. Staff recommends acceptance of these amendments in a single motion and has provided language for this motion at the end of Section A.
- B. In **Section B (Amendment No. 10)**, illustrations are included that reflect the language recommend by the Planning Commission at its October 3, 2019 Public Hearing in regard to proposed SMC 20.50.160.C - Site Configuration. This is a single motion.
- C. In **Section C (Amendment Nos. 11-13)**, staff will address amendments proposed by staff if the Planning Commission recommendation related to site configuration is the desired language. These are individual motions.
- D. In **Section D (Amendment Nos. 14-15)**, staff will address amendments proposed by staff that reflect the code language presented at the October 3, 2019 Planning Commission Public Hearing. These are individual motions.
- E. In **Section E (Amendment Nos. 16-18)**, staff will address the amendments identified by Councilmembers at the November 25, 2019 meeting. These are individual motions.

The sections are organized as follows:

- Amendment number;
- Justification for the potential amendment;
- Planning Commission's recommended language and/or illustration;
- Amendment language and/or illustration; and
- Amendatory motion language.

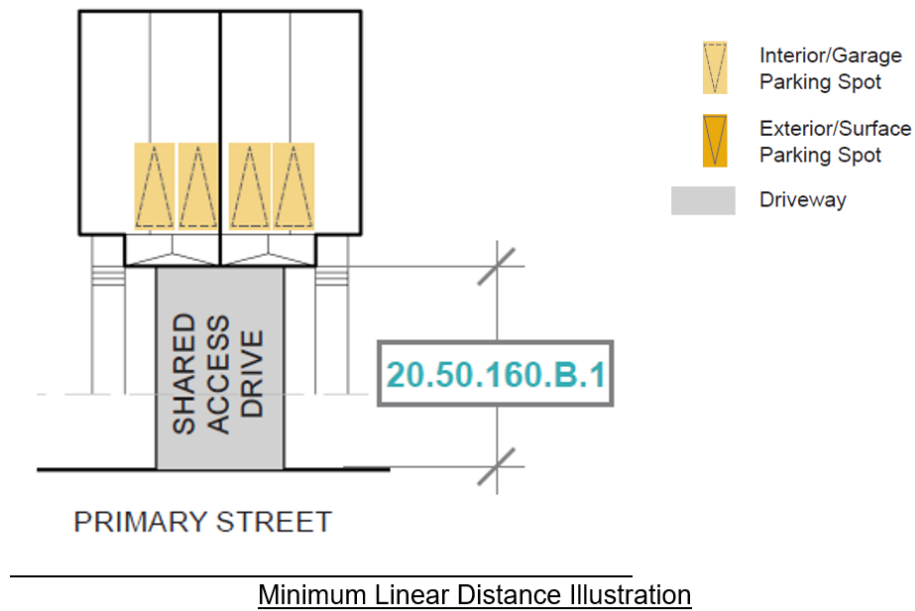
SECTION A CLERICAL ERRORS AND ACCURATE ILLUSTRATIONS AMENDMENTS (Motion language at end of this Section)

Note: The need for the amendments in this section are due to staff error in the draft presented at the October 3, 2019 Planning Commission Public Hearing. Many of the illustrations contained minor errors, such as inaccurate code

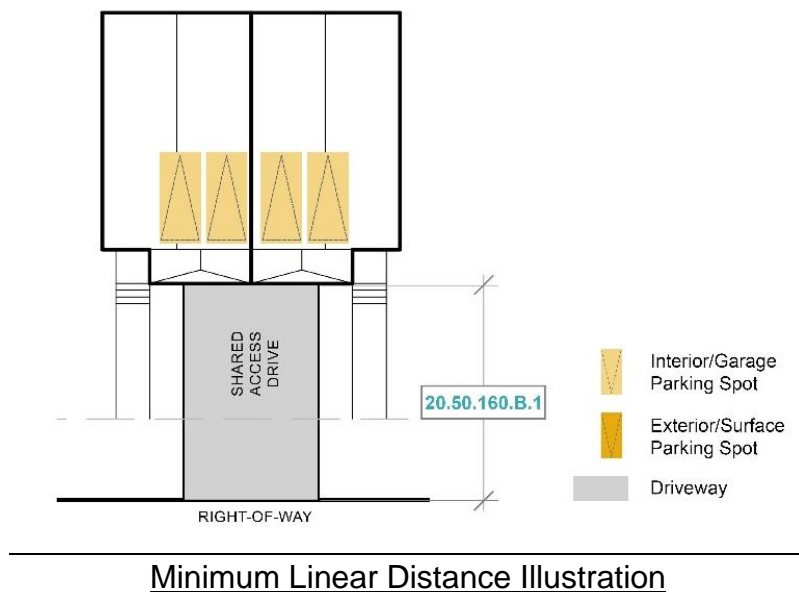
references, while others did not adequately communicate the code standard. Attachment C provides a chart that shows a side-by-side comparison of the Planning Commission recommendation and proposed staff and City Council amendments.

Amendment #1

Justification: This illustration needs to be updated to change the words “Primary Street” to “Right-of-Way” for accuracy and consistency with the other illustrations. Planning Commission illustration for 20.50.160(B)(1), uses term “Primary Street”:



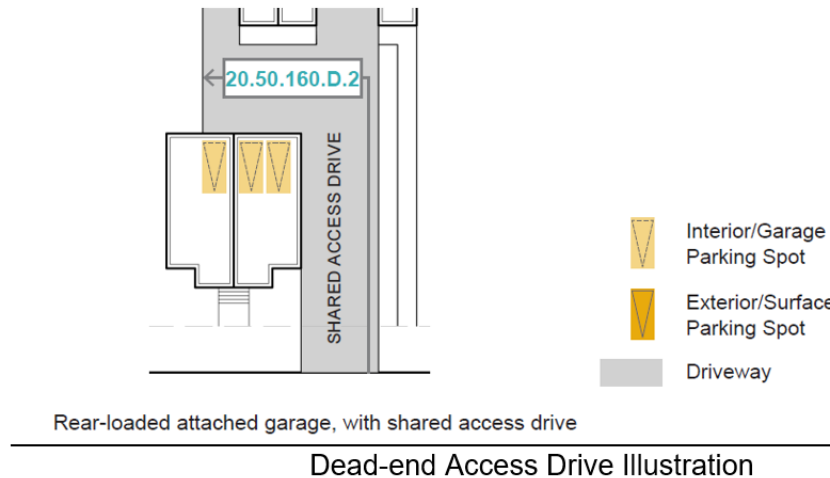
Amended illustration and new illustration for 20.50.160(B)(1), uses term “Right-of-Way”:



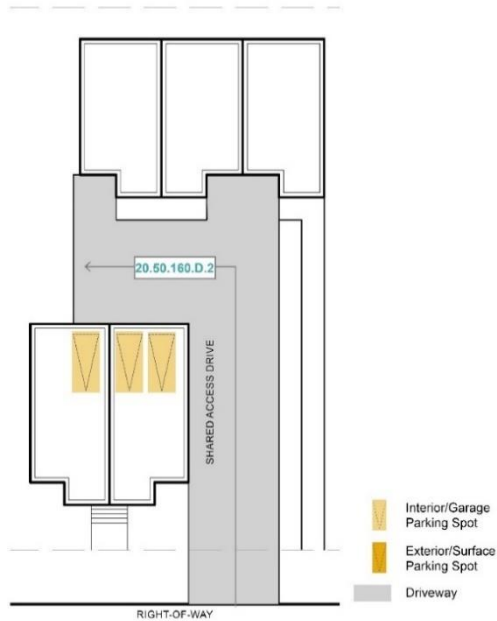
Amendment #2

Justification: The Planning Commission illustration for a dead-end access drive is not clear in its depiction of the proposed code standard. The amended illustration clarifies that a turnaround facility is not needed in this instance since the measurement of the access drive from the curb to its furthest extent is less than 150 feet. A new illustration is proposed to show a scenario that requires a turnaround facility. In this example, the distance from the curb to the furthest extent of driveway without the turnaround facility is 170 feet. The turnaround facility depicted is based on a draft Standard Detail produced by the Public Works Department in the forthcoming update to the Engineering Development Manual (“EDM”) that will take place in March 2020. The EDM is a technical manual and the most appropriate document to provide such engineering details. The illustration shown here depicts the basic concept but for the actual specifications the designer needs to reference the EDM.

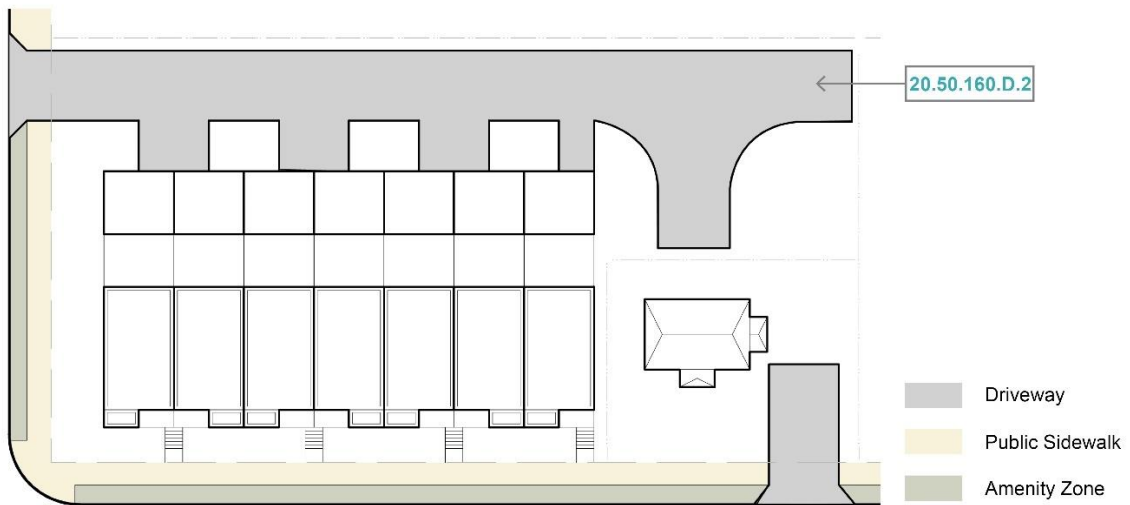
Planning Commission illustration for 20.50.160(D)(2):



Amended illustration and new illustration for 20.50.160(D)(2):



Dead-end Access Drive Illustration 1: Access drive is less than 150 feet, so a turnaround facility is not required



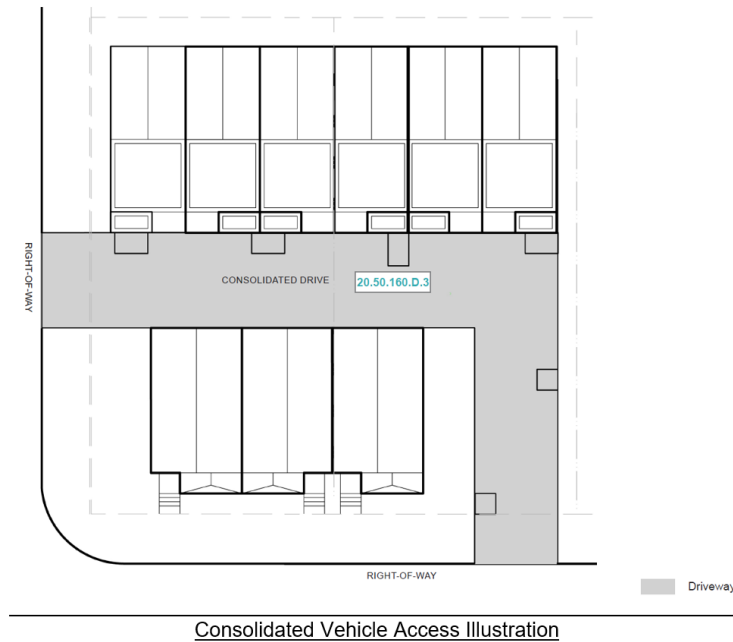
Dead-end Access Drive Illustration 2: Access drive is more than 150 feet, so a turnaround facility is required

Amendment #3

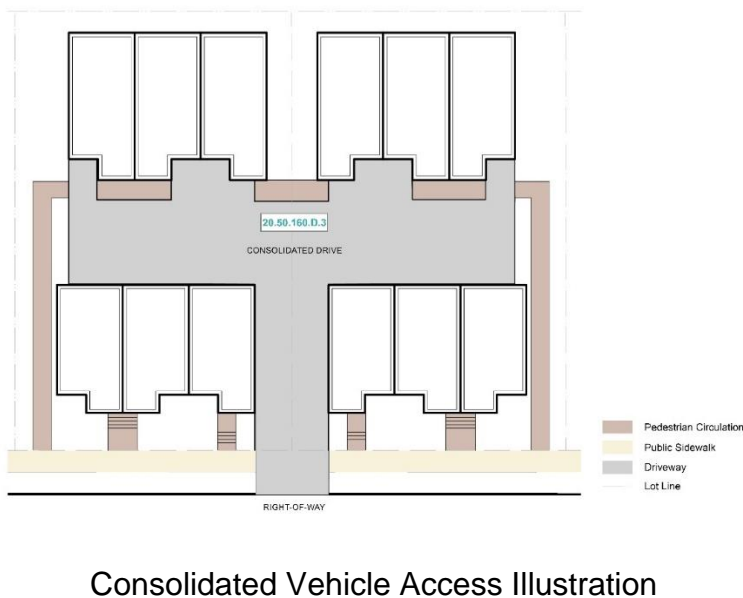
Justification: The Planning Commission illustration for consolidated vehicle access is not a good example of the proposed code standard. In the configuration shown, the City would require a lot merger since proposed structures straddle an existing lot line.

The amended illustration is an accurate depiction of the proposed code standard: two separate lots, being developed concurrently, are exempt from the side yard landscaping requirement if they share an access drive. In every other regard, such as compliance with dimensional standards such as setbacks and the rest of the design standards, each site shall comply individually with code standards.

Planning Commission illustration for 20.50.160(D)(3):



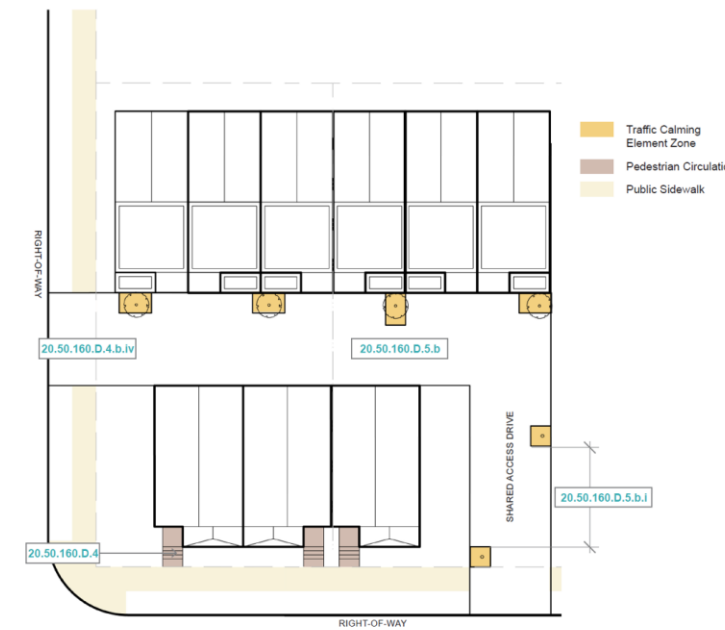
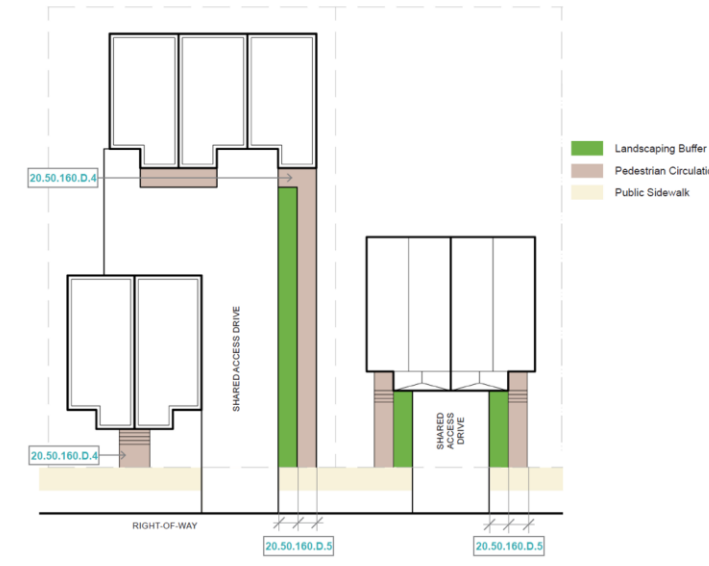
Amended illustration for 20.50.160(D)(3):



Amendment #4

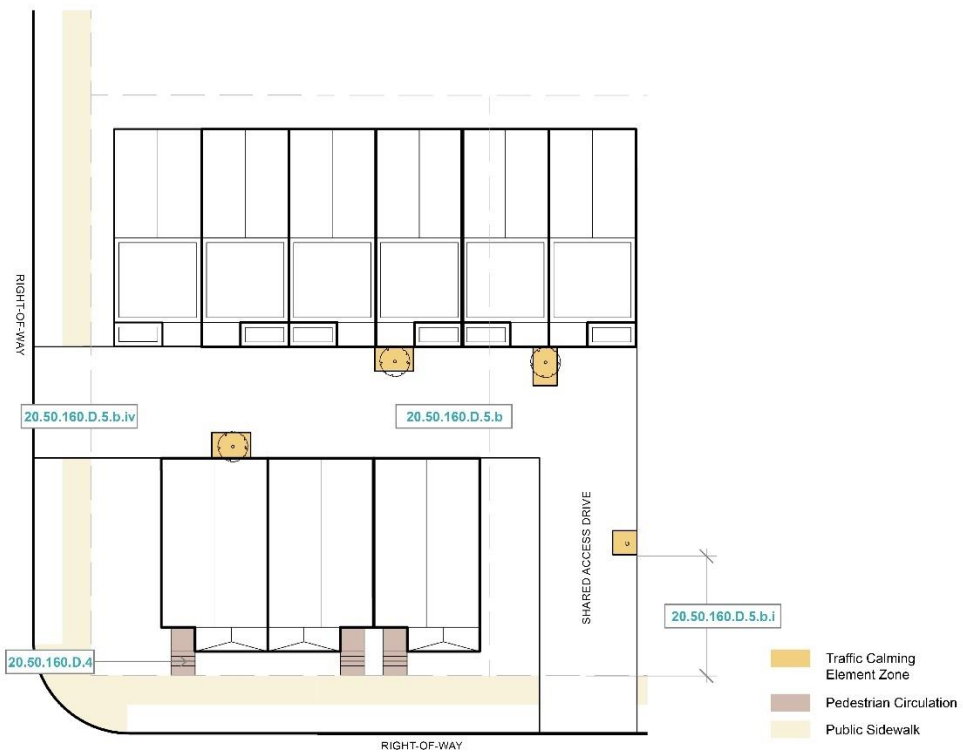
Justification: The second illustration from the Planning Commission recommended code for site access and circulation shows a planter box or bollard immediately as a vehicle would turn onto the site. The amended second illustration removes this element to allow for turning onto the site. The only change to the first illustration is placement of the legend.

Planning Commission illustrations for 20.50.160(D)(4) and (5):



Site Access and Circulation Illustrations

Amended illustrations for 20.50.160(D)(4) and (5):

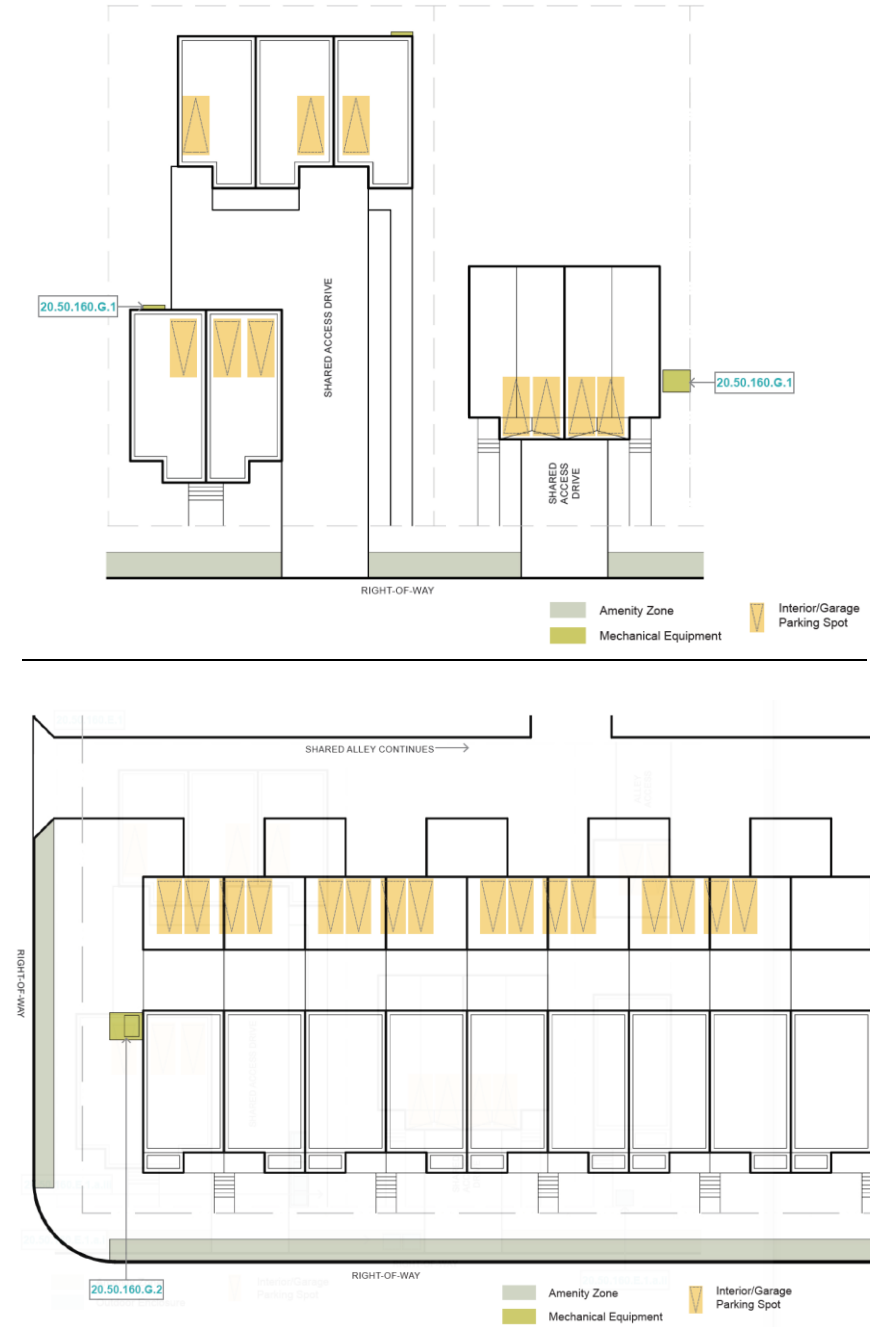


Site Access and Circulation Illustrations

Amendment #5

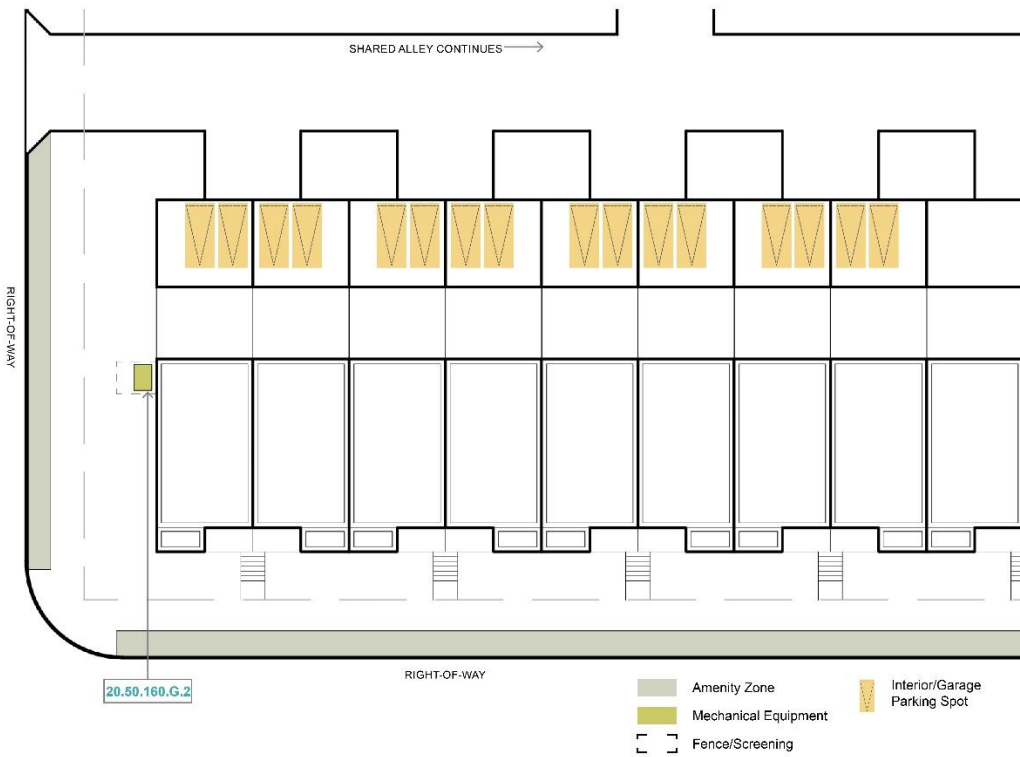
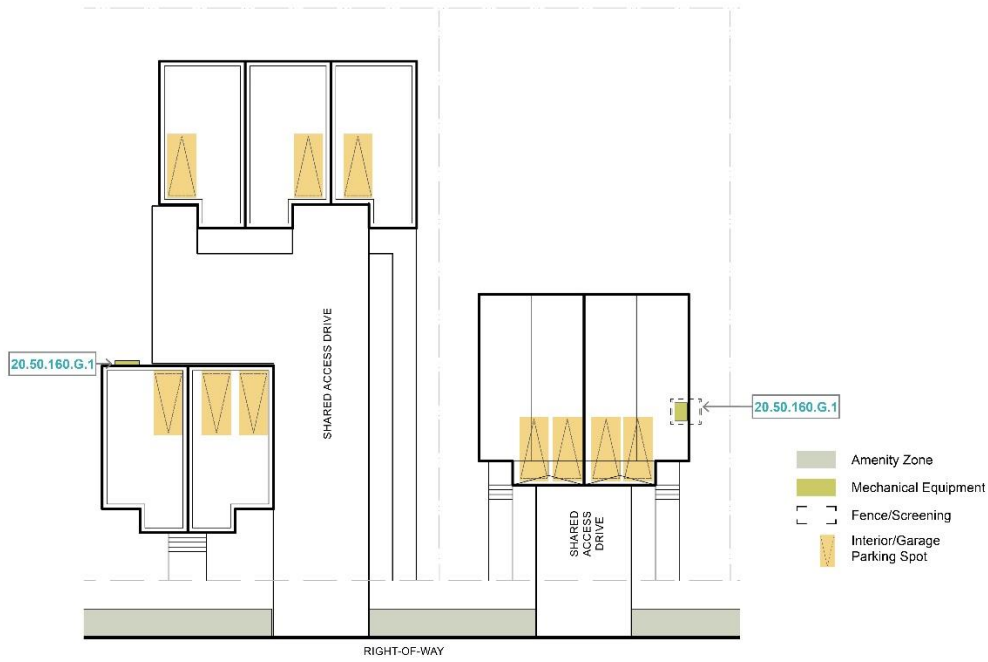
Justification: The first illustration from the Planning Commission illustrations for utility and mechanical equipment shows mechanical equipment projecting into a five-foot setback larger than the size allowed by code. The second illustration from the Planning Commission illustrations for utility and mechanical equipment is not clear that screening is provided. The amended first illustration shows code compliant mechanical equipment that is out of the setback and is screened. The amended second illustration contains screening that is called out in the legend.

Planning Commission illustrations for 20.50.160(G):



Utility and Mechanical Equipment Illustrations

Amended illustrations for 20.50.160(G):

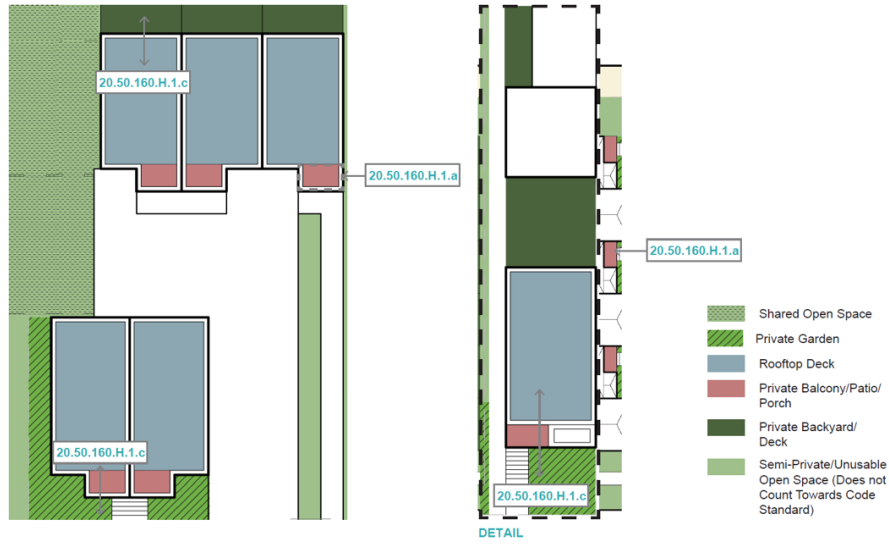


Utility and Mechanical Equipment Illustrations

Amendment #6

Justification: The Planning Commission illustrations contain inaccurate references to “20.50.160.H.1.c” which does not exist. The amended illustrations contain the correct reference to “20.50.H.1.a” and “20.50.H.1.a.iii.”

Planning Commission illustration for 20.50.160(H):



Open Space Illustration 2

Amended illustration for 20.50.160(H):



Open Space Illustration 2

Amendment #7

Justification: The Planning Commission images contained the same code reference pointing to each image (20.50.160(H)(2)). Since the images will appear directly below the code language it is not necessary. In the amended version these references have been removed.

Planning Commission images for 20.50.160(H):



Open Space Images

Amended images for 20.50.160(H):



Open Space Images

Amendment #8

Justification: The Planning Commission illustration omitted the landscaping symbol from the legend. The amended illustration includes the landscaping symbol on the legend.

Planning Commission image for Building Modulation, Massing and Articulation Illustration 1 in 20.50.170(B):



Building Modulation, Massing and Articulation Illustration 1

Amended image for Building Modulation, Massing and Articulation Illustration 1 in 20.50.170(B):

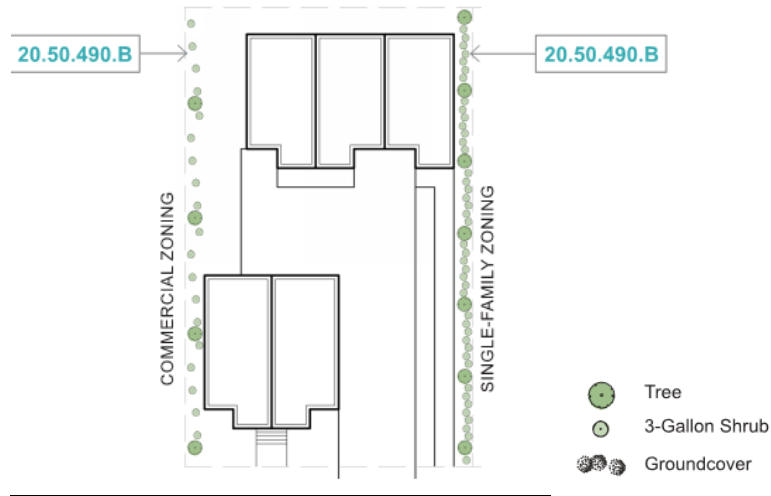


Building Modulation, Massing and Articulation Illustration 1

Amendment #9

Justification: The Planning Commission illustration omitted the required landscaping along the rear setback. The amended illustration includes the required landscaping along the rear setback.

Planning Commission image for Single-family Attached and Mixed Single-family Interior Landscaping Illustration in 20.50.490:



Single-family Attached and Mixed Single-family Interior Landscaping Illustration

Amended image for Single-family Attached and Mixed Single-family Interior Landscaping Illustration in 20.50.490:



Single-family Attached and Mixed Single-family Interior Landscaping Illustration

Motion Language to Accept Proposed Amendment Nos. 1-9

A motion is needed to amend the Planning Commission's recommendation of approval for the Amendments discussed in Section A of this staff report above. Staff recommends that these amendments be accepted through a single motion to accept the amended language and illustrations. Therefore, a Councilmember would need to make the following motion:

→ **Amendatory Motion:**

I move that the Planning Commission's recommendation be amended to reflect the clerical errors and accurate illustrations as shown in Section A of the January 6, 2020 Staff Report.

SECTION B AMENDMENTS PROPOSED BY PLANNING COMMISSION (Motion language at end of section)

Note: This amendment contains illustrations that reflect the language recommended by the Planning Commission at its October 3, 2019 meeting.

Amendment #10

Justification: The Planning Commission recommended this language related to site configuration at the October 3, 2019 Public Hearing so illustrations were not available at that time depicting the code standard. Since that time, staff coordinated with the City's consultant on this project to develop illustrations that demonstrate the standard.

Planning Commission recommendation:

20.50.160(C) Site Configuration.

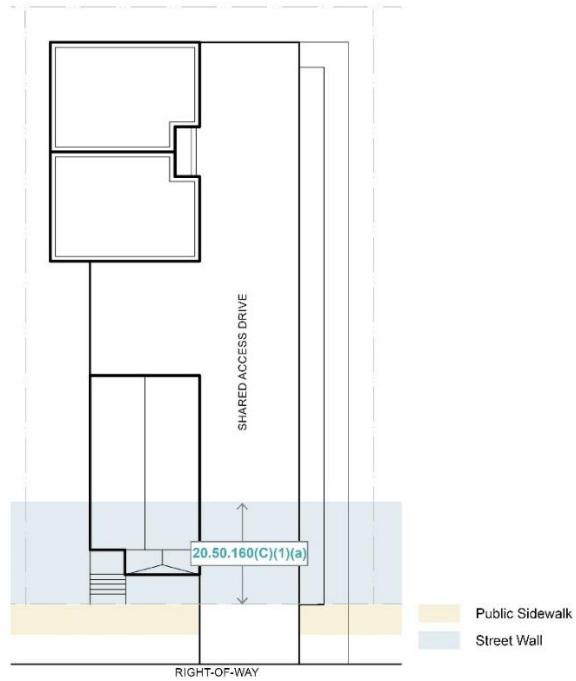
1. To create a street wall which enhances the streetscape and overall pedestrian experience, the following applies to lots in all zoning districts except for lots in the MUR-45' zoning district:

a. On lots up to 70 feet in width, at least 30 percent of units within a site shall be located between the front property line and a 25-foot distance from the property line.

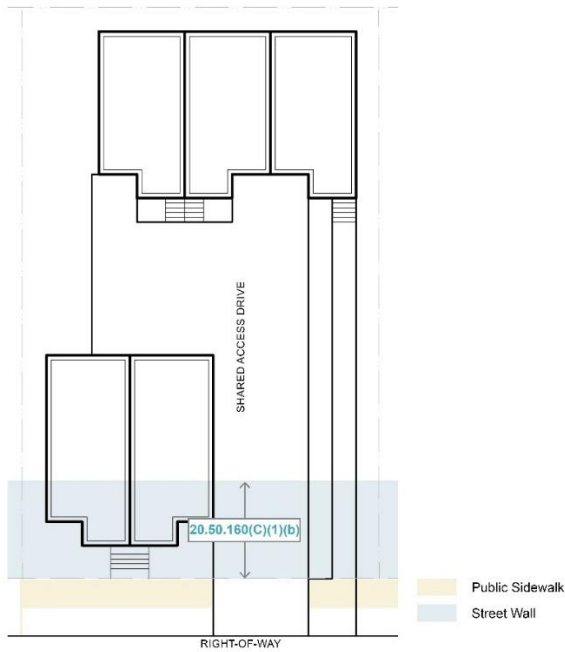
b. On lots greater than 70 feet in width, at least 40 percent of units within a site shall be located between the front property line and a 25-foot distance from the property line.

2. For all lots in the MUR-45' zoning district, buildings shall be located to create a street wall which enhances the streetscape and overall pedestrian experience. Except for vehicular access that meets the requirements of the Engineering Development Manual and the Development Code, buildings shall fill the lot frontage. All units with frontage shall be oriented to the public right(s)-of-way.

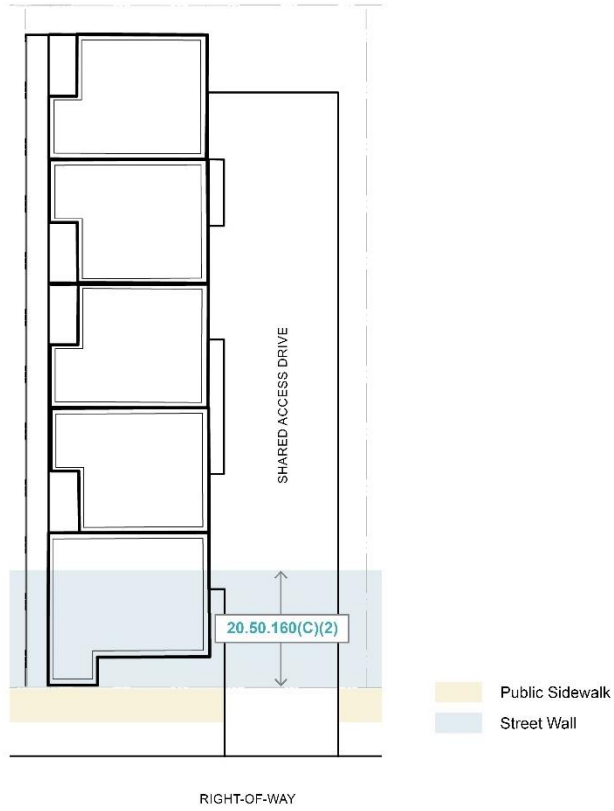
Proposed amendment—illustrations that demonstrate the language, to be added after code language:



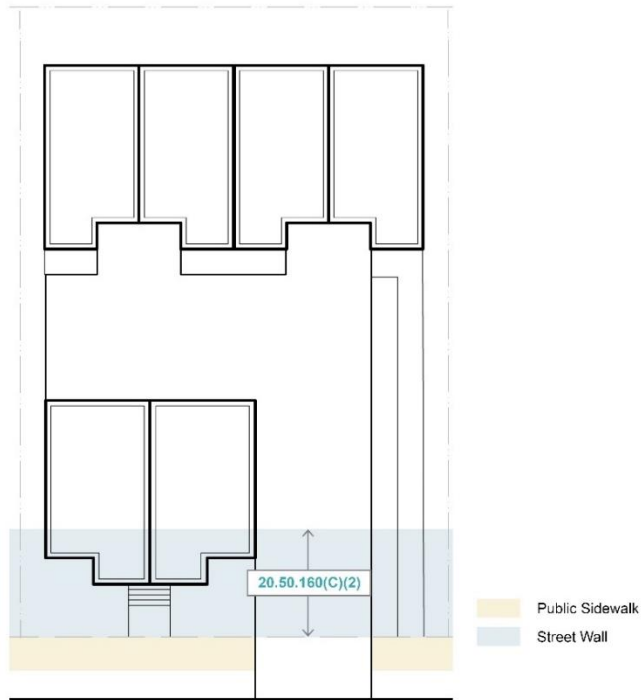
Site Configuration Illustration 1



Site Configuration Illustration 2



Site Configuration Illustration 3: Narrow Lot in MUR-45'



Site Configuration Illustration 4: Wide Lot in MUR-45'

→ Amendatory Motion:

I move that the Planning Commission's recommendation be amended to include the four (4) site configuration illustrations as set forth in Section B of the January 6, 2020 Staff Report for visual support of SMC 20.50.160(C) Site Configuration.

SECTION C
AMENDMENTS PROPOSED BY STAFF IF PLANNING COMMISSION
RECOMMENDATION ADOPTED
(Motion language at end of each amendment)

Note: *These amendments address impacts of the Planning Commission recommended language on site configuration.*

Amendment #11

Justification: The Planning Commission recommendation for an exception for lots up to 70 feet wide to only have 30% of units within a site be located between the property line and a 25-foot distance from the front property line, the configuration with one detached unit in the front and a duplex tucked behind, would not meet this requirement. The duplex in the rear equals 66% of the units on site, not the 70% required by the definition. Therefore, staff proposes that "70 percent" be changed to "60 percent."

Planning Commission recommendation:

20.20.034 M definitions.

Mixed Single-Family

Attached Development A residential development where at least 70 percent of the dwelling units are single-family attached units with the remaining single-family detached units.

City staff amendment with change highlighted and language proposed for removal shown in strikethrough:

20.20.034 M definitions.

Mixed Single-Family

Attached Development A residential development where at least ~~70~~ 60 percent of the dwelling units are single-family attached units with the remaining single-family detached units.

→ Amendatory Motion:

I move that the Planning Commission's recommendation for SMC 20.20.034 M, the definition of Mixed Single-Family Attached Development, be amended to state that "at least 60 percent" of the units are single-family attached units.

Amendment #12

Justification: Since the Planning Commission recommendation will continue to allow buildings to be oriented perpendicular to the street, in a linear configuration, it is important to not only add visual interest to the part of the building facing the street, but also to break up the massing of the part of the building facing the access drive. Breaking up the massing of the building through the variation techniques described in the code language will make the building look more human-scale and add visual relief as viewed from the street. Without this amendment, 20 feet wide of hardscape (access drive) next to a 30-foot wide unarticulated building will appear stark, monotonous and monolithic.

Planning Commission recommendation for 20.50.170(B)(2):

B. **Building Modulation, Massing and Articulation** ~~The main building entrance, which is not facing a street, shall have a direct pedestrian connection to the street without requiring pedestrians to walk through parking lots or cross driveways.~~

2. Each building shall incorporate variation by using at least three (3) of the following elements on the front façade:

a. Variations in the setback of the façade of the building by at least four (4) feet between adjoining units;

b. Diminishing upper floors (gross floor area of third story is smaller than the gross floor area of the lower stories). To meet this requirement, the building wall shall be stepped back a minimum of two (2) feet with a minimum width of eight (8) feet. Balconies that are covered but not fully enclosed and meet the minimum dimensions specified shall be considered a diminished upper floor;

c. Changes in roofline at intervals not greater than 40 feet in continuous length, such as variations in roof pitch, overhangs, projections, or extended eaves;

d. Balconies (excluding Juliet balconies) on the façade of the building that have a minimum depth of six (6) feet between the building wall and the balcony railing; at least 50 percent of the units shall have a balcony;

e. Garage door entrance(s) for vehicles located at the side or rear of buildings;

f. Dormers (at least three (3) feet wide); at least 50 percent of the units shall have dormers;

g. Living green wall minimum of 100 square feet;

h. A façade with at least 40 percent fenestration and/or landscaping, 50 percent of which shall be fenestration;

i. Trim that is a minimum of 0.75 inches deep and 3.5 inches wide to mark roof lines, windows, and doors on all public right-of-way facing facades;

j. Other variation techniques that meet the purpose of the section as approved by the Director.

City staff amendment for 20.50.170(B)(2) with change highlighted:

B. **Building Modulation, Massing and Articulation** ~~The main building entrance, which is not facing a street, shall have a direct pedestrian connection to the street without requiring pedestrians to walk through parking lots or cross driveways.~~

2. Each building shall incorporate variation by using at least three (3) of the following elements on the front façade, or for buildings that are oriented perpendicular to the public right-of-way in MUR-45', at least three (3) of the following elements shall be provided on the side of the structure facing the public right-of-way and at least three (3) of the following elements shall be provided on the side of the structure overlooking the vehicular access:

a. Variations in the setback of the façade of the building by at least four (4) feet between adjoining units;

b. Diminishing upper floors (gross floor area of third story is smaller than the gross floor area of the lower stories). To meet this requirement, the building wall shall be stepped back a minimum of two (2) feet with a minimum width of eight (8) feet. Balconies that are covered but not fully enclosed and meet the minimum dimensions specified shall be considered a diminished upper floor;

c. Changes in roofline at intervals not greater than 40 feet in continuous length, such as variations in roof pitch, overhangs, projections, or extended eaves;

d. Balconies (excluding Juliet balconies) on the façade of the building that have a minimum depth of six (6) feet between the building wall and the balcony railing; at least 50 percent of the units shall have a balcony;

e. Garage door entrance(s) for vehicles located at the side or rear of buildings;

f. Dormers (at least three (3) feet wide); at least 50 percent of the units shall have dormers;

g. Living green wall minimum of 100 square feet;

h. A façade with at least 40 percent fenestration and/or landscaping, 50 percent of which shall be fenestration;

i. Trim that is a minimum of 0.75 inches deep and 3.5 inches wide to mark roof lines, windows, and doors on all public right-of-way facing facades;

j. Other variation techniques that meet the purpose of the section as approved by the Director.

→ Amendatory Motion:

I move that the Planning Commission’s recommendation for the introduction of SMC 20.50.170(B)(2) Building Modulation, Massing, and Articulation, be amended to include the following language immediately after the phrase “on the front façade”:

.....or for buildings that are oriented perpendicular to the public right-of-way in MUR-45’, at least three (3) of the following elements shall be provided on the side of the structure facing the public right-of-way and at least three (3) of the following elements shall be provided on the side of the structure overlooking the vehicular access:

Amendment #13

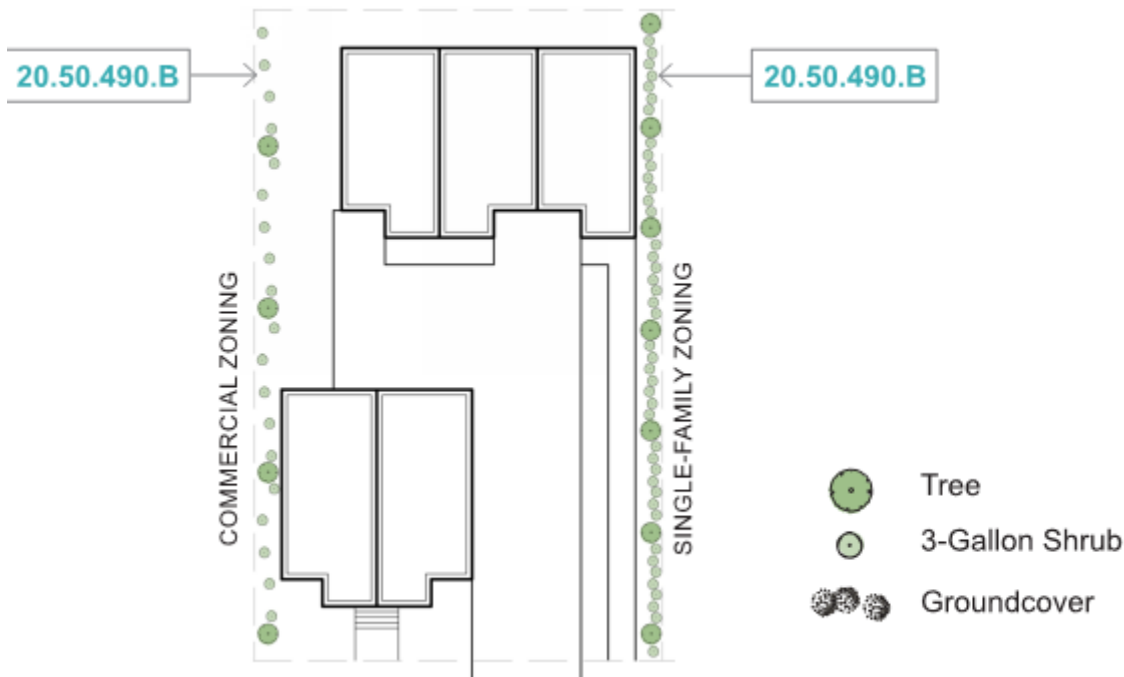
Justification: Staff is recommending this amendment based on the Planning Commission recommendation for site configuration in MUR-45’. If you assume a 60-foot wide lot in MUR-45’ with a five-foot setback on each side, a 20-foot wide access drive and 4-foot walkway, the townhouses will only be 26 feet deep, which is not a typical depth for townhouses. Therefore, staff is recommending the interior landscaping requirement be waived on the side that does not abut vehicular access. That allows another five-feet to achieve a townhouse width of 31 feet which is more typical.

Planning Commission recommendation for 20.50.490(B):

20.50.490 Landscaping along interior lot line – Standards.

A. Type I landscaping in a width determined by the setback requirement shall be included in all nonresidential development along any portion adjacent to single-family and multifamily residential zones or development. All other nonresidential development adjacent to other nonresidential development shall use Type II landscaping within the required setback. If the setback is zero feet then no landscaping is required.

B. Multifamily development shall use Type I landscaping when adjacent to single-family residential zones and Type II landscaping when adjacent to multifamily residential and commercial zoning within the required yard setback. Single-family attached and mixed single-family developments shall use Type I landscaping when adjacent to R-4 or R-6 zoning, and Type II landscaping when adjacent to all other zoning districts. Single-family attached and mixed single-family developments that have a shared access drive with an abutting property are exempt from this requirement on the side with the shared access drive.



Single-family Attached and Mixed Single-family Interior Landscaping Illustration

City staff amendment for 20.50.490(B) with change highlighted and Illustration 2 added:

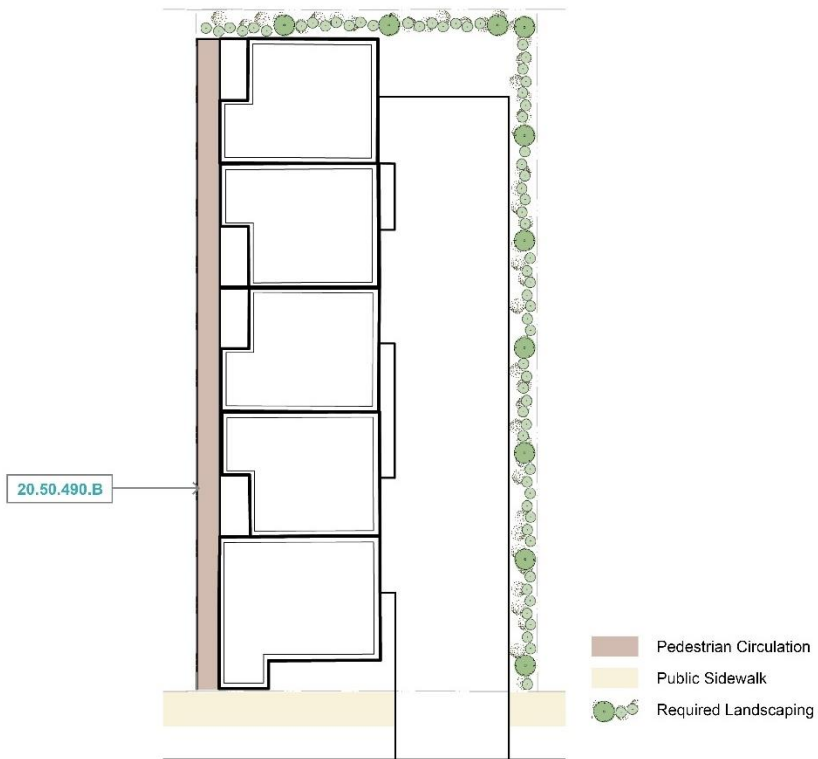
20.50.490 Landscaping along interior lot line – Standards.

A. Type I landscaping in a width determined by the setback requirement shall be included in all nonresidential development along any portion adjacent to single-family and multifamily residential zones or development. All other nonresidential development adjacent to other nonresidential development shall use Type II landscaping within the required setback. If the setback is zero feet then no landscaping is required.

B. Multifamily development shall use Type I landscaping when adjacent to single-family residential zones and Type II landscaping when adjacent to multifamily residential and commercial zoning within the required yard setback. Single-family attached and mixed single-family developments shall use Type I landscaping when adjacent to R-4 or R-6 zoning, and Type II landscaping when adjacent to all other zoning districts. Single-family attached and mixed single-family developments that have a shared access drive with an abutting property are exempt from this requirement on the side with the shared access drive. Single-family attached and mixed single-family attached developments in the MUR-45' zoning district with building(s) oriented perpendicular to the public right-of-way are exempt from this requirement on the interior setback that does not abut vehicular access.



Single-family Attached and Mixed Single-family Interior Landscaping Illustration 1



Single-family Attached and Mixed Single-family Interior Landscaping Illustration 2

→ Amendatory Motions:

I move that the Planning Commission's recommendation for SMC 20.50.490(B) Landscaping Standards, be amended to include the following waiver language at the end of the existing paragraph:

Single-family attached and mixed single-family attached developments in the MUR-45' zoning district with building(s) oriented perpendicular to the public right-of-way are exempt from this requirement on the interior setback that does not abut vehicular access.

And, I further move that "Illustration 2" as shown on Page 25 of the January 6, 2020 staff report be included to reflect this additional language in SMC 20.50.490(B).

SECTION D
AMENDMENTS PROPOSED BY STAFF
(Motion language at end of each amendment)

Note: These amendments reflect the language proposed by staff in the draft presented at the October 3, 2019 Planning Commission Public Hearing.

Amendment #14

Justification: This amendment addresses the policy issue discussed at the November 25, 2019 City Council meeting. Requiring a certain percentage of units face the street creates a relationship between the development and the community and enhances the pedestrian experience. This type of walkable neighborhood was outlined in the visioning statements for the 145th and 185th Station Area Plans. The staff proposal will lead to one of three outcomes: 1) Fewer units; 2) Skinnier units; 3) Lot assemblage. The third outcome of lot assemblage is most likely.

Planning Commission recommendation for 20.50.160(C):

20.50.160(C) Site Configuration.

1. To create a street wall which enhances the streetscape and overall pedestrian experience, the following applies to lots in all zoning districts except for lots in the MUR-45' zoning district:

a. On lots up to 70 feet in width, at least 30 percent of units within a site shall be located between the front property line and a 25-foot distance from the property line.

b. On lots greater than 70 feet in width, at least 40 percent of units within a site shall be located between the front property line and a 25-foot distance from the property line.

2. For all lots in the MUR-45' zoning district, buildings shall be located to create a street wall which enhances the streetscape and overall pedestrian experience. Except for vehicular access that meets the requirements of the Engineering Development Manual and the Development Code, buildings shall fill the lot frontage. All units with frontage shall be oriented to the public right(s)-of-way.

City staff amendment for 20.50.160(C) with amendment highlighted and language proposed for removal shown in strikethrough:

20.50.160(C) Site Configuration.

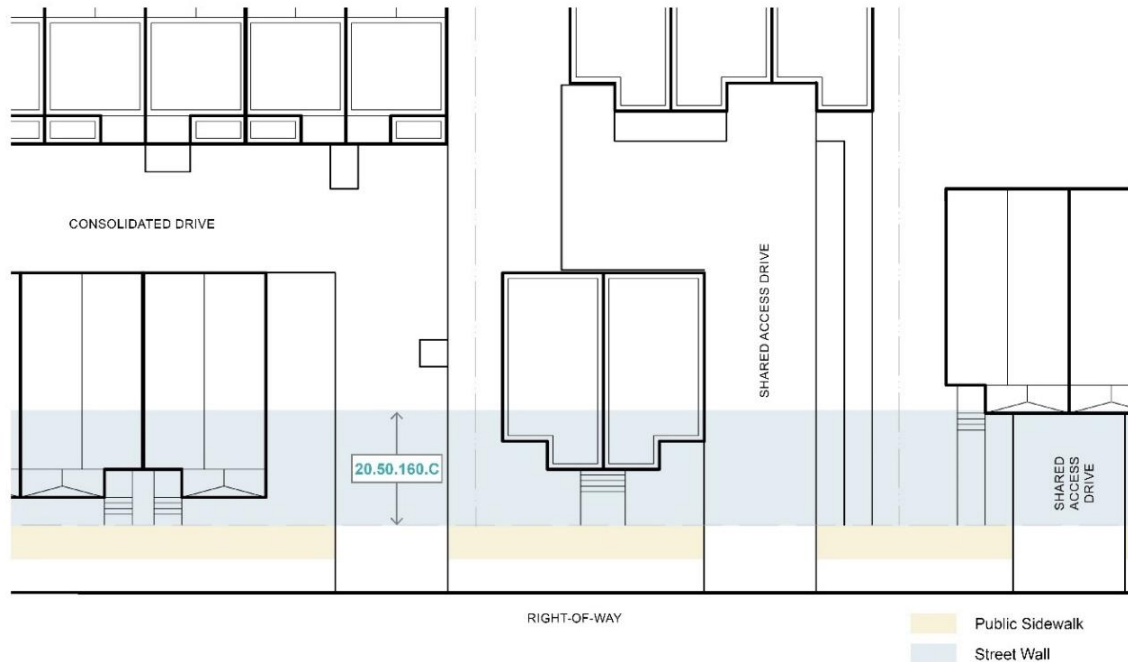
At least 40 percent of units within a site shall be located between the front property line and a 25-foot distance from the front property line to create a "street wall" which enhances the streetscape and overall pedestrian experience.

1. To create a street wall which enhances the streetscape and overall pedestrian experience, the following applies to lots in all zoning districts except for lots in the MUR-45' zoning district:

a. On lots up to 70 feet in width, at least 30 percent of units within a site shall be located between the front property line and a 25-foot distance from the property line.

b. On lots greater than 70 feet in width, at least 40 percent of units within a site shall be located between the front property line and a 25-foot distance from the property line.

2. For all lots in the MUR-45' zoning district, buildings shall be located to create a street wall which enhances the streetscape and overall pedestrian experience. Except for vehicular access that meets the requirements of the Engineering Development Manual and the Development Code, buildings shall fill the lot frontage. All units with frontage shall be oriented to the public right(s)-of-way.



Site Configuration Illustration

→ Amendatory Motion:

I move that the Planning Commission’s recommendation for SMC 20.50.160(C) Site Configuration, be deleted in its entirety and replaced with the following language:

At least 40 percent of units within a site shall be located between the front property line and a 25-foot distance from the front property line to create a “street wall” which enhances the streetscape and overall pedestrian experience.

And, I further move that the “Site Configuration Illustration” as shown on Page 28 of the January 6, 2020 staff report, be included to reflect the new language for SMC 20.50.160(C).

Amendment #15

Justification: At the August 1, 2019 Public Workshop and Planning Commission study session which followed the workshop, the language presented by staff regarding minimum dimensions of weather protection was “at least 30 square feet with no dimension less than five lineal (5) feet.” The Planning Commission had no comments at the August 1, 2019 meeting, but feedback received in the Public Workshop was that there needs to be room for two people to stand at an entry so they are covered from the rain. Therefore, at the September 5, 2019 Planning Commission study session, staff proposed changing the language to a “minimum width of six (6) feet and minimum depth of four (4) feet.” This recommendation was based on two things: 1) Adequate coverage

of two people at an entry; 2) Recognition that wood building materials come in two-foot intervals, meaning an odd number does not make as much sense. This resulted in a scaled down minimum depth (from 5 feet to 4 feet), but an increased minimum width (from 5 feet to 6 feet). Planning Commission was agreeable to this staff recommendation at the September 5, 2019 study session. At the October 3, 2019 Public Hearing, a local architect provided written comment on this proposed standard. His recommendation was a minimum width of four (4) feet and a minimum depth of three (3) feet. The reason he articulated for the minimum width was based on a standard three-foot wide door with associated jamb/wall thickness to add up to four (4) feet. The reason he articulated for the minimum depth was based on 18-inch eaves allowed to encroach into a five-foot side yard setback, and an 18-inch recess, meaning more overall building square footage for living space rather than a porch. Based on the recommendation from the architect, the Planning Commission recommended a minimum width of four (4) feet and a minimum depth of three (3) feet at its October 3, 2019 Public Hearing. The essential difference between the two proposals is providing adequate weather protection for one (1) person versus two (2) people.

Planning Commission recommendation for 20.50.170(B)(1):

20.50.170(B)(1)

1. Each unit shall have a covered entry or porch with weather protection at least 20 square feet with a minimum width of four (4) feet and minimum depth of three (3) feet.

City staff proposal for 20.50.170(B)(1) with amendment highlighted and language proposed for removal shown in strikethrough:

20.50.170(B)(1)

Each unit shall have a covered entry or porch with weather protection at least ~~20~~ 30 square feet with a minimum width of ~~four (4)~~ six (6) feet and minimum depth of ~~three (3)~~ four (4) feet.

→ Amendatory Motion:

I move that the Planning Commission's recommendation for SMC 20.50.170(B)(1) be amended to change the required area and dimensions. The new area and dimensions should be 30 square feet, minimum width of 6 feet, and minimum depth of 4 feet.

SECTION E
AMENDMENTS PROPOSED BY CITY COUNCILMEMBERS
(Motion language at end of each amendment)

Note: These amendments reflect the language proposed by City Councilmembers at the November 25, 2019 Council meeting and in a subsequent email sent to staff on November 26, 2019.

Amendment #16

Amendment Proposer: Councilmember Roberts

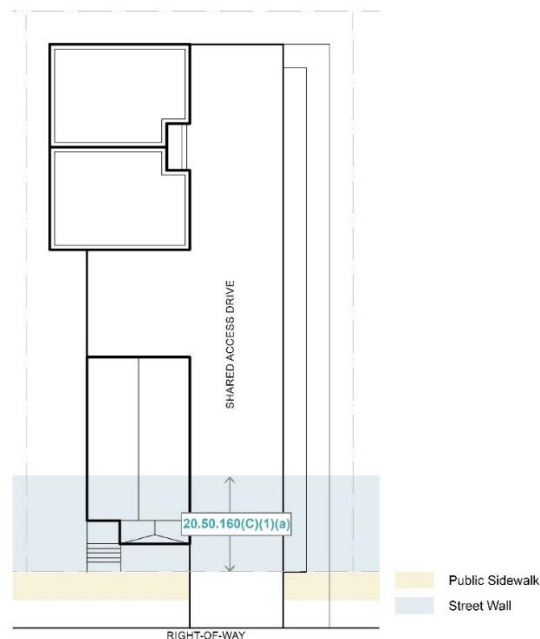
Justification: Reducing the proposed requirement from 30% to 25% of units in all zoning districts except MUR-45' that have to be within 25 feet of the front property line on lots up to 70 feet wide allows more units to be built on the site, although they will be skinnier. Note that in the 25% illustration provided, which depicts one detached unit in front and four units tucked behind, the front unit is 22 feet wide and the rear units are 16 feet wide. This is in contrast with the 30% illustration in which all units are 22 feet wide. More units are beneficial in achieving the purpose of higher density development in the MUR-35' zoning district but could also lead to undesirable outcomes such as the perpendicular-orientated, linear configuration development. This configuration is not shown in the illustration but is still feasible with a requirement of 25%.

Planning Commission recommendation for 20.50.160(C)(1)(a), and associated illustration:

20.50.160(C) Site Configuration.

1. To create a street wall which enhances the streetscape and overall pedestrian experience, the following applies to lots in all zoning districts except for lots in the MUR-45' zoning district:

a. On lots up to 70 feet in width, at least 30 percent of units within a site shall be located between the front property line and a 25-foot distance from the property line.



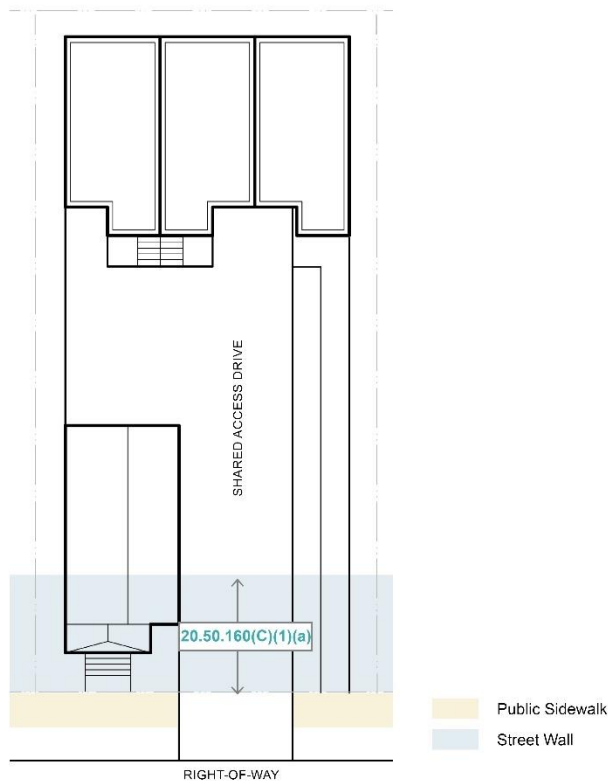
Site Configuration Illustration 1

Amendment language to proposed language for 20.50.160(C)(1)(a), and associated new illustration, based on Councilmember Roberts' comments with the amendment highlighted and language proposed for removal shown in strikethrough:

20.50.160(C) Site Configuration.

1. To create a street wall which enhances the streetscape and overall pedestrian experience, the following applies to lots in all zoning districts except for lots in the MUR-45' zoning district:

a. On lots up to 70 feet in width, at least ~~30~~ 25 percent of units within a site shall be located between the front property line and a 25-foot distance from the property line.



Site Configuration Illustration 1

→ Amendatory Motion:

I move to amend the Planning Commission's recommendation for SMC 20.50.160(C) Site Configuration, Subsection 1(a), to require at least 25 percent of the units within a site to meet the stated standards rather than the 30 percent recommended by the Planning Commission.

Amendment #17

Amendment Proposer: Councilmember Hall

Justification: This amendment would result in the same requirements for outdoor space on all developments regardless of unit count. The advantages include that more outdoor living space is provided and that a disincentive for larger developments is removed by requiring the same standards for smaller developments. A potential disadvantage is that more outdoor space means less interior living space is provided. Staff agrees with Mayor Hall's assessment that differentiating between small and larger developments with different code requirements provides an unintended consequence of favoring smaller developments. However, smaller developments are already favored in the Development Code because of the division between what is considered a "short subdivision" (nine or fewer lots) and what is considered a "formal subdivision" (ten or more lots). Short Subdivisions are a "Type B" application which is an Administrative Decision with public noticing, whereas Formal Subdivisions are a "Type C" application which is a Quasi-Judicial Decision with a public hearing at the Hearing Examiner and a decision by City Council. Both the extended timeframe for approval and public meetings provide a disincentive for Formal Subdivisions.

Planning Commission recommendation for 20.50.160(H):

20.50.160 H. Open Outdoor space – Standards.

1. Parcels with nine (9) or fewer units shall comply with one (1) of the following requirements:

a. Each unit shall have 150 square feet of private outdoor space that complies with all of the following standards:

i. No single outdoor space to be counted as part of this requirement shall be less than 50 square feet with no dimension less than six lineal (6) feet;

ii. Private outdoor space includes balconies, patios, decks, porches, gardens, or any other outdoor space that meets the purpose of this section, as approved by the Director; and

iii. The private outdoor space shall be directly accessible from the associated unit.

b. Each development shall provide a minimum of 800 square feet of common outdoor space, whichever is greater, that complies with all of the following standards:

i. No dimension shall be less than ten (10) lineal feet.

ii. Common outdoor space includes rooftop decks, gardens, courtyards, or any other outdoor space that meets the purpose of this section, as approved by the Director.

iii. Required landscaping can be utilized to satisfy the outdoor space requirements if all of the following are provided:

A. A minimum of one (1) amenity per 200 square feet is provided along the walkway through the garden/landscaped area, including landscape structures, permanently affixed tables and chairs, benches, and/or fountains;

B. The landscaped area is connected by a walkway to the rest of the onsite pedestrian walkways; and

C. Wayfinding signage is provided leading to the common outdoor space, and identification signage is provided at the entrance(s) to the common outdoor space indicating its use (e.g., "This area is common outdoor space to be used by community residents and guests.")

The common outdoor space shall be accessible to all residents of the development.

2. Parcels with ten (10) or more units shall comply with all of the following requirements:

a. Each unit shall have 150 square feet of private outdoor space that complies with all of the following standards:

i. No single outdoor space to be counted as part of this requirement shall be less than 50 square feet with no dimension less than six lineal (6) feet;

ii. Private outdoor space includes balconies, patios, decks, porches, gardens, or any other outdoor space that meets the purpose of this section, as approved by the Director; and

iii. The private outdoor space shall be directly accessible from the associated unit.

b. Each development shall provide a minimum of 800 square feet or 50 square feet per unit of common outdoor space, whichever is greater, that complies with all of the following standards:

i. No dimension shall be less than ten (10) lineal feet.

ii. Common outdoor space includes rooftop decks, gardens, courtyards, or any other outdoor space that meets the purpose of this section, as approved by the Director.

iii. Required landscaping can be utilized to satisfy the outdoor space requirements if all of the following are provided:

A. A minimum of one (1) amenity per 200 square feet is provided along the walkway through the garden/landscaped area, including landscape structures, permanently affixed tables and chairs, benches, and/or fountains;

B. The landscaped area is connected by a walkway to the rest of the onsite pedestrian walkways; and

C. Wayfinding signage is provided leading to the common outdoor space, and identification signage is provided at the entrance(s) to the common outdoor space indicating its use (e.g., "This area is common outdoor space to be used by community residents and guests.")

The common outdoor space shall be accessible to all residents of the development.

Amendment language to proposed language for 20.50.160(H) based on Mayor Hall's comments with amendments highlighted and language proposed for removal shown in strikethrough:

20.50.160 H. Open-Outdoor space – Standards.

1. Parcels with nine (9) or fewer units shall comply with one (1) of the following requirements:

a. Each unit shall have 150 square feet of private outdoor space that complies with all of the following standards:

i. No single outdoor space to be counted as part of this requirement shall be less than 50 square feet with no dimension less than six lineal (6) feet;

ii. Private outdoor space includes balconies, patios, decks, porches, gardens, or any other outdoor space that meets the purpose of this section, as approved by the Director; and

iii. The private outdoor space shall be directly accessible from the associated unit.

b. Each development shall provide a minimum of 800 square feet of common outdoor space, whichever is greater, that complies with all of the following standards:

i. No dimension shall be less than ten (10) lineal feet.

ii. Common outdoor space includes rooftop decks, gardens, courtyards, or any other outdoor space that meets the purpose of this section, as approved by the Director.

iii. Required landscaping can be utilized to satisfy the outdoor space requirements if all of the following are provided:

A. A minimum of one (1) amenity per 200 square feet is provided along the walkway through the garden/landscaped area, including landscape structures, permanently affixed tables and chairs, benches, and/or fountains;

B. The landscaped area is connected by a walkway to the rest of the onsite pedestrian walkways; and

C. Wayfinding signage is provided leading to the common outdoor space, and identification signage is provided at the entrance(s) to the common outdoor space indicating its use (e.g., "This area is common outdoor space to be used by community residents and guests.")

The common outdoor space shall be accessible to all residents of the development.

2. Parcels with ten (10) or more units **Developments shall comply with all of the following requirements:**

a. 1. Each unit shall have 150 square feet of private outdoor space that complies with all of the following standards:

i. a. No single outdoor space to be counted as part of this requirement shall be less than 50 square feet with no dimension less than six lineal (6) feet;

ii. b. Private outdoor space includes balconies, patios, decks, porches, gardens, or any other outdoor space that meets the purpose of this section, as approved by the Director; and

iii. c. The private outdoor space shall be directly accessible from the associated unit.

b. 2. Each development shall provide a minimum of 800 square feet or 50 square feet per unit of common outdoor space, whichever is greater, that complies with all of the following standards:

i. a. No dimension shall be less than ten (10) lineal feet.

ii. b. Common outdoor space includes rooftop decks, gardens, courtyards, or any other outdoor space that meets the purpose of this section, as approved by the Director.

iii. c. Required landscaping can be utilized to satisfy the outdoor space requirements if all of the following are provided:

A. i. A minimum of one (1) amenity per 200 square feet is provided along the walkway through the garden/landscaped area, including landscape structures, permanently affixed tables and chairs, benches, and/or fountains;

B. ii. The landscaped area is connected by a walkway to the rest of the onsite pedestrian walkways; and

C. iii. Wayfinding signage is provided leading to the common outdoor space, and identification signage is provided at the entrance(s) to the common outdoor space indicating its use (e.g., "This area is common outdoor space to be used by community residents and guests.")

d. The common outdoor space shall be accessible to all residents of the development.

→ Amendatory Motion:

I move to amend the Planning Commission's recommendation for SMC 20.50.160 (H) Outdoor Space, to delete Subsection 1, which speaks to parcels with 9 or fewer units, in its entirety and to delete only the following language from Subsection 2 – "Parcels with ten (10) or more units".

And, I further direct staff to adjust the subsection numbers and lettering, both in the text and the illustrations, accordingly to reflect this amendment.

Amendment #18

Amendment Proposer: Councilmember Hall

Note: This Amendment is only necessary if the previous amendment (Amendment #17) is not approved.

Justification: The Planning Commission language inaccurately omitted the words "or 50 square feet per unit." This was an oversight by staff. The amended language includes this verbiage communicating the concept of "whichever is greater" through inclusion of a per unit requirement. This error was pointed out by Mayor Hall subsequent to the November 25, 2019 City Council meeting via email communication with staff on November 26, 2019.

Planning Commission language for 20.50.160(H)(1)(b):

b. Each development shall provide a minimum of 800 square feet of common outdoor space, whichever is greater, that complies with all of the following standards:

Amendment language for 20.50.160(H)(1)(b) to proposed Planning Commission language with the change in highlighted yellow:

b. Each development shall provide a minimum of 800 square feet **or 50 square feet per unit** of common outdoor space, whichever is greater, that complies with all of the following standards:

→ Amendatory Motion:

I move to amend the Planning Commission's recommendation for SMC 20.50.160 (H)(1)(b) to include the phrase "or 50 square feet per unit" immediately after the phrase "a minimum of 800 square feet."

RESOURCE/FINANCIAL IMPACT

If Council adopts proposed Ordinance No. 871, the new regulations are likely to slow townhouse redevelopment while developers adjust to the new requirements and in many instances will assemble more than one property to create a code-compliant development. This slowdown will be reflected in reduced permit application fee revenue for the City related to townhouse development.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 871 as recommended by the Planning Commission with the amendments proposed by staff for Amendment Nos. 1-9, 14, 15 and the amendment proposed by Mayor Hall for Amendment No. 18. Should the Council reject Amendment No. 14, and pass Amendment No. 10 and/or Amendment No. 16, then staff recommends passing Amendment Nos. 11, 12 and 13. If Amendment No. 17 is passed, then Amendment No. 18 is not needed and visa versa. A flow chart depicting these recommendations is attached as **Attachment B** to this staff report.

ATTACHMENTS

Attachment A – Proposed Ordinance No. 871
Attachment A, Exhibit A – Proposed Development Code Amendments
Attachment B – Flow Chart for Amendment Alternatives
Attachment C – Code Amendments Comparison Summary Table

ORDINANCE NO. 871

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CERTAIN SECTIONS OF THE SHORELINE MUNICIPAL CODE TITLE 20, THE UNIFIED DEVELOPMENT CODE, TO PROVIDE FOR DESIGN STANDARDS FOR SINGLE-FAMILY ATTACHED RESIDENTIAL DEVELOPMENT.

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, the City has experienced increasing demand for single-family attached residential development in various zoning districts of the City; and

WHEREAS, single-family attached residential development includes townhouses, duplexes, and rowhouses; and

WHEREAS, the City's current standards being utilized from this type of development are better suited for multi-family buildings, such as apartments, and do not provide for developments that are both functional and add value to the community by creating desirable places to live; and

WHEREAS, amendments are needed for SMC Chapters 20.20, 20.30, 20.50, and 20.70 to provide for new standards for single-family attached residential development; and

WHEREAS, the City conducted extensive research including reviewing standards of other jurisdictions, conducting a total of nine (9) internal and external stakeholder meetings between January 2019 and June 2019, and providing for an online visual preference survey during April 2019; and

WHEREAS, on August 1, 2019 and September 5, 2019, the City of Shoreline Planning Commission reviewed the proposed Development Code amendments; and

WHEREAS, on October 3, 2019, the City of Shoreline Planning Commission held a public hearing on the proposed Development Code amendments so as to receive public testimony; and

WHEREAS, at the conclusion of public hearing, the City of Shoreline Planning Commission voted that the proposed Development Code amendments, as amended by the Planning Commission, be approved by the City Council; and

WHEREAS, on November 25, 2019, the City Council held a study session on the proposed Development Code amendments; 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 provided public notice of the proposed Development Code 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 Development Code amendments; and

WHEREAS, the environmental impacts of the proposed Development Code amendments resulted in the issuance of a Determination of Non-Significance (DNS) on August 13, 2019; and

WHEREAS, the City Council has determined that the amendments are consistent with and implement the Shoreline Comprehensive Plan and serve the purpose of the Unified Development Code as set forth in SMC 20.10.020;

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

Section 1. Amendment. Title 20 of the Shoreline Municipal Code, Unified Development Code, is amended as set forth in Exhibit A to this Ordinance.

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 person or situation.

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

PASSED BY THE CITY COUNCIL ON JANUARY 6, 2020.

Mayor

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Margaret King
City Attorney

Date of Publication: , 2020
Effective Date: , 2020

Ordinance No. 871 – Exhibit A

- **SMC Chapter 20.20 Definitions**

20.20.012 B definitions.

Balcony A projecting platform on a building that is either supported from below or cantilevered from the structure; enclosed with a railing or balustrade.

Balcony, Juliet A false balcony, or railing at the outer plane of a window-opening reaching to the floor, and having, when the window is open, the appearance of a balcony.

20.20.018 E definitions.

Entry Means a door where a person enters a building.

20.20.020 F definitions.

Fenestration The design and placement of windows, doors and other exterior openings in a building. Garage doors are not considered fenestration.

20.20.032 L definitions.

Living Green Wall A vertical garden that is attached to the exterior of a building and has a growing medium, such as soil, water or a substrate. Most green walls include an integrated water delivery system.

20.20.034 M definitions.

Mixed Single-Family Attached Development A residential development where at least 70 percent of the dwelling units are single-family attached units with the remaining single-family detached units.

20.20.046 S definitions.

Shared-space A street that facilitates pedestrian, bicycle, and vehicular traffic within a shared space. They typically lack separate pavement and include a variety of surface treatments, bollards, lighting, and landscaping to define a shared space. They are also known as a woonerf, home zone, or living street.

Street wall A wall or portion of a wall of a building facing a public right-of-way that frames the public realm, creating a sense of enclosure for pedestrians.

20.20.050 U definitions.

Unit Lot Development A residential development that contains single-family attached building(s) or single-family attached structure(s) wherein each building or structure is defined as one building or one structure pursuant to the International Building Code, the International Fire Code, and National Electrical Code.

Unit Lot Development (ULD) Subdivision A unit lot development subdivision (also known as a “fee simple lot”) is the subdivision of land for single-family detached and/or attached dwelling units, such as townhouses, rowhouses, or other single-family attached dwellings, in the form of unit lot development, mixed single-family attached development, or zero lot line development or any combination of the above types of single-family attached dwelling units in all zones in which these uses are permitted.

20.20.060 Z definitions.

Zero Lot Line Development A development that contains building(s) configured The location of a building on a lot in such a manner that one or more of the building’s sides rest directly on a lot line.

- **Chapter 20.30, Subchapter 7 Subdivisions**

20.30.410 Preliminary subdivision review procedures and criteria.

The short subdivision may be referred to as a short plat – Type B action.

The formal subdivision may be referred to as long plat – Type C action.

B. Review Criteria. The following criteria shall be used to review proposed subdivisions:

4. Unit Lot Subdivision Development.

a. The provisions of this subsection apply exclusively to unit lot developments ~~for single-family attached dwelling units, mixed single-family attached development, or zero lot line developments in all zones in which these uses are permitted.~~

b. Unit lot, mixed single-family attached, and zero lot line developments may be subdivided into individual unit lots. The development as a whole shall meet the applicable development standards ~~applicable at the time the permit application is vested.~~

c. As a result of the subdivision, development on individual unit lots may modify standards in SMC 20.50.020, Exception 2.

d. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions identifying the rights and responsibilities of the property owner(s) and/or the homeowners' association shall be executed for the use and maintenance of common garage, parking and vehicle access areas; solid waste storage and/or collection area(s); 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. These shall be recorded prior to final plat application or shown on the face of the final plat.

e. Within the parent lot ~~or overall site~~, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement set forth on the face of the plat, to be recorded with King County Records and Licensing Services Division.

f. The final plat shall note all conditions of approval. The final plat shall also note that unit lots are is not a separate buildable lots independent of the

overall development, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot ~~and shall be noted on the plat, to be recorded with King County Records and Licensing Services Division.~~

g. For unit lot development, ~~t~~The applicant shall record a covenant on the plat that states, "These units will be considered individual units and part of one structure that cannot be segregated from one another. A unit lot development is defined as one building or one structure in the International Building Code and International Fire Code and National Electrical Code."

- **Chapter 20.50, Subchapter 1 Dimensions and Density for Development**

20.50.020 Dimensional requirements.

A. Table 20.50.020(1) – Densities and Dimensions in Residential Zones.

Note: Exceptions to the numerical standards in this table are noted in parentheses and described below.

Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	Based on bldg. bulk limits
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A
Min. Lot Area (2) (13)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	N/A
Min. Front Yard Setback (2) (3) (14)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft

Planning Commission Recommendation
October 3, 2019

Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min.	5 ft min.	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (9)	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (16)	35 ft (40 ft with pitched roof) (8) (16)	35 ft (16)
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)	45%	50%	65%	75%	85%	85%	90%	90%

Table 20.50.020(2) – Densities and Dimensions in Mixed Use Residential Zones.

Note: Exceptions to the numerical standards in this table are noted in parentheses and described below.

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Base Density: Dwelling Units/Acre	N/A	N/A	N/A
Min. Density	12 du/ac (17)	18 du/ac	48 du/ac
Min. Lot Width (2)	N/A	N/A	N/A
Min. Lot Area (2)	N/A	N/A	N/A
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (15)	15 ft if located on 185th Street (15) 0 ft if located on an arterial street 10 ft on nonarterial street	15 ft if located on 185th Street (15) 22 ft if located on 145th Street (15) 0 ft if located on an arterial street

Planning Commission Recommendation
October 3, 2019

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
		22 ft if located on 145th Street (15)	10 ft on nonarterial street (18)
Min. Rear Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Base Height (9) (16)	35 ft	45 ft	70 ft (11) (12) (13)
Max. Building Coverage (2) (6)	N/A	N/A	N/A
Max. Hardscape (2) (6)	85%	90%	90%

Exceptions to Table 20.50.020(1) and Table 20.50.020(2):

(1) Repealed by Ord. 462.

(2) These standards may be modified to allow unit lot developments, mixed single-family attached developments and zero lot line and unit lot developments. Setback variations apply to internal lot lines only. Overall site must comply with setbacks, building coverage and hardscape limitations; limitations for individual lots may be modified.

20.50.040 Setbacks – Designation and measurement.

I. Projections into Setback.

2. Fireplace structures, bay or garden windows, balconies (including Juliet balconies), enclosed stair landings, closets, or similar structures may project into required setbacks, except into any five-foot yard required setback, provided such projections are:

- a. Limited to two per facade;
- b. Not wider than 10 feet;
- c. Not more than 24 inches into a side yard setback; or
- d. Not more than 30 inches into a front and rear yard setback.

3. Eaves shall not project:

- a. Into a required five-foot setback;
- b. More than 36 inches into front and rear yard required setbacks.

Exception SMC 20.50.040(I)(3): When adjoining a legal, nonconforming eave, a new eave may project up to 20 percent into the required setback or may match the extent of the legal, nonconforming eave, whichever is less. Single-family attached and mixed single-family attached developments subject to Subchapter 3 may have eaves encroach up to 18-inches into a required five-foot setback.

-
- **Chapter 20.50, Subchapter 3 Multifamily and Single-Family Attached Residential Design**

Subchapter 3. Multifamily and Single-Family Attached Residential Design

20.50.120 Purpose.

The purpose of this subchapter is to establish standards for ~~multifamily and single-family attached and mixed single-family attached residential development, excluding lots proposing one (1) duplex building when one unit is located over the other unit, in all zones except R-4, R-6 and neighborhood business (NB), TC-4, PA 3, and R-8 through R-48 zones; the MUR-35' zone when located on a nonarterial street; and the MUR-45' zone when developing single-family attached dwellings.~~ All mixed single-family developments shall meet the design standards contained in this subchapter. Standards that are not addressed in this subchapter will be supplemented by the standards in the remainder of Chapter 20.50 SMC. In the event of a conflict, the standards of this subchapter shall prevail. The purposes of this subchapter are as follows:

- A. To encourage development of attractive residential areas that are compatible when considered within the context of the surrounding area.
- B. To enhance the aesthetic appeal of new ~~multifamily residential~~ single-family attached buildings by encouraging high quality, creative and innovative site and building design.
- C. To meet the recreation needs of project residents by providing open spaces within the project site.
- D. ~~To establish a well-defined streetscape by setting back structures for a depth that allows landscaped front yards, thus creating more privacy (separation from the street) for residents.~~
- E. ~~To minimize the visual and surface water runoff impacts by encouraging parking to be located under the building.~~

~~F. To promote pedestrian accessibility within and to the buildings.~~

D. To provide safe routes for pedestrians to onsite vehicle parking, building entries, and between buildings.

E. To emphasize quality building articulation, detailing, and durable materials, which add visual interest for pedestrians.

F. Encourage coordinated and functional elements of development, including buildings, landscaping, parking, site access and circulation, and outdoor space.

20.50.12230 Administrative design review.

Administrative design review approval under SMC 20.30.297 is required for all development applications that propose departures from the design standards contained in ~~SMC 20.50.140, 20.50.170 and 20.50.180~~ this subchapter.

20.50.12540 Thresholds – Required site improvements.

The purpose of this section is to determine how and when the provisions for full site improvement standards apply to a development application ~~in TC-4, PA 3, and R-8 through R-48 zones, the MUR-35' zone when located on a nonarterial street, and the MUR-45' zone when developing single-family attached dwellings~~ for single-family attached development and mixed single-family attached development. Full ~~Site~~ improvement standards ~~of~~ for signs, parking, lighting and landscaping shall be required:

A. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing land and structure(s) on the parcel. This shall include all structures on other parcels if the building under permit review extends into other parcels; or

B. When aggregate building construction valuations for issued permits, within any cumulative five-year period ~~after March 30, 2013,~~ exceed 50 percent of the County assessed or an appraised value of the existing land and structure(s) at the time of the first issued permit.

20.50.150 Overlapping Standards.

Site design standards for on-site landscaping, walkways, public access easements, and outdoor space may be overlapped if their separate, minimum dimensions and functions are not diminished.

20.50.130 Site planning – Setbacks – Standards.

For developments consisting of three or more dwelling units located on a single parcel, the setback shall be 15 feet along any property line abutting R-4 or R-6 zones.

Exception to 20.50.130(1): Underground parking may extend into required minimum yard setbacks, provided it is landscaped at the ground level.

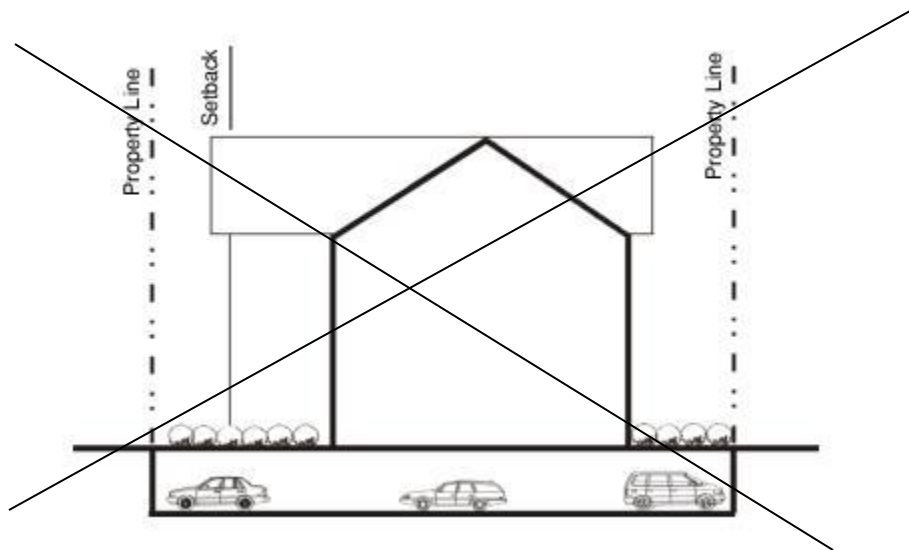


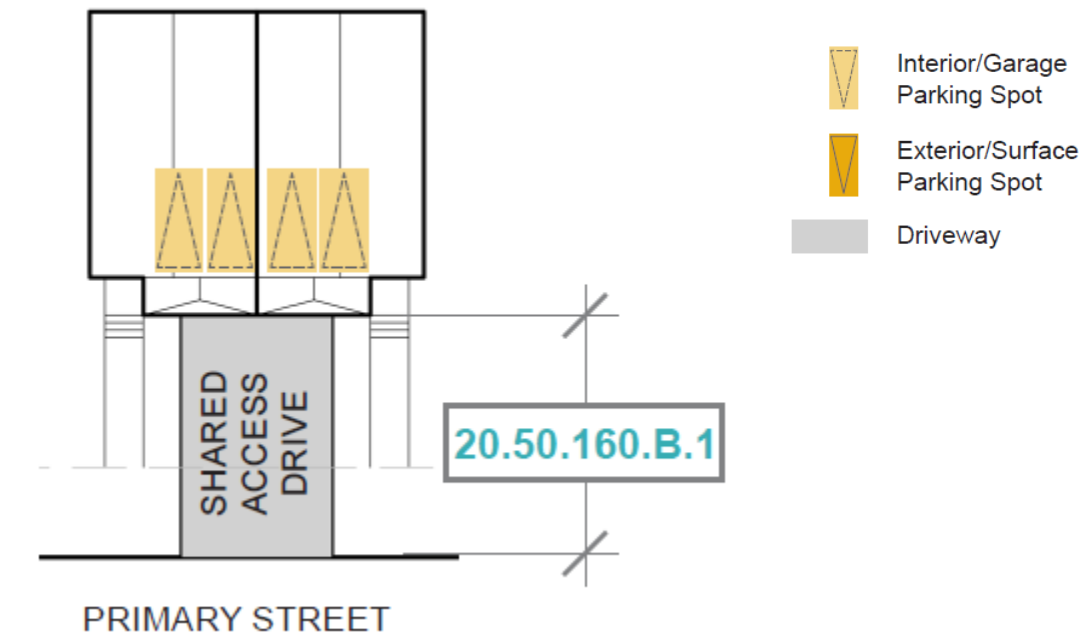
Figure Exception to 20.50.130(1): Diagram of multifamily structure with underground parking within a required setback.

20.50.1640 Parking – Access and location Site Design – Standards.

- A. Provide access to parking areas from alleys where possible. **Setbacks**
For developments consisting of three or more units located on a single parcel, the setback shall be 15 feet along any property line abutting R-4 or R-6 zones.

B. Parking

- B1. For units with individual garages or carport units, at least 20 linear feet of driveway shall be provided between any garage, carport entrance and the property line abutting the street public right-of-way, measured along the centerline of the driveway.



Minimum Linear Distance Illustration

~~G2. Above-ground Surface parking shall be located behind or to the side of buildings. Parking between the street property line and the building shall be allowed only when authorized by the Director due to physical limitations of the site.~~

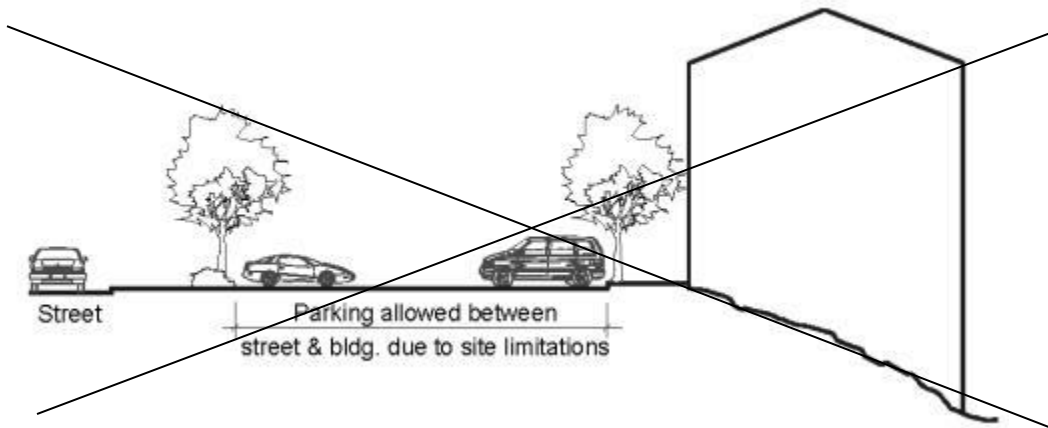
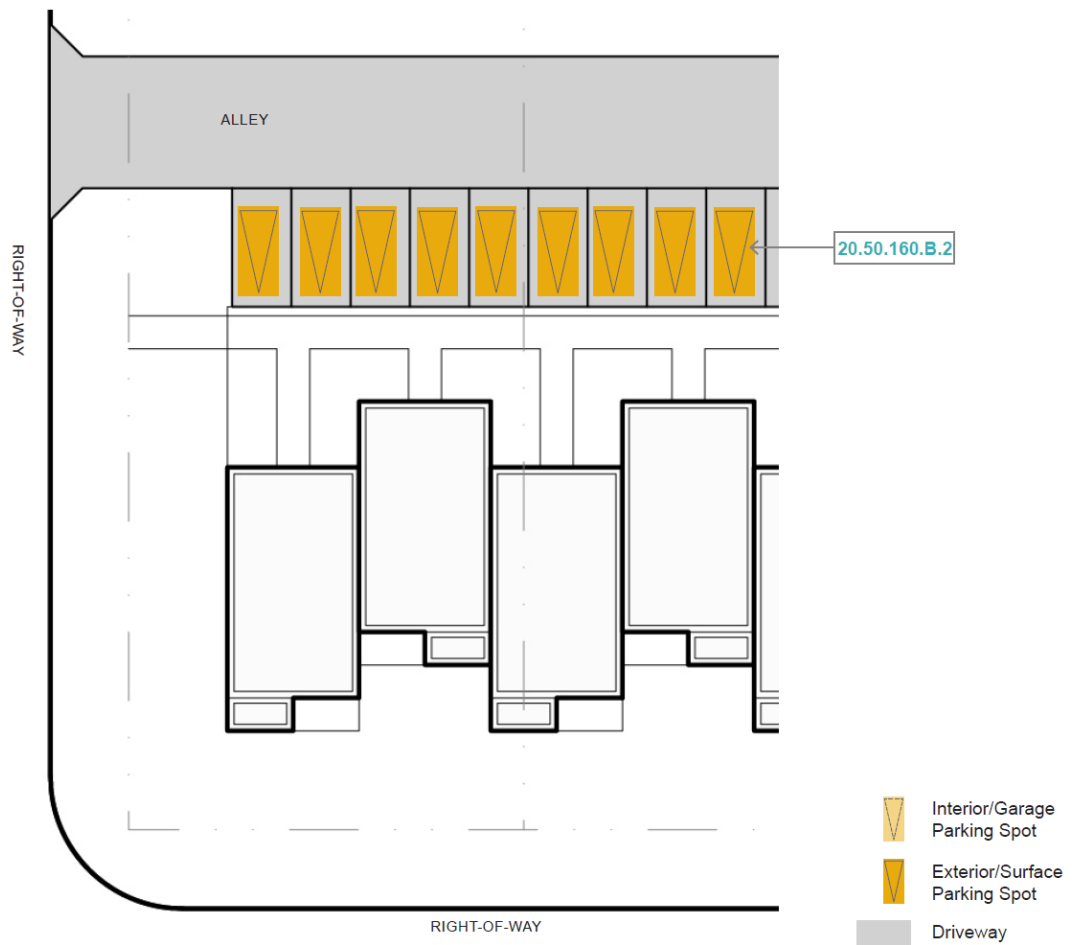


Figure 20.50.140(C): Example of parking location between the building and the street, which is necessary due to the steep slope.



Shared surface parking with alley

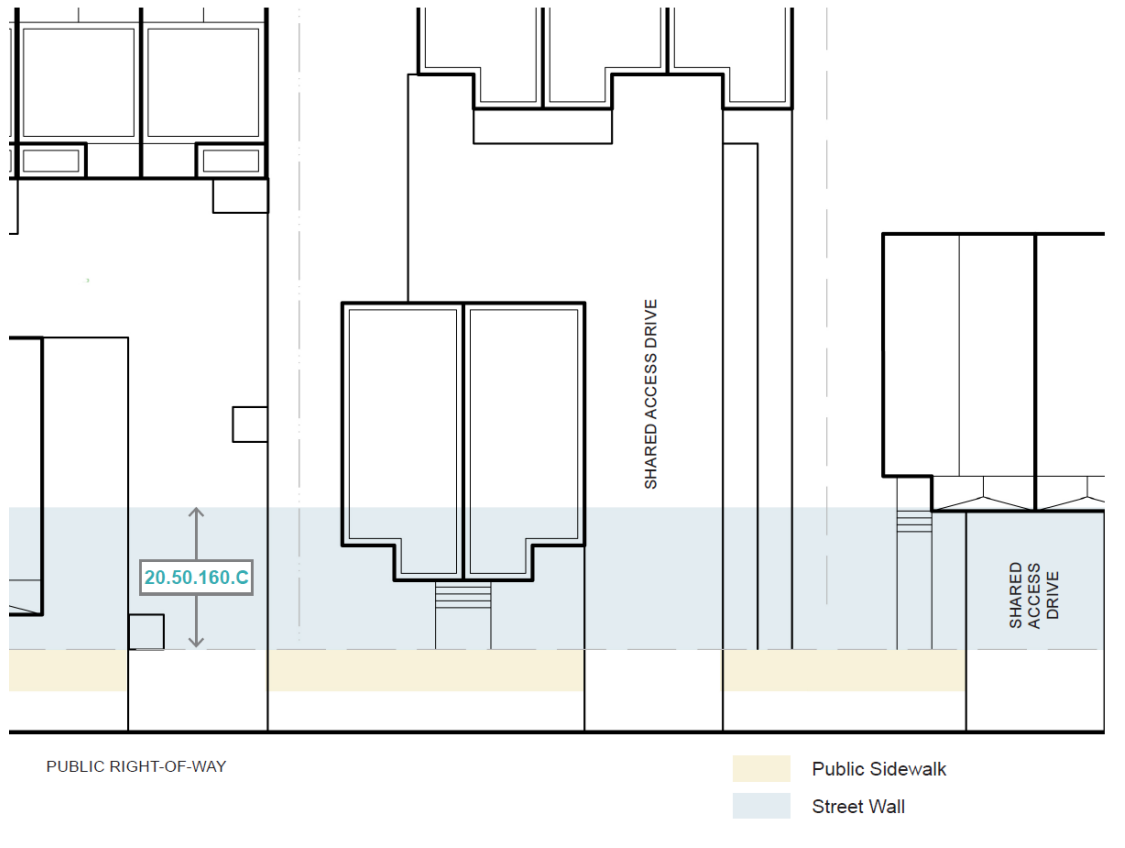
Surface Parking Illustration

3. Carports are prohibited.

C. Site Configuration.

1. To create a street wall which enhances the streetscape and overall pedestrian experience, the following applies to lots in all zoning districts except for lots in the MUR-45' zoning district:
 - a. On lots up to 70 feet in width, at least 30 percent of units within a site shall be located between the front property line and a 25-foot distance from the property line.
 - b. On lots greater than 70 feet in width, at least 40 percent of units within a site shall be located between the front property line and a 25-foot distance from the property line.
2. For all lots in the MUR-45' zoning district, buildings shall be located to create a street wall which enhances the streetscape and overall pedestrian

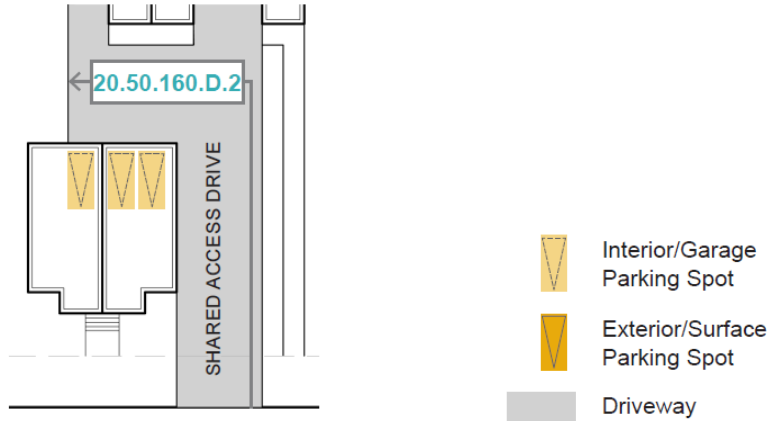
experience. Except for vehicular access that meets the requirements of the Engineering Development Manual and the Development Code, buildings shall fill the lot frontage. All units with frontage shall be oriented to the public right(s)-of-way.



Site Configuration Illustration

D. Site Access and Circulation

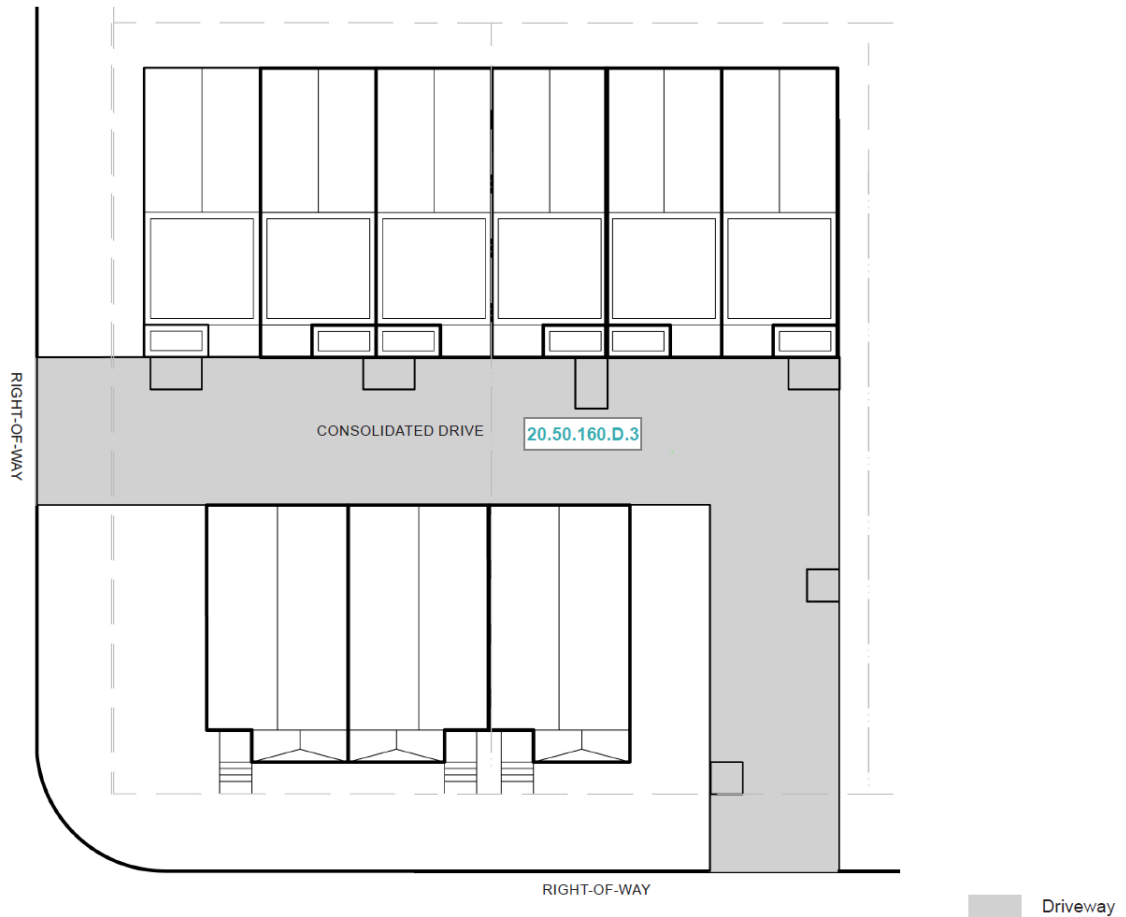
1. Vehicle access requirements are contained in the Engineering Development Manual.
2. On lots with dead-end access drives with a length of 150 feet or greater, measured from the face of curb to the end of the access drive pavement, a turnaround facility shall be provided that meets the standard detail contained in the Engineering Development Manual or, if no standard is provided, the standard detail required by the Public Works Director.



Rear-loaded attached garage, with shared access drive

Dead-end Access Drive Illustration

3. If adjoining lots are being developed concurrently, and are under the same ownership, vehicle access points shall be consolidated. This requirement shall not apply to lots that do not have frontage on the same public right-of-way.



Consolidated Vehicle Access Illustration

4. Each unit shall have onsite pedestrian access to a public sidewalk, and common outdoor space and common parking areas, if provided. For buildings that do not front on the public right(s)-of-way, this requirement shall be considered met if pedestrian access is provided from a public sidewalk to the building(s).

5. Onsite pedestrian access shall comply with one (1) of the following:

a. Onsite pedestrian access shall be separated from vehicular circulation and a minimum of four (4) feet wide. Separated from vehicular circulation means (1) there is at least five (5) linear feet of landscaping between the closest edge of the vehicular circulation area and closest edge of the pedestrian access or (2) separation by a building. For buildings that do not front on the public right(s)-of-way, this requirement shall be considered met if pedestrian access is provided from a public sidewalk to the building(s); or

b. Pedestrian access shall be provided through shared-space with onsite vehicle circulation that complies with the following to clearly communicate to all users it is shared-space:

i. Traffic calming elements shall be located on both sides of the shared-space circulation and spaced no more than 25 feet apart. The shared-space circulation shall have at least one (1) of the following elements: trees that meet the minimum replacement tree size per SMC 20.50.360; raised planters a minimum height of three (3) feet and depth and width of two (2) feet; decorative bollards a minimum height of three (3) feet; or any other element the Director determines accomplishes the purpose;

ii. The entire shared-space circulation area shall be constructed with decorative concrete, paving blocks, bricks, or other ornamental paving treatments to clearly indicate the entire surface is intended for pedestrians as well as vehicles;

iii. The shared-space shall relate to the building(s) by having elements that allow for informal surveillance, including doors, windows, porches, stoops and balconies oriented towards the shared circulation space; and

iv. The shared-space circulation shall not result in a dead-end when abutting two or more public rights-of-way. It shall provide through access from one public right-of-way to a second public right-of-way.

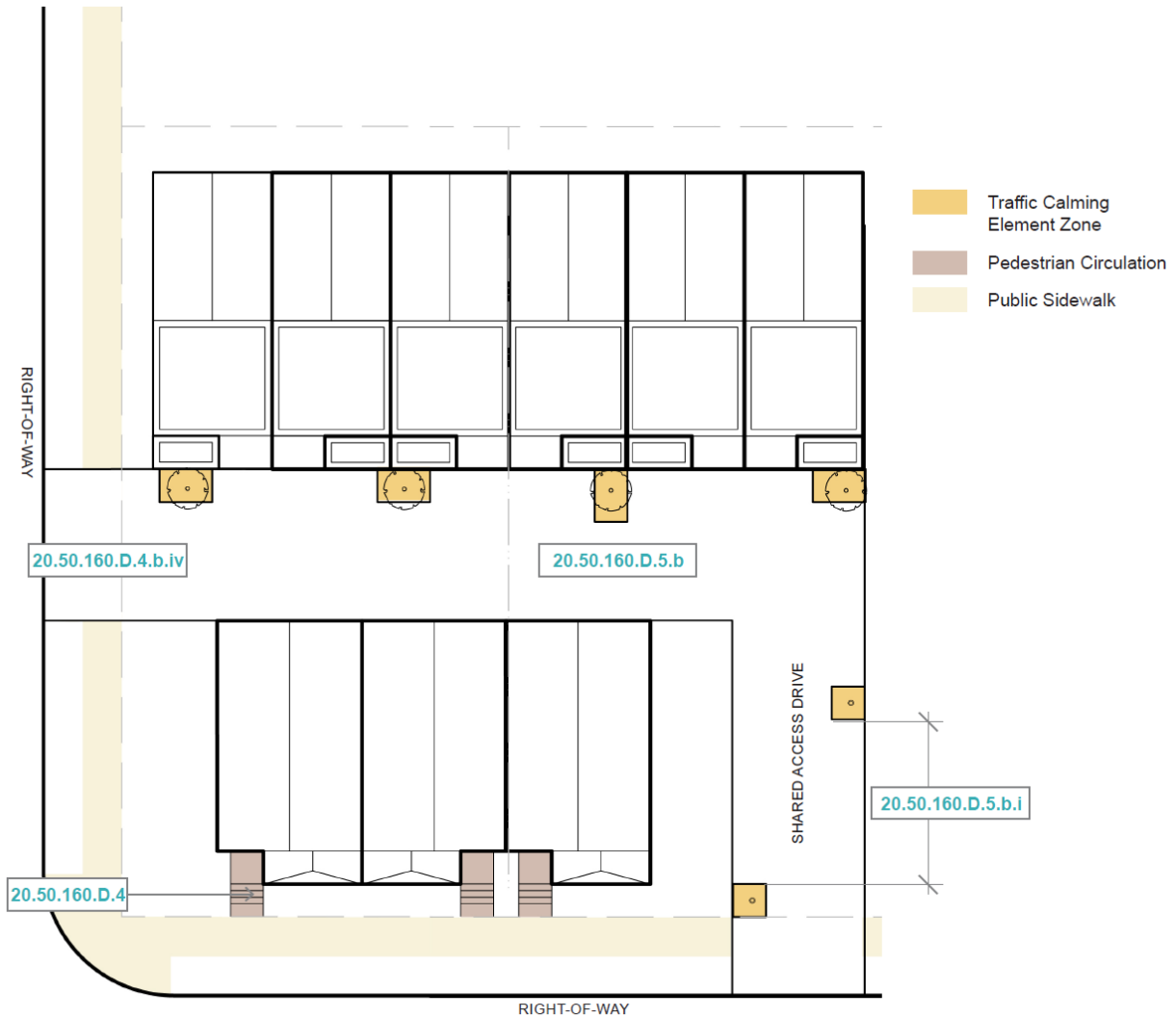


Building relation to shared space

Paving Blocks

Building Relationship to Shared-Space Image





Site Access and Circulation Illustrations

D.— Avoid parking layouts that dominate a development. Coordinate siting of parking areas, pedestrian connections and open space to promote easily accessible, centrally located open space. Parking lots and access drives shall be lined on both sides with five-foot-wide walks and/or landscaping in addition to frontage and landscaping standards.

DON'T DO THIS

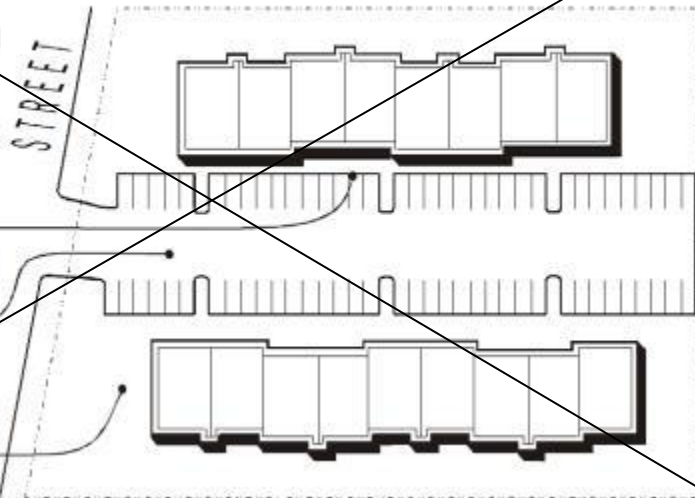
Building is disconnected from parking, public sidewalk and adjacent sites.

No buffer zone for pedestrians between front doors and parking.

Parking is the dominant feature.

No pedestrian entrance to the building.

Pedestrian circulation patterns are unclear.



DO THIS

Building is integrated and connected with parking, public sidewalk and adjacent sites.

An attractive pedestrian courtyard is the dominant feature.

Walkways and landscape features provide clear pedestrian circulation patterns.

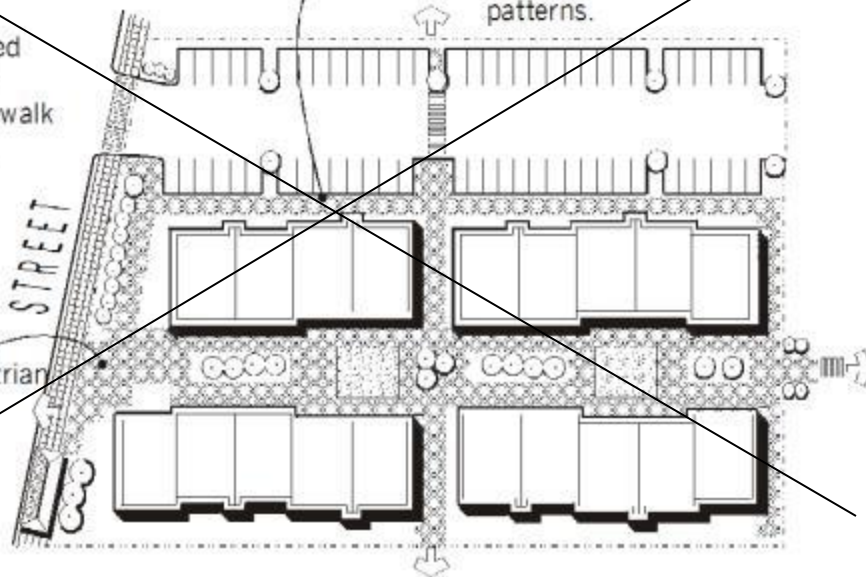


Figure 20.50.140(D): Avoid parking that dominates the site. Encourage parking located behind or on the side of buildings and common open space between buildings.

E.— Break large parking areas into smaller ones to reduce their visual impact and provide easier access for pedestrians. Limit individual parking areas to no more than 30 parking spaces.

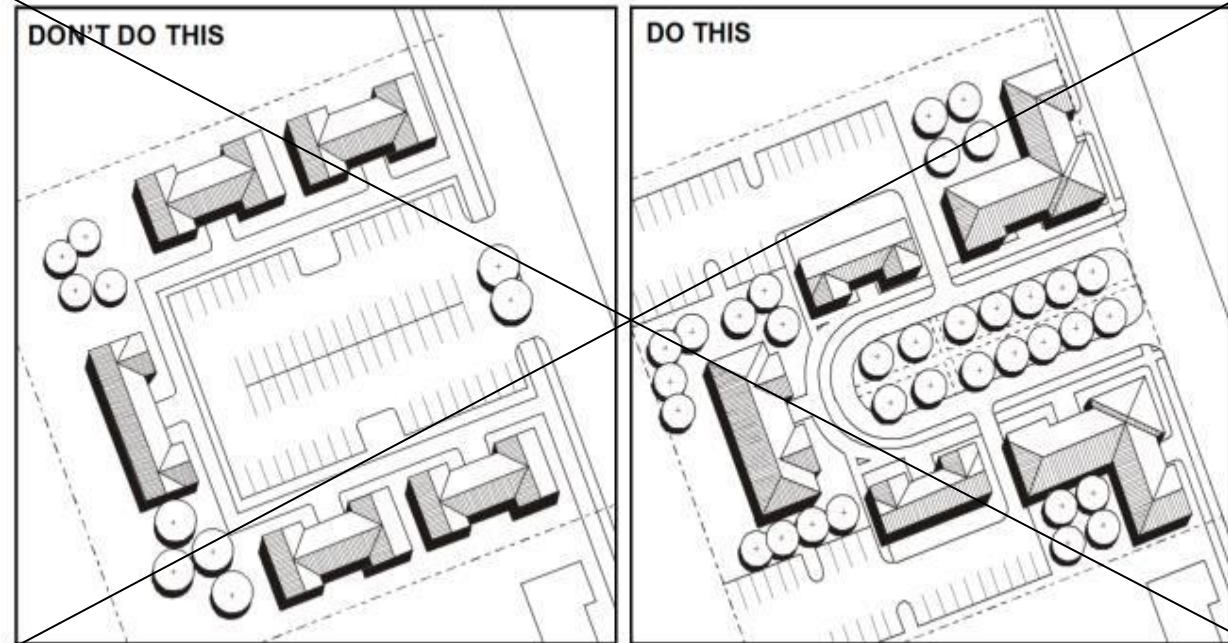
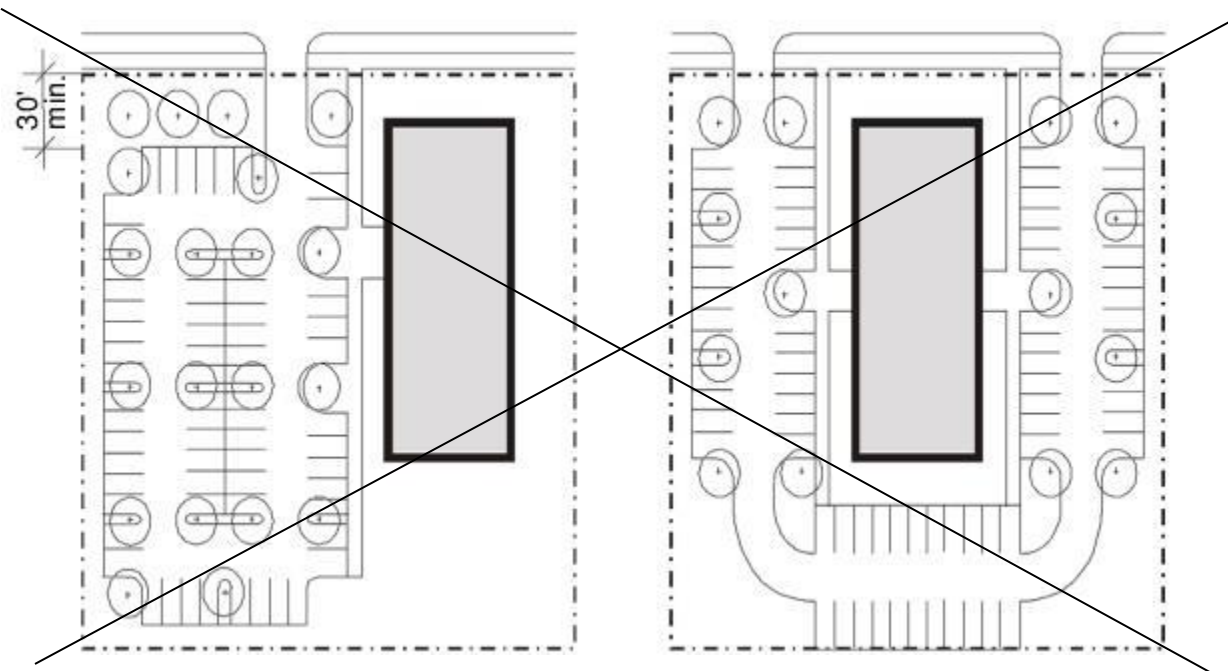


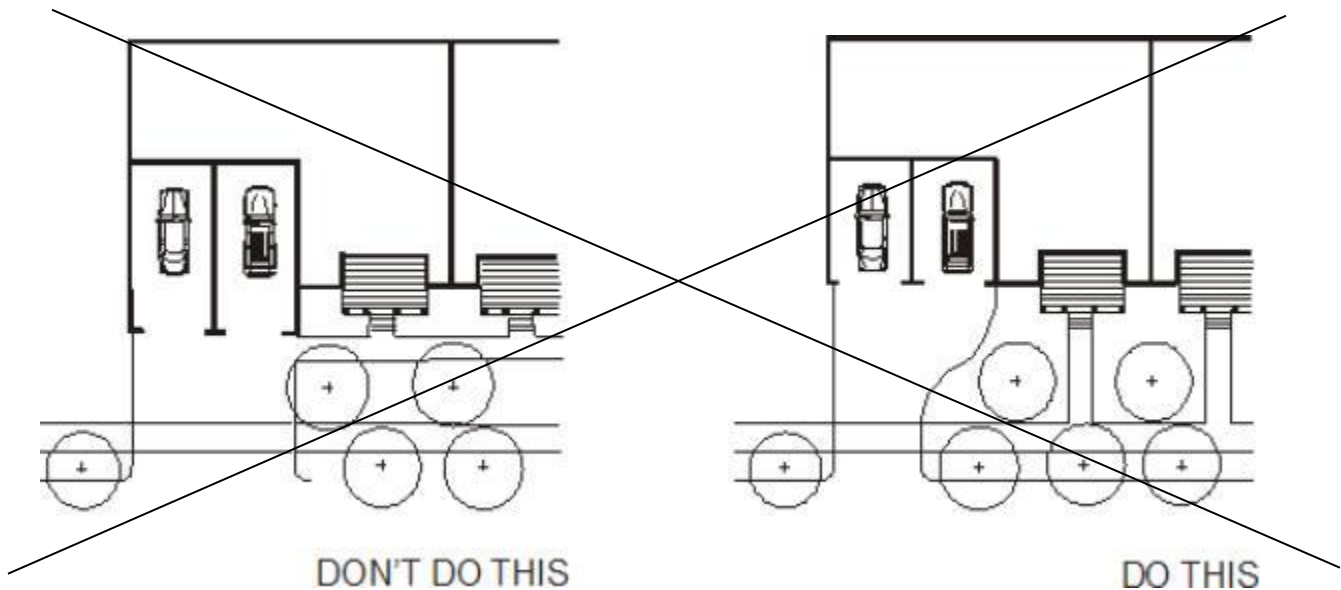
Figure 20.50.140(E): Examples of breaking up parking and siting it behind buildings. Such development creates an attractive open space and avoids the impact of a large central parking lot.

Exception to 20.50.140(E): Surface parking areas larger than 30 parking stalls may be allowed if they are separated from the street by a minimum 30-foot-wide landscaped buffer, and the applicant can demonstrate that a consolidated parking area produces a superior site plan.



~~Figure Exception to 20.50.140(E): A consolidated parking scheme (left) with more than 30 spaces may be permitted if it is buffered from the street and produces improvements from a separated parking scheme (right), such as a better open space layout, fewer curb cuts, etc.~~

~~F. Minimize the impact of individual garage entrances where they face the street by limiting the curb cut width and visually separating the garage entrance from the street with landscaped areas. Emphasize pedestrian entrances in order to minimize the garage entrances.~~



~~Figure 20.50.140(F), (G): Example of limiting the impact of garage entrances by building them flush with the facade, reducing their width, providing landscaping, and pedestrian access.~~

~~G. Garages or carports either detached from or attached to the main structure shall not protrude beyond the front building facade.~~

20.50.150 E. Storage space and staging area for the collection of solid waste garbage, recyclables, and compostables – Standards.

Developments shall provide storage space for the collection of garbage, recyclables, and compostables consistent with the City's current authorized collection company as follows:

1. Developments with nine (9) or fewer units shall comply with one (1) of the following options for providing solid waste storage space and staging area:

a. If the storage space is provided in individual unit garages, the space shall be its own dedicated area and shall not overlap with space needed for required vehicle parking, and staging areas shall comply with one (1) of the following:

i. Solid waste bins shall be placed in the amenity zone if there is adequate area and placement does not conflict with above grade infrastructure or services, including, but not limited to fire hydrants, electrical poles, mailboxes, and street trees; or

ii. Solid waste bins shall be placed within the front setback, provided the area needed to accommodate the bins does not preclude compliance with other codes and standards; or

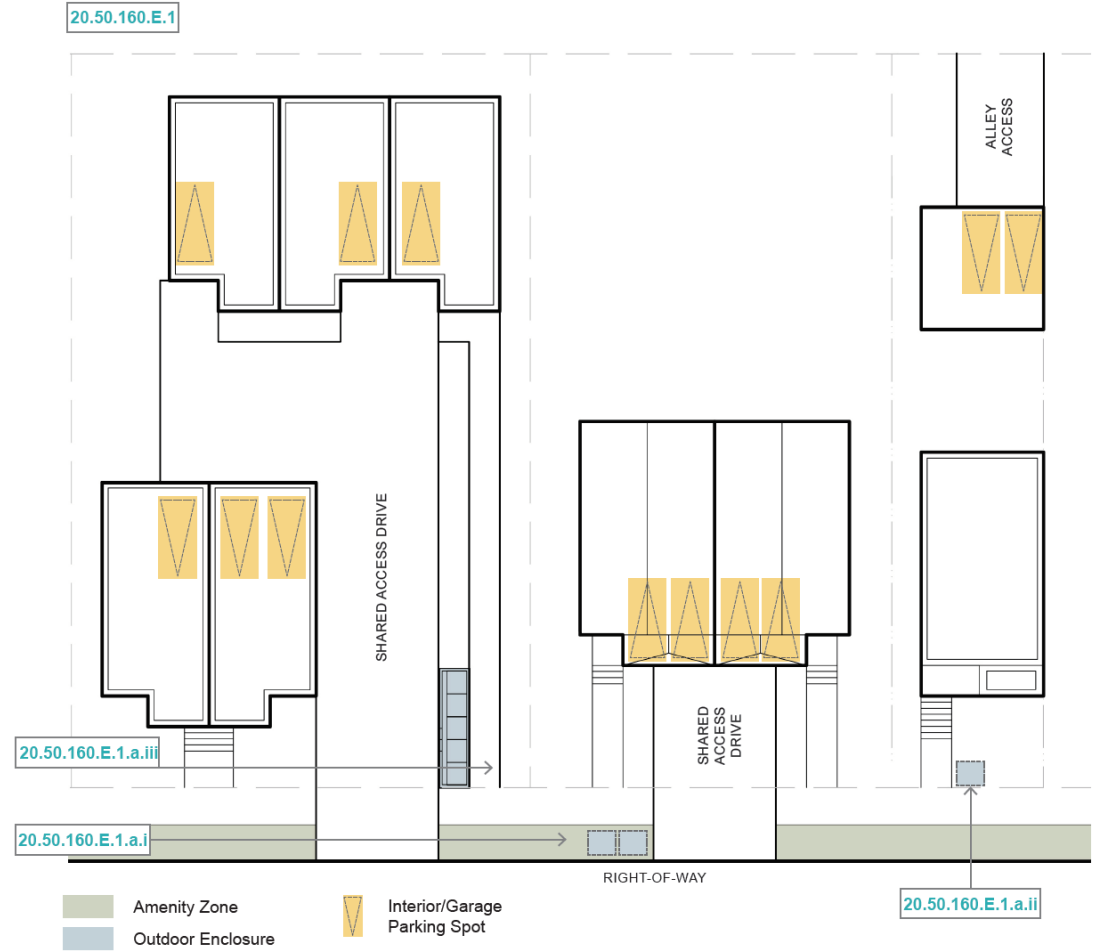
iii. Solid waste bins shall be placed along one side of the access drive, provided placement does not interfere with vehicular access and circulation, and the City's solid waste purveyor provides written confirmation it will service the location of the bins.

b. If the storage space and staging area is provided in a common indoor trash room or room(s) or a common outdoor enclosure or enclosure(s), it shall comply with all the following:

i. Access to and maintenance of the trash room(s) or enclosure(s), and financial responsibility, shall be addressed in a Covenants, Conditions and Restrictions document to be recorded prior to development permit issuance;

ii. The City's solid waste purveyor provides written confirmation it will service the location of the trash room(s); and

iii. If the storage space is provided in an outdoor enclosure or enclosure(s), it shall be completely screened from pedestrian view from the public right(s)-of-way by a solid enclosure such as a fence or wall, or dense landscaping.



Solid Waste Storage and Staging Area Illustration 1

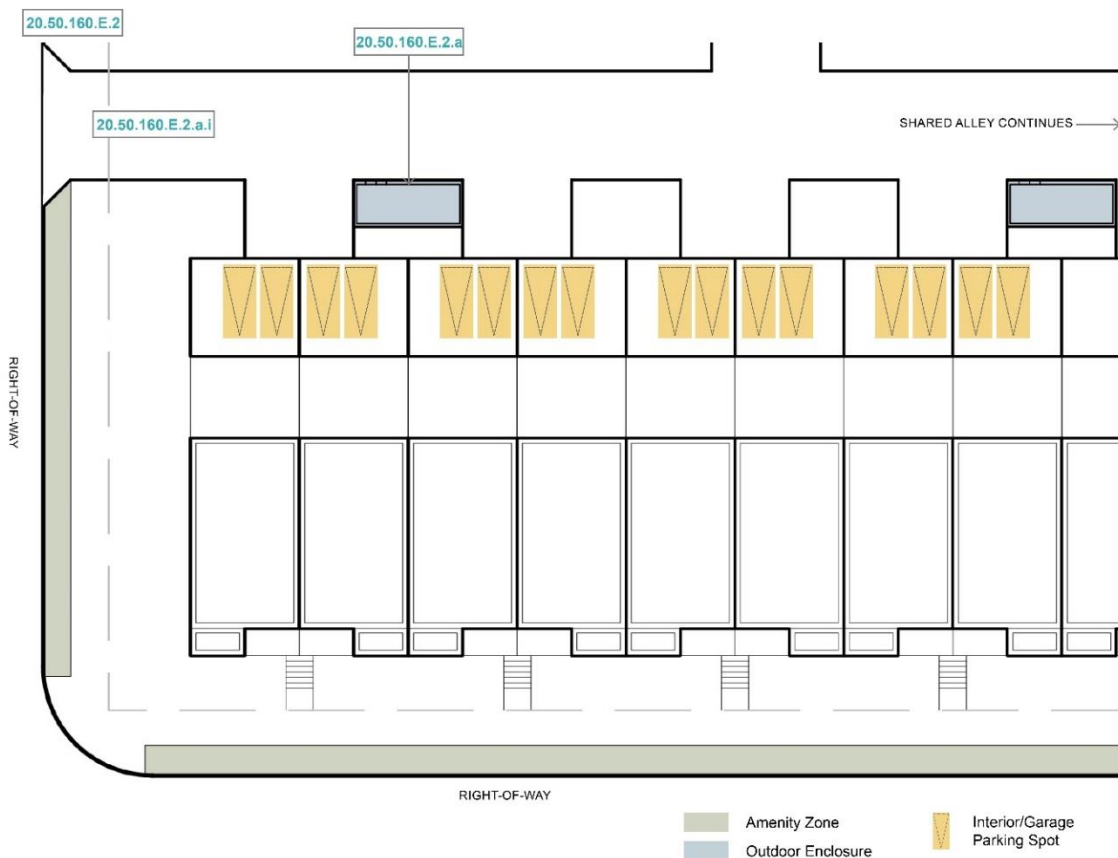
2. Developments with ten (10) or more units shall comply with one (1) of the following options for providing solid waste storage space and a staging area:

- a. If the storage space is provided in the individual unit garages it shall be its own dedicated area and shall not overlap with space needed for required vehicle parking. Staging areas shall abut vehicle access drives, but shall not obstruct vehicle circulation, and shall comply with one (1) of the following:
 - i. The vehicle access shall not dead-end, but provide a through connection to a public right-of-way; or
 - ii. The site shall contain a turnaround that meets the standard detail required by the Public Works Director.
- b. If the storage space and staging area is provided in a common indoor trash room or room(s), or in a common outdoor enclosure or enclosure(s), it shall comply with the following:

i. Access to and maintenance of the trash room(s) or enclosure(s), and billing shall be addressed in a Covenants, Conditions and Restrictions document to be recorded prior to development permit issuance; and

ii. The City's solid waste purveyor provides written confirmation it will service the location of the trash room(s); and

iii. If the storage space is provided in an outdoor enclosure or enclosure(s), it shall be completely screened.



Solid Waste Storage and Staging Area Illustration 2

~~A. Garbage, recyclables, and compostables receptacles shall be completely stored inside or screened outside unit garages without obstructing parking or vehicle movements. Alternatively, receptacles can be placed in common containers that are completely screened and covered from weather and that meet the collection service requirements for access. Receptacle enclosures shall not be located between buildings that front on streets and rights-of-way.~~

BF. Accessory Structures.

1. Shipping containers are ~~not allowed~~ prohibited.

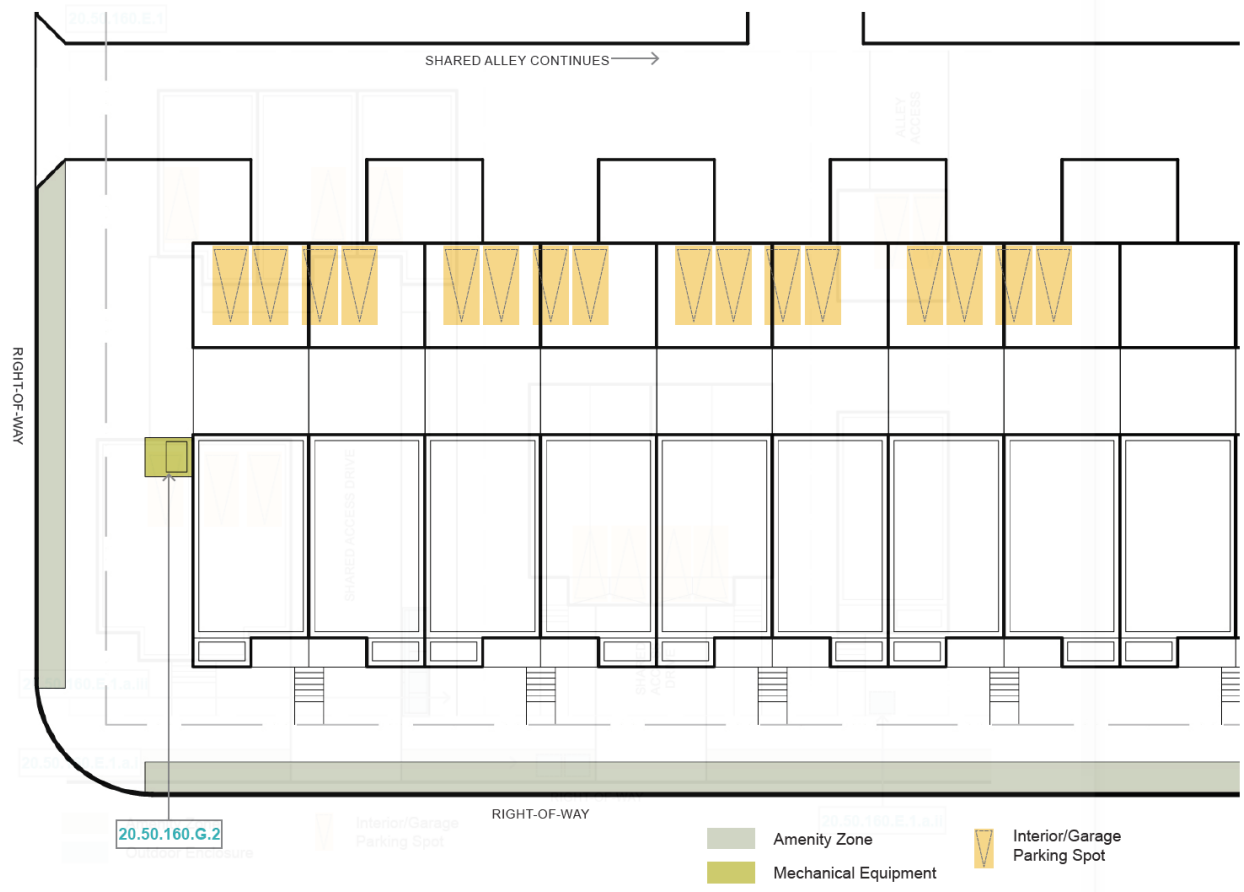
G. Utility and Mechanical Equipment

1. Mechanical and utility equipment shall be located and designed to minimize its visibility by the public. Preferred locations are off alleys; access drives; within, atop, or under buildings; underground; or other locations away from the public right-of-way. Equipment shall not intrude into required pedestrian areas.

2. Ground-mounted mechanical equipment shall be fully enclosed within an opaque fence or wall, or it shall be screened with dense landscaping from pedestrian view from the public right-of-way. Chain-link fencing with slats is prohibited.

3. All exterior building-mounted mechanical equipment, with the exception of solar collectors or wind power generating equipment, shall be screened from pedestrian view by integration with the building's architecture through such elements as parapet walls, false roofs, roof wells, clerestories, equipment rooms, materials and colors.





Utility and Mechanical Equipment Illustrations

20.50.160 H. Open Outdoor space – Standards.

1. Parcels with nine (9) or fewer units shall comply with one (1) of the following requirements:

a. Each unit shall have 150 square feet of private outdoor space that complies with all of the following standards:

i. No single outdoor space to be counted as part of this requirement shall be less than 50 square feet with no dimension less than six lineal (6) feet;

ii. Private outdoor space includes balconies, patios, decks, porches, gardens, or any other outdoor space that meets the purpose of this section, as approved by the Director; and

iii. The private outdoor space shall be directly accessible from the associated unit.

b. Each development shall provide a minimum of 800 square feet of common outdoor space, whichever is greater, that complies with all of the following standards:

i. No dimension shall be less than ten (10) lineal feet.

ii. Common outdoor space includes rooftop decks, gardens, courtyards, or any other outdoor space that meets the purpose of this section, as approved by the Director.

iii. Required landscaping can be utilized to satisfy the outdoor space requirements if all of the following are provided:

A. A minimum of one (1) amenity per 200 square feet is provided along the walkway through the garden/landscaped area, including landscape structures, permanently affixed tables and chairs, benches, and/or fountains;

B. The landscaped area is connected by a walkway to the rest of the onsite pedestrian walkways; and

C. Wayfinding signage is provided leading to the common outdoor space, and identification signage is provided at the entrance(s) to the common outdoor space indicating its use (e.g., "This area is common outdoor space to be used by community residents and guests.")

The common outdoor space shall be accessible to all residents of the development.

2. Parcels with ten (10) or more units shall comply with all of the following requirements:

a. Each unit shall have 150 square feet of private outdoor space that complies with all of the following standards:

i. No single outdoor space to be counted as part of this requirement shall be less than 50 square feet with no dimension less than six lineal (6) feet;

ii. Private outdoor space includes balconies, patios, decks, porches, gardens, or any other outdoor space that meets the purpose of this section, as approved by the Director; and

iii. The private outdoor space shall be directly accessible from the associated unit.

b. Each development shall provide a minimum of 800 square feet or 50 square feet per unit of common outdoor space, whichever is greater, that complies with all of the following standards:

i. No dimension shall be less than ten (10) lineal feet.

ii. Common outdoor space includes rooftop decks, gardens, courtyards, or any other outdoor space that meets the purpose of this section, as approved by the Director.

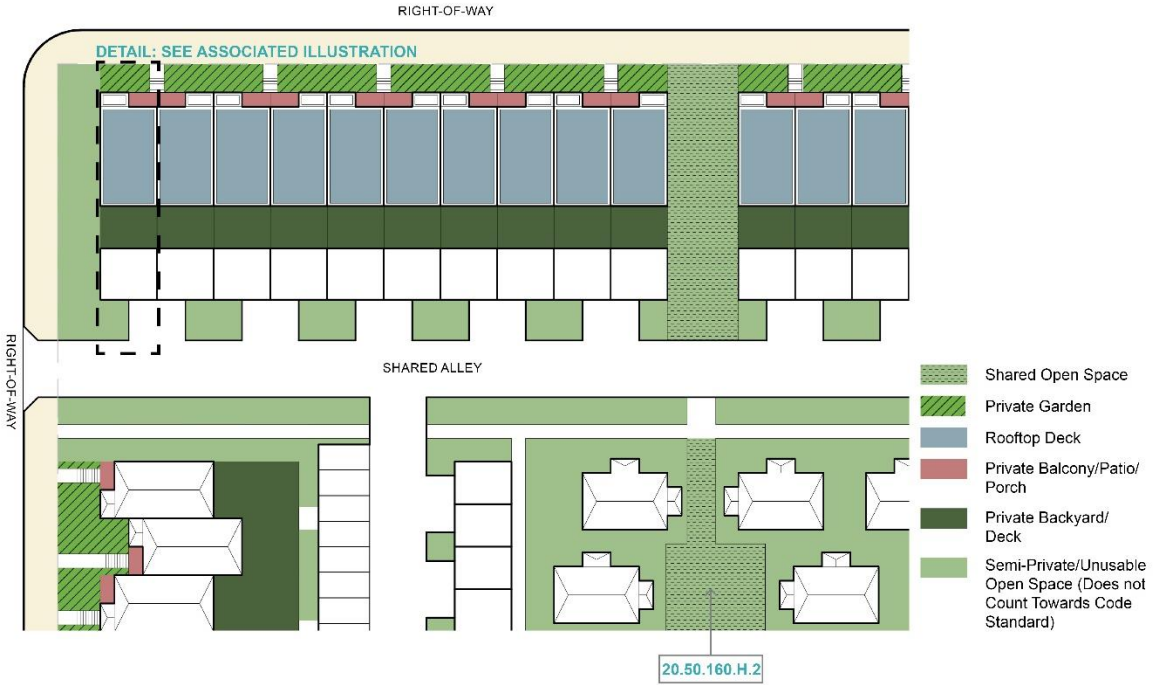
iii. Required landscaping can be utilized to satisfy the outdoor space requirements if all of the following are provided:

A. A minimum of one (1) amenity per 200 square feet is provided along the walkway through the garden/landscaped area, including landscape structures, permanently affixed tables and chairs, benches, and/or fountains;

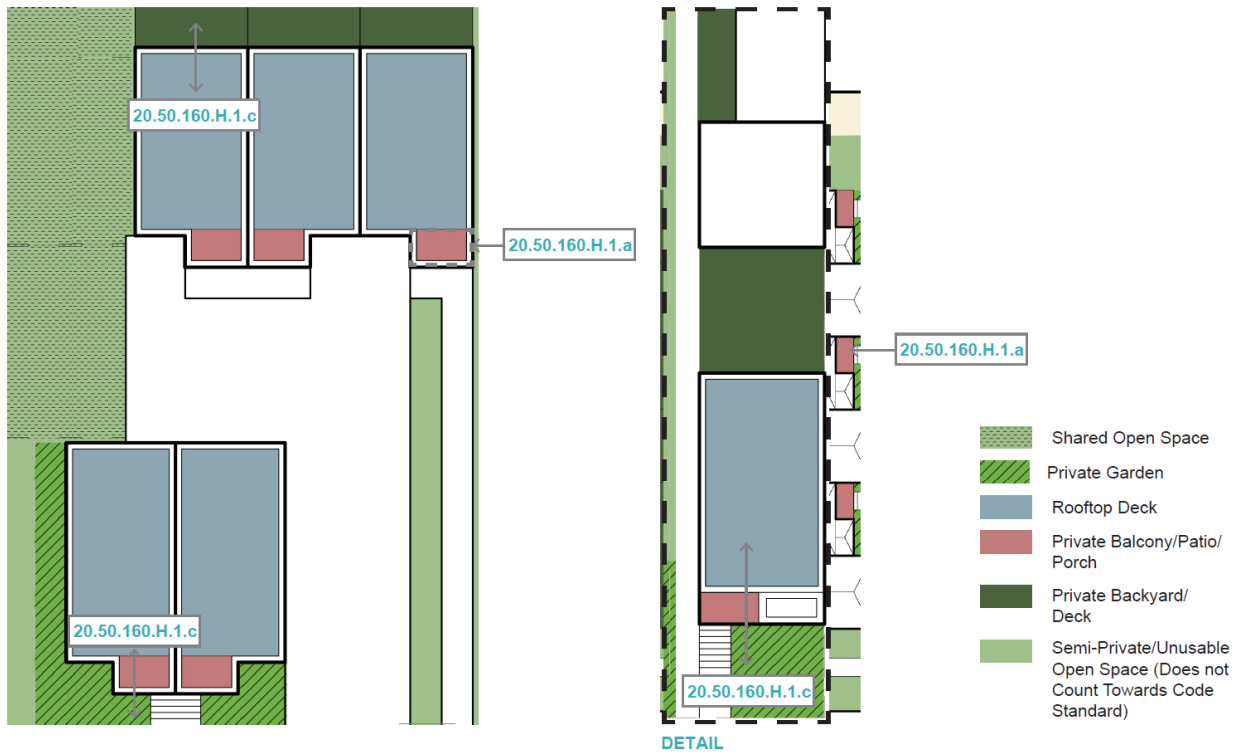
B. The landscaped area is connected by a walkway to the rest of the onsite pedestrian walkways; and

C. Wayfinding signage is provided leading to the common outdoor space, and identification signage is provided at the entrance(s) to the common outdoor space indicating its use (e.g., "This area is common outdoor space to be used by community residents and guests.")

The common outdoor space shall be accessible to all residents of the development.



Open Space Illustration 1



Open Space Illustration 2



20.50.160.H.2

Common Garden



20.50.160.H.2

Private Patio



20.50.160.H.2

Common Rooftop
Open Space



20.50.160.H.2

Private garden



20.50.160.H.2

Common Pedestrian
Walkway



20.50.160.H.2

Private Balcony

Open Space Images

I. Façade Landscaping.

As required by SMC 20.50.485, façade landscaping shall be provided on any building façade facing a public right-of-way.

~~A. Multifamily developments shall provide on-site common recreational open space areas as follows:~~

~~— Minimum 170 square feet per three or more bedrooms unit;~~

~~— Minimum 130 square feet per two bedrooms unit; and~~

~~— Minimum 100 square feet per studio or one bedroom unit.~~

~~— On-site recreational open space areas shall be centrally located, and visibly accessible from dwelling units and sited away from arterial streets and parking areas, with a grade and surface suitable for their intended use, and have a smallest dimension (width) of minimum 20 feet (except for trail segments).~~

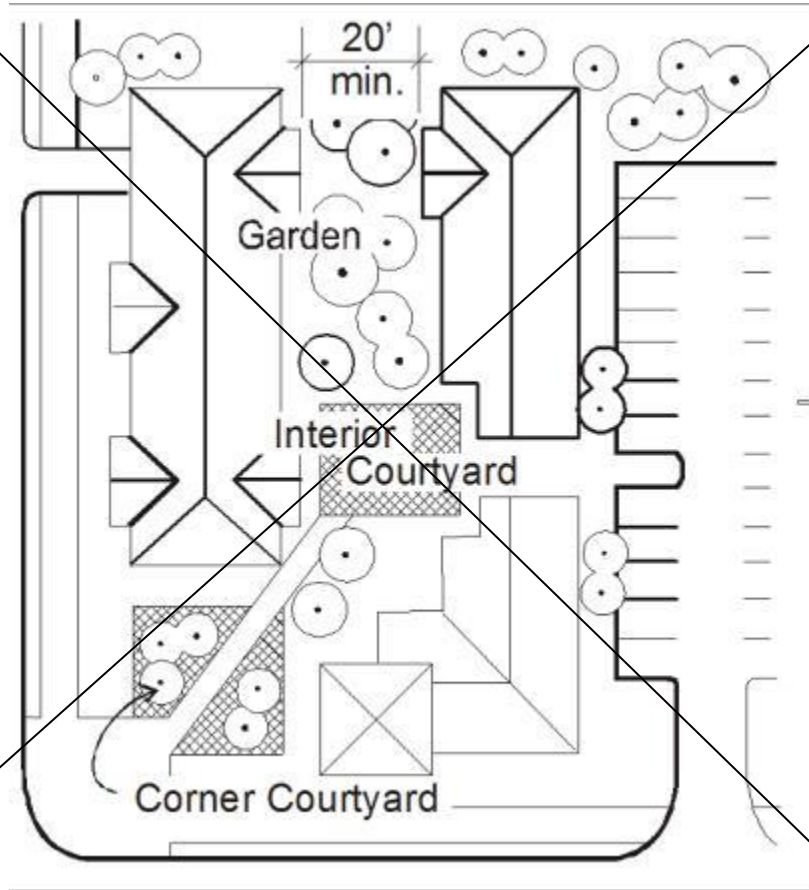


Figure 20.50.160(A): Usable outdoor open space can be created by careful siting buildings and appropriate landscape design.

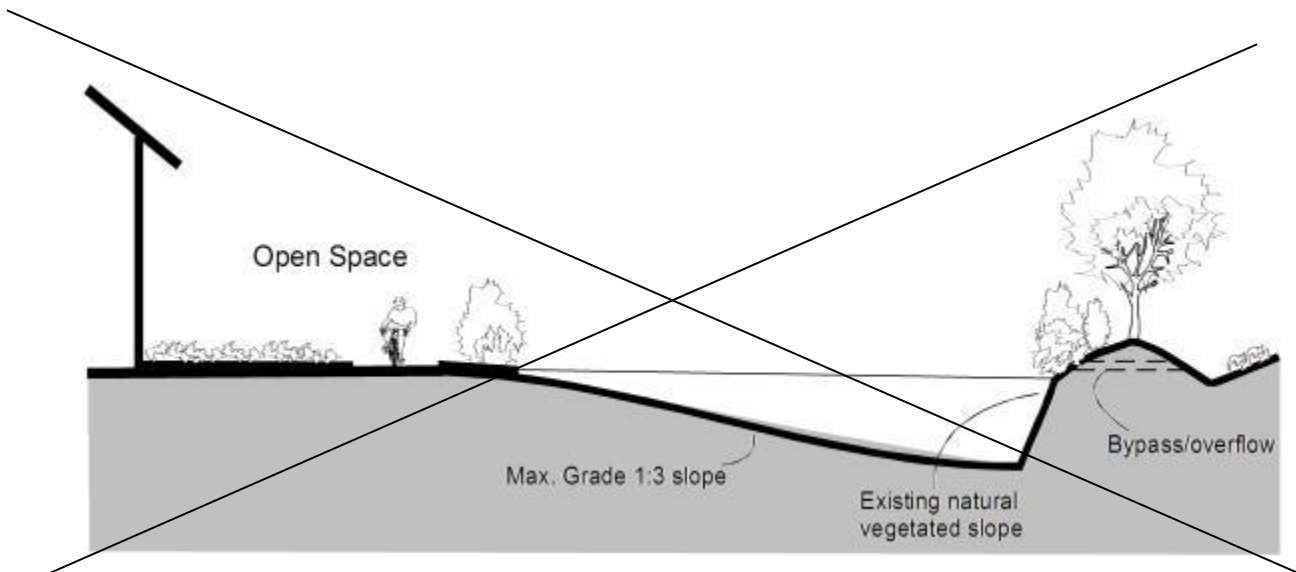
Exception 20.50.160(A)(1): Indoor recreation areas may be credited towards the total recreation space requirement, when the City determines that such areas are located, designed and improved in a manner which provides suitable recreational opportunities. Senior and special needs housing may include social areas, game and craft rooms, and other multipurpose entertainment and educational areas as part of their required recreational space.

Exception 20.50.160(A)(2): Private yards, patios, balconies or roof decks may be credited towards the total recreation space requirement, when the City determines that such areas are located, designed and improved in a manner which provides suitable recreational opportunities. Private yards or patios shall have a minimum area of 100 square feet and a minimum dimension of 10 feet. Balconies and roof decks shall have a minimum area of 50 square feet and a minimum dimension of six feet.

Exception 20.50.160(A)(3): Stormwater runoff tracts may be credited for up to 50 percent of the on-site recreation space requirement, subject to the following criteria:

1. The stormwater runoff tract is dedicated or reserved as a part of a recreation space tract;

2. ~~The detention pond shall be constructed to meet the following conditions:~~
 - a. ~~The side slope of the stormwater facilities shall not exceed grade 1:3 (one vertical to three horizontal) unless slopes are existing, natural and covered with vegetation,~~
 - b. ~~Any bypass system or an emergency overflow pathway shall be designed to handle flow exceeding the facility design and located so that it does not pass through active recreation areas or present a safety hazard,~~
 - c. ~~The stormwater facilities shall be landscaped in a manner to enhance passive recreation opportunities such as trails and aesthetic viewing, and~~
 - d. ~~The stormwater facilities shall be designed so they do not require fencing pursuant to the Stormwater Manual.~~



~~Figure Exception to 20.50.160(A)(2) and (3): Example of stormwater facility design which does not require fencing.~~

~~B. All multifamily developments, excluding age restricted senior citizen housing, shall provide tot/children play areas within the recreation space on-site, except when facilities are available within one quarter mile that are developed as public parks or playgrounds and are accessible without crossing of arterial streets.~~

~~—If any play apparatus is provided in the play area, the apparatus shall meet consumer product safety standards for equipment, soft surfacing and spacing, and shall be located in an area that is:~~

- ~~1. At least 400 square feet in size with no dimension less than 20 feet; and~~
- ~~2. Adjacent to main pedestrian paths or near building entrances.~~

~~C. Recreation areas shall be connected by trail or walkway to any existing or planned public park, open space or trails on adjoining properties.~~

20.50.170 Pedestrian circulation and safety – Standards.

A. Provide direct pedestrian access from building entries to public sidewalks, other buildings, on site open space, and parking spaces. Connect buildings in multifamily complexes such as courtyard bungalows with sidewalks or paved paths. Illuminate these areas with at least two foot-candles of light.

B. Avoid site configurations with entrapment areas such as dead-end exterior spaces or pathways where a pedestrian could be trapped by an aggressor.

C. Ensure that the site and buildings provides site lines that allow observation of outdoor spaces by building occupants. Site buildings so that windows, balconies and entries overlook pedestrian routes and parking areas and allow for informal surveillance of these areas, where possible.

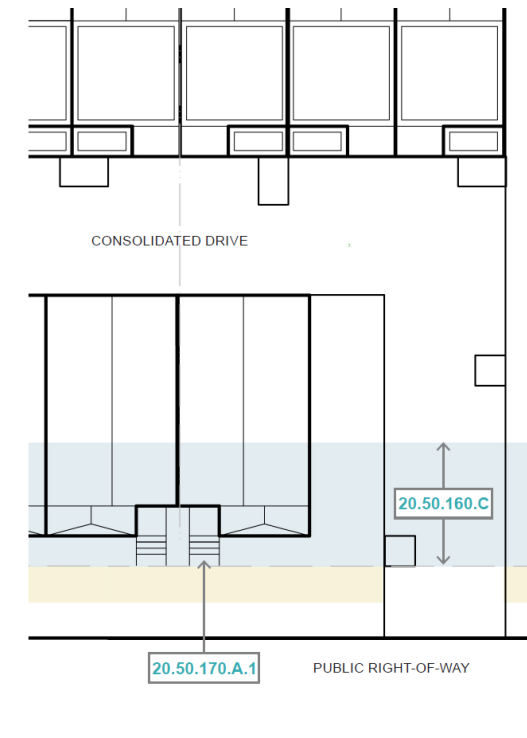
D. Ensure that building entries are visible from the street or, if this is not possible, from other buildings and primary pedestrian routes. Illuminate building entries with at least four foot-candles of light.

E. Avoid tall opaque fences, hedges or other visual obstructions that allow an aggressor to hide. Choose plant materials in open areas that allow pruning so that site lines are maintained between three feet, six inches and six feet in height. Dense screening may be allowed where there is no danger of creating a place to hide.

20.50.1870 Building design – Building orientation and scale – Standards.

A. **Building Orientation** To the maximum extent feasible, primary facades and building entries shall face the street.

1. Each unit with right-of-way frontage shall have its primary entry oriented toward the right-of-way.



Primary Entry Illustration

2. Buildings with frontage on multiple public rights-of-way are only required to have the primary entry oriented towards one public right-of-way. Which right-of-way the entry shall be oriented towards shall be determined by the Director. The Director shall take into consideration site-specific and project-specific factors such as right-of-way classification, lot orientation and site configuration in making this determination.

B. Building Modulation, Massing and Articulation ~~The main building entrance, which is not facing a street, shall have a direct pedestrian connection to the street without requiring pedestrians to walk through parking lots or cross driveways.~~

1. Each unit shall have a covered entry or porch with weather protection at least 20 square feet with a minimum width of four (4) feet and minimum depth of three (3) feet.

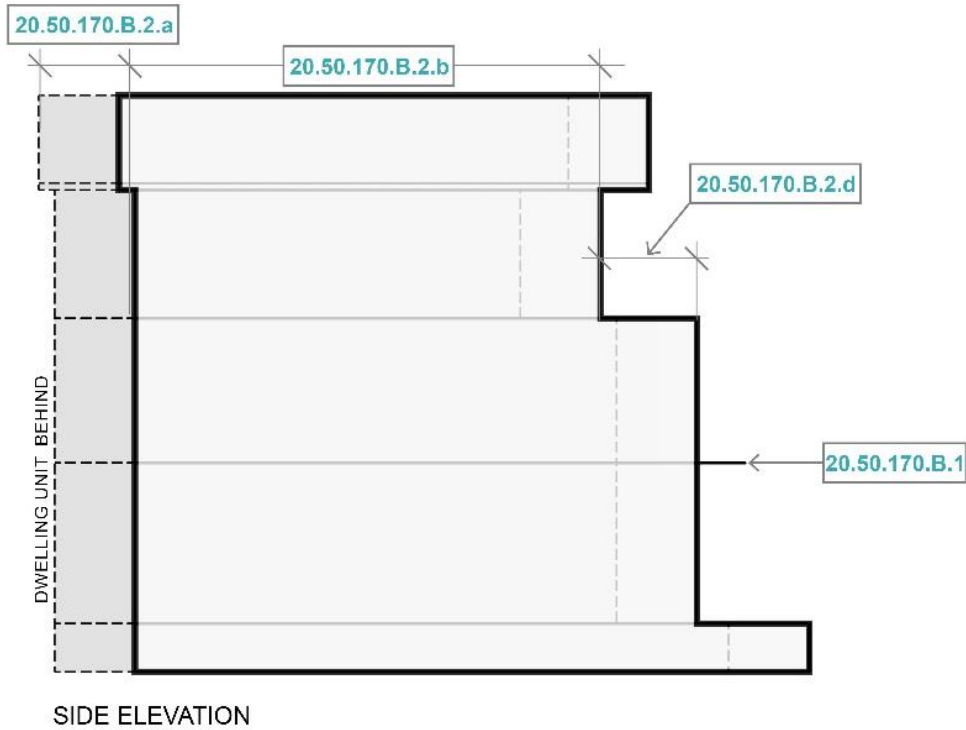
2. Each building shall incorporate variation by using at least three (3) of the following elements on the front façade:

a. Variations in the setback of the façade of the building by at least four (4) feet between adjoining units;

- b. Diminishing upper floors (gross floor area of third story is smaller than the gross floor area of the lower stories). To meet this requirement, the building wall shall be stepped back a minimum of two (2) feet with a minimum width of eight (8) feet. Balconies that are covered but not fully enclosed and meet the minimum dimensions specified shall be considered a diminished upper floor;
- c. Changes in roofline at intervals not greater than 40 feet in continuous length, such as variations in roof pitch, overhangs, projections, or extended eaves;
- d. Balconies (excluding Juliet balconies) on the façade of the building that have a minimum depth of six (6) feet between the building wall and the balcony railing; at least 50 percent of the units shall have a balcony;
- e. Garage door entrance(s) for vehicles located at the side or rear of buildings;
- f. Dormers (at least three (3) feet wide); at least 50 percent of the units shall have dormers;
- g. Living green wall minimum of 100 square feet;
- h. A façade with at least 40 percent fenestration and/or landscaping, 50 percent of which shall be fenestration;
- i. Trim that is a minimum of 0.75 inches deep and 3.5 inches wide to mark roof lines, windows, and doors on all public right-of-way facing facades;
- j. Other variation techniques that meet the purpose of the section as approved by the Director.



Building Modulation, Massing and Articulation Illustration 1



Building Modulation, Massing and Articulation Illustration 2

3. Building Facades. Building facades shall comply with all of the following:

- a. Public right-of-way facing facades shall consist of at least 30 percent fenestration and/or landscaping.**

b. All other facades shall consist of at least 15 percent fenestration and/or landscaping.

c. The façade area is measured vertically, top to bottom, and horizontally edge-to-edge as illustrated in Illustration 3.

d. For purposes of calculation, the square footage of landscaping shall be measured at the size it will be at installation, not maturity.

e. Blank walls (building façade sections without fenestration or covered by landscaping) greater than 20 feet in length are prohibited.



Building Modulation, Massing and Articulation Illustration 3: Illustration of No Blank Façade. The façade facing the right-of-way measures 650 square feet. The façade depicted has 235 square feet of fenestration and landscaping, which is 36 percent of the façade, meeting the requirement.



Building Modulation, Massing and Articulation Images

4. Public right-of-way-facing garages shall comply with the following standards:

a. The maximum combined garage door width facing the public right-of-way shall be 50 percent or less of the total building width. If the solid waste storage space is provided within each individual unit garage, then the width in the garage needed to accommodate this storage shall be excluded from the maximum 50 percent calculation;

b. The garage(s) shall be recessed a minimum of one foot behind the front façade; and

c. The access from the public right-of-way shall comply with the requirements of the Engineering Development Manual.



Public Right-of-Way Facing Garage Illustration

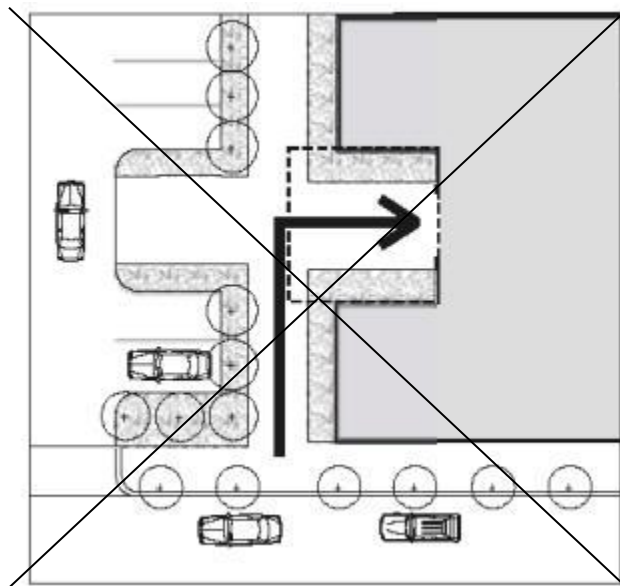
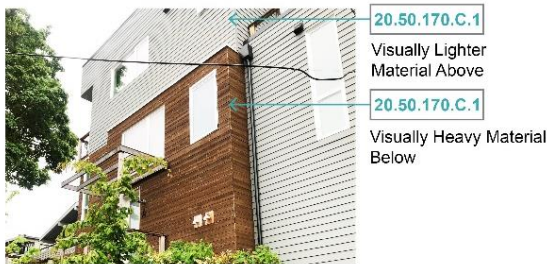


Figure 20.50.180(B): Example of connection of building entrance which is not located on a street but has a clear pedestrian walkway to it.

C. **Building Materials**

Materials and colors shall comply with the following:

1. If multiple materials are used in a building façade, the visually heavier materials shall be located below the lighter materials, e.g. brick or stone shall be located below siding materials, unless they are used as architectural features.
2. Architectural elements, such as trim, shall be of a color that provides contrast to the surrounding, dominant material color(s).
3. Insubstantial materials, such as fiberglass, and materials such as mirrored glass, and plywood or T-111 siding are prohibited. Uncoated zinc and copper are prohibited.



Building Materials Images

~~C.—Break large buildings into smaller components to reflect the character and scale of surrounding neighborhood through repetition of roof lines, patterns of door and window placement, and use of the characteristic entry features.~~



Figure 20.50.180(C): Stepping repeating elements such as entry porches help large buildings fit better with adjacent single-family neighborhoods.

D.— Break up a contiguous building facade facing the street or single-family zone (longer than 50 feet) by providing building elements, such as embellished entrances, courtyards, bays, balconies and other architectural elements dividing the facade visually. The maximum wall length without modulation shall be 30 feet.

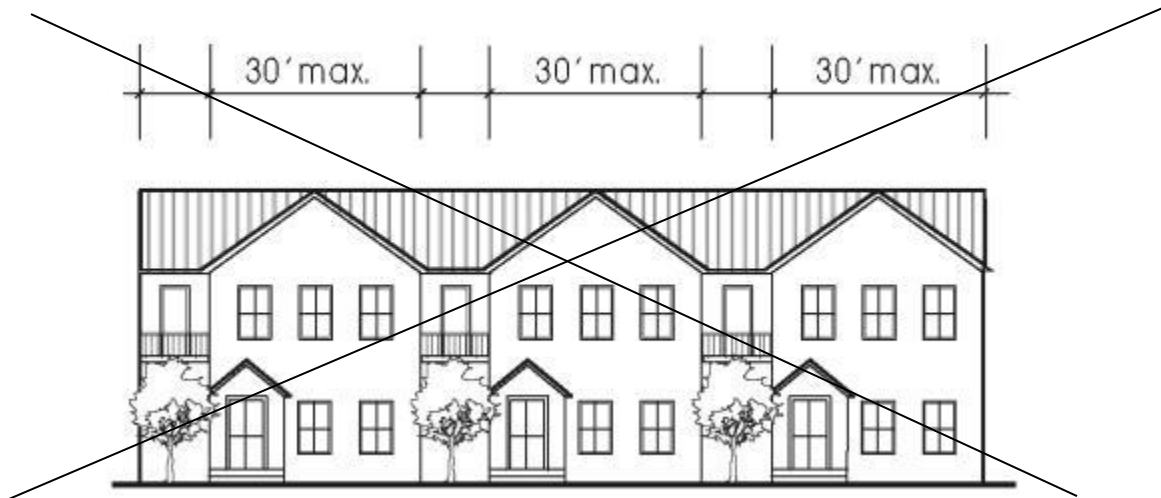


Figure 20.50.180(D): Example of articulation of facades that can help break down the scale of large buildings.

E.— Break up the scale of large buildings by providing roofline variation on rooflines exceeding 60 feet. Roofline variation shall be achieved using one or more of the following methods:

- 1.— Vertical offset in ridge line;
- 2.— Horizontal offset in ridge line;

3. Variations in roof pitch;
4. Gables;
5. Dormers.

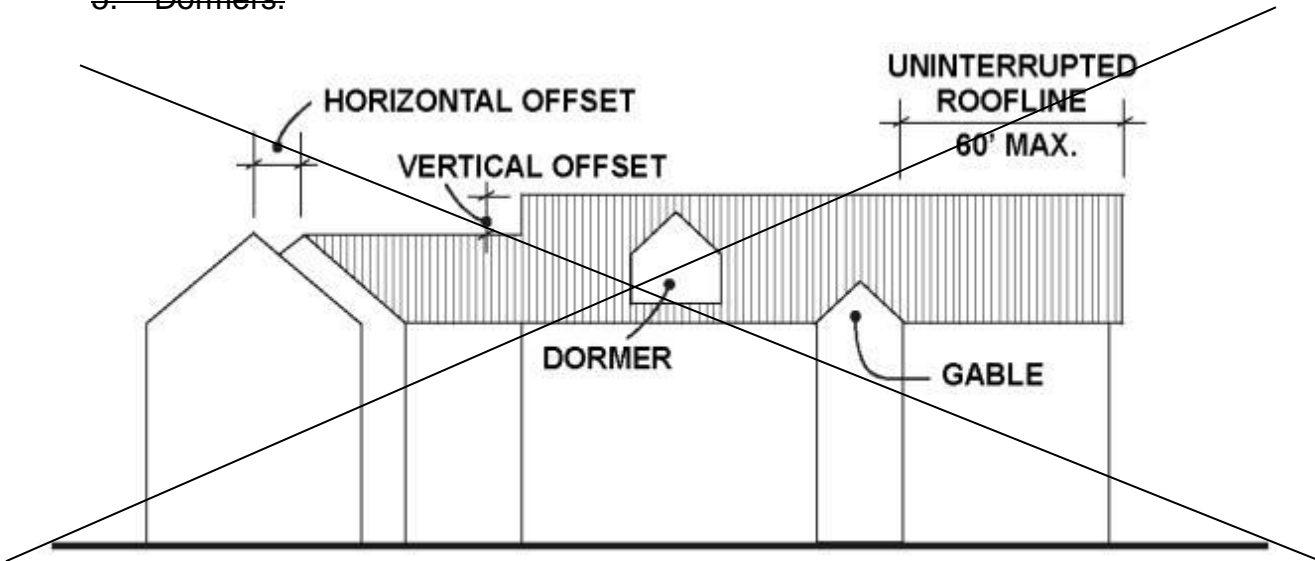


Figure 20.50.180(E): Examples of roofline variation techniques.

20.50.190 Exterior materials – Standards.

A. Building exteriors shall be constructed from quality and durable materials. Insubstantial materials, such as fiberglass, and materials such as mirrored glass, corrugated siding, exposed concrete block, and plywood or T-111 siding are not permitted.

B. The “blank” wall shall be articulated in one or more of the following ways:

1. Installing a vertical trellis in front of the wall with climbing vines or planting materials.
2. Providing a landscaped planting bed at and five feet wide in front of the wall with plant materials that can obscure at least 50 percent of the wall’s surface within three years.
3. Providing texture or artwork (mosaic, mural, sculpture, relief, etc.) over the blank wall surface.
4. Other equivalent method that provides for enhancement of the wall.

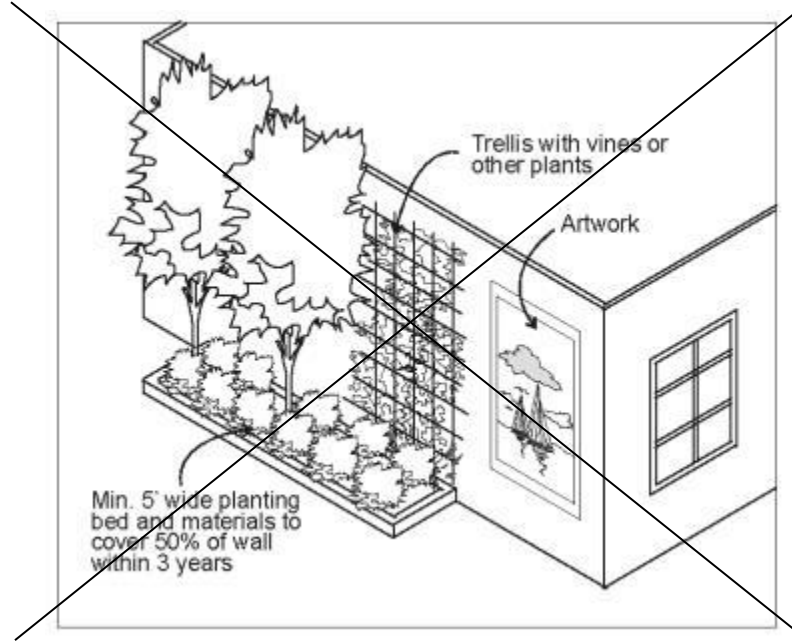


Figure 20.50.190(B): Examples of “blank” wall treatment.

20.50.200 Facade elements – Standards.

A. All new multifamily residential building facades shall feature at least three of the following design features:

1. Multiple rooflines or gables (beyond what is required in SMC 20.50.180(C)).
2. Windows and door treatment which embellishes the facade.
3. Porches.
4. Unique facade treatment, such as decorative materials, trellis, arcade and other design elements.
5. Dormers or fascia boards (at least 10 inches wide).
6. Bay windows.

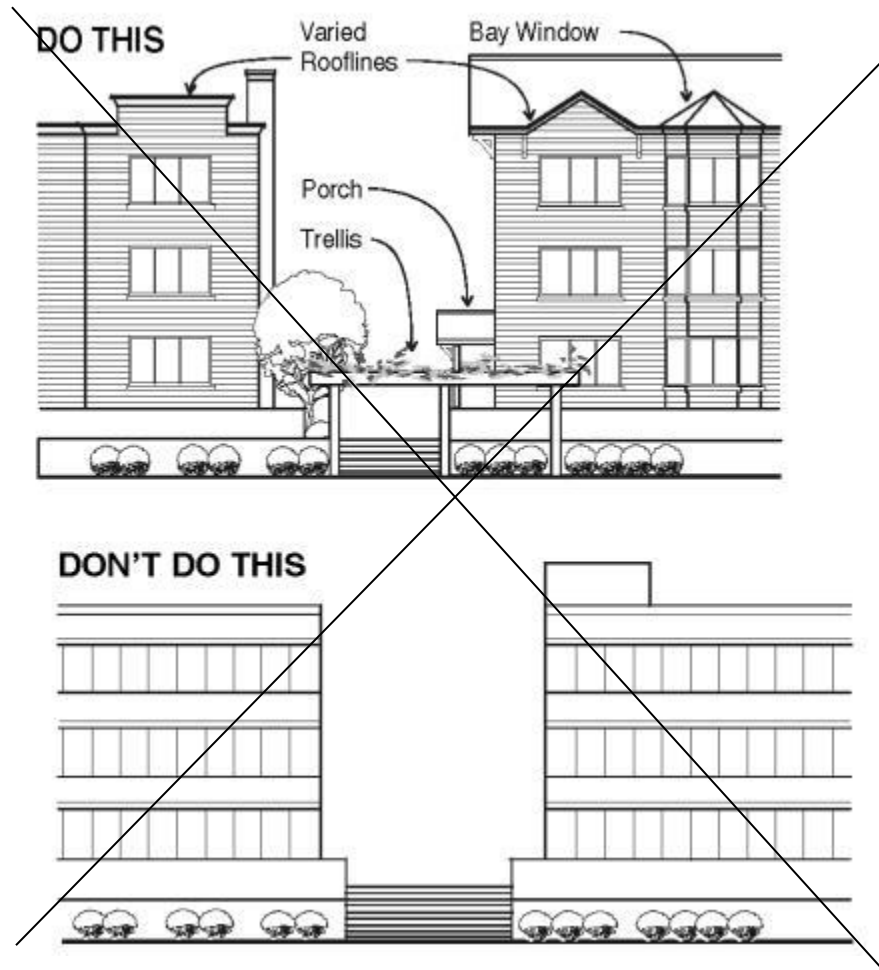


Figure 20.50.200(A): These two projects point out the importance of architectural elements. They are essentially the same building envelope except that the upper example employs varied roof lines, window details, facade articulation, a trellis, chimneys, entry details and other features that reduce the “visual bulk” impact of the facade.

20.50.205180 Outdoor Lighting – Standards.

A. **Light Trespass Standard.** All light sources, such as a lamp or bulb, shall be shielded within a fixture, and fixtures shall be located, aimed or shielded to prevent direct so as to minimize stray light trespassing across property lines. The light source (lamp or bulb) in a fixture installed on a property and visible from any residential property must be shielded such that the light source is not directly visible from that property.

B. Onsite pedestrian pathways shall be illuminated with at least two foot-candles of light.

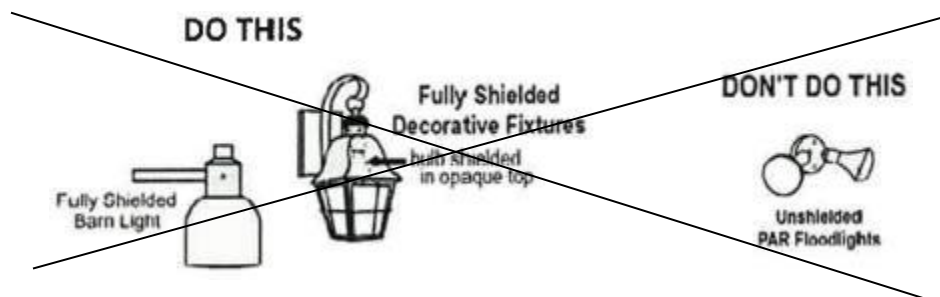
C. Building entries shall be illuminated with at least four foot-candles of light.

BD. Prohibited Lighting. The following types of lighting are prohibited:

1. Outdoor floodlighting by floodlight projection above the horizontal plane;
2. Search lights, laser source lights, or any similar high intensity light; and
3. Any flashing, blinking, rotating or strobe light illumination device located on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot ~~or parcel~~.

Exemptions:

- ~~1. Lighting required for emergency response by police, fire, or medical personnel (vehicle lights and accident/crime scene lighting).~~
- ~~21. Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code Section 321 (Lighting) of the International Swimming Pool and Spa Code, or Chapter 246-260 WAC, as applicable.~~
- ~~32. Signs and sign lighting regulated by Chapter 20.50 SMC, Subchapter 8.~~
- ~~43. Holiday and event lighting (except for outdoor searchlights and strobes).~~
- ~~5. Sports and field lighting.~~
- ~~64. Lighting triggered by an automatic emergency or security alarm system.~~



Examples of Fixtures

20.50.240190 Fences and walls – Standards.

A. Front yard. Fences and walls located within the required minimum front yard setback shall be a maximum of three feet, six inches high and shall be no more than 60 percent opaque. ~~between the minimum front yard setback line and the front property line for the street frontage that contains the main entrance to the building. Chain link fences are not permitted in the minimum front yard setback for the street frontage that contains the main entrance to the building.~~

B. Side and Rear yards. The maximum height of fences located along a side and/or rear yard property line shall be six feet.

C. Fences and walls shall be constructed of wood, wrought iron, brick, stone, or other high quality material. All chain link, electric, razor wire, and barbed wire fences, and other similar types of security fences are prohibited.

D. The height of a fence located on a retaining wall shall be measured from the finished grade at the top of the wall to the top of the fence. The overall height of the fence located on the wall shall be a maximum of six feet.

- **SMC 20.50, Subchapter 4 Commercial Zone Design**

Subchapter 4. Commercial and Multifamily Zone Design

20.50.220 Purpose.

The purpose of this subchapter is to establish design standards for all commercial zones – neighborhood business (NB), community business (CB), mixed business (MB) and town center (TC-1, 2 and 3), the MUR-35' and the MUR-45' zones for all uses except single-family attached and mixed single-family developments, and the MUR-70' zones and the MUR-35' zone when located on an arterial street, and the R-8, R-12, R-18, R-24, R-48, PA 3 and TC-4 zones for all uses except single-family detached, attached and mixed single-family developments. Refer to SMC 20.50.120 when developing single-family attached and detached dwellings in the MUR-35' and MUR-45' zones. Some standards within this subchapter apply only to specific types of development and zones as noted. Standards that are not addressed in this subchapter will be supplemented by the standards in the remainder of Chapter 20.50 SMC. In the event of a conflict, the standards of this subchapter ~~will~~ shall prevail.

20.50.225 Administrative design review.

Administrative design review approval under SMC 20.30.297 is required for all development applications that propose departures from the design standards in this subchapter or sign standards in Chapter 20.50 SMC, Subchapter 8.

20.50.230 Threshold – Required site improvements.

The purpose of this section is to determine how and when the provisions for site improvements cited in the General Development Standards apply to development proposals. Full site improvement standards apply to a development application in commercial zones NB, CB, MB, TC-1, 2 and 3, and the MUR-70' zone the MUR-45', and MUR-70' zones and the MUR-35' zone when located on an arterial street. This subsection also applies in the following zoning districts except for the single-family attached use: MUR-35', MUR-45', PA 3, and R-8 through R-48. Refer to SMC 20.50.120 when developing single-family attached and detached dwellings in the MUR-35' and MUR-45' zones. Full site improvements standards of for signs, parking, lighting, and landscaping shall be required:

A. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing land and structure(s) on the parcel. This shall include all structures on other parcels if the building under permit review extends into other parcels; or

B. When aggregate building construction valuations for issued permits, within any cumulative five-year period ~~after March 30, 2013~~, exceed 50 percent of the County assessed or an appraised value of the existing land and structure(s) at the time of the first issued permit.

C. When a single-family land use is being converted to a commercial land use then full site improvements ~~will~~ shall be required.

20.50.235 Site planning – Setbacks – Standards.

For developments consisting of three or more units located on a single parcel in the TC-4, the R-8 through R-48 zones, and the MUR-35', MUR-45' and MUR-70' zones, the setback shall be 15 feet along any property line abutting R-4 or R-6 zones.

- **Chapter 20.50, Subchapter 7 Landscaping**

20.50.485 Front façade landscaping, single-family attached and mixed single-family attached developments – Standards.

A. The portion of the building adjacent to public rights-of-way shall have landscaping along the building façade. Foundation landscaping shall abut the building (while allowing the necessary space for growth) and shall be used or installed in such a manner so as to screen mechanical equipment attached to or adjacent to the building, provide direction to and enhance entrances and pedestrian pathways, and provide visual breaks along building facades.

B.

1. Landscaping shall be provided at a depth of at least 50 percent of the required front yard setback. The depth of required landscaping for properties with frontage on 145th Street or 185th Street shall be calculated by subtracting the amount of right-of-way dedication easement.

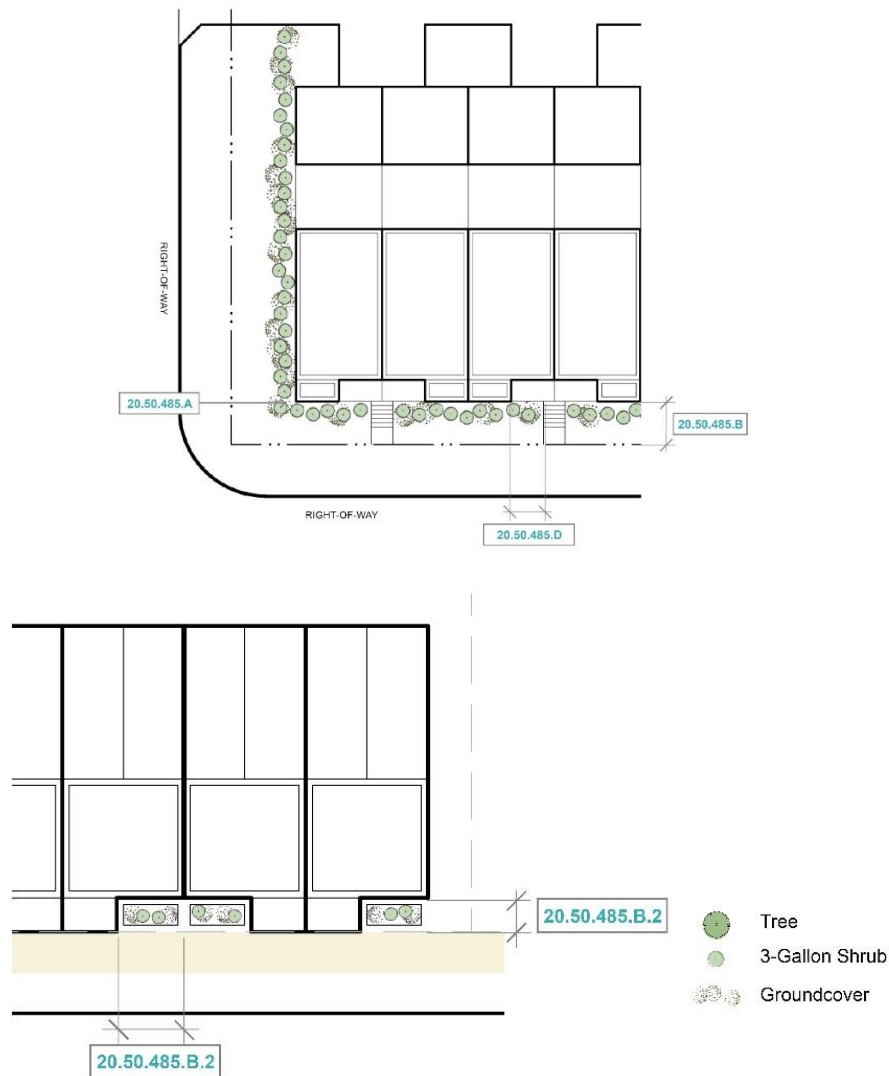
2. If a property has a required setback of zero (0) feet, landscaping shall be provided at a depth of at least four (4) feet and width at least 30 percent of the unit width. The required landscaping shall abut the entry. For example, if the unit width is 20 feet, the landscaping next to the entry shall be a minimum of six (6) feet wide.

C. Foundation plantings may be comprised of trees, shrubs, accent plants, ornamental grasses, and ground cover in any combination; provided that no more than 50 percent of the total required landscaping area consists of ground cover.

D. At least one (1) three-gallon shrub for every three (3) lineal feet of foundation shall be provided.

E. Shrubs shall be a mix of deciduous and evergreens.

F. When calculating the minimum number of required plants, the linear distance of openings for doors entering the building shall be excluded.

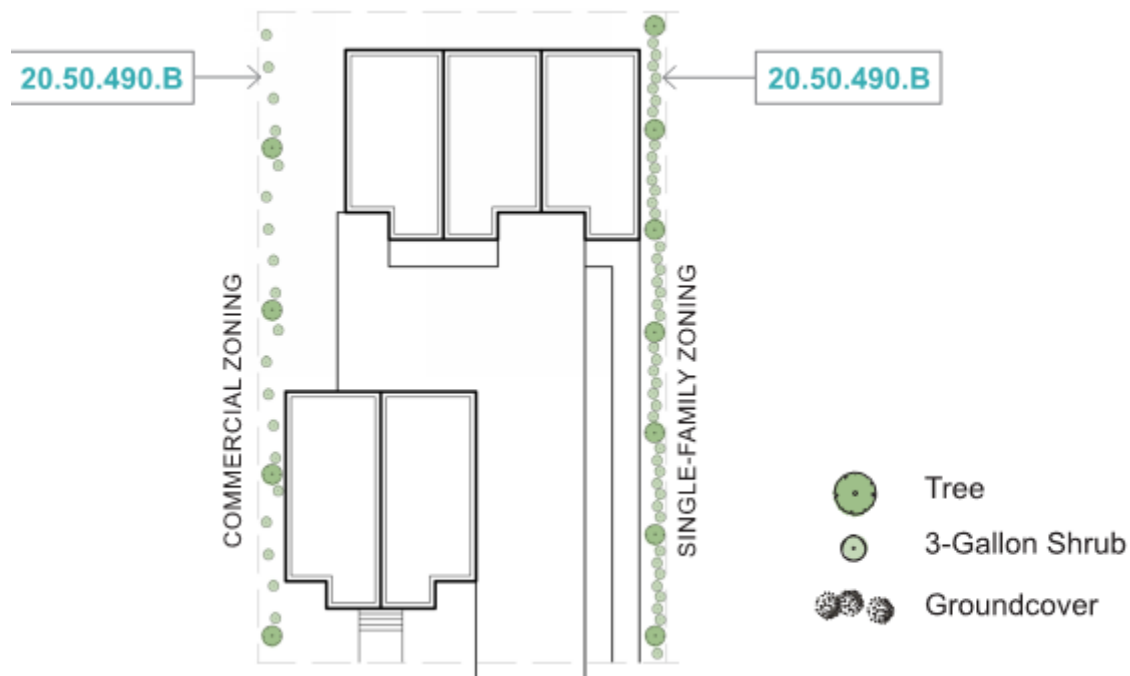


Front Façade Landscaping Illustrations

20.50.490 Landscaping along interior lot line – Standards.

A. Type I landscaping in a width determined by the setback requirement shall be included in all nonresidential development along any portion adjacent to single-family and multifamily residential zones or development. All other nonresidential development adjacent to other nonresidential development shall use Type II landscaping within the required setback. If the setback is zero feet then no landscaping is required.

B. Multifamily development shall use Type I landscaping when adjacent to single-family residential zones and Type II landscaping when adjacent to multifamily residential and commercial zoning within the required yard setback. Single-family attached and mixed single-family developments shall use Type I landscaping when adjacent to R-4 or R-6 zoning, and Type II landscaping when adjacent to all other zoning districts. Single-family attached and mixed single-family developments that have a shared access drive with an abutting property are exempt from this requirement on the side with the shared access drive.



Single-family Attached and Mixed Single-family Interior Landscaping Illustration

C. A 20-foot width of Type I landscaping shall be provided for institutional and public facility development adjacent to single-family residential zones. Portions of the development that are unlit playgrounds, playfields, and parks are excluded.

D. Parking lots shall be screened from single-family residential uses by a fence, wall, plants or combination to block vehicle headlights.

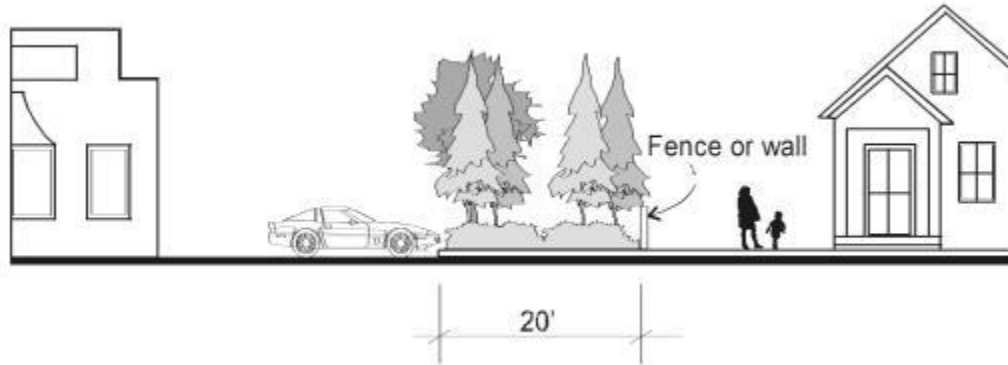


Figure 20.50.490(D): Example of parking screened from single-family house.

- **Chapter 20.70 Engineering and Utilities Development Standards**

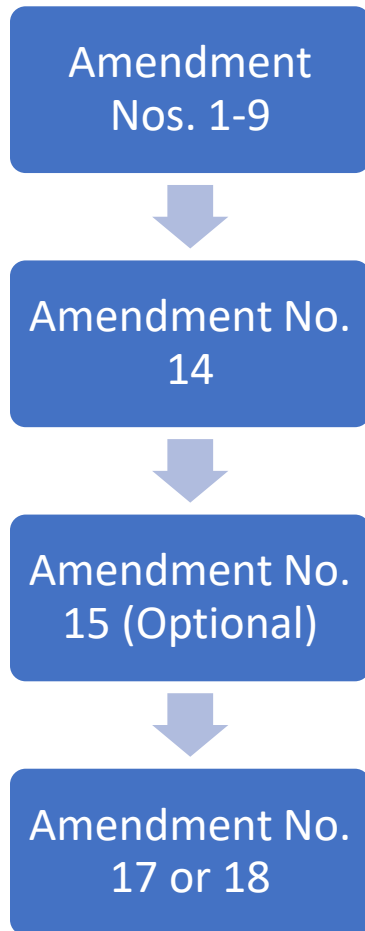
20.70.450 Access types and widths.

A. Table 20.70.450 – Access Types and Widths.

Dwelling Type and Number	Engineering Development Manual Access Types and Width
Single-Family Detached – 1 unit	Residential
Single-Family Detached – 2 – 4 units	Shared
Single-Family Detached – 5 or more units	Private or Public Street
Commercial, Public Facility	Commercial
Single-Family Attached, <u>Mixed Single-Family Attached</u> or Multifamily	Multifamily

TOWNHOUSE DESIGN STANDARDS DEVELOPMENT CODE AMENDMENTS - FLOW CHART FOR AMENDMENT ALTERNATIVES

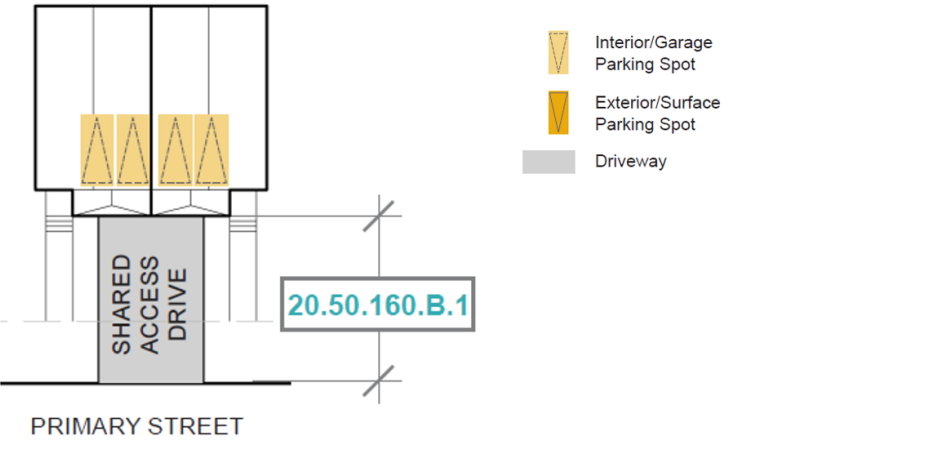
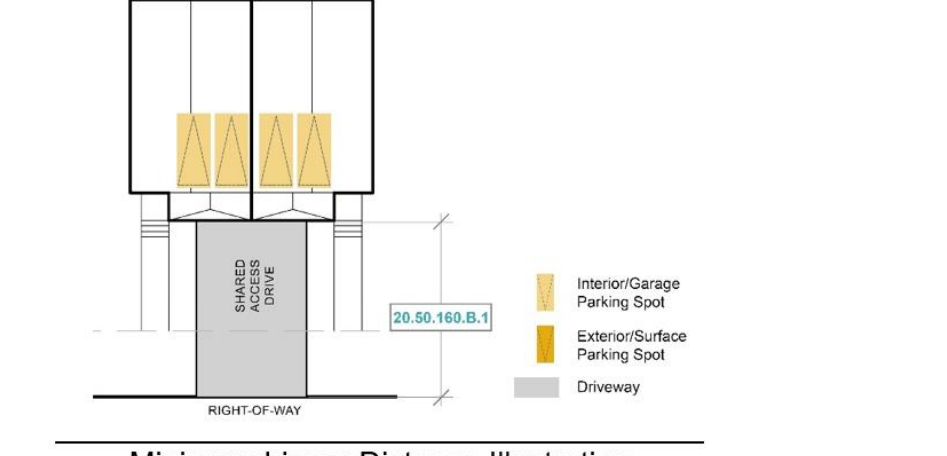
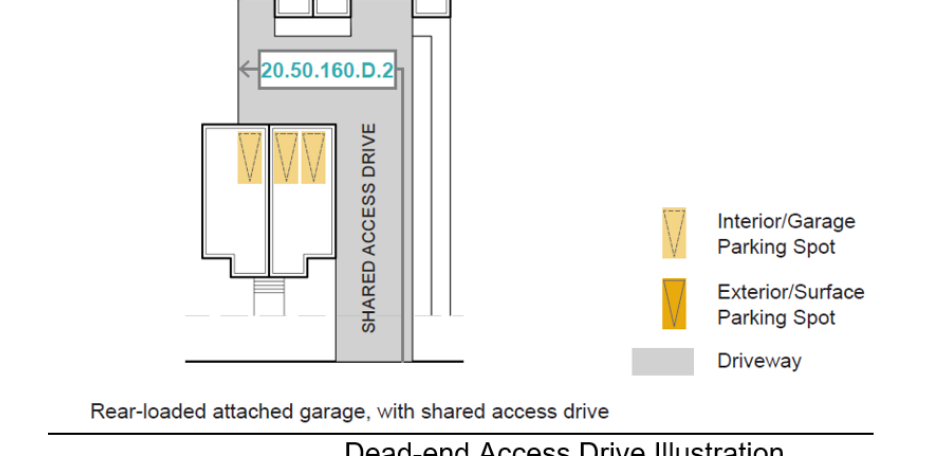
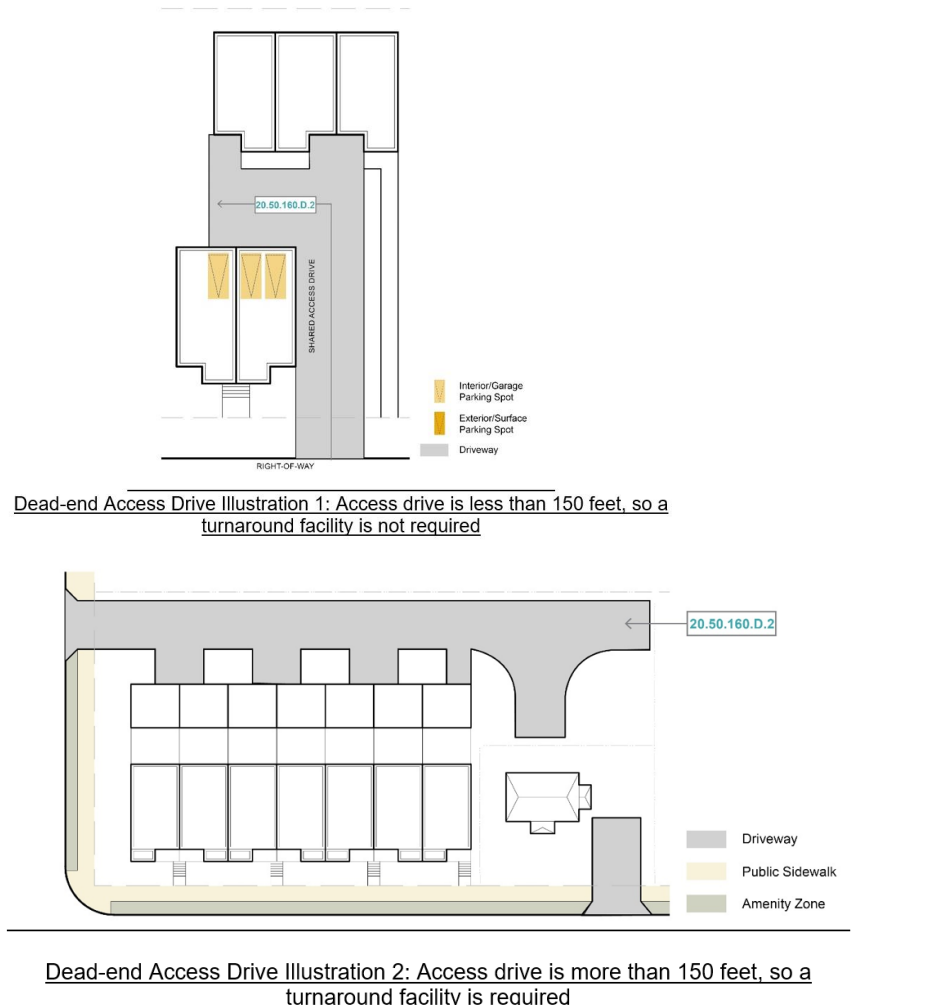
Option 1: City Staff Recommended Amendments and Mayor Hall's Amendments

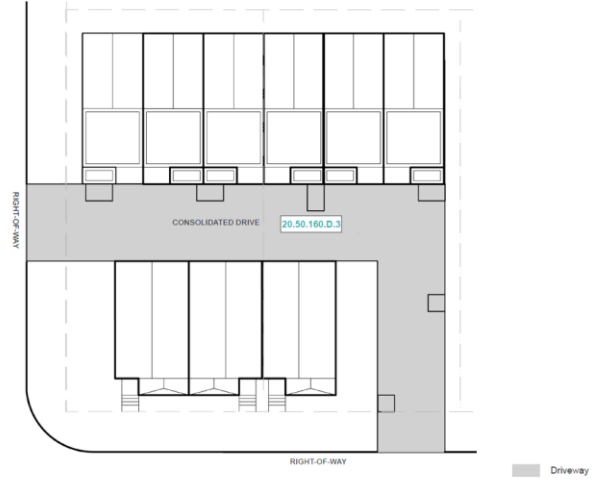
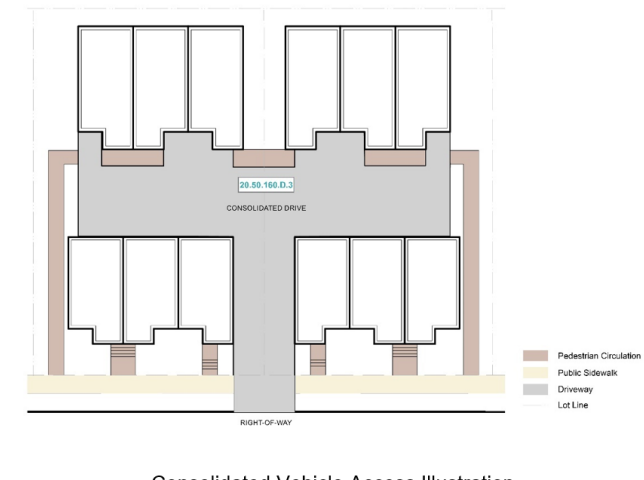
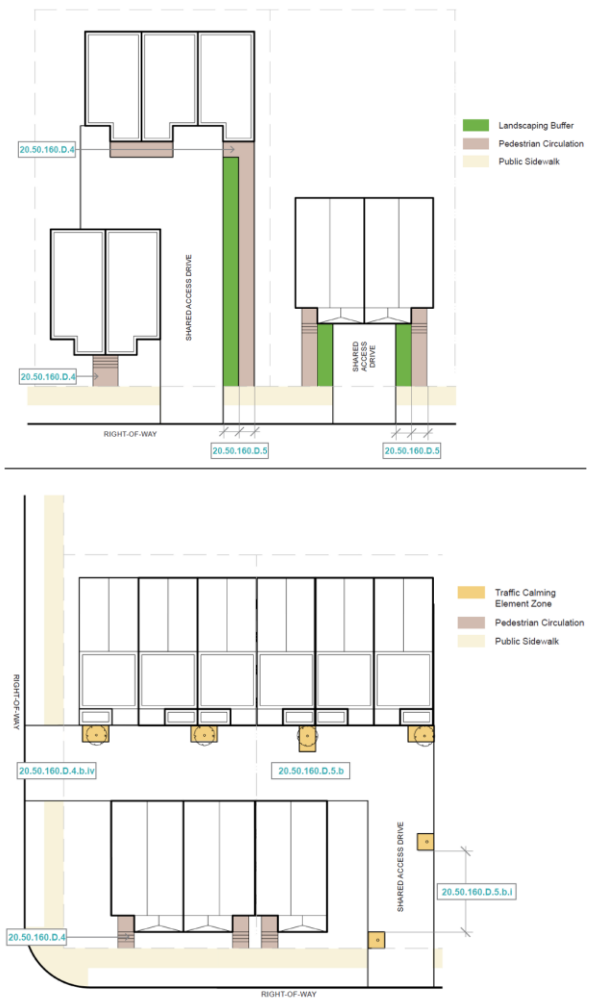
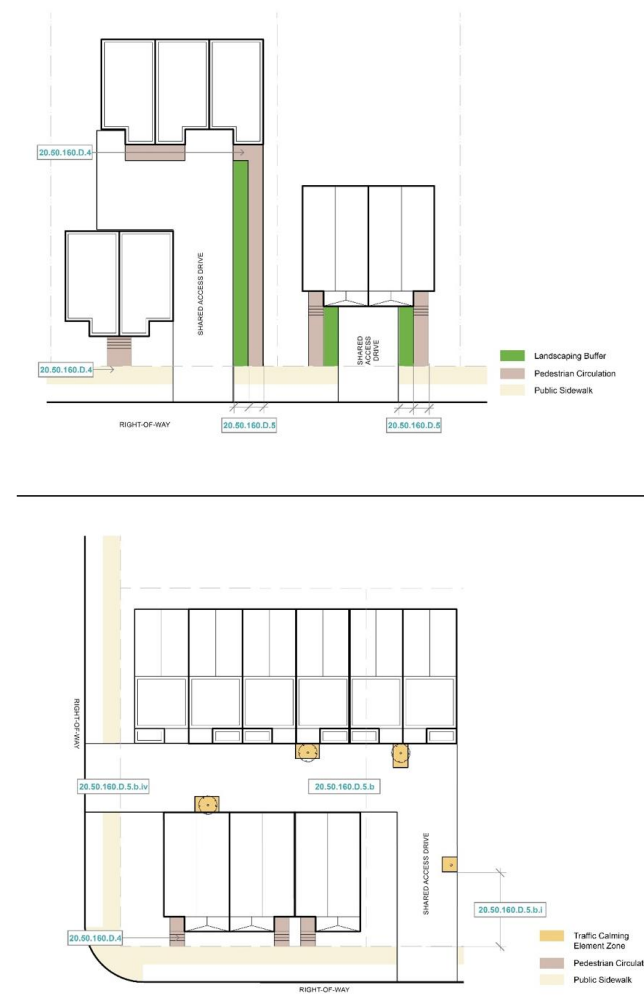



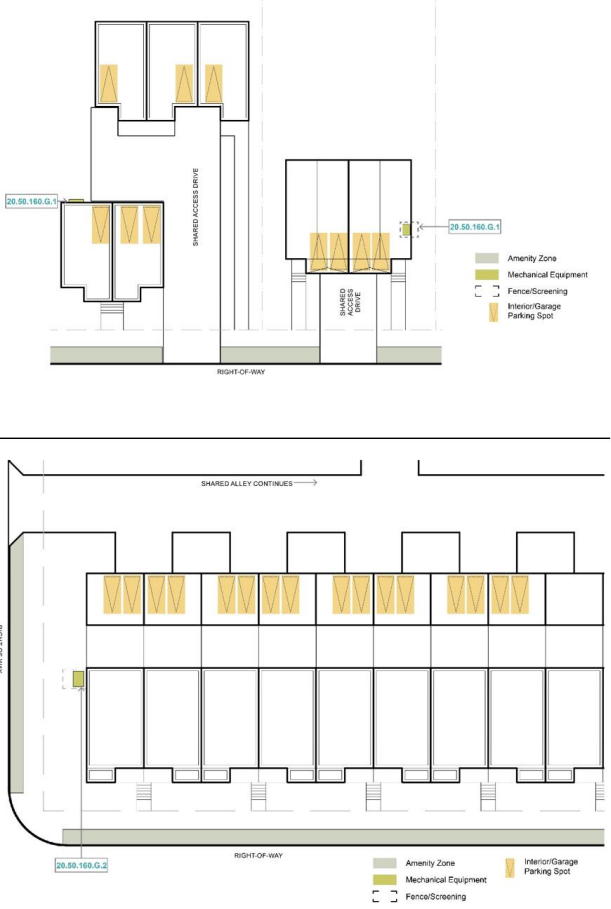

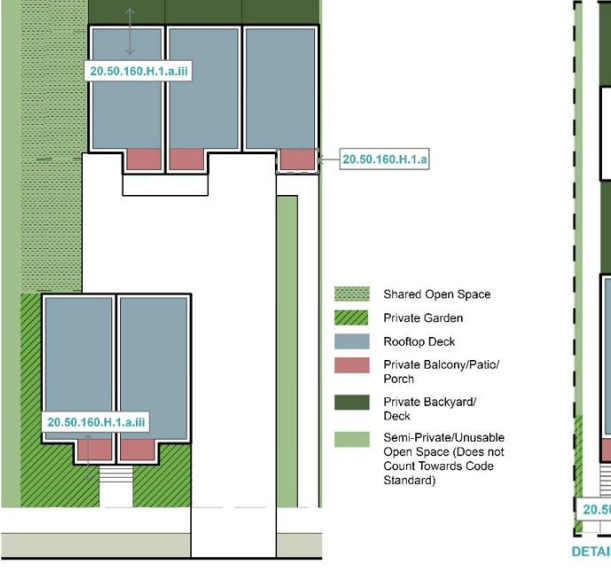
Option 2: Planning Commission Amendment, City Staff Amendments, Councilmember Roberts' Amendment, and Mayor Hall's Amendments

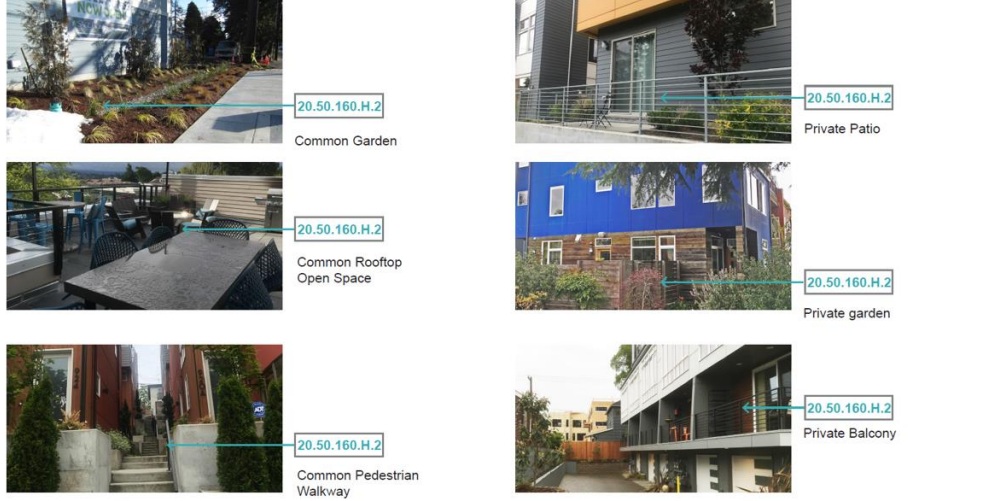
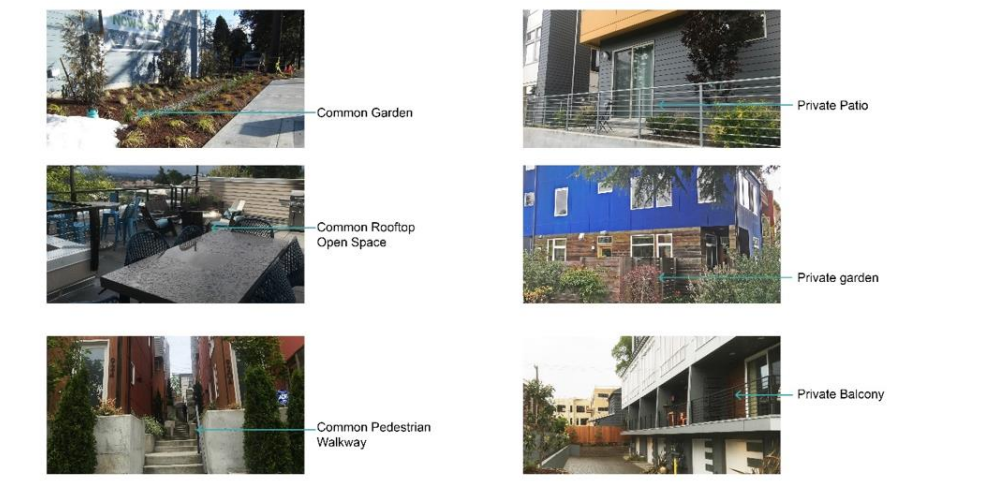


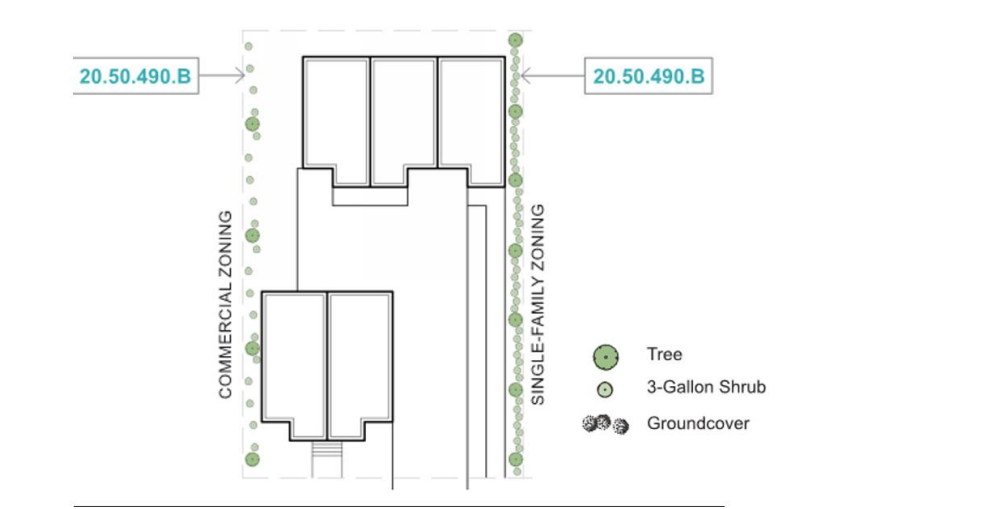



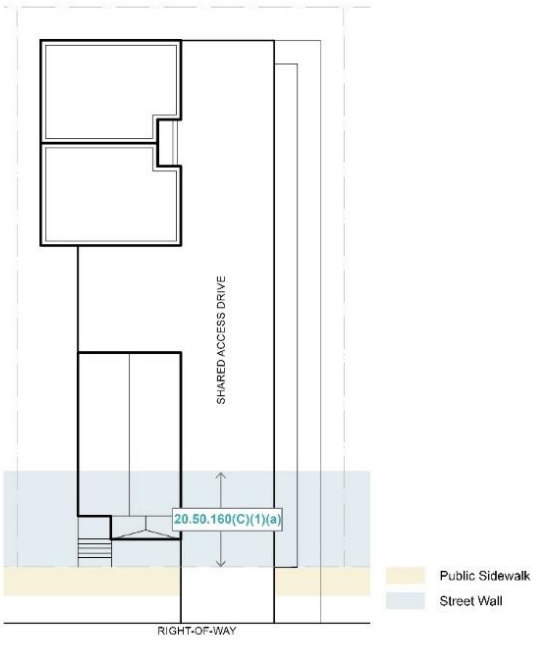
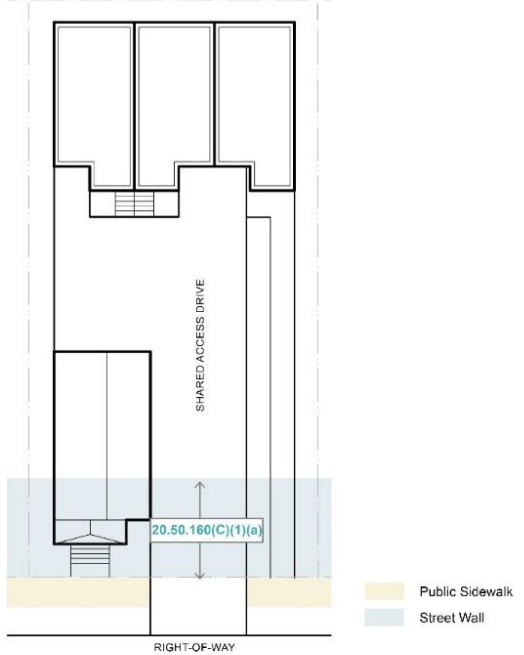
TOWNHOUSE DESIGN STANDARDS DEVELOPMENT CODE AMENDMENTS - SUMMARY TABLE OF MOTIONS TO AMEND

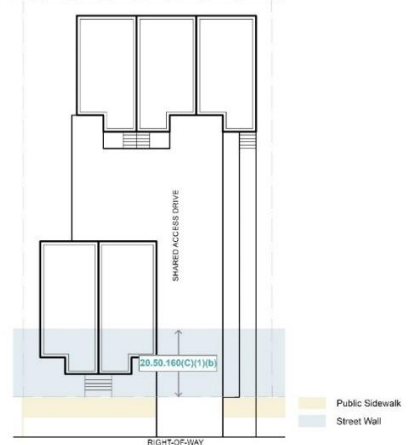
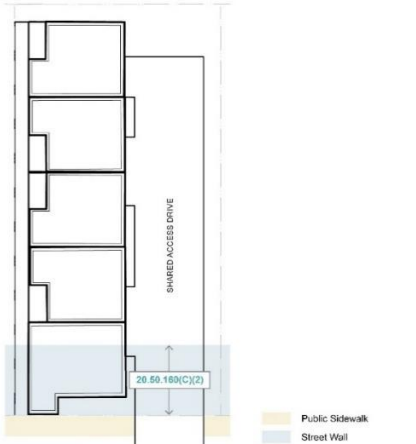
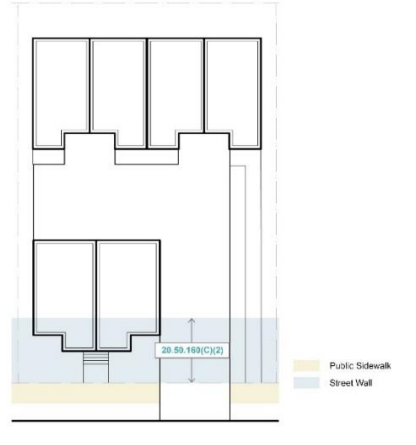
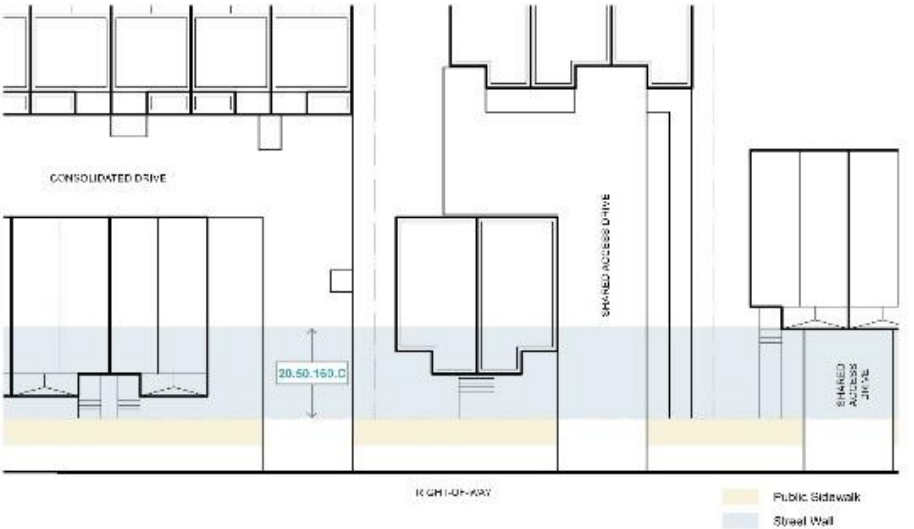
Amendment Number	SMC Section	Type and Summary of Amendment	Planning Commission Code Language and/or Illustration	City Staff and/or Councilmember Code Language and/or Illustration
1	20.50.160(B)(1)	Clerical: Change "Primary Street" label to "Right-of-Way" in illustration	 <p>Minimum Linear Distance Illustration</p>	 <p>Minimum Linear Distance Illustration</p>
2	20.50.160(D)(2)	Accuracy of Illustration: Change out one drawing that does not adequately illustrate the proposed code standard for two drawings that illustrate the standard given two scenarios: -Driveway less than 150 feet long -Driveway more than 150 feet long	 <p>Dead-end Access Drive Illustration</p>	 <p>Dead-end Access Drive Illustration 1: Access drive is less than 150 feet, so a turnaround facility is not required</p> <p>Dead-end Access Drive Illustration 2: Access drive is more than 150 feet, so a turnaround facility is required</p>

Amendment Number	SMC Section	Type and Summary of Amendment	Planning Commission Code Language and/or Illustration	City Staff and/or Councilmember Code Language and/or Illustration
3	20.50.160(D) (3)	Accuracy of Illustration: Change out a drawing that is not a good example of the proposed code requirement for a drawing that is a better example	 <p>Consolidated Vehicle Access Illustration</p>	 <p>Consolidated Vehicle Access Illustration</p>
4	20.50.160(D) (4) and (5)	Accuracy of Illustration: Change out the lower drawing that contains a turning-radius issue for a drawing that does not contain this issue	 <p>Site Access and Circulation Illustrations</p>	 <p>Site Access and Circulation Illustrations</p>

Amendment Number	SMC Section	Type and Summary of Amendment	Planning Commission Code Language and/or Illustration	City Staff and/or Councilmember Code Language and/or Illustration
5	20.50.160 (G)	<p>Accuracy of Illustration: Change out drawings that do not accurately depict code requirements in terms of allowable projections into setbacks and required screening for drawings that do accurately depict these requirements</p>	 <p>Utility and Mechanical Equipment Illustrations</p>	 <p>Utility and Mechanical Equipment Illustrations</p>
6	20.50.160 (G)	<p>Clerical: Change out drawings that contain incorrect code references for drawings that contain correct code references</p>	 <p>Open Space Illustration 2</p>	 <p>Open Space Illustration 2</p>

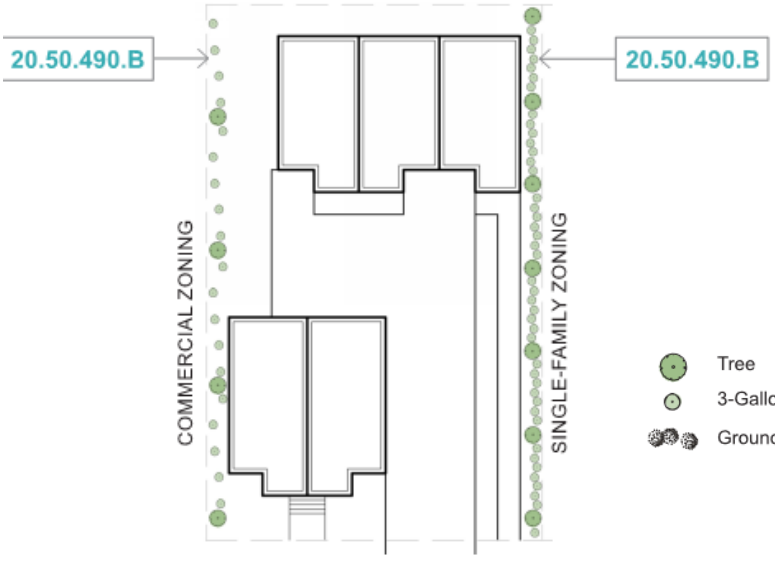

Amendment Number	SMC Section	Type and Summary of Amendment	Planning Commission Code Language and/or Illustration	City Staff and/or Councilmember Code Language and/or Illustration
7	20.50.160(H)	Clerical: Change out images that contain unneeded code references for images that simply demonstrate the standard	 <p style="text-align: center;">Open Space Images</p>	 <p style="text-align: center;">Open Space Images</p>
8	20.50.170(B)	Clerical: Change out drawing that omitted "landscaping" from legend for drawing that contains "landscaping" in the legend	 <p style="text-align: center;">Building Modulation, Massing and Articulation Illustration 1</p>	 <p style="text-align: center;">Building Modulation, Massing and Articulation Illustration 1</p>
9	20.50.490	Accuracy of Illustration: Change out drawing that omitted required landscaping in rear setback for drawing that shows required landscaping in rear setback	 <p style="text-align: center;">Single-family Attached and Mixed Single-family Interior Landscaping Illustration</p>	 <p style="text-align: center;">Single-family Attached and Mixed Single-family Interior Landscaping Illustration</p>

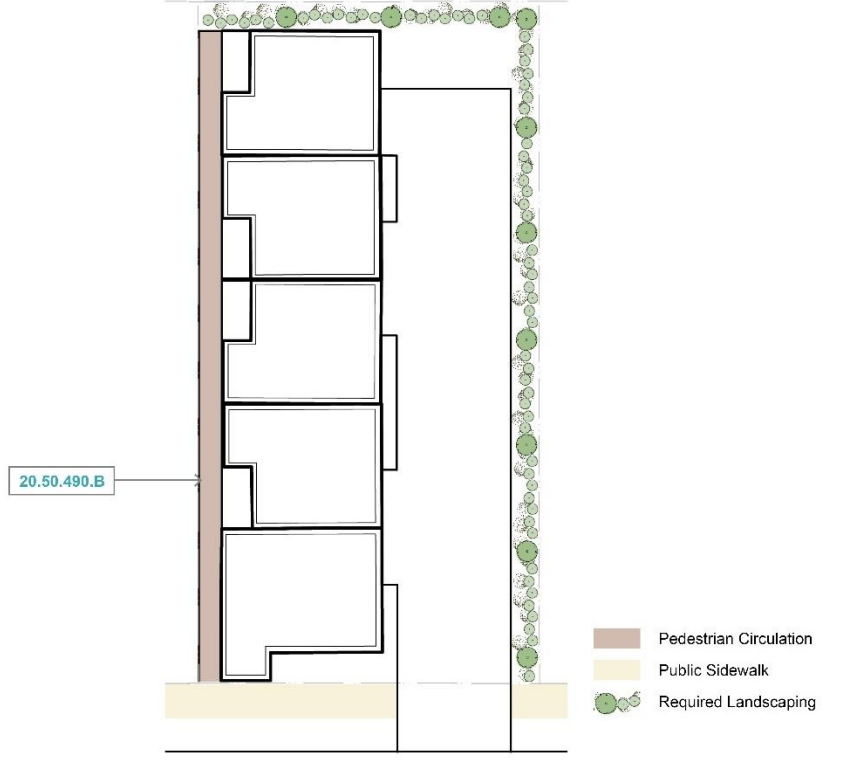
Amendment Number	SMC Section	Type and Summary of Amendment	Planning Commission Code Language and/or Illustration	City Staff and/or Councilmember Code Language and/or Illustration
10, 14 and 16	20.50.160(C)	<p>Policy:</p> <ul style="list-style-type: none"> -The Planning Commission recommendation makes an allowance for lots less than 70 feet wide to only have 30% of units within 25 feet on the front property line and will allow buildings in MUR-45' to continue to be oriented perpendicular to the street. -Councilmember Roberts' amendment allows lots up to 70 feet wide outside of the MUR-45' zoning district to only have 25% of the units within 25 feet of the front property line. This means more units can fit onto these sites. -The City Staff recommendation does not provide these allowances but instead requires lots across zoning districts to be developed in the same manner, with at least 40% of the units within 25 feet of the front property line. 	<p><u>20.50.160(C) Site Configuration.</u></p> <p><u>1. To create a street wall which enhances the streetscape and overall pedestrian experience, the following applies to lots in all zoning districts except for lots in the MUR-45' zoning district:</u></p> <p style="padding-left: 40px;"><u>a. On lots up to 70 feet in width, at least 30 percent of units within a site shall be located between the front property line and a 25-foot distance from the property line.</u></p> <p style="padding-left: 40px;"><u>b. On lots greater than 70 feet in width, at least 40 percent of units within a site shall be located between the front property line and a 25-foot distance from the property line.</u></p> <p><u>2. For all lots in the MUR-45' zoning district, buildings shall be located to create a street wall which enhances the streetscape and overall pedestrian experience. Except for vehicular access that meets the requirements of the Engineering Development Manual and the Development Code, buildings shall fill the lot frontage. All units with frontage shall be oriented to the public right(s)-of-way.</u></p> <p>Proposed modification, illustrations that demonstrate the language, to be added after code language:</p>  <p style="text-align: center;"><u>Site Configuration Illustration 1</u></p>	<p>Councilmember Roberts' Amendment: <u>20.50.160(C) Site Configuration.</u></p> <p><u>1. To create a street wall which enhances the streetscape and overall pedestrian experience, the following applies to lots in all zoning districts except for lots in the MUR-45' zoning district:</u></p> <p style="padding-left: 40px;">a. On lots up to 70 feet in width, at least 30 25 percent of units within a site shall be located between the front property line and a 25-foot distance from the property line.</p>  <p style="text-align: center;"><u>Site Configuration Illustration 1</u></p> <p>City Staff Recommendation: <u>20.50.160(C) Site Configuration.</u></p> <p style="background-color: yellow;"><u>At least 40 percent of units within a site shall be located between the front property line and a 25-foot distance from the front property line to create a "street wall" which enhances the streetscape and overall pedestrian experience.</u></p> <p><u>1. To create a street wall which enhances the streetscape and overall pedestrian experience, the following applies to lots in all zoning districts except for lots in the MUR-45' zoning district:</u></p>

Amendment Number	SMC Section	Type and Summary of Amendment	Planning Commission Code Language and/or Illustration	City Staff and/or Councilmember Code Language and/or Illustration
			 <p>Site Configuration Illustration 2</p>  <p>Site Configuration Illustration 3: Narrow Lot in MUR-45'</p>  <p>Site Configuration Illustration 4: Wide Lot in MUR-45'</p>	<p>a. <u>On lots up to 70 feet in width, at least 30 percent of units within a site shall be located between the front property line and a 25-foot distance from the property line.</u></p> <p>b. <u>On lots greater than 70 feet in width, at least 40 percent of units within a site shall be located between the front property line and a 25-foot distance from the property line.</u></p> <p>2. <u>For all lots in the MUR-45' zoning district, buildings shall be located to create a street wall which enhances the streetscape and overall pedestrian experience. Except for vehicular access that meets the requirements of the Engineering Development Manual and the Development Code, buildings shall fill the lot frontage. All units with frontage shall be oriented to the public right(s)-of-way.</u></p>  <p>Site Configuration Illustration</p>

Amendment Number	SMC Section	Type and Summary of Amendment	Planning Commission Code Language and/or Illustration	City Staff and/or Councilmember Code Language and/or Illustration
11	20.20.034	<p>Consistency: The percentage is proposed to be lowered to 60 percent due to the Planning Commission recommendation for site configuration to be only 30% on lots outside of MUR-45' up to 70 feet wide, this proposed code language needs to be changed from 70% to 60% so that one detached SFR facing the street, with a duplex tucked behind would meet this proposed code</p>	<p><u>Mixed Single-Family Attached Development</u> <u>A residential development where at least 70 percent of the dwelling units are single-family attached units with the remaining single-family detached units.</u></p>	<p><u>Mixed Single-Family Attached Development</u> <u>A residential development where at least 70 60 percent of the dwelling units are single-family attached units with the remaining single-family detached units.</u></p>

Amendment Number	SMC Section	Type and Summary of Amendment	Planning Commission Code Language and/or Illustration	City Staff and/or Councilmember Code Language and/or Illustration
12	20.50.170(B)(2)	<p>Policy: Due to the Planning Commission recommendation for site configuration in MUR-45' that will continue to allow perpendicular oriented/linear configured buildings on narrow lots, staff is proposing this requirement for these buildings to contain additional design elements on the side of the building facing the access drive.</p>	<p>B. Building Modulation, Massing and Articulation The main building entrance, which is not facing a street, shall have a direct pedestrian connection to the street without requiring pedestrians to walk through parking lots or cross driveways.</p> <p><u>2. Each building shall incorporate variation by using at least three (3) of the following elements on the front façade:</u></p> <p><u>a. Variations in the setback of the façade of the building by at least four (4) feet between adjoining units;</u></p> <p><u>b. Diminishing upper floors (gross floor area of third story is smaller than the gross floor area of the lower stories). To meet this requirement, the building wall shall be stepped back a minimum of two (2) feet with a minimum width of eight (8) feet. Balconies that are covered but not fully enclosed and meet the minimum dimensions specified shall be considered a diminished upper floor;</u></p> <p><u>c. Changes in roofline at intervals not greater than 40 feet in continuous length, such as variations in roof pitch, overhangs, projections, or extended eaves;</u></p> <p><u>d. Balconies (excluding Juliet balconies) on the façade of the building that have a minimum depth of six (6) feet between the building wall and the balcony railing; at least 50 percent of the units shall have a balcony;</u></p> <p><u>e. Garage door entrance(s) for vehicles located at the side or rear of buildings;</u></p> <p><u>f. Dormers (at least three (3) feet wide); at least 50 percent of the units shall have dormers;</u></p> <p><u>g. Living green wall minimum of 100 square feet;</u></p> <p><u>h. A façade with at least 40 percent fenestration and/or landscaping, 50 percent of which shall be fenestration;</u></p> <p><u>i. Trim that is a minimum of 0.75 inches deep and 3.5 inches wide to mark roof lines, windows, and doors on all public right-of-way facing facades;</u></p> <p><u>j. Other variation techniques that meet the purpose of the section as approved by the Director.</u></p>	<p>B. Building Modulation, Massing and Articulation The main building entrance, which is not facing a street, shall have a direct pedestrian connection to the street without requiring pedestrians to walk through parking lots or cross driveways.</p> <p><u>2. Each building shall incorporate variation by using at least three (3) of the following elements on the front façade, or for buildings that are oriented perpendicular to the public right-of-way in MUR-45', at least three (3) of the following elements shall be provided on the side of the structure facing the public right-of-way and at least three (3) of the following elements shall be provided on the side of the structure overlooking the vehicular access:</u></p> <p><u>a. Variations in the setback of the façade of the building by at least four (4) feet between adjoining units;</u></p> <p><u>b. Diminishing upper floors (gross floor area of third story is smaller than the gross floor area of the lower stories). To meet this requirement, the building wall shall be stepped back a minimum of two (2) feet with a minimum width of eight (8) feet. Balconies that are covered but not fully enclosed and meet the minimum dimensions specified shall be considered a diminished upper floor;</u></p> <p><u>c. Changes in roofline at intervals not greater than 40 feet in continuous length, such as variations in roof pitch, overhangs, projections, or extended eaves;</u></p> <p><u>d. Balconies (excluding Juliet balconies) on the façade of the building that have a minimum depth of six (6) feet between the building wall and the balcony railing; at least 50 percent of the units shall have a balcony;</u></p> <p><u>e. Garage door entrance(s) for vehicles located at the side or rear of buildings;</u></p> <p><u>f. Dormers (at least three (3) feet wide); at least 50 percent of the units shall have dormers;</u></p> <p><u>g. Living green wall minimum of 100 square feet;</u></p> <p><u>h. A façade with at least 40 percent fenestration and/or landscaping, 50 percent of which shall be fenestration;</u></p> <p><u>i. Trim that is a minimum of 0.75 inches deep and 3.5 inches wide to mark roof lines, windows, and doors on all public right-of-way facing facades;</u></p> <p><u>j. Other variation techniques that meet the purpose of the section as approved by the Director.</u></p>

Amendment Number	SMC Section	Type and Summary of Amendment	Planning Commission Code Language and/or Illustration	City Staff and/or Councilmember Code Language and/or Illustration
13	20.50.490(B)	<p>Policy: Due to the Planning Commission recommendation for site configuration in MUR-45' that will continue to allow perpendicular oriented/linear configured buildings on narrow lots, staff is proposing this change to exempt developments from the interior side yard landscaping requirement on the side that does not abut the vehicle access. This will allow townhouse unit to be a more typical depth of 31 feet, as opposed to 26 feet if the landscaping was required.</p>	<p>20.50.490 Landscaping along interior lot line – Standards.</p> <p>A. Type I landscaping in a width determined by the setback requirement shall be included in all nonresidential development along any portion adjacent to single-family and multifamily residential zones or development. All other nonresidential development adjacent to other nonresidential development shall use Type II landscaping within the required setback. If the setback is zero feet then no landscaping is required.</p> <p>B. Multifamily development shall use Type I landscaping when adjacent to single-family residential zones and Type II landscaping when adjacent to multifamily residential and commercial zoning within the required yard setback. <u>Single-family attached and mixed single-family developments shall use Type I landscaping when adjacent to R-4 or R-6 zoning, and Type II landscaping when adjacent to all other zoning districts. Single-family attached and mixed single-family developments that have a shared access drive with an abutting property are exempt from this requirement on the side with the shared access drive.</u></p>  <p><u>Single-family Attached and Mixed Single-family Interior Landscaping Illustration</u></p>	<p>20.50.490 Landscaping along interior lot line – Standards.</p> <p>A. Type I landscaping in a width determined by the setback requirement shall be included in all nonresidential development along any portion adjacent to single-family and multifamily residential zones or development. All other nonresidential development adjacent to other nonresidential development shall use Type II landscaping within the required setback. If the setback is zero feet then no landscaping is required.</p> <p>B. Multifamily development shall use Type I landscaping when adjacent to single-family residential zones and Type II landscaping when adjacent to multifamily residential and commercial zoning within the required yard setback. <u>Single-family attached and mixed single-family developments shall use Type I landscaping when adjacent to R-4 or R-6 zoning, and Type II landscaping when adjacent to all other zoning districts. Single-family attached and mixed single-family developments that have a shared access drive with an abutting property are exempt from this requirement on the side with the shared access drive. Single-family attached and mixed single-family attached developments in the MUR-45' zoning district with building(s) oriented perpendicular to the public right-of-way are exempt from this requirement on the interior setback that does not abut vehicular access.</u></p>  <p><u>Single-family Attached and Mixed Single-family Interior Landscaping Illustration 1</u></p>

Amendment Number	SMC Section	Type and Summary of Amendment	Planning Commission Code Language and/or Illustration	City Staff and/or Councilmember Code Language and/or Illustration
				 <p data-bbox="1986 1034 2940 1104">Single-family Attached and Mixed Single-family Interior Landscaping Illustration 2</p>
15	20.50.170(B)(1)	<p>Policy: The Planning Commission language requires weather protection for one (1) person standing at an entry. The City Staff recommended language requires weather protection for two (2) people standing at an entry.</p>	<p>1. <u>Each unit shall have a covered entry or porch with weather protection at least 20 square feet with a minimum width of four (4) feet and minimum depth of three (3) feet.</u></p>	<p>1. Each unit shall have a covered entry or porch with weather protection at least 20 30 square feet with a minimum width of four (4) six (6) feet and minimum depth of three (3) four (4) feet.</p>

<p>17</p>	<p>20.60.160(H)</p>	<p>Policy: Mayor Hall’s modification will require developments, regardless of number of units, to provide both private outdoor space for each unit, and common outdoor space for the entire development.</p>	<p>20.50.160 H. Open Outdoor space – Standards.</p> <p><u>1. Parcels with nine (9) or fewer units shall comply with one (1) of the following requirements:</u></p> <p><u>a. Each unit shall have 150 square feet of private outdoor space that complies with all of the following standards:</u></p> <p><u>i. No single outdoor space to be counted as part of this requirement shall be less than 50 square feet with no dimension less than six lineal (6) feet;</u></p> <p><u>ii. Private outdoor space includes balconies, patios, decks, porches, gardens, or any other outdoor space that meets the purpose of this section, as approved by the Director; and</u></p> <p><u>iii. The private outdoor space shall be directly accessible from the associated unit.</u></p> <p><u>b. Each development shall provide a minimum of 800 square feet of common outdoor space, whichever is greater, that complies with all of the following standards:</u></p> <p><u>i. No dimension shall be less than ten (10) lineal feet.</u></p> <p><u>ii. Common outdoor space includes rooftop decks, gardens, courtyards, or any other outdoor space that meets the purpose of this section, as approved by the Director.</u></p> <p><u>iii. Required landscaping can be utilized to satisfy the outdoor space requirements if all of the following are provided:</u></p> <p><u>A. A minimum of one (1) amenity per 200 square feet is provided along the walkway through the garden/landscaped area, including landscape structures, permanently affixed tables and chairs, benches, and/or fountains;</u></p> <p><u>B. The landscaped area is connected by a walkway to the rest of the onsite pedestrian walkways; and</u></p> <p><u>C. Wayfinding signage is provided leading to the common outdoor space, and identification</u></p>	<p>20.50.160 H. Open Outdoor space – Standards.</p> <p><u>1. Parcels with nine (9) or fewer units shall comply with one (1) of the following requirements:</u></p> <p><u>a. Each unit shall have 150 square feet of private outdoor space that complies with all of the following standards:</u></p> <p><u>i. No single outdoor space to be counted as part of this requirement shall be less than 50 square feet with no dimension less than six lineal (6) feet;</u></p> <p><u>ii. Private outdoor space includes balconies, patios, decks, porches, gardens, or any other outdoor space that meets the purpose of this section, as approved by the Director; and</u></p> <p><u>iii. The private outdoor space shall be directly accessible from the associated unit.</u></p> <p><u>b. Each development shall provide a minimum of 800 square feet of common outdoor space, whichever is greater, that complies with all of the following standards:</u></p> <p><u>i. No dimension shall be less than ten (10) lineal feet.</u></p> <p><u>ii. Common outdoor space includes rooftop decks, gardens, courtyards, or any other outdoor space that meets the purpose of this section, as approved by the Director.</u></p> <p><u>iii. Required landscaping can be utilized to satisfy the outdoor space requirements if all of the following are provided:</u></p> <p><u>A. A minimum of one (1) amenity per 200 square feet is provided along the walkway through the garden/landscaped area, including landscape structures, permanently affixed tables and chairs, benches, and/or fountains;</u></p> <p><u>B. The landscaped area is connected by a walkway to the rest of the onsite pedestrian walkways; and</u></p> <p><u>C. Wayfinding signage is provided leading to the common outdoor space, and identification</u></p>
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			<p><u>signage is provided at the entrance(s) to the common outdoor space indicating its use (e.g., "This area is common outdoor space to be used by community residents and guests.")</u></p> <p><u>The common outdoor space shall be accessible to all residents of the development.</u></p> <p><u>2. Parcels with ten (10) or more units shall comply with all of the following requirements:</u></p> <p><u>a. Each unit shall have 150 square feet of private outdoor space that complies with all of the following standards:</u></p> <p><u>i. No single outdoor space to be counted as part of this requirement shall be less than 50 square feet with no dimension less than six lineal (6) feet;</u></p> <p><u>ii. Private outdoor space includes balconies, patios, decks, porches, gardens, or any other outdoor space that meets the purpose of this section, as approved by the Director; and</u></p> <p><u>iii. The private outdoor space shall be directly accessible from the associated unit.</u></p> <p><u>b. Each development shall provide a minimum of 800 square feet or 50 square feet per unit of common outdoor space, whichever is greater, that complies with all of the following standards:</u></p> <p><u>i. No dimension shall be less than ten (10) lineal feet.</u></p> <p><u>ii. Common outdoor space includes rooftop decks, gardens, courtyards, or any other outdoor space that meets the purpose of this section, as approved by the Director.</u></p> <p><u>iii. Required landscaping can be utilized to satisfy the outdoor space requirements if all of the following are provided:</u></p> <p><u>A. A minimum of one (1) amenity per 200 square feet is provided along the walkway through the garden/landscaped area, including landscape structures, permanently affixed tables and chairs, benches, and/or fountains;</u></p>	<p><u>signage is provided at the entrance(s) to the common outdoor space indicating its use (e.g., "This area is common outdoor space to be used by community residents and guests.")</u></p> <p><u>The common outdoor space shall be accessible to all residents of the development.</u></p> <p><u>2. Parcels with ten (10) or more units</u> <u>Developments shall comply with all of the following requirements:</u></p> <p><u>a. 1. Each unit shall have 150 square feet of private outdoor space that complies with all of the following standards:</u></p> <p><u>i. a. No single outdoor space to be counted as part of this requirement shall be less than 50 square feet with no dimension less than six lineal (6) feet;</u></p> <p><u>ii. b. Private outdoor space includes balconies, patios, decks, porches, gardens, or any other outdoor space that meets the purpose of this section, as approved by the Director; and</u></p> <p><u>iii. c. The private outdoor space shall be directly accessible from the associated unit.</u></p> <p><u>b. 2. Each development shall provide a minimum of 800 square feet or 50 square feet per unit of common outdoor space, whichever is greater, that complies with all of the following standards:</u></p> <p><u>i. a. No dimension shall be less than ten (10) lineal feet.</u></p> <p><u>ii. b. Common outdoor space includes rooftop decks, gardens, courtyards, or any other outdoor space that meets the purpose of this section, as approved by the Director.</u></p> <p><u>iii. c. Required landscaping can be utilized to satisfy the outdoor space requirements if all of the following are provided:</u></p> <p><u>A. i. A minimum of one (1) amenity per 200 square feet is provided along the walkway through the garden/landscaped area, including landscape structures, permanently affixed tables and chairs, benches, and/or fountains;</u></p>
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Amendment Number	SMC Section	Type and Summary of Amendment	Planning Commission Code Language and/or Illustration	City Staff and/or Councilmember Code Language and/or Illustration
			<p><u>B. The landscaped area is connected by a walkway to the rest of the onsite pedestrian walkways; and</u></p> <p><u>C. Wayfinding signage is provided leading to the common outdoor space, and identification signage is provided at the entrance(s) to the common outdoor space indicating its use (e.g., "This area is common outdoor space to be used by community residents and guests.")</u></p> <p><u>The common outdoor space shall be accessible to all residents of the development.</u></p>	<p><u>B. ii. The landscaped area is connected by a walkway to the rest of the onsite pedestrian walkways; and</u></p> <p><u>C. iii. Wayfinding signage is provided leading to the common outdoor space, and identification signage is provided at the entrance(s) to the common outdoor space indicating its use (e.g., "This area is common outdoor space to be used by community residents and guests.")</u></p> <p><u>d. The common outdoor space shall be accessible to all residents of the development.</u></p>
18	20.50.160(H)(1)(b)	Clerical: The words "or 50 square feet per unit" were inadvertently omitted from the Planning Commission recommended code	<u>b. Each development shall provide a minimum of 800 square feet of common outdoor space, whichever is greater, that complies with all of the following standards:</u>	<u>b. Each development shall provide a minimum of 800 square feet or 50 square feet per unit of common outdoor space, whichever is greater, that complies with all of the following standards:</u>

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adopting Ordinance No. 874 - Amending Shoreline Municipal Code Section 3.35.150 – Establishing the Municipal Arts Fund and Providing for Funding From 1% of Capital Improvement Plan Funding for Certain Capital Improvement Plan Projects
DEPARTMENT:	Parks, Recreation and Cultural Services
PRESENTED BY:	Eric Friedli, PRCS Director
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

In 2002, the City Council adopted Ordinance No. 312 creating the Municipal Art Fund (MAF) to provide funding for the City’s public art program. The City of Shoreline’s 2017-2022 Public Art Plan recognizes that current “CIP revenues alone are not enough to build and sustain the robust Public Art Program the City has begun. The success of the program will depend upon the implementation of other funding sources with sustainable strategies.” Goal #3 of the Public Art Plan is to “achieve greater financial sustainability for the Public Art Program”.

The Public Art Plan Phase 2 implementation (2019-2020) strategy calls for “identify[ing] and implement[ing] alternate or additional funding sources” to support the Public Art Program. In addition, the City Council 2019-2021 Goals and Work Plan, Goal 2, Action Step 12 is to “continue implementing the public arts program”.

Proposed Ordinance No. 874 (Attachment A) would amend Shoreline Municipal Code (SMC) Section 3.35.150 to reduce the limitation on the types of capital projects that would not include an allocation for public art. The City Council discussed proposed Ordinance No. 874 on November 18, 2019. Tonight, Council is schedule to take action on this proposed Ordinance.

RESOURCE/FINANCIAL IMPACT:

The contribution to the MAF between 2020 and 2022 is currently estimated at \$126,400. With the proposed amendments to SMC 3.35.150, the contribution to the MAF would be \$162,500, with an additional \$128,000 allocated to implementing the Public Art program through integrated art related to projects funded with restricted funds.

RECOMMENDATION

Staff recommends that the City Council adopt proposed Ordinance No. 874.

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

BACKGROUND

In March 2017, the City Council adopted the Public Art Policy (Resolution No. 405), which recognizes the City of Shoreline's Public Art Plan as the guiding document for the City's Public Art Program (Art Policy Section 3.0A). Also, in March 2017, the City Council adopted via Resolution No. 404 the City of Shoreline's 2017-2022 Public Art Plan (<http://www.shorelinewa.gov/home/showdocument?id=30225>), which establishes goals and implementation strategies for the Public Art Program.

The Public Art Plan Phase 2 implementation (2019-2020) strategy calls for "identify[ing] and implement[ing] alternate or additional funding sources" to support the Public Art Program. The City Council 2019-2021 Goals and Work Plan, Goal 2, Action Step 12 is to "continue implementing the public arts program". Based on this policy direction staff have analyzed and developed a recommendation for sustainable funding for the Public Art Program.

Public Art Plan

The Council-adopted Public Art Plan establishes the public art mission for Shoreline: *"The City of Shoreline believes in the value of a culturally-rich community that embraces all the arts, infuses artistic creativity into all aspect of civic life (including the built and natural environments) and celebrates and preserves our local history and diverse heritage in meaningful ways."*

The 2017-2022 Public Art Plan includes five goals:

1. The Public Art Program will be a leader in the City's Placemaking effort.
2. Support the City's commitment to equity and inclusion through the arts.
3. Achieve greater financial sustainability for the Public Art Program.
4. Engage the community through public/private partnerships.
5. Integrate public art within Parks, Recreation and Cultural Services and the City.

The Public Art Plan identifies numerous possible implementation strategies for each goal. It also identifies specific implementation steps over three phases between 2017 and 2022, as well as ongoing programs anticipated to continue across all phases. The phased implementation steps and ongoing programs were tailored to the anticipated budget and staffing resources.

In 2020 a permanent sculpture will be installed along the Interurban Trail in the Park at Town Center. This permanent art work, by Rhiza A+D, is the result of a year-long selection process led by the city's public art coordinator. This installation was inspired by the interurban trolley cars using glass and steel. Examples of recent Public Art Program funded installations include the banners along Aurora Ave, The Skater in the City Hall courtyard, and the mural on the exterior of the Shoreline Pool building.

In addition to permanent art installations, Shoreline's Public Art Program encompasses:

- temporary art installations such as the big red chairs that were located at the Park at Town Center,
- Pop-up pianos program each summer,

- “Groundswell” nature art programs such as the recent installation at Rotary Park and Brugger’s Bog Park,
- facilitating the art displays in City Hall,
- supporting neighborhood art projects such as the Richmond Highlands Neighborhood Association mural at 185th and Aurora.

Recent additions to the program include

- the grant funded improvements to the caretaker’s cottage at Saltwater Park as art studio and gallery space to support local artists and
- the outdoor theater program at City Hall which was shifted from the Economic Development Manager to become part of the Public Art Program.

Current Public Art Program Approved Budget

In 2002, the City Council adopted Ordinance No. 312 creating the Municipal Art Fund (MAF). Ordinance No. 312 was codified in the Shoreline Municipal Code as Section 3.35.150. Expenditures for the Public Art Program are paid from both the General Fund and the MAF (see Table 1 below). The MAF is supported predominantly by an appropriation of 1% of qualified capital improvement projects construction costs.

Table 1: Public Art Program Expenditures 2017-2022

Expenditures	2017 actual	2018 actual	2019 adopted	2020 adopted	2021 projected	2022 projected
From the Municipal Art Fund	\$75,836	\$54,777	\$182,718	\$85,974	\$65,753	\$51,056
From the General Fund	\$114,602	\$94,580	\$95,218	\$95,974	\$98,068	\$97,556
Total Expenditures	\$190,438	\$149,357	\$277,936	\$181,948	\$163,821	\$148,612

The General Fund supports one half of the Public Art Coordinator’s salary and provides support for the Shoreline Lake Forest Park Arts Council (\$60,000 per year) and minor repairs to city-owned art (\$10,000). The MAF supports the other half of the Public Art Coordinator’s salary and all other components of the Public Art Program, including development of a major sculpture scheduled for installation in early 2020, the City Hall art gallery, pop-up pianos, etc.

Current Funding to the Municipal Art Fund

The City established the current funding mechanism for public art in 2002 with the adoption of Ordinance No. 312. Expenditures from the MAF are restricted to supporting the Public Art Plan and Program. As defined in SMC 3.35.150, 1% of the dollar amount of the original construction contract associated with any qualifying municipal construction project is allocated to the MAF. Qualifying municipal construction contracts are defined as capital construction projects funded wholly or in part by the City for construction of new buildings or infrastructure or to make repairs where the repairs exceed 50% of the value of the structure. The City Council has the authority to change, delay, or cancel a project’s contribution to the MAF.

In 2017, when the current Public Art Plan was adopted, contributions to the MAF were projected to be relatively consistent year to year after 2019 (see Table 2 below). Projections were updated in 2019 and show less predictability over the six-year period. The CIP contribution to the MAF between 2020 and 2022 is estimated at \$116,400.

Table 2: 1% CIP Contributions to the Municipal Art Fund

	2017 actual	2018 actual	2019 adopted	2020 adopted	2021 projected	2022 projected
2017 Projections	\$99,635	\$27,111	\$17,697	\$13,240	\$13,428	\$15,590
2019 Updated Projections	\$38,374	\$2,283	\$0	\$42,000	\$52,692	\$21,702

Each year, funds are utilized from the MAF to support implementation of the Public Art Plan. The amount available to support the Plan each year is based on the MAF ending balance from the previous year. Based on the MAF expenditures and the current 1% contribution from qualifying capital projects, the MAF is expected to be nearly depleted in 2022 (see Table 3 below). If capital projects are delayed or canceled, then the MAF would be depleted earlier. More money is taken out of the MAF each year than is contributed, resulting in a declining balance. This trend was recognized when the Public Art Plan was adopted in 2017.

Table 3: Projected Municipal Art Fund Ending Fund Balance

	2017	2018	2019	2020	2021	2022
2017 Projections	\$418,568	\$279,076	\$174,965	\$107,731	\$61,405	-\$8,061
2019 Updated Projections	*\$326,775	*\$283,486	\$150,768	\$56,794	\$43,703	\$ 14,379

*Actuals

DISCUSSION

As directed in the Public Art Plan, staff began looking at ways to bring additional funding and more stable funding to support the MAF. Staff engaged the services of the University of Washington Evans School of Public Policy and Governance, which drew on interviews with comparable cities in the region to analyze funding strategies. Their “Stabilizing Public Art Funding in the City of Shoreline” report can be viewed at the following link: <http://www.shorelinewa.gov/Home/ShowDocument?id=45408>.

The UW study identified four options for modifying the funding approach for the Public Art Program. These were presented to the PRCS/Tree Board in May 2019. The options presented were:

- Option 1** - Expand cost categories for the 1% allocation in the current process
- Option 2** - Establish a per-capita funding level
- Option 3** - Increase the capital project contribution to the art fund from 1% to 1.5%
- Option 4** - Dedicate a portion of revenues from rentals of city facilities to the art fund

Staff conducted additional analysis on each of the options above and recommends Option 1, expanding the cost categories for the 1% allocation in the current process. More information about his option is provided below:

Funding Approach Recommended Option (Option 1)

Staff recommends amending SMC 3.35.150 to redefine funding for the Municipal Art Fund and the City’s Public Art Program by expanding and clarifying the list of City capital projects that provide a 1% contribution to the MAF or to the Public Art Program. The purpose of the amendment is to:

1. Provide more stable revenue for the MAF;
2. Provide a higher level of funding for the Public Art Program; and
3. Make the implementation of the MAF Ordinance more clear, efficient and less subjective.

This recommendation would amend SMC 3.35.150 so that all projects included in the City’s CIP, except for projects in the Facilities Major Maintenance Fund, would contribute towards implementation of the Public Art Plan. The amendment specifies that each capital project shall appropriate 1% of the Construction Project Phase expenses to support the Public Art Plan. Proposed Ordinance No. 874 (Attachment A) would provide for this recommended option.

The Facilities Major Maintenance Fund is comprised of relatively small projects at City Hall, parks restrooms and the Richmond Highlands Recreation Center, and is often focused on maintenance of existing facilities as opposed to the construction of new or replacement of facilities. Funding comes from an annual General Fund contribution. In 2020 there are five projects that average just \$25,000 each. Given the very small budgets and scope of work for these projects, they would be excluded from the Public Art Plan funding requirement under this proposal.

A comparison of proposed changes to SMC 3.35.150 with the current code language is shown in Table 4 below.

Table 4: Summary of Proposed Amendment to SMC 3.35.150

Ordinance Component	SMC 3.35.150	Proposed Ordinance No. 874 Amendments
Definition of Qualifying Municipal Construction Project (QMCP) #1	Project is funded wholly or in part by the City	No change
Definition of QMCP #2	Project is to construct new building, park, transportation infrastructure, etc.	No change
Definition of QMCP #3	Project is to repair or replace where cost of construction exceeds 50% of the value of the structure	Repair and Replacement projects are included, except those that are in the Facilities Major Maintenance Fund

Ordinance Component	SMC 3.35.150	Proposed Ordinance No. 874 Amendments
Definition of QMCP #4	Excludes repair of existing facilities including life-cycle replacement	Includes repair of existing facilities including life-cycle replacement
Contribution Amount Calculation Based On	Total amount of the original construction contract amounts only; excludes change orders	Actual construction phase expenditures
City Council Discretion	Contribution may be eliminated or reduced by the Council action	Modified to include allowing the Council to increase the contribution as well as eliminating or reducing
Contribution Amount	1%	No change
Contribution Amount – Funding Source Limitations	In the case of projects that involve use of grants, bonds, or sources of funding other than the General Fund, the 1% calculation is based on the total source of funds that allow for arts as an authorized expense	The 1% calculation is based on actual construction phase expenditures regardless of source of funds
Utility, Enterprise or Other Restricted Funds	Excluded	Do not contribute to the MAF but required to set aside 1% for art associated with the purpose of the Fund based on the construction phase costs of capital projects

Restricted Funds and Administrative Procedures

Some fund sources such as grants, bonds, utility rate payers, etc. are prohibited from contributing to the Municipal Art Fund or from supporting general public art. They may however be permitted to fund art incorporated into a project that is consistent with the mission of the program or project. The process to account for the Public Art Plan support associated with projects funded by restricted funds will be detailed in financial procedures developed by the Administrative Services, Public Works and PRCS staff and approved by the City Manager. The detailed procedures will account for nuances in state and federal grant programs, utility and enterprise fund requirement, and bond restrictions. The detailed procedures will layout how to account for art being incorporated into a project and pooling funding from a collection of restricted projects to support public art.

For example, the new sidewalk projects funded by bonds must restrict funding to those sidewalks. In this case, a contribution to the MAF cannot be made, but art can be incorporated into the sidewalk project and would be counted towards public art program funding.

Proposed Ordinance No. 874 provides for the development of these detailed procedures by including language in the proposed code amendment that states, “The City Manager or designee shall promulgate rules of procedures for the financial administration of the municipal art fund and Public Art Plan Funding consistent with the City Council-approved Public Art Policy and adopted Public Art Plan.”

Impacts of Recommended Option

The contribution to the MAF between 2020 and 2022 is currently estimated at \$116,400. With the proposed amendments to SMC 3.35.150, the contribution to the MAF would be \$164,500. In addition to the contribution to the MAF there would be \$128,200 set aside for public art associated with specific projects where the funds are restricted from general public art support.

Table 5 below shows the anticipated MAF contributions and resulting MAF balance associated with the proposed amendment to SMC 3.35.150. Table 5 also shows the anticipated amounts associated with restricted funds.

Table 5: Anticipated Public Art Contributions – Proposed Amendments (Accounting for Passage of I-976)

	2017 Actual	2018 Actual	2019 Projected	2020 Projected	2021 Projected	2022 Projected
MAF 1% Contribution – with I-976	\$38,374	\$2,283	\$0	\$57,774	\$74,238	\$32,478
MAF Ending Fund Balance – with I-976	\$326,775	\$283,486	\$150,768	\$71,946	\$79,777	\$60,514
Public Art Plan support – projects with restricted fund sources						
Roads Capital Art Program Set Aside				\$21,170	\$35,200	\$17,600
Surface Water Art Program Set Aside				\$11,896	\$30,833	\$11,506
Total Public Art Program Support from CIP Projects	\$38,374	\$2,283	\$0	\$90,840	\$140,270	\$61,584

November 18, 2019 City Council Discussion

On November 18, 2019, the City Council discussed proposed Ordinance No. 874. The staff report for this Council discussion can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2019/staffreport111819-9a.pdf>.

At this Council discussion, Council directed staff to bring back proposed Ordinance No. 874 for potential Council action. The Council did not express interest in any of other funding options presented to Council on the 18th.

Following the Council’s November 18th discussion, Mayor Hall asked staff to investigate other cities use of a percent of CIP funding to support public art. Staff randomly selected 30% of the cities in Washington State with a population of between 35,000 and 100,000 to contact about their use of CIP for funding public art. Of the 16 cities contacted, eight (8) use some form of a percentage of CIP to support public art and the other eight (8) do not.

Table 6: Select cities use of percentage of CIP to fund public art

City	Population	Utilize a percentage of capital projects for public art	Notes
Lynnwood	39,600	Yes	1% for art and must add \$15K each year regardless of capital project contributions
Edmonds	42,170	Yes	1% for art
Bothell	46,750	Yes	1% for art
Olympia	52,770	Yes	One dollar per person and 1% of major City construction projects
Auburn	81,720	Yes	For city-owned building, plus an allocation from the general fund
Kirkland	88,940	Yes	1% for art
Bellingham	90,110	Yes	1% for projects exceeding \$2 million
Federal Way	97,840	Yes	2% for art integrated into project
Des Moines	31,580	No	General fund supported
Walla Walla	34,240	No	1% currently being considered by art commission
Mount Vernon	35,740	No	Supported by general fund, hotel/motel tax, art commission fundraisers
Burien	52,000	No	Discontinued 1% from CIP and started a per capita allocation in 2018
Richland	56,850	No	Includes “beautification” as part of capital projects which can include art
Lakewood	59,670	No	Uses % of rental fees of city facilities
Redmond	65,860	No	Uses per capita allocation
Kennewick	83,670	No	Part of Economic Development program; sponsorship based

NEXT STEPS

If proposed Ordinance No. 874 is adopted, staff would take the following next steps:

1. In the first quarter of 2020, develop the necessary policy and procedures to implement the revision to SMC 3.35.150.

2. In the first quarter of 2020, review the Public Art Policy to ensure it is consistent with the revised SMC 3.35.150.
3. Review the 2017-2022 Public Art Plan to account for the additional funding associated with the revised SMC 3.35.150. Proposals for changes to how staff are implementing the Public Art Policy would be included in the 2021-2022 budget proposal in the fall of 2020.

STAKEHOLDER OUTREACH

The PRCS/Tree Board reviewed the staff recommendation at its October 24, 2019 meeting. The Board unanimously endorsed the staff recommendation. The Board also made two additional, unanimous recommendations:

1. Per capita allocation: Establish a per capita general fund contribution to the MAF of \$0.50 per resident. With the population of Shoreline being 55,730, a \$0.50 per resident contribution would provide approximately \$27,865 per year.
2. Increase Public Art Coordinator position from 0.5 FTE to 1.0 FTE. This would increase the annual Public Art Program staff costs from \$48,300 to \$96,600.

The City Manager recommends that these items be considered during the 2021-2022 biennial budget process in the context of an updated Public Art Plan and other priorities that may be before the City.

The City Council heard public comment from seven people supporting Public Art Program funding at its December 2, 2019 meeting.

COUNCIL GOAL(S) ADDRESSED

The City Council 2019-2021 Goals and Work Plan, Goal 2, Action Step 12 is to “continue implementing the public arts program”.

RESOURCE/FINANCIAL IMPACT

The contribution to the MAF between 2020 and 2022 is currently estimated at \$126,400. With the proposed amendments to SMC 3.35.150, the contribution to the MAF would be \$162,500, with an additional \$128,000 allocated to implementing the Public Art program through integrated art related to projects funded with restricted funds.

RECOMMENDATION

Staff recommends that the City Council adopt proposed Ordinance No. 874.

ATTACHMENTS

Attachment A: Proposed Ordinance No. 874

Attachment A, Exhibit A: Proposed Amendments to SMC 3.35.150

ORDINANCE NO. 874

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
AMENDING SHORELINE MUNICIPAL CODE SECTION 3.35.150
MUNICIPAL ART FUND.**

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

WHEREAS, in 2002, with the adoption of Ordinance No. 312, the City Council recognized the importance and benefit of providing visual art by creating a municipal art fund, now codified at Shoreline Municipal Code (SMC) 3.35.150, to provide funding for works of art in public places; and

WHEREAS, SMC 3.35.150 requires that one percent of the funding for qualifying municipal constructions projects be budgeted as a revenue source for the municipal art fund; and

WHEREAS, the definition of qualifying municipal projects set forth in SMC 3.35.150 results in a restriction as to what types of projects can contribute to the municipal art fund; and

WHEREAS, in 2017, with Resolution No. 404, the City's 2017-2022 Public Art Plan was adopted setting forth goals and implementation strategies, including greater financial sustainability for the public art program and articulating a need for implementing alternate or additional funding sources; and

WHEREAS, projections for contributions to and expenditures from the municipal art fund anticipate that the fund is expected to be depleted in 2022; and

WHEREAS, in order to provide a more stable and higher level of funding, the types of projects required to contribute to the municipal art fund needs to be expanded;

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

Section 1. Amendment to Chapter 3.35, Section 3.35.150 Municipal art fund. SMC 3.35.150 is amended as set forth in Exhibit A to this Ordinance.

Section 2. 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 person or situation.

Section 3. 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 4. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper and shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON JANUARY 6, 2020.

Mayor

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Margaret King
City Attorney

Date of Publication: January 9, 2020
Effective Date: January 14, 2020

Ordinance No. 874

Exhibit A

Amendments to Shoreline Municipal Code 3.35.150

SMC 3.35.150 Municipal art fund.

A. ~~There is created a fund to be known as the “municipal art fund” to~~ account for resources which are transferred from other funds, secured from grants, or donated by the private sector and designated to provide visual art in public places. ~~receive appropriations under this section and donations and grants for visual art in public places within the city. Expenditures are restricted to those approved through the city’s public art policy approved by the city council. Ending fund balances, including interest earned on transferred funds, will~~ shall be carried over from year to year.

B. ~~Each capital project included in the adopted Capital Improvement Program, except for projects in the City Facilities - Major Maintenance Fund, shall appropriate one percent (1%) of the Construction Project Phase budget for that project and shall display this budgeted amount as Public Art Plan Funding. If the City Council determines that the public interest would be better served, the Council may increase, reduce, or eliminate this appropriation. The city’s capital improvement program, as annually updated, will budget one percent of the capital improvement program funding for qualifying municipal construction projects, defined in subsection C of this section, beginning with the 2003 program budget, as a revenue source for the municipal art fund; provided, contribution from a particular qualifying municipal construction project budget may be eliminated or reduced if the city council determines that the public interest would be better served by the reduction. This budgeted amount will be displayed for that year as arts program funding in the adopted capital improvement program. Funds shall be transferred to the municipal art fund based on one percent of the total amount of the project contract as originally approved by the city council or city manager without adjustment for contract change orders. However, when the annual art plan calls for project art in the form of structural elements or design, funds may be transferred at the beginning of the budget year or when needed, based on one percent of the project budget in the capital improvement program, to allow timely and coordinated selection and production of the public artwork.~~

C. ~~The City Manager or designee shall promulgate rules of procedures for the financial administration of the municipal art fund and Public Art Plan Funding consistent with the City Council-approved Public Art Policy and adopted Public Art Plan. Qualifying Municipal Construction Projects. Qualifying municipal construction projects are capital construction projects funded wholly or in part by the city of Shoreline to construct any building, decorative or commemorative structure, park facility, street, sidewalk and parking facility, which is accessible to the public, or to repair or reconstruct any portion thereof where cost of construction exceeds 50 percent of the existing valuation of the structure. Qualifying municipal construction projects shall not include acquisition of real property or equipment, routine maintenance, the repair of existing public facilities including life cycle replacement, or the replacement of fixtures in such facilities. Design fees, taxes, testing, reimbursable costs, and internal city construction management costs shall not be included in the one percent calculation.~~

D. ~~In the case of a qualifying municipal construction project that involves the use of grants, bonds, or sources of funding other than the city’s general fund, the one percent calculation will~~

Ordinance No. 874

Exhibit A

Amendments to Shoreline Municipal Code 3.35.150

~~be based on the total source of funds that allow for art as an authorized expense. [Ord. 312 § 1, 2002]~~

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Resolution No. 451 - Amending the Recreation Program Refund Policy and Procedures		
DEPARTMENT:	Parks, Recreation, and Cultural Services		
PRESENTED BY:	Mary Reidy, Recreation Superintendent		
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:

On February 26, 2018, via Resolution No. 423, the City Council adopted a Recreation Program Refund Policy and Procedures which outlines under what circumstances and through what process refunds for programs will be given. This Resolution was subsequently amended on December 10, 2018, via Resolution No. 432. The Parks, Recreation, and Cultural Services (PRCS) Department has determined that modifications to the adopted Recreation Program Refund Policy and Procedures are now necessary to increase equity and access to summer camps.

Proposed Resolution No. 451 (Attachment A) would amend the Recreation Program Refund Policy and Procedures based on recent experiences with implementing the Recreation Program Refund Policy and Procedures. Tonight, Council is scheduled to discuss this proposed Resolution. Proposed Resolution No. 451 is currently scheduled to be brought back to Council on January 27, 2020 for adoption.

RESOURCE/FINANCIAL IMPACT:

Proposed Resolution No. 451 does not have a financial impact to the City. PRCS revenue projections accounts for a certain amount of refunds. It is not anticipated that the amended policy will result in a change in the number or amount of refunds granted.

RECOMMENDATION

No action is required at this time as this item is for discussion purposes only. Staff recommends that the City Council adopt proposed Resolution No. 451 amending the Recreation Program Refund Policy and Procedures when this item is brought back to Council for action on January 27, 2020.

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

BACKGROUND

In 2016, the City Council adopted Resolution No. 394 creating the first refund policy for the Parks, Recreation and Cultural Services (PRCS) Department. On February 26, 2018, a revised refund policy was adopted by Council with Resolution No. 423, which included modifications to address permit and camp refunds. On December 10, 2018, additional revisions were adopted to this policy with Resolution No. 432. The PRCS Department has subsequently determined that additional modifications to the adopted Recreation Program Refund Policy and Procedures are necessary to promote equity in summer camp registration.

The purpose of the Recreation Program Refund Policy and Procedures is to describe under what circumstances refunds will be awarded and describe the necessary steps to refund payment for services and use of facilities. The policy addresses several reasons customers request refunds including cancellation of events, programs, or classes by the City; weather-related cancellations; customer decisions to withdraw from a class; refund of a damage deposit; and refunds for facility rental cancellations outside of renter control; among other issues. The policy also defines how much of a refund the customer is entitled to depending on when the cancellation request is made or when notice is given for withdrawal from a class or program and describes the mechanism by which a refund will be made.

DISCUSSION

Equitable access to PRCS programs and services is a top priority across the Department. Requiring payment in full at the time of summer camp registration creates an obstacle for many families. Since summer camps fill quickly, those who have the financial resources to pay in full at the time of registration have a clear advantage over those who do not. To provide greater opportunities for some Shoreline residents who cannot pay in full for summer camp at the time of registration, an interdepartmental staff team developed a payment plan option for summer camp registrations.

Currently, 100% of the summer camp fee is required at time of registration. The new process requires a non-refundable deposit for each registration at the time of registration, with three (3) subsequent payments to be made over a three-month period. Extending the payment cycle allows patrons who do not have the full cash or credit payment available in March to register for programs at the beginning of the registration cycle before camps fill. In order to implement the payment plan option, it is necessary to revise the Refund Policy and Procedures.

In addition to revisions necessary to implement the payment plan option, there are other minor housekeeping revisions included in the proposed updated to the Refund Policy and Procedures. The key proposed revisions are as follows:

1. **Additions to Section 2 – Definitions:** The amendment adds definitions for Concession Permit, Park and Open Space Non-Exclusive Use Permit, City and PRCS for clarity of understanding throughout the Policy.

- 2. Modifications to Section 5.3.4 – Camps – Summer Camps:** As noted above, the amendment was made to accommodate a payment plan registration option. The current Refund Policy was designed to allow full summer camp registration refunds prior to the first Monday in June (Section 5.3.4.1). This was to accommodate, without penalty, changes to registrations that may have been made several months earlier when registration opened, and to decrease the burden placed on staff by a high number of pre-camp registration changes. What this did, however, was apply an administrative fee only to those making changes to their registrations after the first Monday in June.

In the proposed amendments to the Policy, patrons will now have the option to register for camps by either paying in full or paying only an administrative fee to hold their spots and be billed the remaining balance at set times throughout the summer. All patrons, regardless of being on a payment plan or paying in full at time of registration, will have the same refund procedure which retains a \$50 administrative fee and includes a 14-day request requirement. This brings standardization and equity to all patrons in how the fees are applied. In addition, it allows those who choose the payment plan option to obtain their spots with a smaller payment at time of registration.

- 3. Modifications to Sections 5.3.4 and 5.3.5 – Summer Camps and Non-Summer Camps:** The amendment changes the cancellation notification from a 7-day to a 14-day requirement for all camps. The 2018 Refund Policy contained variations related to how late one could cancel a camp registration and still receive a refund. These amendments create a standard 14-day notification requirement for all camps throughout the year to be eligible for refund.

RESOURCE/FINANCIAL IMPACT

Proposed Resolution No. 451 does not have a financial impact to the City. PRCS revenue projections account for a certain amount of refunds. It is not anticipated that the amended policy will result in a change in the number or amount of refunds granted.

RECOMMENDATION

No action is required at this time as this item is for discussion purposes only. Staff recommends that the City Council adopt proposed Resolution No. 451 amending the Recreation Program Refund Policy and Procedures when this item is brought back to Council for action on January 27, 2020.

ATTACHMENTS

Attachment A: Proposed Resolution No. 451, including Exhibit A

RESOLUTION NO. 451

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, AMENDING RESOLUTION 432 THAT ADOPTED A RECREATION PROGRAM REFUND POLICY AND PROCEDURES.

WHEREAS, on February 26, 2018, via Resolution No. 423, the City Council adopted a Recreation Program Refund Policy and Procedures so as to outline under what circumstances and through what process refunds for programs will be given; and

WHEREAS, on December 10, 2018, via Resolution No. 432, the City Council adopted amendments to the Recreation Program Refund and Procedures; and

WHEREAS, the Parks, Recreational, and Cultural Services Department has determined that modifications to the adopted Recreation Program Refund Policy and Procedures are necessary to promote equity in summer camp registration; and

WHEREAS, the City Council considered the amendments to the Recreation Program Refund Policy and Procedures at its January 6, 2020 regular meeting;

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

Section 1. Amendments to Recreation Program Refund Policy and Procedures. The Recreation Program Refund Policy and Procedures, as adopted by Resolution No. 423, is amended as provided in Exhibit A.

Section 2. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Resolution 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 Resolution or its application to any person or situation.

Section 3. Corrections by City Clerk. Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this Resolution, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or numbering and section/subsection numbering and references.


Section 3. Effective Date. This Resolution shall take effect and be in full force immediately upon passage by the City Council.

ADOPTED BY THE CITY COUNCIL ON JANUARY 27, 2020.

Mayor

ATTEST:

Jessica Simulcik Smith
City Clerk

 <h1 style="margin-left: 150px;">POLICY & PROCEDURE</h1>			
Title: Recreation Program Refund Policy and Procedures			Category: Parks, Recreation, Cultural Services
			Number: 9247 1000-04
			External / Internal: Public
Effective Date:	Supersedes: Res. No. 423	Policy Originator: Mary Reidy	Approved By: City Council Res. No. ____ _____ Mayor

1. PURPOSE/SCOPE:

The purpose of this Recreation Program Refund Policy and Procedures is to describe under what circumstances refunds will be awarded and describe the necessary steps to refund payment for services and use of facilities.

2. DEFINITIONS:

- 2.1. **Cancellation** - City notification of class, camp, program or event being cancelled.
- 2.2. **Reserved**
- 2.3. **Security Deposit** - Any payment received in addition to the facility rental fee required to compensate for damage to City facilities incurred during the rental period, not adhering to rental permit conditions or requiring extra on-site staff time.
- 2.4. **Late Payment** - Payments received or owed after the deadline set by the rental agreement, or as otherwise noted in Facility Rental Policy and Procedures.
- 2.5. **League** - Organized on-going rental with scheduled games.
- 2.6. **Pass** - A purchased amount of time that allows for entrance to specified drop-in activities.
- 2.7. **Point of Sale Item** - Any product sold for purchase that is not a program or service.
- 2.8. **PRCS Director** - The Director of the City of Shoreline Parks, Recreation and Cultural Services Department.
- 2.9. **Refund** - Any money once received by City of Shoreline and then returned to a customer per this policy.
- 2.10. **Registration** - The process by which the rental of a facility is secured including receipt of full payment and confirmation of completed Rental Use

Permit or the process of paying for and receiving confirmation of acceptance to participate in a class, trip/workshop or special event by the City of Shoreline.

- 2.11. **Rental Use Permit** - Signed agreement governing the use of City of Shoreline facilities, including both indoor and outdoor spaces.
- 2.12. **Renter** - Person(s) or party on the signature line of a Rental Use Permit who is legally obligated to terms and conditions of agreement.
- 2.13. **Multi-Day Course** - A class or program, for which a participant must register and that consists of multiple days.
- 2.14. **Camp** - A Program with the word 'Camp' in the title.
- 2.15. **Summer Camp** - Any camp offered anytime during June through August.
- 2.16. **Single Day Course** - Class, trip or program that lasts one day or less.
- 2.17. **Special Event** - A program for which a participant must register that is identified as a Special Event in marketing materials.
- 2.18. **Concession Permit** – A signed agreement governing the permission to sell goods or services at City of Shoreline facilities, including both indoor and outdoor spaces.
- 2.19. **Park and Open Space Non-Exclusive Use Permit** – A signed agreement governing permission for activities conducted in/on City Park and/or City Open Space Areas as designated in the Facility Rental Operations Manual.
- 2.20. **City** – the City of Shoreline.
- 2.21. **PRCS** – the City of Shoreline Parks, Recreation, and Cultural Services Department.

3. REFERENCES AND FORMS:

- 3.1. ~~Facilities Rental Policies and Procedures~~ Facilities Rental Operations Manual
- 3.2. Code of Conduct for Use of City Facilities
- 3.3. City of Shoreline Scholarship Policy

4. DEPARTMENTS AFFECTED:

- 4.1. Parks, Recreation and Cultural Services Department
- 4.2. Administrative Services Department

5. PROCESS:

- 5.1. **Refund Due to City Cancellation.** Classes, camps, programs, trips or workshops/special events cancelled by the City of ~~Shoreline~~ will result in a 100% Rrefund of the program fee paid.
- 5.2. **Cancellation Due to Weather.** Refunds will not be issued for reasons of inclement weather, unless it results in the closure of the City facility hosting the event during the time of session or rental or cancellation of the camp, class or program.

5.3. Refund Request Deadlines:

5.3.1. Multi-Day Course

5.3.1.1. First Day. Program fees may be refunded in full for any reason after the first day of class, as long as the refund is requested prior to, but not included, the second day of class. Aquatic program requests must be made through the pool registration desk. All other recreation program requests must be made at the Spartan Recreation Center ~~registration desk.~~

5.3.1.2. Second Day. After the second day of class, but prior to the third day of class, requested refunds will be pro-rated per the registration fee paid and the total number of classes.

5.3.1.3. Third Day. Refunds will not be issued after the third day of class, unless an exception is granted by the City. Exception requests are to be submitted per Section 5.9 of this ~~p~~Policy. The City has sole discretion to decide whether or not to grant ~~this~~ an exception.

5.3.2. Single Day Course. Refunds may be issued if requested at least seven (7) calendar days prior to, but ~~(not including),~~ the course day.

5.3.3. Point of Sale Admissions. Refund requests must be made in writing and submitted to the registration desk prior to leaving the facility on the day of use. All refund requests are at the discretion of the ~~PRCS Director~~City.

5.3.4. Camps - Summer Camps

5.3.4.1. ~~Full refunds will be given until the close of business on the first Monday in June for Summer Camps.~~

5.3.4.2. Refunds for Summer Camps requested ~~after close of business the first Monday in June,~~ but prior to seven (7) days before at least fourteen (14) calendar days prior to, ~~(but not including),~~ the first day of camp, will be subject to an administration fee for each weekly camper registration. After the fee is applied, the remaining balance will be refunded.

5.3.4.3. No refunds will be given if requested less than seven (7) fourteen (14) calendar days prior to, ~~(but not including),~~ the first day of camp.

5.3.4.4. In lieu of a refund, a participant may request to transfer to another camp with available space. If transferring from one Ccamp into

another, the administration fee will be waived during the transfer. The transfer must be made at the same time as the cancellation and for the same participant.

~~5.3.4.5. Transfer can only be made into a camp that has an available spot.~~

5.3.5. Non-Summer Camps

~~5.3.5.1. Full refunds will be given up to requested at least fourteen (14) calendar days prior to the start (but not including the first day of camp) for non-summer camps will be subject to an administration fee for each weekly camper registration.~~

~~5.3.5.2. Refunds requested after close of business 14 days prior to start (but not including) the first day of camp, will be subject to an administration fee for each weekly camper registration.~~

~~5.3.5.3~~ **5.3.5.2.** No refunds will be given if requested less than seven (7) fourteen (14) calendar days, prior to, (but not including), the first day of camp.

5.3.6. Permit Cancellation.

Rental use and Park and Open Space Non-Exclusive Use Permits cancelled by the Renter at least seven (7) or more calendar days in advance of event will be refunded in full. Permits cancelled by the Renter less than seven (7) calendar days prior, but not including the rental day, will not receive a refund. Any Security Deposit received for this rental will be 100% refunded.

5.3.6.1. Exception: Athletic Field and Tennis Court Rental Use Permit Cancellation. Athletic Field and Tennis Court Rental Use Permits cancelled by the Renter less than seven (7) calendar days, but at least 24 hours prior to the date/time of the rental will be issued a 50% refund of fees or \$50, whichever is less. Rental Use Permits cancelled 24 hours or less prior to the date/time will not receive a refund. Any Security Deposit received for this rental will be 100% refunded.

5.3.6.2. Exception: Concession Permit Cancellation. No refund for Concession Permit fees after issuance of Concession Permit. Hourly concession fee will be refunded if requests are received at least thirty (30) calendar days prior to date of use.

~~5.3.6. Facility Rental Cancellation. Rentals cancelled by the Renter seven (7) or more calendar days before the event will be refunded in full. Rentals cancelled by the Renter less than seven (7) days, but before 24 hours prior~~

~~to the date/time of reservation, will be issued a 50% refund of the fees already collected or \$50, whichever is less. Reservations cancelled 24 hours or less prior to the rental will not receive a refund. Any Security Deposit received associated with this rental will be 100% refunded.~~

~~**5.3.7. Park and Open Space Non-Exclusive Use Permit.** Permits cancelled by the Renter seven (7) or more calendar days before the event will be refunded in full. Permits cancelled by the Permittee less than seven (7) days, but before 24 hours prior to the date/time of reservation, will be issued a 50% refund of the fees already collected or \$50, whichever is less. Reservations cancelled 24 hours or less prior to the rental will not receive a refund. Any Security Deposit received associated with this permit will be 100% refunded.~~

~~**5.3.8. Concession Permit.** The City may, at its sole discretion, cancel a Concession Permit anytime due to an emergency, severe weather, power outage, or situations that may result in facility damage or personal injury as determined by the PRGS Director. In such instances, the Permittee will be entitled to a 100% refund. All other permit refunds must be requested 30 days prior to scheduled use.~~

5.4. Waitlist and Pro-Rated Refunds.

5.4.1. Waitlist refunds. For those that are on a class waitlist that attend after the start date, requests for refund shall be treated as if the first day of attendance is the first day of class.

5.4.2. Pro-rated refunds. Class fee refunds will not be pro-rated when registering after the start date except for those entering from the waitlist.

5.5. Refund of Security Deposits. The City will inspect the ~~permitted~~ designated facility/area in the Rental Use Permit after usage to determine if any damage occurred. If damage occurred, the City will assess a cost to ~~fix~~ mitigate the damage and retain that amount from the Security Deposit. ~~The~~ Security Deposit may also be retained if all conditions of the permit are not adhered to or ~~an~~ extra on-site staff time is required during the permitted time. Any remainder of the Security Deposit will be refunded. Should no damage occur, all conditions of the permit are met and extra staff time is not required then 100% of Security Deposit will be refunded.

5.6. Facility Rental Cancellation Outside of Renter Control.

5.6.1. The City may, at its sole discretion, cancel a rental or permit at any time due to an emergency, severe weather which merits either Shoreline School District or City facility closures, power outage, or

situations that may result in facility damage or personal injury as determined by the PRCS Director. In such instances, the Renter will be entitled to a 100% refund.

- 5.6.2.** If a ~~field~~ permitted facility or area is deemed unusable by City staff on the permitted day of the rental, a credit full refund will be issued. If an athletic field or tennis court is deemed unusable on the permitted day due to inclement weather, utility malfunction, or other safety issue of rental by a City-recognized League official, the Renter must notify the City in writing so that the City receives such notice within five (5) calendar days of event cancellation in order to have a credit issued on their account.
- 5.7. No Pro-Rated Pass Refunds.** All passes are for the specified amount of time from purchase date. Pro-rated refunds are not permitted for unused portion of purchased time.
- 5.8. Refund for Defective Products.** Point of Sale Items may be returned for a full refund within one week of purchase if product has a manufacturing defect.
- 5.9. Exceptions.** Requested exceptions from this Policy may be submitted on the Refund Request Waiver Form to the Recreation Superintendent and require approval by the PRCS Director.
- 5.10. 10 Punch Passes** expire on December 31st of the calendar year purchased with the remaining punches value refunded.
- 5.11. ~~Registrations associated with~~ Special events** are non-refundable.
- 5.12. Refund due to Injury or Illness.** Refunds will not be issued for injury or illness incurred outside of participation in the program unless it is diagnosed as a communicable disease by a medical professional.

6. PROCEDURE AND METHOD FOR ISSUING REFUNDS

- 6.1.** Debit/credit card payments will be refunded to the debit/credit account from which the payment was made, when possible, however after ninety (90) calendar days the City may issue a refund by check. ~~if within 120 days of the original purchase date. If past 120 days a check will be issued within six (6) weeks or refund request.~~
- 6.2.** If paid in cash or check, the City of Shoreline will issue, remit and mail a refund check within six (6) weeks ~~to the customer who made payment.~~
- 6.3.** No cash refunds will be made.

- 6.4. Any standing credit on accounts will be refunded after six (6) months by a City of Shoreline issued check.
- 6.5. Security Deposits may be refunded in full or part after completion of the activity and assessed by City staff for damage, breach of permit or staffing requirements. ~~Rentals~~ Deposits paid ~~via~~ by credit card shall ~~will~~ be refunded ~~with a credit to the Renter's card from which the payment was made, when possible, otherwise the City will issue a refund by check.~~ If paid by cash or check, the ~~City of Shoreline Finance Department~~ will issue, ~~remit,~~ and mail a refund check ~~to Renters~~ within six (6) weeks. ~~No cash refunds will be made.~~
- 6.6. Fees paid through scholarship funds are not refunded in cash. ~~They~~ Any refund due will be ~~are reassigned to account processed pursuant to the per~~ City of Shoreline Scholarship Policy.
- 6.7. Any payment made ~~via~~ by the State of Washington Department of Social and Health Services (DSHS) shall not be refunded to an individual but rather will be ~~taken off~~ credited prior to the quarterly billing balance sent to DSHS ~~State~~ quarterly.