



## REVISED AGENDA V.2

### STAFF PRESENTATIONS

### PUBLIC COMMENT

## SHORELINE CITY COUNCIL VIRTUAL/ELECTRONIC REGULAR MEETING

Monday, August 10, 2020  
7:00 p.m.

Held Remotely on Zoom  
<https://zoom.us/j/95015006341>

In an effort to curtail the spread of the COVID-19 virus, the City Council meeting will take place online using the Zoom platform and the public will not be allowed to attend in-person. You may watch a live feed of the meeting online; join the meeting via Zoom Webinar; or listen to the meeting over the telephone.

The City Council is providing opportunities for public comment by submitting written comment or calling into the meeting to provide oral public comment. To provide oral public comment you must sign-up by 6:30 p.m. the night of the meeting. Please see the information listed below to access all of these options:



[Click here to watch live streaming video of the Meeting on shorelinewa.gov](https://www.shorelinewa.gov)



Attend the Meeting via Zoom Webinar: <https://zoom.us/j/95015006341>



Call into the Live Meeting: (888) 475-4499 - Webinar ID: 950 1500 6341



[Click Here to Sign-Up to Provide Oral Testimony](#)

*Pre-registration is required by 6:30 p.m. the night of the meeting.*



[Click Here to Submit Written Public Comment](#)

*Written comments will be presented to Council and posted to the website if received by 4:00 p.m. the night of the meeting; otherwise they will be sent and posted the next day.*

|                                       | <u>Page</u> | <u>Estimated<br/>Time</u> |
|---------------------------------------|-------------|---------------------------|
| 1. CALL TO ORDER                      |             | 7:00                      |
| 2. ROLL CALL                          |             |                           |
| (a) Proclaiming "Celebrate Shoreline" | <u>2a-1</u> |                           |
| 3. REPORT OF THE CITY MANAGER         |             |                           |
| 4. COUNCIL REPORTS                    |             |                           |

## 5. PUBLIC COMMENT

*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 by 6:30 p.m. the night of the meeting via the Remote Public Comment Sign-in form. Individuals wishing to speak to agenda items will be called to speak first, generally in the order in which they have signed.*

## 6. APPROVAL OF THE AGENDA 7:20

## 7. CONSENT CALENDAR 7:20

- (a) Approving Minutes of Regular Meeting of June 22, 2020 7a-1
- (b) Approving Expenses and Payroll as of July 24, 2020 in the Amount of \$2,222,335.66 7b-1
- (c) Authorizing the City Manager to Enter into a Conditional Gift Agreement for the Acceptance by Donation of the Sculpture Unofficially Titled "BIG RED" 7c-1

## 8. ACTION ITEMS

- (a) Public hearing to receive citizens comments Ordinance No. 893 - Interim Regulations to Allow for Additional Extensions of Application and Permit Deadlines Beyond Those Provided for in SMC Title 20 Due to COVID-19 Impacts 8a-1 7:20

*All interested persons are encouraged to listen and/or attend the remote online public hearing and to provide oral and/or written comments. Written comments should be submitted to Rachael Markle, PCD Director, at [rmarkle@shorelinewa.gov](mailto:rmarkle@shorelinewa.gov) by no later than 4:00 p.m. local time on the date of the hearing. Any person wishing to provide oral testimony at the hearing should register via the Remote Public Comment Sign-in form at least thirty (30) minutes before the start of the meeting. A request to sign-up can also be made directly to the City Clerk at (206) 801-2230.*

- (b) Public hearing to receive citizens comments on Ordinance No. 895 - Interim Regulations for Outdoor Dining 8b-1 7:30

*All interested persons are encouraged to listen and/or attend the remote online public hearing and to provide oral and/or written comments. Written comments should be submitted to Andrew Bauer, Senior Planner, at [abauer@shorelinewa.gov](mailto:abauer@shorelinewa.gov) by no later than 4:00 p.m. local time on the date of the hearing. Any person wishing to provide oral testimony at the hearing should register via the Remote Public Comment Sign-in form at least thirty (30) minutes before the start of the meeting. A request to sign-up can also be made directly to the City Clerk at (206) 801-2230.*

- (c) Adopting Resolution No. 464 - Approving the Purchase of Real Property Located on the South Side of North 185<sup>th</sup> Street, Identified as Short Plat No. 98038, Recording No. 19991105900005; King County Tax Parcel Nos. 7276100015, 7276100016, 7276100017, 7276100018, and 727610TRCT; and Authorizing the City Manager to Take the Necessary Steps to Complete the Property Purchase 8c-1 7:40
  - Staff Presentation
  - Public Comment
  - Council Action

**9. STUDY ITEMS**

- |  |             |      |
|--|-------------|------|
| (a) Update on City Council Goal #5, Action Step #7 - Siting a Shelter/Navigation Center in North King County to Serve Homeless Single Adults | <u>9a-1</u> | 7:55 |
| (b) Discussing Ordinance No. 898 - Amending SMC 8.12 Rules for Use of Shoreline Park Facilities  | <u>9b-1</u> | 8:25 |
| (c) Discussing the Eastside Off Leash Area Lease Agreement with the Washington State Department of Social and Health Services                | <u>9c-1</u> | 8:40 |

**10. ADJOURNMENT** 9:00

*The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2230 in advance for more information. For TTY service, call 546-0457. For up-to-date information on future agendas, call 801-2230 or see the web page at [www.shorelinewa.gov](http://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**

|                      |   |   |  |
|----------------------|---|---|--|
| <b>AGENDA TITLE:</b> | Proclamation of Celebrate Shoreline     |   |  |
| <b>DEPARTMENT:</b>   | Parks, Recreation and Cultural Services |   |  |
| <b>PRESENTED BY:</b> | Mary K Reidy, Recreation Superintendent |   |  |
| <b>ACTION:</b>       | <input type="checkbox"/> Ordinance      | <input type="checkbox"/> Resolution     | <input type="checkbox"/> Motion                  |
|                      | <input type="checkbox"/> Discussion     | <input type="checkbox"/> Public Hearing | <input checked="" type="checkbox"/> Proclamation |

#### **PROBLEM/ISSUE STATEMENT:**

2020 marks the 25<sup>th</sup> birthday of the City of Shoreline, which is indeed a reason to Celebrate Shoreline. This annual event commemorates the City's incorporation with activities designed to spark celebration and community spirit. It traditionally takes place over multiple days and venues to encourage community participation, however this year it will look a bit different.

Partnerships are a cornerstone of Celebrate Shoreline, with businesses and community groups working together to show their support for their Shoreline neighbors. This year we find ourselves in a very unique situation as we look to celebrate 25 years as a vibrant, engaged, connected community, while in a state of social distancing. Despite the challenges COVID-19 has presented, Shoreline residents have risen to the challenge of both supporting neighbors and investing in their community.

The 2020 Celebrate Shoreline celebration builds upon the overwhelming extension of support the Shoreline community gives one another, especially evident over the past five months. And although this year does not include the traditional large gatherings to which community members have become accustomed, it will focus on building and supporting community connections on a micro level. This includes immediate neighbors and family members building "can castles" that can be donated afterward to food banks, community members walking in their local neighborhood to view yard art projects, and residents showing appreciation of their Shoreline community through chalk art.

Highlights of the unique 2020 Celebrate Shoreline activities will focus both on the City's 25<sup>th</sup> birthday and the strength of our Shoreline community. Activities include the following:

- *Neighborhood Gratitude Activities.* This will allow the community to celebrate and highlight contributions of people who live and/or work in Shoreline who have supported and helped their community during the COVID-19 crisis. Published features of individuals will run throughout August and community-wide sidewalk chalk messages of thanks will be encouraged as a public display of gratitude.



- *Celebrate Shoreline Yard Sign Art community art project.* Residents will be able to obtain a corrugated sign with Celebrate Shoreline printed on one side and left blank on the other for their own creation. Sign embellishment and decoration is encouraged, with the focus on it being a 25<sup>th</sup> birthday celebration sign. Signs will be posted in yards or along the Interurban Trail between 175<sup>th</sup> and 185<sup>th</sup> Streets.
- *Citywide “Can Castle” Contest.* In lieu of the traditional sandcastle contest and in the spirit of supporting our Shoreline community, participants are encouraged to register a team to create a structure made of canned, jarred and boxed foods. The City is partnering with Hopelink for this event and following the contest, food available for donation will be scheduled for pick up or drop off. Donations will be given to Hopelink in Shoreline.

**RESOURCE/FINANCIAL IMPACT:**

There is no financial impact to accepting the Celebrate Shoreline Proclamation.

**RECOMMENDATION**

Staff recommends that the Mayor declare August 10<sup>th</sup> through August 16<sup>th</sup> as a time to Celebrate Shoreline.

**ATTACHMENT**

Attachment A: 2020 Celebrate Shoreline Proclamation

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



## PROCLAMATION

**WHEREAS**, 2020 marks the 25<sup>th</sup> birthday of the City of Shoreline, and the annual Celebrate Shoreline event commemorates this landmark of the City's incorporation with activities designed to spark celebration and community spirit; and

**WHEREAS**, this year Celebrate Shoreline has been reimagined to allow our vibrant, engaged, and connected community to come together during a time of pandemic and social distancing; and

**WHEREAS**, the unique 2020 Celebrate Shoreline activities will focus both on the City's 25<sup>th</sup> birthday and the strength of our Shoreline community; and

**WHEREAS**, neighborhood gratitude activities will celebrate and highlight those who have supported and helped their community during the COVID-19 crisis; and

**WHEREAS**, all are invited to join the Celebrate Shoreline Yard Sign community art project by embellishing and decorating birthday signs to be displayed throughout the City; and

**WHEREAS**, the Citywide Can Castle Contest challenges teams to create a structure consisting of nonperishable food items, which will be donated to Hopelink;

**NOW, THEREFORE, I**, Will Hall, Mayor of the City of Shoreline, on behalf of the Shoreline City Council, do hereby proclaim August 10<sup>th</sup> through August 16<sup>th</sup>, 2020 as a time to

## CELEBRATE SHORELINE!

in the City of Shoreline and invite all residents to join in this celebration of community connections, strength, and support.

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Will Hall, Mayor

**CITY OF SHORELINE**  
**SHORELINE CITY COUNCIL**  
**SUMMARY MINUTES OF REGULAR MEETING**

Monday, June 22, 2020  
7:00 p.m.

Held Remotely via Zoom

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

**ABSENT:** None.

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Upon roll call by the City Clerk, all Councilmembers were present via Zoom videoconference.

**(a) Parks, Recreation and Cultural Services Month Proclamation**

Mayor Hall proclaimed the month of July as Parks, Recreation, and Cultural Services Month in Shoreline.

**3. REPORT OF CITY MANAGER**

John Norris, Assistant City Manager, provided an update on various City meetings and events and shared information on the current County COVID-19 status of Phase 2 and listed ways to access City services. He emphasized that fireworks are illegal in Shoreline and described the efforts in effect to enforce this as the 4<sup>th</sup> of July draws near.

**4. COUNCIL REPORTS**

Councilmember McGlashan said he attended a joint transportation forum meeting, which included updates on the Invest In America Act and reports from Sound Transit and Metro on their COVID-19 impacts and recovery.

Councilmember Chang said she attended a joint meeting of the Regional Transit Committee and the Mobility and Environment Committee and shared updates on the impacts to Metro during the pandemic and their planned reductions in response to the revenue loss during COVID-19.

Mayor Hall appointed Councilmember Robertson as the Council representative to the North King County Shelter Task Force.

Mayor Hall recognized Erik Ertsgaard and Ivan Brown as outgoing youth members of the Parks, Recreation, and Cultural Services/Tree Board and thanked them for their contributions.

## 5. PUBLIC COMMENT

John Hoey, Shoreline resident and Chair of the Parks, Recreation, and Cultural Services/Tree Board, thanked the Council for recognizing Parks, Recreation, and Cultural Services Month and spoke to the essential role these services provide to the community. He praised Erik Ertsgaard and Ivan Brown for the contributions they brought to the Board and thanked them for their service, and he welcomed Hayley Berkman and David Lin as the incoming youth board members.

## 6. APPROVAL OF THE AGENDA

The agenda was approved by unanimous consent.

## 7. CONSENT CALENDAR

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

- (a) Approving Minutes of Regular Meeting of April 27, 2020  
Approving Minutes of Regular Meeting of May 11, 2020**

- (b) Approving Expenses and Payroll as of June 5, 2020 in the Amount of  
\$2,354,543.72**

### **\*Payroll and Benefits:**

| Payroll<br>Period | Payment<br>Date | EFT<br>Numbers<br>(EF) | Payroll<br>Checks<br>(PR) | Benefit<br>Checks<br>(AP) | Amount<br>Paid                      |
|-------------------|-----------------|------------------------|---------------------------|---------------------------|-------------------------------------|
| 5/3/20-5/16/20    | 5/22/2020       | 91529-<br>91726        | 16996                     | 79302-79309               | \$979,155.07<br><u>\$979,155.07</u> |

### **\*Wire Transfers:**

| Expense<br>Register<br>Dated | Wire<br>Transfer<br>Number | Amount<br>Paid                    |
|------------------------------|----------------------------|-----------------------------------|
| 5/26/2020                    | 1161                       | \$41,835.37<br><u>\$41,835.37</u> |

### **\*Accounts Payable Claims:**

| Expense<br>Register<br>Dated | Check<br>Number<br>(Begin) | Check<br>Number<br>(End) | Amount<br>Paid |
|------------------------------|----------------------------|--------------------------|----------------|
|------------------------------|----------------------------|--------------------------|----------------|

|           |       |       |                       |
|-----------|-------|-------|-----------------------|
| 5/24/2020 | 79165 | 79189 | \$3,679.59            |
| 5/24/2020 | 79190 | 79215 | \$1,775.04            |
| 5/24/2020 | 79216 | 79240 | \$691.89              |
| 5/24/2020 | 79241 | 79261 | \$1,408.95            |
| 5/24/2020 | 79262 | 79271 | \$347.18              |
| 5/26/2020 | 79272 | 79290 | \$124,216.18          |
| 5/26/2020 | 79291 | 79298 | \$33,135.09           |
| 5/26/2020 | 79299 | 79299 | \$191,865.92          |
| 5/26/2020 | 78861 | 78861 | (\$25.20)             |
| 5/26/2020 | 79300 | 79300 | \$25.20               |
| 5/26/2020 | 78160 | 78160 | (\$400.00)            |
| 5/26/2020 | 79301 | 79301 | \$400.00              |
| 5/28/2020 | 79310 | 79334 | \$56,936.03           |
| 5/28/2020 | 79335 | 79374 | \$6,974.23            |
| 6/2/2020  | 79375 | 79400 | \$594,822.32          |
| 6/2/2020  | 79401 | 79401 | \$310,000.00          |
| 6/2/2020  | 79402 | 79407 | \$6,200.86            |
| 6/4/2020  | 79408 | 79408 | \$1,500.00            |
|           |       |       | <u>\$1,333,553.28</u> |

**(c) Appointing Youth Members to the Parks, Recreation, and Cultural Services/Tree Board**

**(d) Authorizing the City Manager to Execute a Professional Services Agreement with Osborn Consulting in the Amount of \$610,161 for the 2021 and 2022 Stormwater Pipe Repair and Small Drainage Projects**

**(e) Authorizing the City Manager to Execute a Six-Month Lease Agreement with the State of Washington Department of Social and Health Services to Continue Operating the Two-Acre Off-Leash Dog Area at the Fircrest Campus Located at 1750 NE 150<sup>th</sup> Street**

**8. STUDY ITEMS**

**(a) Discussing the King County Metro North Link Connections Mobility Project**

Nytasha Walters, Transportation Services Manager, welcomed King County Metro representatives Rob Gannon, Transit General Manager; and David VanderZee, Senior Transportation Planner, who were present to provide an update on transit services.

Rob Gannon gave an overview of Metro's response to the pandemic. He said there has been a decline of approximately 70 percent of ridership since the outset of the pandemic, and that the levels have stayed fairly consistent for three months. He described Metro's safety efforts and said that generally, reducing the level of service was a way to balance the need for safety while continuing to provide a functioning transit system. He said service was recently reintroduced to address predicted near-term ridership needs, both helping the system and the regional economy

recover and minimizing crowding that can occur on the bus. He stated that Metro is trying to match service levels, ridership needs, workforce availability, and public health guidance for safe operating conditions. He gave an overview of the summer service plans during recovery, which he described as a level of service that meets expected demand and can be sustained all through the season. He said they have targeted the September service change timeline as an opportunity to both add back service and make and communicate changes while bringing the workforce back into alignment for service needs. He said the transit system is constrained by available financial resources to continue to meet regional needs. He summarized that the transit system that existed prior to the pandemic is years away from returning to full levels of ridership and coverage. He described the contemplated network changes, which include a 20-30 percent net reduction and restructure of the bus network, a 30-40 percent reduction in the Capital Improvement Program, and a 5-10 percent reduction in all other programs and services. He said there will be future conversations about how Metro will go about reducing the system, but concluded that the existing service guidelines and policy framework continues to be the means by which reductions and recovery will be planned, and said there is an awareness of the need to serve those who are most dependent on the transit system.

Dave VanderZee, Project Manager for the Northlink Connections Mobility Project, said there are opportunities that Metro is moving forward with. He gave an introduction to the project and said there would be continued engagement with Shoreline in advance of the 2024 opening of the Lynnwood Link Extension. He said the focus of this update is on the Northgate, Roosevelt, and U-District Light Rail stations and said the restructure focuses on improving mobility for historically un(der)served populations, centering equity as a part of engagement, and delivering a set of route changes that meet customer needs. He shared a graphic of the project timeline and said concepts and proposed changes continue to be refined based on feedback and will return to the public for feedback in the autumn. He described the scheduled milestones in the project timeline, concluding in 2021. He described the engagement process of the project's Phase 2, drawing attention to the changes that had to be made in response to COVID-19. Mr. VanderZee shared highlights of Shoreline-specific changes to the east-west service connecting to the Northgate Station. He described the early and emerging themes from feedback on the proposed changes and concluded by emphasizing that the project goal is to deliver the best transit network possible with the available resources.

Councilmember Chang said she noticed that there seems to be some reduction in services to routes that serve the 192<sup>nd</sup> Street Park and Ride and asked about any considered changes to it. Mr. VanderZee said service would be maintained to the Park and Ride in the 2021 network. He said that this project is focused on the activity hub of the Aurora Transit Center, but there will be opportunities prior to the opening of the Light Rail Stations to consider connecting services to the 192<sup>nd</sup> Street Park and Ride.

Councilmember Chang asked how increases to total travel time are taken into consideration while restructuring. Mr. VanderZee said Metro is paying close attention to travel times, and explained that the goal is that travel times are maintained or improved with the transfer to Link, that variability in the trip time is minimized, and the tradeoff of the reliability of Link and travel time/number of transfers is quantified.

Deputy Mayor Scully said he appreciates that the current focus is on getting travelers to the Northgate station, but expressed if it is too hard for Shoreline residents to access Link, most will drive instead. He said the Council is hoping for local, direct routes to the stations. Mr. VanderZee emphasized that Metro will be evaluating routes in advance of the opening of the Shoreline Light Rail stations, but right now they are trying to maintain a balance of what should be looked at prior to the Northgate station opening, and what changes should be considered closer to the opening of the Shoreline stations.

Councilmember Chang said she feels like notification of the upcoming changes did not reach many riders and asked about the methods Metro has to contact passholders. Mr. VanderZee said he would get a complete list of the engagement resources used, including any communication leveraged through passholder contact information. He said about 8,000 survey responses were received and he asked Council for any ideas for outreach, especially since ways of engagement have changed because of restrictions in place during the pandemic.

Councilmember Chang asked if the budget impacts related to COVID-19 would affect the proposal being presented. Mr. VanderZee replied that it might, and described the ways in which forecasting was done. He affirmed that Metro will deliver the best project possible with the available resources. Mr. Gannon summarized that there will be budget reductions across the entirety of the system, and that Metro is prioritizing investments in the north end of Seattle to take advantage of the Link Light Rail expansion. Metro is actively working with the City of Seattle to understand what is being done with the Transportation Benefit District, but there is no firm decision yet. He said the scenario to determine where to cut, where to reinvest, and where to prioritize, is complicated.

Councilmember Robertson said Mr. Gannon's statement about being years away from the return to pre-COVID-19 transportation levels matches her sense of things. She asked if this is because the overall number of people moving around is significantly less or that people are reverting to single occupancy vehicles. Mr. Gannon replied that Metro is planning that in the next one to three years the transportation system will not see levels of ridership equal to those prior to the pandemic. He recognized the possibility that ridership behavior will change for many reasons. He said their challenge is to make the system safe and the network robust to aggressively bring back ridership within a resource-constrained environment. Councilmember Robertson acknowledged the announced delay of transitioning to electric battery coaches, and Mr. Gannon said that decision was budget-driven.

(b) Discussing the 2019-2024 Capital Improvement Plan

Tricia Juhnke, City Engineer, delivered the staff presentation, and was joined by Randy Witt, Director of Public Works. She said the focus of the presentation would be on an update to the current 2019-2024 Capital Improvement Plan (CIP) that will lead the City into the 2021-2026 CIP, which will be part of the operating budget in the fall.

Ms. Juhnke described the CIP development process. She reviewed the completed projects of 2019-2020 and shared some images, then gave an update of projects in process and those scheduled to go to construction.

Ms. Juhnke gave a summary overview of the specific funds, and shared a graphic comparison of three separate REET projections – the one adopted in 2019-2020, the summer 2019 update, and the spring 2020 projection, and said the current projections indicate a reduction of \$850,000, impacting both the General Capital and Roads Capital Funds.

Ms. Juhnke said the General Capital Fund supports facilities and parks projects and that debt service comes out of this Fund. She said there is a negative balance projected for 2023, largely because of the adjusted REET projections, but returning to a fund balance by 2025, which means there is some capacity for new projects and programs. She gave updates on some of the key projects underway and described the identified upcoming needs, which include demolition or decommissioning of the Shoreline Pool and turf replacement for the Twin Ponds fields. She listed the key issues identified in the Facilities General Maintenance category. She said the Surface Water Utility Fund addresses both the operating and capital expenditures and gave key project updates.

She reviewed the status of the Roads Capital Fund, reminding Council that the projects and priorities are guided by the 2021-2026 Transportation Improvement Plan (TIP). She described the impacts to revenues and the projected negative fund balance due to REET decline and the elimination of revenue from vehicle license fees. She said this negative fund balance limits the City's ability to add new projects and programs and that adjustments will need to be made to bring the funds into balance. She stated that a key element of the Roads Capital Fund is the grant match program and explained that funding that program may need to be reduced. She listed the current projects within the Roads Capital Fund and shared updates on each one. She shared information on four new project grant awards.

Ms. Juhnke listed the next steps for the CIP, which include a July update of REET, project updates, and work toward balancing all funds prior to incorporation into the 2021-2022 budget process for Council review and approval. She said there are limited opportunities for new projects.

Councilmember Roberts asked if there was any way the sequencing of the 25th Avenue NE Flood Reduction Project could be moved up. Ms. Juhnke said she would reevaluate the timeline, and shared details of the potential challenges. She described the components of the flood reduction project and said the City was continuing to work with Lake Forest Park to prioritize critical pieces of this shared project.

Councilmember McGlashan confirmed that the Boeing Creek/Shoreview Park Trail Repair project needs grant funding. He said it may be reasonable to discuss suspending the 1% for the Arts allocation, as was done for a portion of the Aurora Avenue improvements, for some of the projects in order to redirect it toward grant matching opportunities. Mayor Hall commented that the Council always needs to be willing to evaluate budgets and policies when the circumstances change, but that he does not know if he would support suspension of the entire 1% for the Arts program. He recognized the additional cost this program brings to projects in the CIP and that the timing is bad to be adding cost to projects, so he would be willing to revisit the changes Council made back in January to expand the types of projects required to contribute to the municipal art fund, and he asked for the thoughts of other Councilmembers. Councilmember



Robertson said she had a feeling that this discussion might be coming, given the impacts of these unpredicted times and spoke to the value of art. Deputy Mayor Scully said he does not support reopening the discussion, except as a last resort. He said that while circumstances have changed, he hesitates reopening discussions that have already been concluded and decisions made. He offered that a budget shortfall is not a reason to reopen the discussion and he would rather look at other ways to find savings. Councilmember Chang said she was surprised with how big the 1% allocation funding amount was and that she would be open to discussion.

Councilmember Roberts asked what the yearly, rather than cumulative contributions, were to the 1% for the Arts program, to better understand what contributions are scheduled for the near term. Ms. Juhnke clarified that the numbers in the staff report are meant to be illustrative. She said \$221,000 is identified under the Surface Water Utility because it is brand new. She directed Council to the section of the staff report that details the year-by-year contribution projections and said she would respond with a total by fund. She reminded Council that there is an option of suspending the funding on a project-by-project basis. Councilmember Roberts asked if funding contributions for the program can be delayed and Ms. Juhnke said the current process is that the 1% is applied with the construction contract amount, near the end of the year in which the contract was issued.

Deputy Mayor Scully commented on the General Capital Fund report. He said there are two projects, the Maintenance Facility and the Aquatics Center, that there are not final plans for, and given the revenue uncertainty he is cautious about spending more money on them. He suggested slowing down on the new Maintenance Facility project if funding is needed in other areas. Ms. Juhnke confirmed that funding is still available for Phase 1 of both projects, and said the City expects to reevaluate funding when Phase 1 is complete.

Deputy Mayor Scully said he was taken aback by the potential cost of a million dollars to decommission or demolish the current pool, since the decision to close it was to save money. He said he feels spending money on the pool should be paused until there is more decided on what the City wants to accomplish with a future aquatics center. Ms. Juhnke said the demolition cost is the more expensive option, but there would also be costs associated with decommissioning it, and that the options would be discussed as part of the preparation of the CIP. Ms. Tarry reminded Council that the School District would be part of the decision making process, since the pool is on their property. Mayor Hall said that he imagines the City could defer some of the expense of tearing the pool down, but that his ideal solution is gifting it to the School District or another entity in exchange for them operating it.

Councilmember McConnell agreed with the value of dedicating funding for art but recognized the need for budget discussions in response to the impacts of the pandemic. She said she would rather delay projects than cut programs and staff.

Councilmember Chang commended staff for the number of grants the City is able to secure, and said it is important to make sure there is matching money set aside to be able to apply for them.

Mayor Hall summarized that there was a diversity of opinions around the possibility of reopening a discussion of suspending the 1% for the Arts funding allocation and suggested that

the next step would be for staff to research the financial impacts and bring them back for Council to consider revisiting the decision, in light of the dramatic change of circumstances. He said the economic situation the City is facing now is severe and it is prudent to look for ways to save the taxpayers money.

Mayor Hall said that the earlier Council can bring new ideas forward to staff the more opportunity there is for staff to research and prepare a response. He recommended bringing proposed amendments forward to staff as early as possible.

(c) Discussing Resolution No. 462 - Updating the Employee Handbook Furlough and Layoff Policy

Don Moritz, Human Resources Director, delivered the staff presentation. Mr. Moritz stated that one of the priorities he was tasked with when he joined the City was to review the Employee Handbook and identify policy areas that were out of date, missing, or in conflict with current organizational practices or the law, the need for which has been highlighted by the current pandemic. He said one of the outcomes of COVID-19 immediately experienced by employers was the introduction and passage of legislation that impacts employee leave policies and pay. He added that the financial impacts of COVID-19 mean employers have to make difficult decisions in order to balance budgets, and sometimes these decisions include the implementation of layoffs, furloughs, and other cost saving measures that have an adverse impact on employees and the workplace culture. He said it is important to be equipped with all the tools and resources available to navigate the current economic turmoil with minimal impact to operations and employees. He emphasized the importance of ensuring that the policy language related to reduction in workforce reflects current human resources best practices, is compliant with the law, and offers maximum flexibility to the City Manager so the organization is well-positioned to respond to the economic forces being faced.

Mr. Moritz said that Resolution No. 462 proposes updates to the policy areas of updating existing layoff language and expanding policy language related to furloughs. He summarized the recommended layoff policy changes and shared details on the graduated severance package being proposed, and displayed data on the current workforce demographics. He said the current policy references the term 'furlough' as an option to be considered while implementing a reduction in force, but it does not provide details. He provided an overview of the expanded furlough policy language and said it would provide clarity to employees.

Mayor Hall said he supports a policy of meeting with affected individuals prior to layoffs and asked if it was a legal requirement. Mr. Moritz said that, based on a recent court decision in a case of termination, many jurisdictions have decided to broadly interpret the decision to also apply to the concept of layoff. Margaret King, City Attorney, concurred and said she would share an overview of the case with Council. Mayor Hall confirmed that the approach to determining layoffs would follow the principle of eliminating positions, not people.

Councilmembers McGlashan, Roberts, Robertson, and McConnell expressed support for the Resolution.

Councilmember McGlashan said he appreciates the clarity of information the revisions bring employees.

Councilmember Roberts offered that it is often harder for individuals who are more senior in an organization to find new employment, especially if it means a transition to another type of work.

Councilmember Robertson said she supports the graduated severance package for several reasons, including loyalty and morale.

Councilmember McConnell said that no matter how great the severance package may seem, anyone receiving it is out of a job.

Mayor Hall and Deputy Mayor Scully opposed aspects of the proposed severance payout package. Deputy Mayor Scully said he supports the entirety of the proposal with the exception of the severance pay but he is unlikely to support the Resolution without revision. He hopes the City never uses furloughs because it plays havoc with morale but agreed that it is important to have every resource available when considering layoffs and furloughs. He said longevity is valuable to an organization and pay increases reward employees for their years of service in an organization; but severance pay is different because those same organizational concerns are not there. Severance pay should be about fairness, and he is not convinced there is any basis to tie the amount given to the years of service. Mr. Moritz replied that it is a judgement call and a policy direction which may include many different perspectives. He said he would appreciate input from Council on what they think would be a fair approach.

Mayor Hall asked that an amendment be prepared to remove the proposed severance package. He asked what factors are appropriate to consider when laying off employees. Mr. Moritz said layoffs should be made primarily based on operational business needs but, if more than one person shares a job classification, retention of skills and greater seniority do factor in. Mayor Hall said fairness is important, and he feels that treating everyone the same is fairer when making decisions to eliminate programs or shift priorities. He said, if the City is dealing with a financial challenge so severe that they are considering eliminating programs that result in layoffs of employees, it is the worst time to have additional costs.

Councilmember Chang said the staff report mentions that the policies of other cities were reviewed and asked for details on the information learned in that research. She said it is harder for a person who has been with an organization for a long time to find a comparable replacement job. She said the proposed numbers seem generous. Mr. Moritz said he will provide details of the survey of 15 other local cities. Mayor Hall asked that it be a fair representation of peer cities, not just information from those with severance packages.

Councilmember Roberts said another Employee Handbook amendment he would like Council to consider is adding Juneteenth as either an observed or a limited holiday in the City of Shoreline. Mayor Hall said he thinks it would be most appropriate to have the discussion as a future separate agenda item to allow for staff preparation. Deputy Mayor Scully agreed with the importance of discussion and concurred that it should be a separate item.

Mayor Hall summarized that, based on the severance policy discussion, staff should prepare possible amendments that would give Council the opportunity to remove or reduce the changes proposed in the severance package.

Mayor Hall said that Deputy Mayor Scully would be the acting Mayor during the upcoming Council summer recess.

9. ADJOURNMENT

At 9:29 p.m., Mayor Hall declared the meeting adjourned.

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Jessica Simulcik Smith, City Clerk

## CITY COUNCIL AGENDA ITEM

### CITY OF SHORELINE, WASHINGTON

|                      |  |
|----------------------|--|
| <b>AGENDA TITLE:</b> | Approval of Expenses and Payroll as of July 24, 2020 |
| <b>DEPARTMENT:</b>   | Administrative Services                              |
| <b>PRESENTED BY:</b> | Sara S. Lane, Administrative Services Director       |

### EXECUTIVE / COUNCIL SUMMARY

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

### RECOMMENDATION

Motion: I move to approve Payroll and Claims in the amount of \$2,222,335.66 specified in the following detail:

#### **\*Payroll and Benefits:**

| Payroll<br>Period | Payment<br>Date | EFT<br>Numbers<br>(EF) | Payroll<br>Checks<br>(PR) | Benefit<br>Checks<br>(AP) | Amount<br>Paid |
|-------------------|-----------------|------------------------|---------------------------|---------------------------|----------------|
| 6/28/20-7/11/20   | 7/17/2020       | 92351-92573            | 17039-17059               | 79955-79960               | \$750,003.78   |
|                   |                 |                        |                           |                           | \$750,003.78   |

#### **\*Wire Transfers:**

| Expense<br>Register<br>Dated | Wire Transfer<br>Number | Amount<br>Paid |
|------------------------------|-------------------------|----------------|
| 7/24/2020                    | 1163                    | \$9,102.57     |
|                              |                         | \$9,102.57     |

#### **\*Accounts Payable Claims:**

| Expense<br>Register<br>Dated | Check<br>Number<br>(Begin) | Check<br>Number<br>(End) | Amount<br>Paid |
|------------------------------|----------------------------|--------------------------|----------------|
| 7/14/2020                    | 79833                      | 79850                    | \$597,868.89   |
| 7/14/2020                    | 79851                      | 79861                    | \$174,096.00   |
| 7/14/2020                    | 79862                      | 79867                    | \$55,879.98    |
| 7/14/2020                    | 79868                      | 79868                    | \$4,670.87     |
| 7/19/2020                    | 79869                      | 79869                    | \$74,850.95    |
| 7/19/2020                    | 79870                      | 79876                    | \$636.21       |

**\*Accounts Payable Claims:**

| Expense<br>Register<br>Dated | Check<br>Number<br>(Begin) | Check<br>Number<br>(End) | Amount<br>Paid        |
|------------------------------|----------------------------|--------------------------|-----------------------|
| 7/19/2020                    | 79877                      | 79881                    | \$7,451.37            |
| 7/21/2020                    | 79882                      | 79897                    | \$106,305.68          |
| 7/21/2020                    | 79898                      | 79912                    | \$125,446.08          |
| 7/21/2020                    | 79913                      | 79940                    | \$145,556.28          |
| 7/21/2020                    | 79941                      | 79954                    | \$170,467.00          |
|                              |                            |                          | <u>\$1,463,229.31</u> |

Approved By: City Manager \_\_\_\_\_ City Attorney \_\_\_\_\_

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Authorizing the City Manager to Enter Into a Conditional Gift Agreement for the Acceptance by Donation of the Sculpture Unofficially Titled "BIG RED"

**DEPARTMENT:** Parks, Recreation and Cultural Services

**PRESENTED BY:** Eric Friedli, PRCS Director

**ACTION:**        ☐ Ordinance        ☐ Resolution        ☒ Motion  
                 ☐ Discussion        ☐ Public Hearing

**PROBLEM/ISSUE STATEMENT:**

The artwork, unofficially titled "Big Red", was created in 2002 by local sculptor Joseph Kennebrew. It is a deep welded steel abstract artwork approximately 14' wide by 6' tall. Kinnebrew is a nationally known sculptor and Northwest native. Images of the artwork and a bio of the artist are attached to this staff report as Attachment A.

This artwork is being offered as a donation to become part of the City's permanent artworks collection. The donor, Jan Levy, would like to donate the artwork per a Conditional Gift Agreement (Attachment B).

For the City to accept this artwork donation, the City Council must authorize the City Manager to enter into a Conditional Gift Agreement with the donor. The Parks, Recreation and Cultural Service (PRCS)/Tree Board reviewed the artwork and recommended its acceptance at its June 25, 2020 meeting. In addition to donating the artwork, the donor has agreed to pay up to \$12,000 for the removal from her property and installation of the artwork at the location selected by the City.

**RESOURCE/FINANCIAL IMPACT:**

The estimated cost for removal of the artwork from the donor's property, re-painting, temporary storage, and installation at a City-selected site is \$20,000. The donor has committed to paying \$12,000. The remainder of this cost (\$8,000) would be paid from the Municipal Art Fund (MAF).

**RECOMMENDATION**

Staff recommends that the City Council authorize the City Manager to enter into a Conditional Gift Agreement for the acceptance by donation of the sculpture unofficially titled "Big Red" into the City's permanent artworks collection.

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

## **INTRODUCTION**

Goal 1 of the Council adopted 2017-2023 Public Art Plan is that “Public Art Program will be a leader in the City’s place making efforts.” One of the implementation strategies identified with that goal is to “commission a significant piece of art in the \$30,000 - \$50,000 range every two-three years to activate the community and grow the City’s art collection.” This donation is consistent with that implementation strategy and would be a step towards accomplishing that goal.

## **BACKGROUND**

On May 26, 2020, Mayor Will Hall contacted staff about a donation opportunity that he had learned about. The donor, Jan Levy, had recently acquired a friend’s estate which includes a large sculpture in a fenced backyard, which she is seeking to move. On May 29<sup>th</sup>, staff visited Ms. Levy and documented the sculpture, an approx. 14’ wide by 6’ tall and 6’ deep welded steel abstract artwork by Joseph Kinnebrew, a nationally known sculptor and Northwest native. Images of the artwork and a bio of the artist are attached to this staff report as Attachment A.

The artwork was created in 2002. Ms. Levy referred to it as “Big Red” and expressed a desire to share the sculpture in a more public setting rather than the confines of the private backyard, where it rests on a 12’ by 8’ by 3” concrete pad. She speculated that it was installed in two sections, but staff was unable to confirm that, wondering if it had been welded into a single piece onsite. The red paint, which Ms. Levy provided original photos showing the painting in progress with hand brushes, is fading and peeling in spots and the sculpture requires cleaning and repainting.

A recent estimate placed the value of the artwork at \$85,000. Staff have not had the work appraised but expect its value is less than \$85,000. This donation is consistent with the expectation for the City’s goal of leveraging philanthropic donations to support the Public Art Plan implementation.

## **DISCUSSION**

For the City to accept this artwork donation, the City Council must authorize the City Manager to enter into a Conditional Gift Agreement (Attachment B) with the donor. This agreement lays out the terms and conditions for the City’s acceptance of this artwork.

Ms. Levy originally indicated she would like to complete the move of the artwork by the end of August or early September this year if the City enters into the Conditional Gift Agreement. However, after further research and analysis by art moving consultants, it is apparent the sculpture cannot be moved until later in the fall due to logistical and scheduling challenges. Ms. Levy has offered to cover moving expenses for Big Red up to \$12,000. Costs for moving and repainting the artwork is estimated at \$20,000. The additional funding necessary to move and repaint the sculpture is available in the Municipal Art Fund.



Staff has identified two preferred sites if the City accepts this artwork gift:

1. The north end of the Park at Town Center, and
2. The landscaped area along Aurora Avenue N between the pedestrian bridges over Aurora and 155<sup>th</sup> Street.

If the Council accepts the donation, then additional work would be done to finalize the site location. Final site selection would depend on site preparation costs, installation access, visibility, and overall aesthetics. Either of these locations would be consistent with the Public Art Plan.

Professional art handlers would be hired for the removal, re-painting and installation of the artwork. Placement for the artwork will require a concrete pad similar to the size the artwork currently sits on (about 12' by 8' by 3"). Maintenance of the artwork would become the City's responsibility and would be funded using funds from the Parks Repair and Replacement Fund as with other pieces of art in the City's collection.

### **STAKEHOLDER OUTREACH**

The PRCS/Tree Board reviewed the artwork and recommended its acceptance at its June 25, 2020 meeting.

### **FINANCIAL IMPACT**

The estimated cost for removal of the artwork from the donor's property, re-painting, temporary storage, and installation at a City-selected site is \$20,000. The donor has committed to paying \$12,000. The remainder of this cost (\$8,000) would be paid from the Municipal Art Fund (MAF).

### **RECOMMENDATION**

Staff recommends that the City Council authorize the City Manager to enter into a Conditional Gift Agreement for the acceptance by donation of the sculpture unofficially titled "Big Red" into the City's permanent artworks collection.

### **ATTACHMENTS**

Attachment A: Images of "Big Red" Sculpture and Artist Bio

Attachment B: Conditional Gift Agreement Between the City of Shoreline and Donor Jan Levy

Joseph Kinnebrew Sculpture (title unknown), 2002  
12' x 8' concrete pad  
seven 8' steel columns, in two sections  
Working Title: "Big Red"



Joseph E. Kinnebrew IV  
(b. Oct. 12, 1942, Tacoma WA)

[https://www.josephkinnebrew.com/resume/jk\\_resume\\_homepg.html](https://www.josephkinnebrew.com/resume/jk_resume_homepg.html)

Joseph Kinnebrew American Artist: Joseph Kinnebrew is an internationally recognized sculptor and painter. Kinnebrew's work is in the collections of major museums as well as many well-established private collections. He had produced many public commissions for the National Endowment for the Arts (NEA). His work has been exhibited internationally, including at the Biennale in Florence Italy, the Palm Beach Biennale, Art Miami, Art Chicago and Art Toronto. In the US, his artwork is exhibited at the Metropolitan Museum of Art, Guggenheim Museum, Brooklyn Museum, Library of Congress, Art Institute of Chicago, Harvard Fine Arts Library, Walker Art Center, Arizona State University, Detroit Institute of Art, New Orleans Museum of Art, The Museum of Fine Arts - Houston, Honolulu Academy of Arts, Philadelphia Museum of Art, The University of Texas, Eccels Museum of Art - Utah State University, Atkins Museum of Fine Arts - Kansas City, Michigan State University, The Grand Rapids Art Museum, Nelson-Atkins Museum (Kansas City) Cranbrook, Steelcase Corporation, Coopers and Lybrand, and Grand Valley State University. Joseph Kinnebrew is represented exclusively by Donna Rose, CEO of Berkeley- Adams Fine Art LLC. Contact: Artsales@artbrokerage.com for private or public commissions.



## CONDITIONAL GIFT AGREEMENT

This Gift Agreement (the "Agreement") is entered into as of the date last executed below by and between Jan Levy, a single person, ("Donor"), and the City of Shoreline, a municipal corporation of the State of Washington ("City").

WHEREAS, the Donor desires to make a gift to the City of the property described below based on certain conditions contained herein, and

WHEREAS, the City desires to accept such gift from the Donor on the terms and conditions contained herein.

## DONATION

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the City and the Donor mutually agree as follows:

- I. **PROPERTY DESCRIPTION.** The Donor declares that the property (hereafter "Art") that is the subject of this Agreement is currently owned by Donor as her individual property. The Art is depicted in Exhibit A and described as follows:

*[Big Red] [unofficial title] – a 2002 sculpture by Joseph Kinnebrew (American, b. 1942)*

- II. **DECLARATION AND ACCEPTANCE OF GIFT.** As of the date last executed below, the Donor hereby gives to the City and the City accepts the Art, subject to the terms and conditions contained herein. No goods or services were provided in exchange for this gift to the City.
- III. **OWNERSHIP.** After the Art is installed as provided herein and accepted by the City, the Donor and the City will execute a transfer of title whereby the title to the Art, and all rights owned by the Donor, shall transfer in full to the City.
- IV. **TERMS AND CONDITIONS OF AGREEMENT.** The gift of the Art is conditioned upon the following provisions and the City shall remain in compliance with the following provisions:
- A. **Removal of Art from the Donor's Property.** At a time mutually acceptable to the Parties, the City will arrange to have the Art removed from the Donor's property, located at 7107 58<sup>th</sup> Avenue



NE, Seattle, WA 98115, and transported to a studio selected by the City for restoration and temporary storage.

- B. Restoration. The City shall be solely responsible for the management of and all costs related to the restoration and temporary storage of the Art.
  - C. Installation. After completion of restoration, the Art shall be transported by a company acceptable to the City and to a location selected by the City where it will be readily viewable by the public. The cost of preparation of the location, including such things as a concrete pad, shall be the responsibility of the City.
  - D. Cost of Removal and Installation. The Donor shall contribute a maximum of \$12,000 for the removal from her property and installation of the Art at the location selected by the City. The Donor shall provide these funds to the City no later than ten (10) days after installation of the Art.
  - E. Maintenance of Art. The City shall treat the Art as a work of art and maintain it, to the best of its ability, in substantially the same condition as of the date of its installation on City property and the City's acceptance. If the Art is damaged or vandalized in any way, the City shall, if reasonably possible, take the steps necessary to return the Art to its original condition. The City shall take reasonable steps to protect the Art from vandalism.
  - F. Maintenance of the Real Property. The City shall maintain the site of the Art and the landscaping surrounding the Art in good and clean condition.
  - G. Identification. A plaque will be provided by the City, at its cost and expense, as soon as reasonably possible after installation to identify the Art, the artist, and the date of the Art. Per the Donor's request, the plaque shall also acknowledge the "Estate of Janice Carol Lowen" and may contain a short acknowledgement prepared by the Donor and acceptable to the City.
  - H. Relocation of Art. The City may, at its sole discretion, move the Art to an alternative location from where it is originally installed. Installation of the Art at the alternative location will be at the City's sole cost and expense.
  - I. Return of Art. If the City no longer desires to retain the Art, it may dispose of the Art in any manner it desires subject to applicable laws.
- V. REMEDIES. If any of the terms and conditions of this Agreement are not complied with by the City, the Art shall be returned to the Donor upon thirty (30) calendar days' written notice by the Donor, its successors or legal representative. If the Art is returned to the Donor, it shall be delivered to a location designated by the Donor within King County, Washington, at the Donor's sole cost.
- VI. MISCELLANEOUS PROVISIONS.
- A. Governing Law and Venue. This Agreement shall be construed and enforced in accordance with the laws of the State of Washington. Venue of any suit between the parties arising out of this Agreement shall be King County Superior Court.

- B. Public Records. The Donor acknowledges that the City is a public agency subject to Washington’s Public Records Act, chapter 42.56 RCW, and that all records produced in connection with this Agreement may be deemed a public record as defined in the Public Records Act and that if the City receives a public records request, unless a statute exempts disclosure, the City must disclose the record to the requestor.
  
- C. Severability. Any provision or part of this Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the City and the Donor, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.
  
- D. Entire Agreement. This Agreement contains the entire Agreement between the Parties hereto and no other agreements, oral or otherwise, regarding the subject matter of this agreement, shall be deemed to exist or bind any of the parties hereto. Either Party may request changes in the agreement. Proposed changes which are mutually agreed upon shall be incorporated by written amendment to this agreement.

This Agreement is executed by:

**CITY OF SHORELINE**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
  
Date: \_\_\_\_\_

**DONOR**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
  
Date: \_\_\_\_\_

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

|                      |   |
|----------------------|---|
| <b>AGENDA TITLE:</b> | Public Hearing on Ordinance No. 893 – Interim Regulations to Allow for Additional Extensions of Application Deadlines Beyond Those Provided for in the Shoreline Municipal Code Due to COVID-19 Impacts |
| <b>DEPARTMENT:</b>   | Planning and Community Development  |
| <b>PRESENTED BY:</b> | Rachael Markle, Director, Planning and Community Development  |
| <b>ACTION:</b>       | <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion<br><input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Public Hearing        |

**PROBLEM/ISSUE STATEMENT:**

The COVID-19 pandemic has impacted the ability of permit customers and staff to process permit applications, which in turn, has caused delays for the commencement of development activities. Recognizing the impacts this had on applicants, the City Manager enacted Temporary Emergency Order No. 6 on May 4, 2020, temporarily suspending application and permit deadlines related to development, effective for approved permits and applications in process as of March 4, 2020.

Adopted Ordinance No. 893 (Attachment A) rescinded/terminated Temporary Emergency Order No. 6 and replaced it with interim regulations that provide relief for applicants by creating additional extensions of application and permit deadlines due to the economic and health impacts of COVID-19. The City Council adopted Ordinance No. 893 without first holding a public hearing consistent with the authority granted in state law for interim zoning controls. Tonight, the City Council will conduct the public hearing as required within 60 days of adopting Ordinance No. 893.

**RESOURCE/FINANCIAL IMPACT:**

Ordinance No. 893 has the potential to protect the time and financial investment of applicants and permit holders. Supporting the viability of permit applications, approved ready to issue permits and issued permits supports the greater economy and community with little or no impact on the City's resources.

**RECOMMENDATION**

Staff recommends that the City Council hold a public hearing to receive testimony on Ordinance No. 893, which allows for additional extensions of permit application deadlines beyond those provided in the Shoreline Municipal Code due to COVID-19 impacts.

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

## **BACKGROUND**

The City Manager enacted Temporary Emergency Order No. 6 on May 4, 2020, temporarily suspending application and permit deadlines related to development, effective for approved permits and applications in process as of March 4, 2020. On July 20, 2020, the City Council discussed proposed Ordinance No. 893, which proposed to terminate the City Manager's Temporary Emergency Order No. 6 and replace it with interim regulations that provide relief for applicants by creating additional extensions of application and permit deadlines due to the economic and health impacts of COVID-19. 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/2020/staffreport072020-8b.pdf>.

On July 27, 2020 the City Council adopted Ordinance No. 893. The link to this staff report can be found using the following link: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport072720-7d.pdf>.

The interim regulations in Ordinance No. 893 are in effect for six (6) months. The interim regulations proactively provide applicants with additional time to respond to the City's comments or requests for information and pick up approved permits that are ready to be issued.

## **DISCUSSION**

The City Council has statutory authority to adopt interim regulations pursuant to RCW 35A.63.220 and under the Growth Management Act (GMA) at RCW 36.70A.390. Under these statutory provisions, the City may adopt an ordinance without a Public Hearing and without review and recommendation by the Planning Commission. A Public Hearing must be held within 60 days of the adoption of interim regulations.

Tonight's Public Hearing on the interim regulations adopted by Ordinance No. 893 was advertised in the Seattle Times and on the City's website at least 10 days prior to the hearing, as required by the Council Rules of Procedure.

Pursuant to the Governor's Emergency Proclamation 20-28, the Public Hearing will be held electronically only due to health concerns from COVID-19. All interested persons are encouraged to listen and/or attend the remote online public hearing and to provide oral and/or written comments. Information on how to join the meeting is posted on <http://www.shorelinewa.gov/government/council-meetings>.

Written comments should be submitted to Rachael Markle at [rmarkle@shorelinewa.gov](mailto:rmarkle@shorelinewa.gov) by no later than 4:00 p.m. local time on August 10, 2020. Any person wishing to provide oral testimony at the hearing should register via the Remote Public Comment Sign-in form on the City's website at least thirty (30) minutes before the start of the meeting. A request to sign-up can also be made directly to the City Clerk. Any person requiring a disability accommodation should also contact the City Clerk in advance for more information.



### **RESOURCE/FINANCIAL IMPACT**

Ordinance No. 893 has the potential to protect the time and financial investment of applicants and permit holders. Supporting the viability of permit applications, approved ready to issue permits and issued permits supports the greater economy and community with little or no impact on the City's resources.

### **RECOMMENDATION**

Staff recommends that the City Council hold a public hearing to receive testimony on Ordinance No. 893, which allows for additional extensions of permit application deadlines beyond those provided in the Shoreline Municipal Code due to COVID-19 impacts.

### **ATTACHMENTS**

Attachment A – Adopted Ordinance No. 893

**ORDINANCE NO. 893****AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON  
ADOPTING INTERIM REGULATIONS FOR THE EXTENSIONS OF  
APPLICATION DEADLINE PERIODS IN RESPONSE TO THE COVID-19  
PANDEMIC; PROVIDING FOR A DURATION OF SIX MONTHS; AND  
SETTING A PUBLIC HEARING.**

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, chapter 36.70A RCW; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City of Shoreline to adopt interim regulations with a duration of no more than six (6) months without review and recommendation by the Shoreline Planning Commission and without holding a public hearing; and

WHEREAS, on February 29, 2020, the Washington State Governor declared a State of Emergency in all counties. On March 4, 2020, the City Manager issued a Declaration of Local Public Health Emergency ("Declaration"). This Declaration was ratified by the City Council on March 16, 2020 by the passage of Resolution No. 454. During the first few weeks of March, Public Health – King County/Seattle and the Governor issued directions to close certain types of businesses, engage in social distancing protocols, and limit the size of gatherings to reduce the spread of COVID-19; and

WHEREAS, on March 23, 2020, the Washington State Governor issued the "Stay Home Stay Healthy" Proclamation 20-25, effectively closing all but those businesses deemed to be essential until at least April 6, 2020. On March 25, 2020, the Governor issued a memorandum providing guidance on construction, stating that "[I]n general, commercial and residential construction is not ... an essential activity" with three (3) exceptions – construction related to an essential facility; construction to further a public purpose of a public entity, including publicly-funded low-income housing; and repair construction to prevent spoliation or avoid damage at both non-essential businesses and residential structures; and

WHEREAS, the Washington State Governor has subsequently issued Proclamations and industry-specific guidance allowing most construction activities to occur subject to a COVID-19 exposure control, mitigation, and recovery plan; and

WHEREAS, these restrictions on most construction activities and non-essential businesses that support the industry, such as consultants and material suppliers, may have resulted in an inability for an applicant to timely respond to the City's comment review letter or to pick up an approved application; and

WHEREAS, the establishment of interim regulations of six months in duration will provide applicants with additional time to act upon applications currently under review and/or approved applications awaiting issuance so as to prevent expiration of those applications during this time of economic downturn; and

WHEREAS, the expiration of applications can have significant financial impacts on the applicant as well as financial institutions or investors that have provided financing for a project and the City's tax revenue from the increase in property values; and

WHEREAS, interim regulations are exempt from SEPA review per WAC 197-11-800(19) Procedural Actions. If the City elects to replace these interim regulations with permanent regulations, SEPA review will be conducted at that time; and

WHEREAS, the City Council considered the interim regulations at its properly noticed July 20, 2020 regular meeting held virtually via Zoom and has determined that the use of the interim regulations is appropriate and necessary; and

WHEREAS, due to the current economic conditions resulting for COVID-19, it is in the best interests of the citizens of the City of Shoreline and its local economy to authorize the Director of Planning and Community Development and the Director of Public Works to temporarily grant extensions of the application deadlines to preclude expiration;

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

**Section 1. Adoption of Findings of Fact.** The City Council hereby adopts the above Recitals as findings of fact to support the adoption of this Ordinance.

**Section 2. Interim Regulations.** These interim regulations relate to Type A, Type B, and Type C applications administered through Title 20 SMC and chapter 12.15 SMC that were valid on March 4, 2020:

- A. SMC 20.30.100(D) In addition to the one extension authorized by this provision, the Director of Planning and Community Development, or designee, is authorized to grant one additional extension of no more than 180 days, for a total possible extension period of 360 calendar days.
- B. SMC 20.30.110(C) In addition to the one extension authorized by this provision, the Director of Planning and Community Development, or designee, is authorized to grant one additional extension of no more than 90 days, for a total possible extension period of 180 calendar days.
- C. SMC 12.15.040(C) The Director of Public Works or designee is authorized to grant an applicant a right-of-way permit extension, in the same number and duration as provided for in Section 1(A) and Section 1(B) of this Ordinance.
- D. An applicant must submit a written request for extension providing justification related to the COVID-19 pandemic, Washington State Governor's Proclamation 20-25, as clarified or amended, or other related federal, state, or local governmental action. The request must be submitted to the City before the expiration of the application for which the extension is being sought.



- E. The applicable Director shall have the authority to grant an extension as provided in this Section for a period of time no more than that provided for in the applicable SMC provision. A Director may grant an extension for less time, may deny an extension in its entirety, or may shorten or revoke a temporary extension for good cause. The decision to approve, deny, shorten, or revoke an extension is a discretionary act and a final decision of the City subject to appeal under chapter 36.70C RCW Land Use Petition Act.
- F. Any temporary extension shall be calculated from the initial expiration date of the application. If a development has multiple applications with differing expiration dates, the later expiration date shall be used for the purpose of calculating these extension provisions.

**Section 3. Public Hearing.** Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing at 7:00 pm, or soon thereafter, on August 10, 2020, to take public testimony concerning the interim regulations. Pursuant to the Washington State Governor's Proclamation 20-28, as amended, and City Council Resolution No. 459, the public hearing will take place online using the Zoom Webinar platform.

**Section 4. Directions to the City Clerk.**

- A. **Public Hearing.** The City Clerk is hereby directed to establish a Zoom Webinar on August 10, 2020, and to post information on the City's website informing the public how to attend and/or participate in the public hearing.
- B. **Transmittal to the Department of Commerce.** The City Clerk is hereby directed to cause a certified copy of this Ordinance to be transmitted to the Washington State Department of Commerce as provided in RCW 36.70A.106.
- C. **Corrections by the City Clerk.** Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this Ordinance, including the correction 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.
- D. **Ordinance not to be Codified.** Because this Ordinance adopts interim regulations, the City Clerk shall not codify this Ordinance.

**Section 5. Termination of Temporary Emergency Order No. 6.** The City Council hereby terminates the City Manager's Temporary Emergency Order No. 6 as of 11:59 pm September 1, 2020.

**Section 6. 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.

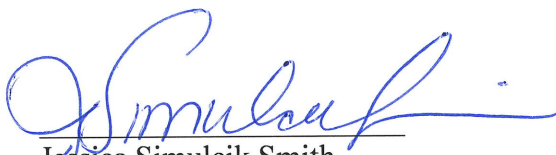
**Section 7. Publication, Effective Date, and Expiration.** A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect

five (5) days after its publication and shall be in effect for a period of six (6) months from its effective date. After which, these interim regulations shall automatically expire unless extended as provided by statute or otherwise superseded by action of the City Council, whichever occurs first.

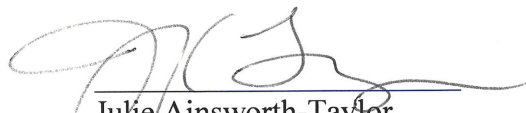
**PASSED BY THE CITY COUNCIL ON JULY 27, 2020**

  
\_\_\_\_\_  
Mayor Will Hall

ATTEST:

  
\_\_\_\_\_  
Jessica Simulcik Smith  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Julie Ainsworth-Taylor  
Assistant City Attorney

Date of Publication: July 30, 2020  
Effective Date: August 4, 2020

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

|                      |   |  |                                 |
|----------------------|---|--|---------------------------------|
| <b>AGENDA TITLE:</b> | Public Hearing on Ordinance No. 895 – Interim Regulations for Outdoor Seating |  |                                 |
| <b>DEPARTMENT:</b>   | Planning and Community Development  |  |                                 |
| <b>PRESENTED BY:</b> | Andrew Bauer, Senior Planner  |  |                                 |
| <b>ACTION:</b>       | <input type="checkbox"/> Ordinance  | <input type="checkbox"/> Resolution                | <input type="checkbox"/> Motion |
|                      | <input checked="" type="checkbox"/> Discussion                                | <input checked="" type="checkbox"/> Public Hearing |                                 |

**PROBLEM/ISSUE STATEMENT:**

Eating and drinking establishments have been severely impacted by the COVID-19 pandemic. Phase 2 of the Safe Start Washington Plan allows these businesses to resume table service, but with seating and capacity restrictions. Ordinance No. 895 (Attachment A) was adopted by the City Council on July 27, 2020 and reduces regulatory barriers such as parking requirements and fees for outdoor seating areas. It also establishes a registration for seating areas on private property as well as an expedited Right-of-Way Site Permit review for seating areas on City right-of-way (ROW).

The City Council adopted Ordinance No. 895 without first holding a public hearing, consistent with the authority granted in state law for interim zoning controls. Tonight, the City Council is conducting the required public hearing within the mandated 60-day timeframe of adopting Ordinance No. 895.

**RESOURCE/FINANCIAL IMPACT:**

Ordinance No. 895 waives fees for temporary outdoor seating areas. The total impact on revenue will vary depending on the number of businesses establishing outdoor seating areas. With the Outdoor Seating Registration process now implemented for private property areas it is anticipated to use a smaller amount of staff time to process the registrations.

By expanding occupancy, businesses will hopefully be able to increase their sales and in-turn contribute more to the flow of economic activity (e.g. wages to employees, tax revenue, etc.).

**RECOMMENDATION**

Staff recommends Council hold a public hearing to receive testimony on Ordinance No. 895, which establishes interim regulations to allow for outdoor seating on private property and City ROW.

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

## **BACKGROUND**

On June 19, 2020, King County transitioned to Phase 2 of the Governor's Safe Start Washington Plan. Phase 2 allowed for the reopening of restaurants and taverns, but they were restricted to no more than 50% of their capacity and cannot serve groups larger than five. On July 23, 2020, the Governor added additional restrictions to restaurants and taverns, including:

- Limiting indoor dining at restaurants to members of the same household,
- Not allowing any indoor service at bars, breweries, and taverns, regardless of whether food is being served, and
- Requiring restaurants to close game areas, such those for video games, pool tables and darts, until Phase 4.

To provide relief for these businesses the Council took action to ease regulations on outdoor seating and dining areas so that lost capacity due to seating restrictions can be at least partially offset while still adhering to the Safe Start Washington Plan.

At the July 20, 2020 Council meeting, staff presented a comparison of measures implemented in other cities that allow flexibility for outdoor seating. Staff also presented a recommendation on how to modify existing City regulations to establish flexibility for outdoor seating for bars and restaurants in Shoreline. The staff report for the July 20, 2020 Council meeting can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport072020-8c.pdf>.

On July 27, 2020, the Council adopted Ordinance No. 895. The Council approved this Ordinance prior to holding a Public Hearing. The Council is given this authority under RCW 35A.63.220 and RCW 36.70A.390. The staff report can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport072720-8a.pdf>.

## **DISCUSSION**

Ordinance No. 895 was adopted July 27, 2020 and is effective for six (6) months, establishing interim regulations for outdoor seating areas for existing eating and drinking establishments. The main components of the interim regulations include the following:

- Establishment of an Outdoor Seating Registration for areas on private property;
- Suspension of Temporary Use Permit provisions in SMC 20.30.295 for outdoor seating areas;
- Suspension of minimum off-street parking requirements in SMC 20.50.390 for existing eating and drinking establishments;
- Expedited review for Right-of-Way Site Permits for outdoor seating areas on City ROW; and
- Waiver for application fees and ROW use fees.

As noted above, the City Council has statutory authority to adopt interim regulations pursuant to RCW 35A.63.220 and under the Growth Management Act (GMA) at RCW 36.70A.390. Under these statutory provisions, the City may adopt an ordinance without a Public Hearing and without review and recommendation by the Planning Commission. A Public Hearing must be held within 60 days of the adoption of interim regulations. Tonight's Public Hearing on the interim regulations adopted by Ordinance No. 895 was advertised in the Seattle Times and on the City's website at least 10 days prior to the hearing, as required by the Council Rules of Procedure.

Pursuant to the Governor's Emergency Proclamation 20-28 the Public Hearing will be held electronically only due to health concerns from COVID-19. All interested persons are encouraged to listen and/or attend the remote online public hearing and to provide oral and/or written comments. Information on how to join the meeting is posted on <http://www.shorelinewa.gov/government/council-meetings>.

Written comments should be submitted to Andrew Bauer at [abauer@shorelinewa.gov](mailto:abauer@shorelinewa.gov) by no later than 4:00 p.m. local time on August 10, 2020. Any person wishing to provide oral testimony at the hearing should register via the Remote Public Comment Sign-in form on the City's website at least thirty (30) minutes before the start of the meeting. A request to sign-up can also be made directly to the City Clerk. Any person requiring a disability accommodation should also contact the City Clerk in advance for more information.

### **RESOURCE/FINANCIAL IMPACT**

Ordinance No. 895 waives fees for temporary outdoor seating areas. The total impact on revenue will vary depending on the number of businesses establishing outdoor seating areas. With the Outdoor Seating Registration process now implemented for private property areas it is anticipated to use a smaller amount of staff time to process the registrations.

By expanding occupancy, businesses will hopefully be able to increase their sales and in-turn contribute more to the flow of economic activity (e.g. wages to employees, tax revenue, etc.).

### **RECOMMENDATION**

Staff recommends Council hold a public hearing to receive testimony on Ordinance No. 895, which establishes interim regulations to allow for outdoor seating on private property and City ROW.

### **ATTACHMENTS**

Attachment A – Ordinance No. 895



**ORDINANCE NO. 895**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON ADOPTING INTERIM REGULATIONS TEMPORARILY AUTHORIZING OUTDOOR SEATING ON PRIVATE PROPERTY AND WITHIN APPROVED PUBLIC RIGHTS-OF-WAY IN RESPONSE TO THE COVID-19 PANDEMIC; DECLARING AN EMERGENCY; PROVIDING FOR IMMEDIATE EFFECT WITH A DURATION OF SIX MONTHS; AND SETTING A PUBLIC HEARING.**

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, chapter 36.70A RCW; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize the City of Shoreline to adopt interim regulations with a duration of no more than six (6) months without review and recommendation by the Shoreline Planning Commission and without holding a public hearing; and

WHEREAS, on February 29, 2020, the Washington State Governor declared a State of Emergency in all counties. On March 4, 2020, the City Manager issued a Declaration of Local Public Health Emergency ("Declaration"). This Declaration was ratified by the City Council on March 16, 2020 by the passage of Resolution No. 454. During the first few weeks of March, Public Health – King County/Seattle and the Governor issued directions to close certain types of businesses, engage in social distancing protocols, and limit the size of gatherings to reduce the spread of COVID-19; and

WHEREAS, on March 23, 2020, the Washington State Governor issued the "Stay Home - Stay Healthy" Proclamation 20-25 and on May 31, 2020, the Governor amended that Proclamation to provide for a four phase reopening of Washington's economy – the "Safe Start Washington Phased Reopening County-by-County Plan" ("Safe Start Plan"); and

WHEREAS, while eating and drinking establishments have been permitted to provide delivery and carry-out services during the initial months of the Proclamation and in Phase 1 of the Safe Start Plan, they are permitted to provide for indoor dining at limited capacity in subsequent phases subject to compliance with a COVID-19 exposure control, mitigation, and recovery plan; and

WHEREAS, on June 19, 2020, King County moved into Phase 2 of the Safe Start Plan, which limits indoor customer occupancy for restaurants and taverns to fifty percent (50%) of a building's occupancy or lower as determined by fire code and, also permits outdoor dining at fifty percent (50%) of capacity and this capacity does not count towards the building's occupancy limit; and

WHEREAS, eating and drinking establishments have suffered significant financial impacts and the establishment of interim regulations of six months in duration will provide certain outdoor space for eating and drinking establishments to utilize for seating consistent with the Safe Start Plan during this time of economic downturn; and

WHEREAS, permitting establishments to utilize certain portions of the public rights-of-way or private property for outdoor dining will assist in mitigating the impact these establishments have endured due to COVID-19; and

WHEREAS, interim regulations are exempt from SEPA review per WAC 197-11-800(19) Procedural Actions. If the City elects to replace these interim regulations with permanent regulations, SEPA review will be conducted at that time; and

WHEREAS, the City Council considered the interim regulations at its properly noticed July 20, 2020 and July 27, 2020 regular meetings held virtually via Zoom; and

WHEREAS, the City Council has determined that the use of the interim regulations is appropriate and necessary due to the current economic conditions resulting from COVID-19 and, therefore, it is in the best interests of the citizens of the City of Shoreline to provide for outdoor dining within certain public rights-of-way and on private property;

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

**Section 1. Public Emergency Ordinance and Effective Date.** The City Council hereby finds and declares that this Ordinance is a public emergency ordinance necessary for the protection of the public health and safety as stated in Resolution No. 454 and shall take effect and be in full force upon its adoption by a majority vote plus one of the whole members of the City Council and that the same is not subject to a referendum (RCW 35A.11.090). The underlying facts necessary to support this emergency declaration are included in the WHEREAS clauses above, all of which are adopted by reference as findings of facts as set forth in full herein.

**Section 2. Interim Regulations.** Legally permitted eating and drinking establishments existing as of the effective date of this Ordinance may establish temporary outdoor seating areas as provided in the provisions set forth in this section:

**A. Use of Parking Lots on Private Property.**

1. Eating and drinking establishments with access to a private parking lot may use this area for outdoor seating provided:
  - a. The owner or owner's representative submits an Outdoor Seating Area Registration on official form(s) as prescribed and provided by the Department of Planning and Community Development.
    1. There shall be no submittal fee for the Outdoor Seating Area Registration.
2. Any provision contained in a Registration is not intended to interfere with or supersede any contractual obligations and Registrants are solely responsible for ensuring authorization from the property owner to utilize the area.
3. In relationship to outdoor seating areas within private parking lots, the following sections of the Shoreline Municipal Code are suspended:
  - a. SMC 20.30.295: Temporary Use Permit.
  - b. SMC 20.50.390: Minimum off-street parking requirements, provided ADA-accessible stalls are still provided, as may be necessary to comply with ADA standards.



**B. Use of Public Right-of-Way.**

1. Eating and drinking establishments with access to areas such as public sidewalks, on-street parking, or other public space (Public right-of-way) may use these areas for outdoor seating provided:
  - a. The owner or owner's representative shall submit a right-of-way site permit application utilizing official forms provided by the Department of Public Works as required by SMC 12.15.040.
  - b. The Departments of Public Works and Planning and Community Development shall take reasonable steps to review and render a decision on the permit application no more than seven (7) business days after application intake.
  - c. The Director of Public Works shall have discretion to modify standards set forth in the Engineering Design Manual without use of the formal deviation procedures as may be necessary to effectuate the intent of these interim regulations.
2. In relationship to outdoor seating areas within the public rights-of-way, the following sections of the Shoreline Municipal Code are suspended:
  - a. SMC 3.01.010(J)(4): Right-of-way site permit fee.
  - b. SMC 12.15.030(C)(4): Periodic Use fee.

**C. Conditions Applicable to all Outdoor Seating Areas.**

The following provisions are applicable to all Outdoor Seating Area Registrations or Right-of-Way Site Permits.

1. All outdoor seating areas allowed by these interim regulations shall be operated in a safe and sanitary manner and are subject to the following terms and conditions to ensure compliance with:
  - a. All applicable provisions of chapter 15.05 SMC Construction and Building Codes, including but not limited to, the International Building Code, the International Fire Code, and the National Electric Code;
  - b. SMC 9.05 Noise Control;
  - c. All applicable licensing requirements of the Washington State Liquor and Cannabis Board;
  - d. Accessibility requirements of the Americans with Disabilities Act (ADA);
  - e. All applicable provisions of the Code of the King County Board of Health, including but not limited to, Title 5 and Title 5R Food-Service Establishments;
  - f. The Seattle/King County Public Health COVID-19 guidelines for restaurants; and
  - g. Washington's Safe Start Re-Opening Phasing Plan, including any directives issued by the State of Washington.
2. An Outdoor Seating Area Registration or an Outdoor Seating Area Right-of-Way Permit shall be effective for the duration of this Ordinance and any extension thereof. If the City has not adopted permanent regulations permitting outdoor seating areas, these areas shall be removed and restored back to their original condition. If the City has adopted permanent regulations, then continued use of the outdoor seating area shall be subject to such regulations, including but not limited to, obtaining a permit and paying any required fees.
3. The failure of an eating or drinking establishment to adhere to the terms and conditions set forth in the Registration or Permit or to be found operating in a manner that creates

a public nuisance may result in modification, suspension, or revocation of the Registration or Permit. If revoked, the establishment shall not be permitted to operate another outdoor seating area during the duration of this Ordinance, and any extension thereof unless separate permit approval is granted by the Director of Planning and Community Development, which may contain additional conditions. Approval of said permit shall be in the Director's sole discretion.

**D. Shoreline Fire Department.**

Subject to approval by the Shoreline Fire Department, Fire Operational permit fees as set forth in SMC 3.01.020 may be waived or reduced for outdoor seating areas.

**E. Liberal Construction.**

The Director of Planning and Community Development and the Director of Public Works are hereby authorized to liberally administer the Outdoor Seating Area program established by this Ordinance to effectuate the City Council's intent of these interim regulations. This authority includes the imposition of any condition necessary to ensure the public health and safety and the promulgation of rules of procedures to effectuate the program.

**Section 3. Public Hearing.** Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing at 7:00 pm, or soon thereafter, on August 10, 2020, to take public testimony concerning the interim regulations. Pursuant to the Washington State Governor's Proclamation 20-28, as amended, and City Council Resolution No. 459, the public hearing will take place online using the Zoom Webinar platform.

**Section 4. Directions to the City Clerk.**

**A. Public Hearing.** The City Clerk is hereby directed to establish a Zoom Webinar on August 10, 2020, and to post information on the City's website informing the public how to attend and/or participate in the public hearing.

**B. Transmittal to the Department of Commerce.** The City Clerk is hereby directed to cause a certified copy of this Ordinance to be provided to the Director of Planning and Community Development who shall transmit the Ordinance to the Washington State Department of Commerce within ten (10) calendar days of passage as provided in RCW 36.70A.106.

**C. Corrections by the City Clerk.** Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this Ordinance, including the correction 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.

**D. Ordinance not to be Codified.** Because this Ordinance adopts interim regulations, the City Clerk shall not codify this Ordinance.

**E. Section 5. Reservation of Rights.**

1. The City reserves the right to inspect any outdoor seating area to ensure compliance with the terms and conditions of the Registration or Permit.
2. The City reserves the right, at its discretion, to suspend the provisions of this Ordinance in furtherance of the public health and safety of the residents of the City of Shoreline.

**Section 6. 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 7. Publication.** A summary of this Ordinance consisting of the title shall be published in the official newspaper.

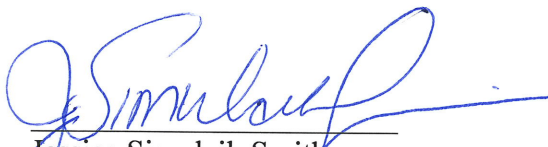
**Section 8. Duration.** This Ordinance shall be in effect for a period of six (6) months from its effective date. After which, these interim regulations shall automatically expire unless extended as provided by statute or otherwise superseded by action of the City Council, whichever occurs first. The City shall provide reasonable notice to Registrants and Permittees no less than twenty-one (21) calendar days prior to the expiration of these interim regulations.

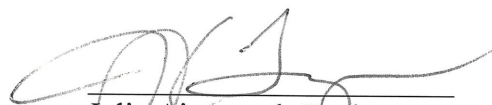
**PASSED BY THE CITY COUNCIL ON JULY 27, 2020 BY A MAJORITY VOTE PLUS ONE OF THE WHOLE MEMBERS OF THE CITY COUNCIL.**

  
Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

  
Jessica Simulcik Smith  
City Clerk

  
Julie Ainsworth-Taylor  
Assistant City Attorney

Date of Publication: July 30, 2020  
Effective Date: July 27, 2020





**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

|                      |   |
|----------------------|---|
| <b>AGENDA TITLE:</b> | Adopting Resolution No. 464 - Approving the Purchase of Real Property Located on the South Side of North 185 <sup>th</sup> Street, Identified as Short Plat No. 98038, Recording No. 19991105900005; King County Tax Parcel Nos. 7276100015, 7276100016, 7276100017, 7276100018, and 727610TRCT; and Authorizing the City Manager to Take the Necessary Steps to Complete the Property Purchase |
| <b>DEPARTMENT:</b>   | City Manager's Office   |
| <b>PRESENTED BY:</b> | Nathan Daum, Economic Development Program Manager   |
| <b>ACTION:</b>       | <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Motion<br><input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing  |

**PROBLEM/ISSUE STATEMENT:**

On July 31, 2017, the City Council approved the update to the Parks, Recreation and Open Space (PROS) Plan. The Plan identified parkland needs of 43 acres in the light rail station subareas to meet the target of 4.06 acres per 1,000 population. The Plan also proposed a new, 0.7-acre park on N 185<sup>th</sup> Street near Ashworth Avenue N (1367 N 185<sup>th</sup> Street). The proposed park would allow for a loop walking trail, public art, natural vegetation, and a small play area. This location was also identified in the 185<sup>th</sup> Street Multimodal Corridor Strategy as an open space opportunity and offers the potential of access from both the north and the east via a potential easement.

Tonight, Council is scheduled to review and adopt proposed Resolution No. 464 (Attachment A) which would approve the purchase of this property and authorize the City Manager to take the necessary steps to complete the purchase. As per Council Rules of Procedure 6.1.B, which states that for an Action Item that is before the City Council for the first time and is not part of the consent agenda, public comment for that item will follow the staff report but precede Council review. Council should therefore allow for public comment following the staff report, and the same rules for public comment provided as part of the Council's regular public comment period shall apply.

**RESOURCE/FINANCIAL IMPACT:**

The total cost for the land is \$1,480,000, for which full funding has been awarded to the City by the King County Conservation Futures Tax (CFT) grant program. If Council approves this purchase, design and construction of park improvements would be estimated separately and are not included in this analysis. Upon closing of the sale, costs of land ownership such as vegetation management, noxious weed control, conservation district, and surface water management fees, estimated at approximately \$1,000 per year, would fall to the City.

### **RECOMMENDATION**

Staff recommends that Council approve Resolution No. 464 authorizing the purchase of real property located on the south side of North 185<sup>th</sup> Street, identified as Short Plat No. 98038, Recording No. 19991105900005; King County Tax Parcel Nos. 7276100015, 7276100016, 7276100017, 7276100018, and 727610TRCT; and the authorizing the City Manager to take the necessary steps to complete the purchase.

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



## **BACKGROUND**

On July 31, 2017, the City Council approved the update to the Parks, Recreation and Open Space (PROS) Plan after 18 months of Council and community engagement. A Citywide population forecast of more than 15,000 new residents by 2035 estimated 75% of that growth would occur in the light rail station subareas. To maintain the current level of service of park property acreage per 1,000 population, the PROS Plan estimated parkland needs of 95 acres citywide, including 43 acres in the light rail station subareas, and identified priority acquisitions and park developments.

Some of the top facility needs identified in the PROS Plan were expanding walking and trail-related activities, improving the urban forest health, and managing impacts from future growth through acquisition and expanded outdoor recreation in the subareas. PROS Plan Strategic Action Initiative #7 called for ensuring adequate park land for future generations and set a target of adding five acres on new park land by 2023. The Plan's list of priority acquisitions and park developments can be found in Table 6.6 of the PROS Plan. The staff report for the adoption of the PROS Plan can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2017/staffreport073117-7a.pdf>.

The PROS Plan proposed a new, 0.7-acre park on N 185<sup>th</sup> Street near Ashworth Avenue N (Attachment B) that would allow for a loop walking trail, public art, natural vegetation, and a small play area. This location was also identified in the 185<sup>th</sup> Street Multimodal Corridor Strategy (Attachment C) as an open space opportunity and offers the potential of access from both the north and the east via a potential easement.

## **DISCUSSION**

The identified park/open space property is located on the south side of N 185<sup>th</sup> Street, east of 1335 N 185<sup>th</sup> Street and west of Ashworth Avenue N. The property is rectangular in shape, totaling 30,171 square feet (0.692 acre) and was appraised at \$1.48 million. It consists of four lots (King County parcel numbers 7276100015, 7276100016, 7276100017, and 7276100018) and a common parcel (King County parcel number 727610TRCT) for access/egress. This property has been under one owner and has been vacant for several years.

The City presented the property owner with a fair market value offer of \$1,480,000, subject to Council approval, and the seller accepted the City's offer and has signed the Purchase and Sale Agreement. Council approval would allow the City Manager to proceed to closing on this property. The City has secured a King County Conservation Futures Tax grant for 100% of the funds required for the purchase and requires no City matching funds.

This property would be designated as a new park property and is currently unnamed. Should Council authorize the purchase of the land, staff would begin a process to solicit names for this new park in the coming months. The City of Shoreline Parks and Facility Naming Policy outlines the procedures and criteria for naming parks and recreation facilities.

### **Tonight's Council Action on Resolution No. 464**

Tonight, Council is scheduled to review and adopt proposed Resolution No. 464 which would approve the purchase of this property and authorize the City Manager to take the necessary steps to complete the purchase. As per Council Rules of Procedure 6.1.B, which states that for an Action Item that is before the City Council for the first time and is not part of the consent agenda, public comment for that item will follow the staff report but precede Council review. Council should therefore allow for public comment following the staff report, and the same rules for public comment provided as part of the Council's regular public comment period shall apply.

### **COUNCIL GOALS ADDRESSED**

This item addresses Goal #2, Action Step #2:

- *Implement the Parks, Recreation, and Open Space Plan, including priority park improvements and acquisition of additional park properties.*

### **RESOURCE/FINANCIAL IMPACT:**

The total cost for the land is \$1,480,000, for which full funding has been awarded to the City by the King County Conservation Futures Tax (CFT) grant program. If Council approves this purchase, design and construction of park improvements would be estimated separately and are not included in this analysis. Upon closing of the sale, costs of land ownership such as vegetation management, noxious weed control, conservation district, and surface water management fees, estimated at approximately \$1,000 per year, would fall to the City.

### **RECOMMENDATION**

Staff recommends that Council approve Resolution No. 464 authorizing the purchase of real property located on the south side of North 185<sup>th</sup> Street, identified as Short Plat No. 98038, Recording No. 19991105900005; King County Tax Parcel Nos. 7276100015, 7276100016, 7276100017, 7276100018, and 727610TRCT; and the authorizing the City Manager to take the necessary steps to complete the purchase.

### **ATTACHMENTS**

Attachment A – Proposed Resolution No. 464

Attachment B – Property Area Map

Attachment C – 185<sup>th</sup> Street Multimodal Corridor Strategy Community Gathering Place  
Site – Ashworth Avenue N & N 185<sup>th</sup> Street

**RESOLUTION NO. 464**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, APPROVING THE PURCHASE OF REAL PROPERTY LOCATED ON THE SOUTH SIDE OF NORTH 185<sup>TH</sup> STREET, IDENTIFIED BY KING COUNTY TAX PARCEL NUMBERS 7276100015, 7276100016, 7276100017, 7276100018, AND 727610TRCT, FOR PARK PURPOSES AND AUTHORIZING THE CITY MANAGER TO FINALIZE THE PURCHASE.**

WHEREAS, within Initiative 7 of the City of Shoreline Parks, Recreation and Open Space (PROS) Plan, the City seeks to ensure adequate park land for future generations; and

WHEREAS, the PROS Plan projects an additional 95 acres will be needed to fulfill this Initiative, with approximately 43 acres in and around the 145<sup>th</sup> and 185<sup>th</sup> Light Rail Station Subareas; and

WHEREAS, the PROS Plan further identified that parks provide for amenities such as loop paths, public art, and playgrounds; and

WHEREAS, Table 6.6 of the PROS Plan identified property located at 185<sup>th</sup> and Ashworth as targeted for acquisition; and

WHEREAS, this property is a four (4) lot short plat with an access tract, approved by the City in 1999, Short Plat No. 98038, Recording No. 19991105900005; and identified by King County Tax Parcel Nos. 7276100015, 7276100016, 7276100017, 7276100018, and 727610TRCT (the “Property”); and

WHEREAS, this Property was also identified during the 185<sup>th</sup> Street Station Subarea planning process as a potential nature-based open space and in the 185<sup>th</sup> Street Multimodal Corridor Strategy as a site that could provide a community gathering place providing passive and active recreation uses; and

WHEREAS, the City presented, and the property owner accepted, a fair market value of \$1,480,000.00 for the Property subject to City Council approval; and

WHEREAS, funding for this purchase is provided by a King County Conservation Futures Tax grant;

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

**Section 1. Purchase Approved for Public Park Purposes.** The City Council hereby approves the purchase of Short Plat No. 98038, Recording No. 19991105900005, identified by King County Tax Parcel Nos. 7276100015, 7276100016, 7276100017, 7276100018, and 727610TRCT, for the fair market value of \$1,480,000.00. Once acquired, the Property shall be designated a public park and shall be administered by the City’s Parks, Recreation, and Cultural Services Department, or its successor.

**Section 2. City Manager Authorization.** The City Manager or designee is hereby authorized to execute any and all documents necessary to finalize the purchase of the Property and transfer fee simple title to the City of Shoreline subject to King County Conservation Futures Tax grant restrictions, if any.

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

Passed by majority vote of the City Council in an open meeting this 10<sup>th</sup> day of August, 2020.

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Will Hall, Mayor

**ATTEST:**

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Jessica Simulcik Smith, City Clerk

**Attachment B – Property Area Map**





## OPPORTUNITIES

- Naturalize Area.
  - Perimeter trail.
  - Interpretive signage.
  - Exercise equipment along trail.
- Active use concentrated along N 185th Street with environmental education elements.
- Fitness Zone.
- Seating.
- Placemaking elements.
- Nature play features.

## CONSTRAINTS

- Proximity to single-family residential limits possibilities for noise and crowd generating uses.
- King County Conservation Futures funding.
  - Limits use of 85% of the parcel to passive use.
  - 15% of parcel could be active use.



Community Gathering Place locator map



### Aerial View of Community Gathering Site 2

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

|                      |   |
|----------------------|---|
| <b>AGENDA TITLE:</b> | Discussing an Update of Council Goal No. 5, Action Step No. 7: Begin a Process of Developing Partnerships with North King County Cities and Other Key Stakeholders in Support of Siting a 24/7 Shelter/Navigation Center to Serve Homeless Single Adults in North King County |
| <b>DEPARTMENT:</b>   | Community Services  |
| <b>PRESENTED BY:</b> | Colleen Kelly, Community Services Manager   |
| <b>ACTION:</b>       | <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion<br><input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing  |

**PROBLEM/ISSUE STATEMENT:**

In April, Council adopted Council Goal No. 5, Action Step No. 7: *Begin a process of developing partnerships with North King County cities and other key stakeholders in support of siting a 24/7 shelter/navigation center to serve homeless single adults in North King County.* In response to this Council direction, staff has been working to explore options for the siting of a 24/7 shelter for single homeless adults to serve the North King County area. A convergence of recent events has created an opportunity for the siting of a shelter much more quickly than could have been anticipated.

In June, staff became aware that The Oaks at Forest Bay Nursing Home (The Oaks), located at 16357 Aurora Avenue North, was closing and the property was going to be offered for sale. Since that time, King County has expressed interest in leasing the property and partnering with the King County Housing Authority for potential acquisition. The facility could serve as an emergency shelter for single adults in the short term (likely three to seven years), and permanent supportive housing in the long term. These actions would fulfill Council Goal No. 5, Action Step No. 7.

Tonight's discussion is intended to provide an update on staff's work on Council Goal No. 5, Action Step No. 7, along with identifying next steps that staff proposes to continue work on this Action Step. Staff is seeking Council concurrence that staff's planned next steps support Council's direction.

**RESOURCE/FINANCIAL IMPACT:**

This is a discussion item only so there is no immediate financial impact. The City currently provides \$26,000 in Human Services funding to Lake City Partners in support of the rotating winter shelter program and the Homeless Outreach Worker. Staff is currently reviewing Human Services applications for 2021/2022 funding and will consider this potential change when bringing funding recommendations to the Council in September.

## **RECOMMENDATION**

No formal action is required; as this is a discussion item. Tonight's discussion is meant to share recent developments regarding the potential siting of a shelter in Shoreline and to provide an opportunity for Council to ask questions and share feedback. Staff is also seeking Council concurrence on next steps on Council Goal No. 5, Action Step No. 7, which will include a public outreach process and development of interim regulations to allow a shelter to be located at the proposed site.

Approved By:        City Manager **DT**    City Attorney **JA-T**



## **BACKGROUND**

On February 10, 2020, staff presented the City Council with recommendations regarding priority actions related to effectively addressing the challenge of homelessness in Shoreline. The staff report for this item is available at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport021020-9b.pdf>.

As part of this Council discussion, staff identified the greatest need and highest priority for Shoreline is to support the siting and development of a year-round shelter for single adults in North King County. Staff also explained that the shelter would ideally serve as a North County Navigation Center, meaning it would be staffed around the clock, allowing individuals to have a place to leave and access personal belongings as well as accommodating those who may need to sleep during the day due to work or health conditions. This operational model also increases the ability to provide case management support focused on housing stability planning.

Following this Council discussion, at the Council's 2020 Strategic Planning Workshop, Council identified the siting of a '24/7' shelter/navigation center for single adults in North King County as an Action Step under City Council Goal No. 5. This Action Step, along with the entire City Council Goal Work Plan, was adopted by the City Council at their meeting on April 6, 2020. The staff report for the adoption of the City Council Goals and Work Plan can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport040620-7c.pdf>.

The City Council Goal No. 5, Action Step No. 7 reads as follows:

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

Following adoption of the 2020-2022 Council Goals, the Council indicated support for the staff recommendation to work with other North King County cities and key community stakeholders to begin a process to site a 24/7 shelter for single adults in North King County. Staff proceeded to invite representatives of these cities and stakeholders to join a North King County Shelter Task Force, which held its first meeting on July 9, 2020. Councilmember Robertson is the City's elected representative on the Task Force.

### **Oaks at Forest Bay Opportunity and Department of Commerce Grant**

In early June, before the initial meeting of the North King County Shelter Task Force occurred, staff was notified that The Oaks at Forest Bay Nursing Home (The Oaks), located at 16357 Aurora Avenue North, was discontinuing its operations and would be offered for sale. The City was asked by The Oaks ownership group if it might have interest in the facility.

Also in June of this year, the Washington State Department of Commerce released a grant making significant funds available to expand homeless shelter capacity around the State. Given the availability of these grant funds, staff reached out to colleagues at the King County Department of Community and Human Services (KC DCHS) to inquire about the potential availability of capital funding to lease or purchase The Oaks facility with the idea that it could potentially be included as part of the County's submission for the Department of Commerce grant. KC DCHS staff responded with interest and reached out to the King County Housing Authority (KCHA) to see if it might be willing to serve as an acquisition partner if King County was able to make purchase funding available. KCHA responded, at the time, that it might be able to partner with King County.

While City Council Action Step No. 7 is focused on 24/7 shelter for single adults, both KC DCHS and KCHA are interested in the development of long-term permanent supportive housing at The Oaks site. Both the County and the Housing Authority are aware however that in the interim, this facility could work well as a shelter site. Additionally, with the grant funding provided by the Department of Commerce for shelter operations, potential use of the site as an emergency shelter for single adults in the short-term (likely three to seven years), and permanent supportive housing in the long-term, would seem to meet all the partners' needs.

A site visit of The Oaks was arranged for City staff, KC DCHS staff, KCHA staff, and representatives of Lake City Partners Ending Homelessness (Lake City Partners), which would be the operations partner if the property was acquired by KCHA. The site visit, which was held on July 7, 2020, was promising in terms of the partners' collective assessment of the readiness and capacity of the facility to serve as a 24/7 shelter in the near future.

Lake City Partners subsequently drafted a budget for program operations based on the anticipated size and staffing requirements of the facility. The budget was reviewed by King County staff and deemed to be consistent with the operational costs of other 24/7 shelter facilities. This made this proposal a strong contender for inclusion in the Department of Commerce grant proposal.

A second site visit to The Oaks was held on July 21, 2020, which reinforced the County's interest in working to make this proposal come to fruition and confirmed the willingness of the KCHA to participate in the acquisition. As of the writing of this staff report, King County has submitted its grant application to the Department of Commerce and this application includes requested operational funding for the North King County Shelter project. If King County is successful in obtaining the Department of Commerce grant, the facility would need to be available for use as a 24/7 adult shelter no later than the end of December 2020.

## **DISCUSSION**

It is very unusual that an opportunity to acquire a virtually 'shelter-ready' property would align with another opportunity to access significant operational support for that same facility. It is even more unusual that the many partners and resources required to complete both an acquisition process and a collaborative grant proposal process could

be mobilized in such a short amount of time. While quite a feat on the one hand, it has been limiting in terms of staff's ability to reach out to the surrounding community near The Oaks. While the likelihood that the acquisition process could move forward with all of these partners was not really clear until late July, staff believe that there is still sufficient time for effective outreach to those that may be impacted by this shelter project proposal and to work to mitigate any concerns that are raised.

There is consensus among the partners that this is a unique opportunity to fill a significant service gap in North King County. This facility will have capacity to serve 60 individuals with shelter at the start and potentially more as the operation proceeds. As a former nursing home, The Oaks already provides the physical distance needed to protect both residents and staff during the ongoing COVID-19 pandemic. In addition, the project would leverage significant state funding through the Department of Commerce grant, as well as additional funding from King County, the City of Seattle, the City of Shoreline, and potentially other North King County cities, along with private funds raised by Lake City Partners. The City of Shoreline's funding would be provided through its Human Services grant awards. Shoreline currently provides support of \$26,000 to Lake City Partners for the rotating winter shelter and a Homeless Outreach Worker.

Staff understands the importance of clear and transparent communication with the community, and the circumstances of this opportunity have not allowed the advance notice that staff would prefer to have provided. Staff is working internally to develop an outreach and communication plan that will provide as much information as possible to the community about the operational details of the shelter and will allow for the City to hear and understand specific concerns community members may have. Staff expects King County to remain strong partners in terms of working with the City to address community concerns.

### **Current Property Zoning and Uses**

The majority of The Oaks property is zoned R-48 (Residential 48 units per acre), with the parking lot in the NW corner zoned R-18. The Oaks is classified as a nursing facility and is a conditional use in the R-48 Zone. Homeless Shelters are not currently listed as an allowed use in the R-48 Zone. A map of The Oaks parcel and the surrounding zoning is included with this staff report as Attachment A.

If the Council desires to continue this partnership with King County and the other partners and capitalize on these opportunities for fulfilling Action Step No. 7, the City will need to make Homeless Shelters an allowed use on this property. In exploring how to do this expeditiously, while staff initially looked at the Temporary Use Permit process, staff is now recommending that the City create interim development regulations to allow for the operation of a homeless shelter within the R-48 zoning district. Staff is currently investigating the development of index criteria for this zoning district on an interim basis to potentially address community concerns and the needs of stakeholders. The index criteria could identify key constraints that need to be met to site a homeless shelter at a certain location within the R-48 zone, such as R-48 property that is adjacent to a major arterial, or other criteria that would be used to balance siting of a shelter in this zoning district. Staff could potentially present these interim regulations to the Council in September 2020.

As was the case for the recently adopted interim regulations by Council (application extensions and outdoor seating for restaurants and bars), these interim regulations would be adopted by Ordinance and would require a Public Hearing subsequent to adoption, thereby allowing for all interested parties to testify before Council. If the Council desires these regulations to become permanent, then the standard development code adoption process of Planning Commission review, Public Hearing, and recommendation prior to City Council consideration would continue this opportunity for communication with the community and stakeholders.

Alternately, instead of permanently adopting the changes to R-48 zoning, King County and/or KCHA could pursue a rezone of the site to the surrounding Mixed Business zoning which does permit homeless shelters. In the long-term it is likely that if KCHA were to acquire the property with the intent of redeveloping the property to allow for multiple uses, including permanent supportive housing, that a rezone of the property would be necessary.

### **Next Steps**

Staff is proposing the following next steps to continue work on Action Step No. 7. Staff is seeking Council concurrence that staff's planned next steps support Council's direction.

1. Communicate with King County and KCHA that the City is supportive of utilizing the site for an emergency shelter.
2. Implement a public outreach plan to make the surrounding neighborhood and businesses aware that the City and County are partnering to site an emergency shelter at The Oaks property. This will be an opportunity to identify and address community concerns.
3. Develop interim development regulations to allow the siting of the facility at this location for Council's consideration. Staff would be looking to bring back these interim regulations to Council this fall, ideally in September 2020.
4. Support Lake City Partners in preparing to operate an emergency shelter.
5. Evaluate any City budget needs as part of the 2021-2022 Biennial Budget process.

### **STAKEHOLDER OUTREACH**

As noted, the only stakeholders involved so far include the active project partners – King County, KCHA and Lake City Partners. Staff have also shared this opportunity with the North King County Shelter Task Force, which was supportive of the City and project partners pursuing it. Staff are currently working to develop a full community outreach and response strategy.

### **COUNCIL GOAL(S) ADDRESSED**

This item directly responds to Council Goal #5, Action Step #7: Begin a process of developing partnerships with North King County cities and other key stakeholders in support of siting a 24/7 shelter/navigation center to serve homeless single adults in North King County.

### **RESOURCE/FINANCIAL IMPACT**

This is a discussion item only so there is no immediate financial impact. The City currently provides \$26,000 in Human Services funding to Lake City Partners in support of the rotating winter shelter program and the Homeless Outreach Worker. Staff is currently reviewing Human Services applications for 2021/2022 funding and will consider this potential change when bringing funding recommendations to the Council in September.

### **RECOMMENDATION**

No formal action is required; as this is a discussion item. Tonight's discussion is meant to share recent developments regarding the potential siting of a shelter in Shoreline and to provide an opportunity for Council to ask questions and share feedback. Staff is also seeking Council concurrence on next steps on Council Goal No. 5, Action Step No. 7, which will include a public outreach process and development of interim regulations to allow a shelter to be located at the proposed site.

### **ATTACHMENTS**

Attachment A: Map of The Oaks Parcel and Surrounding Zoning

## Attachment A

Map of The Oaks Parcel (in red) at 16357 Aurora Avenue N and N 165<sup>th</sup> Street and Surrounding Zoning.



**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

|                      |  |
|----------------------|--|
| <b>AGENDA TITLE:</b> | Discussing Ordinance No. 898 - Amending Shoreline Municipal Code Chapter 8.12 Rules for Use of Shoreline Park Facilities   |
| <b>DEPARTMENT:</b>   | Parks, Recreation and Cultural Services  |
| <b>PRESENTED BY:</b> | Eric Friedli, Parks, Recreation and Cultural Services Director   |
| <b>ACTION:</b>       | <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion<br><input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Discussion |

**PROBLEM/ISSUE STATEMENT:**

Parks, Recreation and Cultural Services (PRCS) staff issue over 900 permits annually for use of parks and recreation facilities at Spartan Recreation Center, Richmond Highlands Recreation Center, athletic fields, tennis courts, picnic shelters, the Terrace at Saltwater Park, and other locations throughout the park system. Shoreline Municipal Code (SMC) Chapter 8.12 provides the authority and general regulations for the facility and fields permit system. The process and procedures for how the permit system has evolved over many years.

In 2019, staff began a process improvement effort to review, update and formalize the guidelines and operations manual for parks fields and facility rentals. An important part of the process improvement review was a review of SMC 8.12. SMC 8.12 was adopted in 1999 with minor amendments since that time. Proposed Ordinance No. 898 (Attachment A) would adopt amendment's (Exhibit A) that provide clarification for the field and facility rental operations. The process improvement also resulted in a new Field and Facility Rental Operations Manual (Attachment B). The Operations Manual provides greater detail on guidelines and processes for requesting and issuing permits for use of parks facilities.

Tonight, Council is scheduled to discuss proposed Ordinance No. 898. Proposed Ordinance No. 898 is currently scheduled to be brought back to Council for adoption on September 14, 2020.

**FINANCIAL IMPACT:**

There is no financial impact associated with proposed Ordinance No. 898.

**RECOMMENDATION**

No action is requested this evening. Council is asked to provide any input or additional direction for Ordinance No. 898. Ordinance No. 898 is scheduled for City Council action on September 14, 2020.

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

## **BACKGROUND**

PRCS staff issue over 900 permits annually (see Table 1 below) for use of parks and recreation facilities at the Spartan Recreation Center, Richmond Highlands Recreation Center, athletic fields, tennis courts, picnic shelters, the Terrace at Saltwater Park, and other locations throughout the park system.

Table 1: Rental permits, scheduled events and revenue - 2019.

| <b>Type of Rental</b> | <b># of Permits</b> | <b># of Rental Events</b> | <b>Rental Revenue</b> |
|-----------------------|---------------------|---------------------------|-----------------------|
| Athletic Fields       | 99                  | 4,548                     | \$372,784             |
| Concession Permits    | 30                  | 331                       | \$765                 |
| Park & Open Space     | 47                  | 83                        | \$2,077               |
| Picnic Shelter/Areas  | 460                 | 460                       | \$41,741              |
| Pool                  | 49                  | 2,896                     | \$65,233              |
| Richmond Highlands    | 69                  | 121                       | \$27,719              |
| Spartan               | 118                 | 1,140                     | \$65,416              |
| Tennis Courts         | 31                  | 420                       | \$6,682               |
| <b>Total</b>          | <b>903</b>          | <b>9,999</b>              | <b>\$582,417</b>      |

In 2019, staff began a process improvement effort to review, update and formalize the guidelines and operations manual for parks fields and facility rentals. An important part of the process improvement review was a review of Shoreline Municipal Code (SMC) Chapter 8.12, which establishes rules for use of City of Shoreline park facilities. SMC 8.12 provides the authority and general regulations for the facility and fields permit system.

SMC 8.12 was adopted by Ordinance No. 195 in May 1999. It repealed and replaced previous King County Park Code that was adopted by the City of Shoreline upon incorporation. The most substantial changes to SMC 8.12 since 1999 have been to allow off-leash dogs (2010) and alcohol in specific locations in the park system (2012) and to prohibit smoking (2012) throughout the system.

The process improvement also resulted in a new Field and Facility Rental Operations Manual. The Operations Manual provides greater detail on guidelines and processes for requesting and issuing permits for use of parks facilities. The purpose of the Park Field and Facilities Rentals Operations Manual is to set forth guidelines for implementing SMC 8.12.040 pertaining to rental and use of Shoreline facilities, including indoor recreation centers, outdoor shelters, athletic fields, tennis courts, neighborhood parks, and all other park designated areas.

PRCS staff use the Operations Manual to consistently and fairly make determinations about the use of parks and recreation facilities for events and organized activities. The Operations Manual is an important way for the public to understand the City's processes and reasons for making decisions related to rentals and use of park and recreation facilities.



## **DISCUSSION**

As part of this process improvement effort, SMC 8.12 was reviewed, and amendments were recommended. SMC 8.12 addresses parks general administration and facility use permits specifically. It provides rules for hours of operation, definition of a special use permit and when they are required, cancellation of permits, liability and liability insurance requirements, sale of goods or services, and other miscellaneous topics.

Proposed Ordinance No. 898 (Attachment A) would adopt the recommended amendments (Exhibit A) that provide clarification for the field and facility rental operations. The proposed amendments to SMC 8.12 are as follows:

### **SMC 8.12.010: Definitions.**

A definition for Permittee is added (8.12.010(k)) and the definitions are put in alphabetical order.

### **SMC 8.12.20: Program – Purpose.**

No changes.

### **SMC 8.12.030: Administrative rules – Hours and operation.**

No changes.

### **SMC 8.12.040: Facility Use Permit.**

SMC 8.12.040 currently states that:

*“Park and recreation facilities are available for public use whenever possible, without conflicting with city programs.”...“Groups or individuals that desire to use a City of Shoreline owned or managed field, facility, or park may be granted special use permits by the department and may be charged a fee. Where appropriate, special conditions of use will be established by the department and so noted on the facility use permit. Charges for special services in the city recreational facilities will be established by the department with the approval of the Shoreline City Council.”*

The proposed amendment to this section provides clarifying language and the subject areas are split into separate lettered sections. A key addition is 8.12.040(D), which gives the PRCS Director the authority to develop procedures for the administration of the facility use permit system. The procedures are captured in the Operations Manual (Attachment B).

### **SMC 8.12.050: Suspension or cancellation of facility use or concession permit - by city.**

This section provides clearer and more detailed language about the City’s right to cancel a permit. Section C is added to identify that refunds for cancellation are pursuant to the City Council approved Refund Policy.

### **SMC 8.12.060: Building facility and outdoor field light hours.**

No substantive changes. Provides clearer formatting for designation of hours for building and field lights.

**SMC 8.12.070: Cleanup.**

No substantive changes. Provides clearer language.

**SMC 8.12.080: Liability.**

No substantive changes. Provides clearer language.

**SMC 8.12.090: Liability Insurance.**

No substantive changes. Provides clearer language.

**SMC 8.12.100: Adults to accompany minors.**

No substantive changes. Provides clearer language.

**SMC 8.12.110: Storage of equipment.**

No substantive changes. Provides clearer language.

**SMC 8.12.120: Equipment regulations.**

Deleted.

**SMC 8.12.130: Permit required for sale of goods and services.**

Amendments to this section provide clarifying language. Subject areas are split into separately lettered sections. A key addition is Section 8.12.130(C)) that gives the City the right to deny a permit if the use would be inconsistent with the purpose of the facility or would compete with program already offered by the City.

**Park Field and Facilities Rentals Operations Manual**

Proposed SMC 8.12.040(D) authorizes the PRCS Director to develop procedures for rental and use of Shoreline facilities, including indoor recreation centers, outdoor shelters, athletic fields, tennis courts, neighborhood parks, and all other park designated areas. The procedures are outlined in the Field & Facilities Rentals Operations Manual (Attachment B).

The Operations Manual outlines the general rental process, identifies key regulatory items, describes the types of permits available, outlines fees and refund processes, and identifies detail processes for each facility type. The Operations Manual is intended to be a guidebook for staff and provide transparency for the public. It is also intended to ensure consistency and fairness for the public in the processing of rental permits. The Manual is a useful tool for communicating with the public when questions arise about how decision are made about permit applications and how they are processed.

**STAKEHOLDER OUTREACH**

The PRCS/Tree Board reviewed the proposed SMC amendments and the Operations Manual at its June 25, 2020 meeting. The Board voted to recommend the City Council approve the proposed amendments to SMC 8.12 and endorsed the Field and Facilities Rental Operations Manual.

**FINANCIAL IMPACT**

There is no financial impact associated with proposed Ordinance No. 898.

### **RECOMMENDATION**

No action is requested this evening. Council is asked to provide any input or additional direction for Ordinance No. 898. Ordinance No. 898 is scheduled for City Council action on September 14, 2020.

### **ATTACHMENTS**

Attachment A – Ordinance No. 898

Attachment A, Exhibit A – SMC 8.12 Proposed Amendments

Attachment B – Field and Facilities Rentals Operation Manual

**ORDINANCE NO. 898**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,  
AMENDING CHAPTER 8.12 RULES FOR USE OF CITY OF SHORELINE  
PARK FACILITIES OF THE SHORELINE MUNICIPAL CODE TO  
ESTABLISH CONSISTENCY WITH THE FIELD AND FACILITIES  
RENTAL OPERATIONS MANUAL.**

WHEREAS, the rental and use of Shoreline Park facilities, including indoor recreation centers, outdoor shelters, athletic fields, tennis courts, and neighborhood parks, is authorized by chapter 8.12 Rules of Use of City of Shoreline Park Facilities of the Shoreline Municipal Code (SMC); and

WHEREAS, in 2019, Parks, Recreation, and Cultural Services (PRCS) Staff began a process to review, update, and formalize an operation manual for park fields and facility rentals to implement chapter 8.12 SMC pertaining to rentals and use and to reflect current practices; and

WHEREAS, in conjunction with this process, it was revealed that certain provisions of chapter 8.12 SMC need to be amended to reflect these operational procedures and to provide the PRCS Director with greater authority; and

WHEREAS, on June 25, 2020, PRCS Staff presented the Shoreline PRCS/Tree Board with the Field and Facilities Rentals Operations Manual and proposed amendments to the SMC; and

WHEREAS, as set forth in SMC 2.55.060, the PRCS/Tree Board may make recommendations to the City Council concerning the operation of parks and the development of rules and regulations concerning the use of parks; and

WHEREAS, the amendments to chapter 8.12 SMC authorized by this Ordinance are exempt from SEPA pursuant to WAC 19711-800(19); and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the PRCS/Tree Board's recommendation; and

WHEREAS, the City Council has determined that the amendments to chapter 8.12 SMC are in the best interests of the City of Shoreline residents;

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

**Section 1. Amendment – Chapter 8.12 Rules for Use of City of Shoreline Park Facilities.** Chapter 8.12 Rules for Use of City of Shoreline Park Facilities 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 (5) days after publication.

**PASSED BY THE CITY COUNCIL ON SEPTEMBER 14, 2020**

\_\_\_\_\_  
Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jessica Simulcik Smith  
City Clerk

\_\_\_\_\_  
Margaret King  
City Attorney

Date of Publication: \_\_\_\_\_, 2020  
Effective Date: \_\_\_\_\_, 2020

Ordinance 898, Exhibit A  
Amendments to Shoreline Municipal Code Chapter 8.12

## Chapter 8.12

### RULES FOR USE OF CITY OF SHORELINE PARK FACILITIES

#### Article I. General

- 8.12.010 Definitions.  
8.12.020 Program – Purpose.

#### Article II. Administration/Facility Use Permits

- 8.12.030 Administrative rules – Hours and operation.  
8.12.040 ~~Special Facility~~ use permits.  
8.12.050 ~~Suspension or Cancellation of facility use or concession permit – By city.~~  
8.12.060 Building facilities and outdoor field lights hours.  
8.12.070 Cleanup.  
8.12.080 Liability.  
8.12.090 Liability insurance.  
8.12.100 Adults to accompany minors.  
8.12.110 Storage of equipment – Liability of city.  
8.12.120 ~~Equipment regulations – Failure to perform Repealed.~~  
8.12.130 ~~Facility Use – Permit required for Sale~~ of goods or services.

#### Article I. General

##### 8.12.010 Definitions.

A. “Alcoholic beverages” or “liquor” shall be defined as set forth in RCW 66.04.010 and shall include alcohol, spirits, wine and beer.

B. “Associated marine area” means any water area within 100 feet of any city of Shoreline trail, open space, park area or marine facility such as a dock, pier, float, buoy, log boom, or other object which is part of a city of Shoreline park area; provided, that such area does not include private property.

C. “Camping” means erecting a tent or shelter or arranging bedding or both for the purpose of, or in such a way as will permit, remaining overnight; or, parking a trailer, van, recreational vehicle, bus, camper, or other vehicle for the purpose of remaining overnight.

D. ~~“Department” means the city of Shoreline parks, recreation and cultural services department.~~ “City” means city of Shoreline, Washington.

E. ~~“Facility” or “facilities” means any building, equipment, sign, material, shelter, swimming pool, or other physical property including but not limited to administered trees, shrubs, plants, lawns, play equipment, picnic areas, athletic fields, trails, or structures, by the city of Shoreline parks, recreation and cultural services department.~~ “City of Shoreline open space, trail or park area” means any area under the ownership, management, or control of the city of Shoreline parks, recreation and cultural services department.

F. ~~Department employee” means a duly appointed city of Shoreline parks, recreation and cultural services department employee.~~ “Department” means the city of Shoreline parks, recreation and cultural services department.

G. ~~“City of Shoreline open space, trail or park area” means any area under the ownership, management, or control of the city of Shoreline parks, recreation and cultural services department.~~ “Department employee” means a duly appointed city of Shoreline parks, recreation and cultural services department employee.

## Attachment B

H. "Director" means the department director of the city of Shoreline parks, recreation and cultural services department or their designee.

I. ~~"City" means city of Shoreline, Washington.~~ "Facility" or "facilities" means any building, equipment, sign, material, shelter, swimming pool, or other physical property including but not limited to administered trees, shrubs, plants, lawns, play equipment, picnic areas, athletic fields, trails, or structures, by the city of Shoreline parks, recreation and cultural services department.

J. "Motor vehicle" means any self-propelled device capable of being moved upon a road, and in, upon, or by which any persons or property may be transported or drawn, and shall include, but not be limited to, automobiles, trucks, motorcycles, motor scooters, jeeps or similar type four-wheel drive vehicles, and snowmobiles, whether or not they can be legally operated upon the public highways.

K. ~~"Person" means any individual, group, firm, partnership, corporation or club.~~ "Permittee" means a Person to whom a permit is issued.

L. ~~"Rocket" means any device containing a combustible substance which when ignited propels the device.~~ "Person" means any individual, group, firm, partnership, corporation or club.

M. ~~"Trail" means any path, track, or right of way designed for use by pedestrians, bicycles, or other nonmotorized modes of transportation. [Ord. 195 § 1, 1999]~~ "Rocket" means any device containing a combustible substance which when ignited propels the device.

N. "Trail" means any path, track, or right-of-way designed for use by pedestrians, bicycles, or other nonmotorized modes of transportation.

#### **8.12.020 Program - Purpose.**

The facilities and programs of the department are established by the city for public recreation purposes.

### **Article II. Administration/Facility Use Permits**

#### **8.12.030 Administrative rules – Hours and operation.**

The director shall promulgate rules establishing the times facilities will be open and closed for use by the public.

#### **8.12.040 Special Facility use permits.**

~~Park and recreation facilities are available for public use whenever possible, without conflicting with city programs. Special use permits or scheduling of use of facilities is required for any community special or private event involving more than routine use of a park and is done by contacting the parks and recreation department office. Permission for use for amplifying devices must be obtained in advance from the department.~~

~~Groups or individuals that desire to use the city park facilities, swimming pool, or city programs may be granted special use permits by the department, and may be charged a fee. Where appropriate, special conditions of use will be established by the department and so noted on the special use permit. Charges for special services in the city recreational facilities will be established by the department with the approval of the Shoreline city council. [Ord. 195 § 1, 1999]~~

A. Facilities may be rented or reserved for non-routine use on an individual or on-going basis through the issuance of a facility use permit. If the proposed use pertains to filmmaking, then Chapter 5.25 Filmmaking Regulations apply in lieu of a facility use permit.

B. Facilities available for rent or reservation include, but are not limited to: Richmond Highlands and Spartan Community Center, athletic fields, tennis courts, and picnic shelters and areas. The Director may, from time to time, add or remove available facilities, limit issuance of a permit so as to lessen impacts on the Facility, or prioritize allocation of Facilities.

C. All applications for a facility use permit shall be submitted on forms provided by the Department and shall include the appropriate application fee based on the official fee schedule set forth in chapter 3.01 SMC and any required security deposit.

D. The Director may promulgate procedures for the administration of a facility use permit system.

E. Permittees shall be required to comply with the provisions of this chapter and other applicable state and local laws and regulations. The Director may impose any reasonable conditions to granting a facility use permit deemed necessary to ensure the safe, reasonable, and orderly use of Facilities.

#### **8.12.050 Suspension or ~~Cancellation~~ of facility use or concession permit – By city.**

~~The department reserves the right to cancel a permit for cause or to meet the needs of the department. Notice of cancellation for priority in order to meet the needs of the department shall be given at least 24 hours in advance. Notice of cancellation for cause may be given at any time. [Ord. 195 § 1, 1999]~~

A. Violation of any of the terms and conditions of a permit by the permittee, or any representative of a permittee, is cause for immediate suspension or cancellation of the permit by the Director without prior notice.

B. The Director may suspend or cancel a permit at any time due to an emergency, severe weather conditions, or other situations the Director has determined may result in Facility damage or personal injury. The Director shall provide notice to a permittee as soon reasonably practicable under the circumstances.

C. Refunds of any fees paid for a suspended or cancelled permit shall be pursuant to applicable Department policies and procedures in effect at the time.

#### **8.12.060 Building facilities and outdoor field lights hours.**

~~Use of facilities Sunday through Thursday shall cease at 10:00 p.m. unless otherwise approved in the use permit. Use of facilities on Fridays or Saturdays shall cease at 12:00 a.m. unless otherwise approved in the use permit. Outdoor lights shall cease at 10:30 p.m. at park athletic fields unless otherwise designated. [Ord. 195 § 1, 1999]~~

A. Unless otherwise approved by a facility use permit or designated by the Director:

1. The use of building facilities shall cease as follows:

a. Sunday through Thursday: 10:00 p.m.

b. Friday and Saturday: 12:00 a.m.

2. The use of outdoor athletic field lights shall cease by 10:30 p.m.

#### **8.12.070 Cleanup.**

~~All persons~~ Persons using a ~~building facility~~ Facility must leave the ~~facility~~ Facility in a clean and neat condition considered satisfactory to the ~~department~~ Department. A Permittee shall return the Facility in a same or better condition or shall be liable for the costs of cleaning the Facility.

#### **8.12.080 Liability.**

~~Persons using facilities by permit will be required to protect, save and hold the city of Shoreline, its elected and appointed officials and employees, harmless from and against all claims, demands and causes of action of any kind or character, including the cost of defense thereof, arising out of the use of facilities. [Ord. 195 § 1, 1999]~~

A. A Permittee shall:

1. Agree in writing to indemnify and hold the City, its officials, agents, and employees, harmless from and against any and all claims, damages, losses, and expenses, including attorney fees, arising out of or in connection with the permitted activity; and



2. Reimburse the City for all reasonable costs incurred to repair damages to the Facilities that occurred in connection with the permitted activity.

#### **8.12.090 Liability insurance.**

A. During all periods of use, a Permittee, persons using facilities by permit shall, except when a waiver is obtained from the department Department, obtain and maintain commercial general liability adequate insurance in an amount of not less than \$1,000,000 each occurrence and \$1,000,000 general aggregate. The city shall be named as an insured on the person's commercial general liability insurance policy. Persons shall provide a certificate of insurance or, upon written request of the city, a duplicate of the policy, as evidence of the insurance protection provided. This insurance shall not be canceled or reduced without prior written notice to the city at least 10 days in advance of the cancellation, as follows:

1. Commercial general liability; or
2. Tenant User Liability Insurance Program (TULIP).

B. Coverage shall be in an amount of not less than \$1,000,000 each occurrence and \$1,000,000 general aggregate, unless the Department requires a different amount based on the intended use. The City shall be named as an additional insured.

C. A Permittee shall provide a certificate of insurance or, upon written request of the City, a duplicate of the policy, as evidence of the insurance protection provided. This insurance shall not be canceled or reduced without prior written notice to the city at least thirty (30) calendar days in advance of the policy's cancellation.

#### **8.12.100 Adults to accompany minors.**

When facilities Facilities are used by permit pursuant to a facility use permit and children are present, an adults must be present and responsible at all times during all periods of use. [Ord. 195 § 1, 1999]

#### **8.12.110 Storage of equipment – Liability of city.**

Persons using facilities should not expect storage space for equipment necessary for their activity. If temporary storage is provided, the city of Shoreline shall not be held responsible for loss or damage. [Ord. 195 § 1, 1999]

Unless authorized by the Department, no equipment shall be stored at or on a Facility. If equipment storage is authorized by the City, storage is at the Permittee's own risk and the City shall not be held liable for the loss of, or to damage, any equipment.

#### **8.12.120 Equipment regulations – Failure to perform.**

The misuse of a park facility or the failure to conform with regulations, the instructions of department employees, or the conditions of a permit will be sufficient reason for canceling a permit and/or denying any future permits. [Ord. 195 § 1, 1999]

#### **8.12.130 Facility Permit required for sSale of goods or services.**

The use of park facilities for financial gain shall be allowed only through concession contracts secured by the city's competitive bid process, negotiated concession contracts or by concessionaire permits or instructor permits, whichever is applicable. No concessionaire permit or instructor permit is required if the concessionaire or instructor has a contractual relationship with the city to provide instruction or to sell concessions at a city sponsored event. Concessionaire permit fees may be waived pursuant to SMC 3.01.060. [Ord. 602 § 3, 2011; Ord. 195 § 1, 1999]

A. Unless a Person has entered into a concession contract with the City, a Concession Permit is required to sell goods or services at a Facility for financial gain. If the Person has a Facility Use Permit, then that permit may include a provision authorizing the sale of goods or services.

B. All applications for a permit shall be submitted on forms provided by the Department and shall include the appropriate application fee based on the official fee schedule set forth in chapter 3.01 SMC, unless a waiver has been approved as provided in that chapter.

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C. The City reserves the right to deny any application when, in the City's sole discretion, the proposed goods or services are inconsistent with the public recreation purpose of the Facility or are similar to programs offered by the City.

D. A Permittee shall be required to comply with all applicable provisions of this chapter. The Director may impose any reasonable conditions to granting a concession permit deemed necessary to ensure the safe, reasonable, and orderly use of Facilities.



# Field & Facility Rentals Operations Manual

Parks, Recreation & Cultural Services



**Effective Date:** September 1, 2020

**Sponsor:** Rental and System Coordinator

**Next Review:** September 1, 2023

**Approved By:**

Eric Friedli, PRCS Director

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## **1.0 INTRODUCTION**

### **1.1. Purpose**

The purpose of this operational manual is to set forth guidelines for implementing Shoreline Municipal Code 8.12.040 pertaining to rental and use of Shoreline facilities, including indoor recreation centers, outdoor shelters, athletic fields, tennis courts, neighborhood parks, and all other park designated areas.

### **1.2. Policy Guidance**

#### **1.2.1. Facility Use Permit (SMC 8.12.040)**

SMC 8.12.040 states that “Park and recreation facilities are available for public use whenever possible, without conflicting with city programs... Groups or individuals that desire to use a City of Shoreline owned or managed field, facility, or park may be granted special use permits by the department and may be charged a fee. Where appropriate, special conditions of use will be established by the department and so noted on the facility use permit. Charges for special services in the city recreational facilities will be established by the department with the approval of the Shoreline City Council.”

#### **1.2.2. Sale of Goods and Services (SMC 8.12.130)**

SMC 8.12.130 states, “The use of park facilities for financial gain shall be allowed only through concession contracts secured by the city’s competitive bid process, negotiated concession contracts or by concessionaire permits or facility use permits, whichever is applicable.”

### **1.3. Definitions**

#### **1.3.1. Concessionaire:**

An individual, community organization, non-profit or private firm who sells food, beverage, merchandise and/or services.

#### **1.3.2. One-Time Rental:**

Two (2) or less rental dates monthly.

#### **1.3.3. On-Going Rental:**

Three (3) or more rental dates monthly.

#### **1.3.4. Major Event:**

Any event with an estimated attendance of 300 or more people in any park area.

#### **1.3.5. Youth Organization:**

Organizations that only provide services to participants/members who are 19 years of age & under.

**1.3.6. Adult Organization:**

Organizations that provide services to participants/members that include participants/members who are over 18 years of age.

**1.3.7. Renter:**

The individual or group renting a City facility who signs the Application and/or Permit.

**1.3.8. Renter's Designee:**

The individual specified in writing as the official representative of a group.

**1.3.9. Resident:**

An individual or organization who lives or pays property tax in Shoreline, and/or a group/team with 51% of their roster either living or paying property tax in Shoreline.

**1.3.10. Park & Open Space Area:**

Any park area that is not rentable per current fee schedule (e.g. picnic shelters, athletic fields, and/or tennis courts).

**1.4. References and Forms**

**1.4.1. References**

Shoreline Municipal Code Chapters 3.01, 8.12 and 12.15.

**1.4.2. Forms**

The following forms are attached:

- Community Center Facility Use Permit Application
- Outdoor Facility Use Permit Application.
- Concession Permit Application
- Historic Use Facility Use Permit Application
- Neighborhood Event Permit Application
- Park and Open Space Non-Exclusive Event Permit Application
- Request for Fee Waiver
- Special Alcohol Permit Application

**2.0 GENERAL REQUIREMENTS**

**2.1. General Facility Rental Process**

All activities at any city facility must comply with the Shoreline Municipal Code, the King County Code of Public Health, state and federal laws, and all conditions cited in the permit or on permit application forms.

**2.1.1. Tobacco and controlled substances**

(SMC 8.12.395, 8.12.500, RCW 69.50.445, RCW 70.160.075)

Smoking, or the use of any tobacco and/or controlled substance products, indoors at any City owned or managed facility or in any park area is not permitted. Smoking, or use of any tobacco and/or controlled substance products, is not permitted outside on the campus of City Hall, or the Spartan Recreation Center. For all other City-owned or managed facilities, smoking or use of other tobacco and/or controlled substance products, is not permitted within 25 feet of the entrance or windows of the facility.

**2.1.2. Alcohol**

The use, possession, or consumption of any alcoholic beverages is not permitted on or in any City of Shoreline-owned or managed field, facility, or park except at the Richmond Highlands Recreation Center, the Terrace at Richmond Beach Saltwater Park, the Amphitheater at Cromwell Park, and Kruckeberg Botanic Garden. All events at permitted facilities that include the consumption of beer and wine must have a Special Alcohol Permit issued by the PRCS Department.

**2.1.3. Code of conduct**

Use language and behave in ways that show respect for everyone (no swearing or derogatory slang), respect the facility, resolve conflicts without fighting, and be drug and alcohol free.

**2.1.4. General park rules**

The City of Shoreline Parks, Recreation and Cultural Services Department invites you to enjoy this park. Please observe and obey the following rules:

All rental attendees and activities must comply with the Shoreline Parks, Recreation and Cultural Services Code of Conduct and General Park Rules (SMC 8.12).

- Parks are open dawn till dusk except for City-approved activities.
- Dogs are to be on leash at all times, except for designated off leash areas. Please clean up after dogs.
- Feeding of waterfowl and animals is prohibited.
- Fireworks are prohibited.
- Fires are prohibited except in designated barbecue units or designated fire pits.
- Removal of park property is prohibited.
- Alcoholic beverages are prohibited (unless approved by the department).
- Park in designated areas only; keep all vehicles on roadways.
- No overnight camping.
- Amplified sounds audible from a distance of 30 feet are prohibited except for City-approved activities.
- Place trash in trash receptacles. No dumping of household or commercial generated trash is allowed.

**2.1.5. General guidelines for determining availability**

- Concessionaires requesting to offer programs similar to a City of Shoreline program may not be permitted.
- The City reserves the right to limit outside use of certain parks or facilities for rental to lessen the impact on a park or facility and adjacent neighbors.

## 2.2. General Facility Rental Guidelines

### 2.2.1. Select Type of Permit Needed

| Type of Permit                                   | Community Center Indoor Facility Rental | Outdoor Facility Rental | Returning On-Gong Facility Rentals | Sale of Food, Drink, Goods | Sanctioned Neighborhood Event | Sale of Services in a Park & Open Space Area | Park & Open Space Area Event 25+ Attendance |
|--|---|-------------------------|------------------------------------|----------------------------|-------------------------------|--|---|
| Community Center Facility Use Permit             | <b>Yes</b>                              | No                      | No                                 | No                         | No                            | No   | No  |
| Outdoor Facility Use Permit                      | No                                      | <b>Yes</b>              | No                                 | No                         | No                            | No   | No  |
| Historic Facility Facility Use Permit            | No                                      | No                      | <b>Yes</b>                         | No                         | No                            | No   | No  |
| Concession Permit                                | No                                      | No                      | No                                 | <b>Yes</b>                 | No                            | <b>Yes</b>                                   | No  |
| Neighborhood Event Permit                        | No                                      | No                      | No                                 | No                         | <b>Yes</b>                    | No   | No  |
| Park & Open Space Non-Exclusive Use Event Permit | No                                      | No                      | No                                 | No                         | <b>Yes</b>                    | No   | <b>Yes</b>                                  |

### 2.2.2. Application Submittal

Groups and/or individuals wishing to reserve City of Shoreline facilities are required to complete the appropriate application forms for a Facility Use Permit from the PRCS Department.

### 2.2.3. Age Requirements

Persons completing the appropriate application form(s) must be 18 years of age; provided that any application for facility use permit where alcohol will be served must be completed and signed by an individual 21 years old or older.

### 2.2.4. Advance Application required

#### 2.2.4.1. **Indoor Rental Applications**

Applications for indoor facility rentals will be accepted up to 90 days in advance and at least at least fourteen (14) days prior to the requested date.

#### *Exception – Spartan Recreation Center*

Applications will be accepted up to seven (7) days in advance for reservations during Spartan Recreation Center operating hours. (See Section 6.2.2)

#### 2.2.4.2. **Outdoor Rental Applications**

Applications for facility rentals of outdoor facilities will be accepted up to 180 days in advance and at least seven (7) days prior to the requested date.

*Exception - Athletic Field Historic Rental Application Submittal. (See Section 5.2.5)*



#### 2.2.4.3. **Major Event Applications**

Applications for Major Events may be accepted up to one (1) year in advance and not less than one (1) month in advance of the event date.

#### 2.2.5. Facility Scheduling

A minimum reservation of one (1) hour is required with minimum reservation increments of thirty (30) minutes.

##### **Exceptions**

- Three (3) hour minimum reservation required for Richmond Highlands rentals.
- Three (3) hour minimum reservation required outside normal operating hours at the Spartan Recreation Center.
- Thirty (30) minute minimum reservation required for Athletic Field rentals.
- Picnic Shelter reservations only accepted in designated time blocks of 9:00 a.m. - 2:00 p.m., 2:30 p.m. - Dusk, and 9:00 a.m. - Dusk.

#### 2.2.6. Scheduling Priorities for Facility Rentals

**Tier 1** – Shoreline Parks & Recreation

**Tier 2** – Interlocal Agreements

**Tier 3** – Non-Profit Organizations with over 50% of their roster that live or pay property tax in the City of Shoreline.

**Tier 4** – All other facility rental requests are on a first come, first served basis.

#### 2.2.7. Renter Responsibilities

The Renter or the Renter's designee must be present at the facility during the actual reservation. The Renter is responsible for all aspects of use, including payment of fees, obtaining and maintaining any required insurance, and adherence to all conditions cited in the permit or rental agreement.

#### 2.2.8. Rental Fees, Security Deposits and Fee Waivers

##### 2.2.8.1. **Fee Schedule**

Fees are established by the City of Shoreline fee ordinance and are set forth in SMC Chapter 3.01.

##### 2.2.8.2. **Security Deposit**

A security deposit is required for Spartan and Richmond Highlands Recreation Center rentals.

2.2.8.2.1. Outdoor rentals for events that have the potential to incur damage to a park area and/or equipment or that may require additional maintenance may be required to provide a security deposit.

2.2.8.2.2. Costs related to damage or extra cleaning will be deducted from the deposit. Upon completion of the rental and inspection of the facility

by City staff, the security deposit (or any portion remaining) will be refunded. The State Auditor prohibits cash refunds. Costs for exceeding the scheduled rental timeframe or that required additional staff time will also be deducted from the deposit or billed to the Renter if there is no deposit.

#### **2.2.8.3. Rental Ranges**

*Rental/Deposit Fees \$1,000 or Less* - Rental/Deposit Fees for \$1,000 or less must be paid in full at the time of the reservation.

*Rental Fees over \$1,000* – If Rental/Deposit fees exceed \$1,000 a \$200 deposit is required at the time of the reservation, with the balance due 14 days prior to the rental date or pursuant to a monthly payment schedule established by the PRCS Department.

#### **2.2.8.4. Late Payments**

Fees not paid as directed may result in the loss of the facility reservation. Any payments that are more than thirty (30) days past due will be assessed a \$25.00 late fee or 1% of the balance owed, whichever is greater.

#### **2.2.8.5. Rental Fee Waivers**

The PRCS Director may grant a rental fee waiver as permitted under Shoreline Municipal Code Chapter 3.01.800 if the event serves the community and is consistent with adopted city programs. Organizations receiving rental fee waivers must still provide a security deposit and pay a supervision fee if required. A Renter wishing to have a fee waived must first fill out a Request for Fee Waiver form.

### **2.2.9. Rental Cancellations and Refunds**

#### **2.2.9.1. City Cancellations**

The City may cancel a rental anytime due to an emergency, severe weather or situations that may result in facility damage or personal injury. In such instances, the Renter will be entitled to a 100% refund.

#### **2.2.9.2. Renter Cancellations**

See Recreation Program Refund Policy and Procedures–1000-03 (9247)

### **2.2.10. Insurance**

#### **2.2.10.1. City of Shoreline Insurance Renter Requirements**

SMC 8.12.090 states that during all periods of use, persons using facilities by permit shall, except when a waiver is obtained from the department, obtain and maintain commercial general liability insurance.

The following rental activities require insurance:

- Events with an estimated attendance of 200 or more,
  - Events charging registration, membership, and/or admission fees to participants,
  - Ongoing rentals at Gymnasium, Athletic Field and Tennis Court facilities,
  - Concessionaire Permit applications,
  - Events that have inflatable games (bouncy houses),
  - Events that will serve alcohol, and
  - Other events on a case-by-case basis.
1. Certificate of Insurance naming the City of Shoreline as additional insured is required before final confirmation of the permit will be issued by the City.
  2. Insurance liability limits shall meet the following requirements: Commercial General Liability insurance in an amount of not less than \$1,000,000 each occurrence and \$1,000,000 general aggregate.
  3. The cost of the insurance is the responsibility of the Permittee.
  4. Participant liability insurance is required for athletic or sporting events.
  5. The City of Shoreline reserves the right to adjust the amounts of insurance required based on the level of risk presented by the intended use of the facility.

The “Certificate of Insurance” as evidence of the insurance protection must be received by the PRCS Department Scheduler at least two (2) working days prior to the first scheduled event. This insurance shall not be canceled or reduced without the prior written notice to the City of Shoreline at least thirty (30) days in advance of the cancellation.

#### **2.2.10.2. Ongoing Insurance Requirement**

Ongoing Rental Groups are required to renew contractual agreements seasonally in order to keep user group and insurance information up to date.

### **3.0 CONCESSION PERMITS**

As required by SMC 8.12.130 individuals, community organizations and private firms wishing to sell food, beverages, merchandise, and/or services in a City park or facility are required to obtain a Concession Permit or Facility Use Permit.

#### **3.1. Application Procedures**

Concession Permit Applications may be submitted for review up to 180 days in advance of scheduled start date but no later than seven (7) days prior to the scheduled start date. It shall be the responsibility of each Concession Permit Applicant to verify that adequate utilities are available to support any concession equipment they intend to operate at any City park or facility.

### **3.2. Concession Permit Fees**

As set forth in the Fee Schedule, SMC 3.01.300(C).

### **3.3. Permit Requirements**

- Concessionaires providing food and/or beverage sales must meet all State, County and City health code and permit requirements.
- The City reserves the right to deny the sale of items it deems to be a public nuisance, potentially damaging to its facilities, or not family friendly.

### **3.4. Shoreline Business License**

All Concessionaires must obtain a Shoreline Business License, as required under Shoreline Municipal Code Chapter 5.05.

### **3.5. Concession Permit Cancellations and Refunds**

See Recreation Program Refund Policy and Procedures–1000-03 (9247).

## **4.0 SHORELINE FILM PERMIT**

### **4.1. Shoreline Film Permit Policy**

See SMC Chapter 5.25 Filmmaking Regulations.

### **4.2. Shoreline Film Permit Fee Schedule**

Fees are established by the City of Shoreline Fee Ordinance and are set forth in SMC Chapter 3.01.205

## **5.0 OUTDOOR FACILITY RENTALS**

### **5.1. Major Event Rentals**

Activities with 300 or more guests at any park area are considered Major Events and a Park and Open Space Non-Exclusive Event Application must be submitted along with the appropriate rental application. Applications must be submitted a minimum of one (1) month prior to the requested rental date. All Major Events require proof of insurance naming the City of Shoreline as additionally insured. The City of Shoreline PRCS Director must approve all Major Events.

### **5.2. Athletic Field & Tennis Court Use**

All City-managed athletic fields and tennis courts, when not scheduled for use for City sponsored or co-sponsored activities, may be made available for booking consistent with Section II: General Requirements, with the exceptions listed below:

#### **5.2.1. Application Submittal**

See Section 2.2.2: Application Submittal.

**5.2.1.1. Rental requests - athletic fields**

Outdoor Facility Use Permit Applications for athletic fields may be submitted through mail, email or in person at the Spartan Recreation Center or City Hall. No call-in reservations for athletic fields.

**5.2.1.2. Rental requests - tennis courts**

Tennis court rentals may be completed online, or an Outdoor Facility Use Permit Application may be submitted in person at the Spartan Recreation Center or City Hall. No call-in reservations for tennis courts.

**5.2.2. Athletic Field Scheduling**

Thirty (30) minute minimum reservation required for Athletic Field rentals. Field rentals are available for baseball, softball, soccer, football, Ultimate Frisbee and other approved activities. Rentals are available during the dates and times set forth in Section 5.2.9. No organized use is permitted outside the dates and times listed in Section 5.2.9.

***Exception** - No baseball reservations before 5:00 p.m. on weekdays for non-residents or non-resident organizations.*

**5.2.3. Tennis Court Scheduling**

Sixty (60) minute minimum reservation required for Tennis Court Rentals. The tennis courts are available for drop-in use or reservations from 8:00 a.m. to dusk except for the lighted tennis courts at Shoreline Park, which are available 8:00 a.m. to 10:30 p.m.

**5.2.4. Scheduling Priorities for Athletic Field & Tennis Court Use –**

**Tier 1** – Shoreline Parks & Recreation

**Tier 2** – Interlocal Agreements

**Tier 3** – Non-Profit Organizations with over 50% of their roster that live or pay property tax in the City of Shoreline.

**Tier 4** – All other facility rental requests are on a first come, first served basis.

**5.2.4.1 Allocation Priority Within Tiers**

In recognition that there are limited multi-use fields and tennis courts suitable for all sports, the following criteria will be used to establish fair and reliable allocation within the tiers listed above:

- Historic use: In order to provide a reliable baseline schedule for field/court users and City staff, historic use will be a factor in field/court allocation. Two years of consistent use will establish historical precedence.
- Number of participants within an organization: Allocation should be generally proportional to the number of participants in an organization.
- Appropriate use: The City will attempt to assign earlier time slots for younger teams, smaller grass fields for the youngest participants, games on higher quality fields, etc.

- Users in good standing: Invoices are up to date according to the payment plan, requests are received according to the scheduling calendar, and permit conditions are consistently met.

#### **5.2.5. Athletic Field & Tennis Court Historic Rental Group Responsibilities**

Returning ongoing Rental Groups will receive a copy of their historic use and Historic Facility Use Permit Application packet on a seasonal basis.

| Name of Season | Date Range of Season                 | Month Application and Historic Use Sent |
|----------------|--------------------------------------|---|
| Winter/Spring  | January-3 <sup>rd</sup> Week in June | November                                |
| Summer         | 4 <sup>th</sup> Week of June-August  | February                                |
| Fall           | September-December                   | June                                    |

5.2.5.1. Ongoing Rental Groups must complete and submit the Historic Facility Use Permit Application within 14 days of the date the application packet is sent, or the tentatively scheduled rental dates will be returned to the general “availability pool” for other groups to reserve.

5.2.5.2. The Renter must designate one point of contact who must handle all correspondence with the PRCS Department. Parents, coaches, participants and league coordinators should be encouraged to correspond through this contact person.

#### **5.2.6. Inclement Weather Cancellations & Refunds**

See Recreation Program Refund Policy and Procedures–1000-03 (9247)

***Exception** - Shoreline Little League is not given credit for field light fees when an event is cancelled due to inclement weather by the City of Shoreline.*

#### **5.2.7. Athletic Field Playability Rules & Regulations**

The baseball infield “playability” phone number is (206) 801-2662. League officials, coaches and participants are responsible for calling the field playability phone number on dates when weather conditions may affect playability status of each field. Playability information is available via a recorded phone message after 3:00 p.m. on weekdays and after 8:30 am on weekend mornings. Weekend field playability after 11:00 a.m. will be determined by league officials on site. Fields that are posted with “Field Closed” signage are not to be used for games or practices. Teams ignoring field closure signs may be charged for repairs and/or denied further access to field use.

##### **5.2.7.1 Soccer Fields/Tennis Courts**

Soccer field and tennis court playability will be determined by the renter.

#### **5.2.8. Field Preparation**

City staff, or a designated representative, will perform all field preparation, unless otherwise approved by the Parks Superintendent, according to the following schedule:

- 5.2.8.1. **Soccer fields**  
Determined by Parks maintenance schedule.

5.2.8.2. **Baseball/softball infields**

5.2.8.2.1. *Field Prep for Scheduled Practices* – Each baseball field listed in Section 5.2.9. with scheduled practices will receive two field drags per week.

5.2.8.2.2. *Field Prep for Scheduled League Games* – The City of Shoreline will provide one field game prep per day for any baseball field scheduled for a baseball league game on the master field schedule.

5.2.8.2.2.1. Each rental group requesting field “preps” for baseball/softball league games must complete and submit printed league schedules to the PRCS Department at least seven (7) days before the first scheduled league game commences to guarantee field “prep”.

5.2.8.2.2.2. Exception – Field game preps are only provided at Hamlin Park and Paramount Park for Shoreline Little League. Shoreline Little League is responsible for all field game preps at all other City of Shoreline baseball fields.

5.2.8.3. **Athletic Field Incidents/Accidents**

All Renters are required to report incidents and accidents that occur during field use to the PRCS Department rental coordinator. In addition, field user groups are encouraged to inform the PRCS Department recreation staff of any hazardous field conditions they observe, (i.e. holes in turf, broken irrigation, loose fencing, etc.).

**5.2.9. Athletic Field Rental Availability – Dates and Times**

| Park / Field         | Rental Dates | Rental Times      | 90' Baseball | 65' Adult Softball | 60' Youth Baseball | Adult Soccer | Youth Soccer | Youth Football | Ultimate Frisbee | Field Lights |
|----------------------|--------------|-------------------|--------------|--------------------|--------------------|--------------|--------------|----------------|------------------|--------------|
| <b>Cromwell Park</b> |              |                   | No           | No                 | Yes-1              | No           | Yes-1        | No             | Yes-1            | No           |
| Baseball Field       | Mar – Aug    | 8:30am – Dusk     | No           | No                 | Yes                | No           | No           | No             | No               | No           |
| Soccer Field         | Mar – Oct    | 8:30am – Dusk     | No           | No                 | No                 | No           | Yes          | No             | Yes              | No           |
| <b>Hamlin Park</b>   |              |                   | Yes-2        | Yes-2              | Yes-4              | No           | No           | No             | Yes-3            | Yes          |
| Baseball Field 1     | Mar – Oct    | 8:30am – 12a.m.   | No           | No                 | Yes                | No           | No           | No             | No               | Yes          |
| Baseball Field 2     | Mar – Oct    | 8:30a.m. – 12a.m. | No           | No                 | Yes                | No           | No           | No             | Yes              | Yes          |
| Baseball Field 5     | Mar – Oct    | 8:30a.m. – 12a.m. | Yes          | Yes                | Yes                | No           | No           | No             | Yes              | Yes          |
| Baseball Field 6     | Mar – Oct    | 8:30a.m. – 12a.m. | Yes          | Yes                | Yes                | No           | No           | No             | Yes              | Yes          |

|                                |                     |                     |                     |                           |                           |                     |                     |                       |                         |                     |
|--------------------------------|---------------------|---------------------|---------------------|---------------------------|---------------------------|---------------------|---------------------|-----------------------|-------------------------|---------------------|
| <b>Hillwood Park</b>           |                     |                     | No                  | No                        | No                        | No                  | Yes-1               | No                    | Yes-1                   | No                  |
| Soccer Field                   | Mar – Oct           | 8:30a.m. – Dusk     | No                  | No                        | No                        | No                  | Yes                 | No                    | Yes                     | No                  |
| <b>Paramount Park</b>          |                     |                     | No                  | Yes-1                     | Yes-2                     | No                  | Yes-1               | No                    | Yes-1                   | No                  |
| South Baseball Field           | Mar – Aug           | 8:30am – Dusk       | No                  | Yes                       | Yes                       | No                  | No                  | No                    | No                      | No                  |
| North Baseball Field           | Mar – Aug           | 8:30a.m. – Dusk     | No                  | No                        | Yes                       | No                  | No                  | No                    | No                      | No                  |
| Soccer Field                   | Mar – Oct           | 8:30a.m. – Dusk     | No                  | No                        | No                        | No                  | Yes                 | No                    | Yes                     | No                  |
| <b>Richmond Highlands Park</b> |                     |                     | No                  | Yes-1                     | Yes-2                     | No                  | Yes-1               | No                    | Yes-1                   | No                  |
| Baseball Field 1               | Mar – Aug           | 8:30a.m. – Dusk     | No                  | Yes                       | Yes                       | No                  | No                  | No                    | No                      | No                  |
| Baseball Field 2               | Mar – Aug           | 8:30a.m. – Dusk     | No                  | No                        | Yes                       | No                  | No                  | No                    | No                      | No                  |
| Soccer Field                   | Mar – Oct           | 8:30a.m. – Dusk     | No                  | No                        | No                        | No                  | Yes                 | No                    | Yes                     | No                  |
| <b>Shoreline Park</b>          |                     |                     | No                  | No                        | No                        | Yes-2               | Yes-2               | Yes-2                 | Yes-2                   | Yes                 |
| Shoreline-A                    | Year Round          | 8:30a.m. – 10:30pm  | No                  | No                        | No                        | Yes                 | Yes                 | Yes                   | Yes                     | Yes                 |
| Shoreline-B                    | Year Round          | 8:30a.m. – 10:30pm  | No                  | No                        | No                        | Yes                 | Yes                 | Yes                   | Yes                     | Yes                 |
| <b>Shoreview Park</b>          |                     |                     | No                  | Yes-1                     | Yes-2                     | Yes-1               | Yes-1               | No                    | Yes-1                   | No                  |
| Upper Baseball Field           | Mar – Oct           | 8:30a.m. – Dusk     | No                  | No                        | Yes                       | No                  | No                  | No                    | No                      | No                  |
| Lower Baseball Field           | Mar – Oct           | 8:30a.m. – Dusk     | No                  | Yes                       | Yes                       | No                  | No                  | No                    | Yes                     | No                  |
| Soccer Field                   | Year Round          | 8:30a.m. – Dusk     | No                  | No                        | No                        | Yes                 | Yes                 | No                    | No                      | No                  |
| <b>Park / Field</b>            | <b>Rental Dates</b> | <b>Rental Times</b> | <b>90' Baseball</b> | <b>65' Adult Softball</b> | <b>60' Youth Baseball</b> | <b>Adult Soccer</b> | <b>Youth Soccer</b> | <b>Youth Football</b> | <b>Ultimate Frisbee</b> | <b>Field Lights</b> |
| Soccer Field                   |                     |                     | No                  | No                        | No                        | No                  | Yes                 | No                    | Yes                     | No                  |
| <b>Twin Ponds</b>              |                     |                     | No                  | No                        | No                        | Yes-1               | Yes-1               | Yes-1                 | Yes-1                   | Yes                 |
| Soccer Field                   | Year Round          | 8:30a.m. – 10:30pm  | No                  | No                        | No                        | Yes                 | Yes                 | Yes                   | Yes                     | Yes                 |

### 5.3. Picnic Shelter/Area Facility Use

#### 5.3.1. Picnic Shelter/Area Use

All City managed picnic shelter facilities, when not scheduled for use for City sponsored or co-sponsored activities, may be made available to reserve consistent with the Section 4. General Facility Use with the exceptions listed below:

#### 5.3.2. Application Submittal

See Section 2.2.2: Application Submittal.



Rental requests for picnic shelters may be submitted online or an Outdoor Facility Use Application may be submitted in-person at the Spartan Recreation Center. No call-in reservations.

**5.3.3. Picnic Shelter/Area Scheduling**

Picnic shelters/areas are available for reservations year-round. Reservations will be accepted up to 180 days in advance. Three reservation time slots are available for all picnic shelter/areas: 9:00 a.m. to 2:00 p.m., 2:30 p.m. to dusk, 9:00 am to dusk.

**5.3.4. Scheduling Priorities for Picnic Rentals**

See Section 2.2.6: Scheduling Priorities for Facility Rentals.

**5.3.5. Picnic Shelter/Area Renter Responsibilities**

- All park facilities utilized shall be left in a clean and neat condition.
- No staking or digging is allowed in any park area.
- Painter's tape ONLY for decorations (no tacks, nails, glue, or other tape).
- Personal and/or rental equipment must not interfere with other park or park facility users.
- Renter is responsible for their own set-up and clean up. Set-up and clean-up times are included in the rental time.
- All of Renter's equipment must be removed at the end of each individual event date with no equipment left at the end of the entire rental period.
- Garbage and recyclables shall be placed in appropriate containers or removed from city property.
- Renter shall be subject to additional fees if facility is not left in a condition considered satisfactory to City facility staff.

**5.3.6. Inclement Weather Cancellations**

No inclement weather refunds are allowed for picnic shelter/area rentals.

**5.3.7. Alcohol Use**

Alcohol use is permitted at the Richmond Beach Terrace and the Cromwell Amphitheater with a Washington State Liquor Control Board One Time Use Banquet Permit and an approved Special Alcohol Permit. The Liquor Control Board permit must be displayed on premises during the entirety of the event. Renters must obtain liability insurance.

**5.3.8. Picnic Shelter/Area Preparation**

Picnic shelters will be cleaned once a day before scheduled use. Trash is picked up daily. Renter accepts the City of Shoreline's Park and/or Park Facilities "as is," subject to the effects of rain and wind, other park patrons, and the presence of park wildlife.

## 5.4. Park and Open Space Non-Exclusive Use

### 5.4.1. Park and Open Space Use

The City monitors the use of natural areas and open spaces on City property along with the various neighborhood parks managed by the PRCS Department. Non-exclusive uses, other than drop-in use, that have minimal impact on the vegetation, wildlife, enjoyment of the facility by other patrons and adjoining properties will be considered on a case-by-case basis as set forth in this policy.

### 5.4.2. Application Submittal

See Section 2.2.2: Application Submittal.

Park and Open Space Non-Exclusive Event Permit Applications may be submitted by mail, email or in person at the Spartan Recreation Center or City Hall.

### 5.4.3. Park and Open Space Scheduling

Natural areas and open spaces, community parks and the Connie King Skate Park are available for non-exclusive passive use from 8:00 a.m. to dusk throughout the year (unless posted as “closed” due to safety concerns).

### 5.4.4. Conditions of Use of Park and Open Space Area

#### 5.4.4.1. **Park and Open Space Non-Exclusive Use Event Permit**

A Park and Open Space Non-Exclusive Use Event Permit is required if the request meets any of the following criteria:

1. Estimated attendance is 25 or more, or
2. A request to place large equipment or object in a Park or Open Space Area, or
3. A requested event that is outside normal park hours and/or policies.

##### 5.4.4.1.1. *Low Impact Park & Open Space Permit*

Low-Impact Park & Open Space Applications are reviewed by Rental Coordinator. Low-Impact Park & Open Space Permit requests to use Park & Open Space Areas must meet all the following criteria:

1. Estimated attendance of 25 -99 participants and
2. No large equipment and/or objects being placed in a Park & Open Space Area and
3. Event is not outside normal park hours and/or policies.

##### 5.4.4.1.2. *High Impact Park & Open Space Permit*

**Permission from PRCS Director** - To diminish the impact on park and open spaces and to minimize impacts on other facility patrons and adjoining properties, all events that meet any of the following criteria must have a High-Impact Park & Open Space Permit approved by the PRCS Director.

1. Estimated attendance of 100 or more participants, or

2. Large equipment and/or objects are being placed in a Park & Open Space Area, or
3. Event is outside normal park hours and/or policies.

**5.4.4.2. Park and Open Space Non-Exclusive Event Permit Cancellation and Refunds**

See Recreation Program Refund Policy and Procedures—1000-03 (9247)

## **6.0 INDOOR FACILITY RENTALS**

### **6.1. Richmond Highlands Recreation Center Facility Use**

The Richmond Highlands Recreation Center, when not scheduled for use for City sponsored or co-sponsored activities, may be made available for booking consistent with Section 4. General Facility Use with the exceptions listed below:

#### **6.1.1. Application Submittal**

See Section 2.2.2: Application Submittal.

Rental requests for Richmond Highlands may be submitted online, or a Community Center Facility Use Permit Application may be submitted in person at City Hall. No call-in reservations.

#### **6.1.2. Richmond Highlands Scheduling**

The Richmond Highlands Recreation Center is available for reservations on weekends during designated time slots between 8:00 a.m. - 6:00 p.m. on Saturdays and between 8:00 a.m. - 10:00 p.m. on Sundays.

Rental groups will be scheduled at least thirty minutes apart. Renters will be charged additional fees in 15-minute increments for time in excess of agreed time. A three (3) hour minimum reservation is required.

#### **6.1.3. Scheduling Priorities for Richmond Highlands**

See Section 2.2.6: Scheduling Priorities for Facility Rentals.

#### **6.1.4. Conditions for Richmond Highlands Rentals**

- The maximum allowable attendance at the Richmond Highlands Recreation Center is 214. Renters reserving the entire building will not have access to the office space.
- All decorations the use of painters tape only.
- No tacks, glue, nails or other means that temporarily or permanently alter the building is allowed.
- The City-provided building monitor is in charge at all times.
- Renters must notify the building monitor immediately in the event of an incident, accident or emergency.
- Appropriate shoes and clothing must be worn at all times while at the facility; muddy shoes or cleats are not permitted in the building.
- All equipment must be returned to its appropriate location for storage.

#### **6.1.5. Alcohol Use**

Alcohol use is permitted at the Richmond Highlands Recreation Center with a Washington State Liquor Control Board One Time Use Banquet Permit and an approved Special Alcohol Permit. The state banquet permit must be displayed on premises during the entirety of the event. Renters must obtain liability insurance.

#### **6.1.6. Gymnasium Rental Rules & Regulations**

- An adult must accompany children under ten (10) years old at all times in the gymnasium. Dunking and/or hanging from the basketball goals is prohibited.
- Roller-skates, skateboards, and/or in-line skates are not permissible on the premises.
- Indoor hockey and baseball are prohibited in the gym.
- Other conditions may be specified in the permit.

### **6.2. Spartan Recreation Center Facility Use**

The Spartan Recreation Center facility, when not scheduled for use for City sponsored or co-sponsored activities, may be made available for booking consistent with this policy.

#### **6.2.1. Application Submittal**

See Section 2.2.2: Application Submittal.

Community Center Facility Use Permit Applications for the Spartan Recreation Center may be submitted by mail, email, or in person at the Spartan Recreation Center. No call-in reservations. Rental applications accepted up to seven (7) days in advance for reservations during Spartan Recreation Center operating hours.

#### **6.2.2. Spartan Recreation Center Scheduling**

The following Spartan Recreation Center facility rooms are available for reservation Sunday through Thursday from 8:00 a.m. to 10:30 p.m., and Friday and Saturday from 8:00 a.m. to 12:00 midnight: Gymnasium, Cascade Room (with or without kitchen), Olympic Room (with or without kitchen), Dance Room and Gymnastics Room. A one (1) hour minimum reservation is required during regular business hours and a (3) three-hour minimum reservation is required outside regular business hours.

#### **6.2.3. Scheduling Priorities for Spartan Recreation Center**

See Section 2.2.6: Scheduling Priorities for Facility Rentals.

#### **6.2.4. Conditions for Spartan Recreation Center Rentals**

##### **6.2.4.1. Gymnasium**

- No food or drink is allowed. Capacity of the Gymnasium is 955 people.
- An adult must accompany all children ten (10) and under at all times.
- All participants must have shoes with non-marking soles.

- Facility staff is required to move bleachers and basketball goals, set up nets, and move any major equipment.
- Tables and chairs may be used only with use of appropriate floor coverings. Hanging from the basketball rims or goals is prohibited.
- Any reservation that prevents the use of the other court in the gym will be charged for the use of the entire gym.
- Sports other than basketball, volleyball and pickleball need prior approval.
- Other conditions as may be specified in the permit.

6.2.4.2. **Cascade Room**

Food and drink are allowed in the Cascade Room with a damage deposit. Capacity of the Cascade Room is 64 people.

6.2.4.3. **Cascade Room w/Kitchen**

Includes Cascade Room listed above plus a 88 square foot kitchen. Capacity of the Cascade Room with Kitchen is 64 people.

6.2.4.4. **Olympic Room**

Food and drink are allowed in the Olympic Room with a damage deposit. Capacity of the Olympic Room is 74 people.

6.2.4.5. **Olympic Room w/Kitchen**

Includes Olympic Room listed above plus the 88 square foot kitchen. Capacity of the Olympic Room with Kitchen is 74 people.

6.2.4.6. **Dance Room**

No food or drink is allowed. Capacity of the Dance Room is 181 people.

6.2.4.7. **Gymnastics Room**

No food or drink is allowed. Capacity of the Gymnastics Room is 80 people.

**6.2.5. Spartan Recreation Center Special Rental Groups**

6.2.5.1. **Shoreline School District**

The Spartan Recreation Center facility is owned by the Shoreline School District and operated by the City of Shoreline. Both Shoreline School District and City of Shoreline-sponsored activities may be scheduled in the Spartan Recreation Center without incurring fees and charges during established hours of operation under the Joint Use Agreement between the organizations. All Shoreline Public School requests for the Spartan Recreation Center are submitted through the Shoreline Public Schools' Athletic Director's office. The Athletic Director will submit requests quarterly. Shoreline Public Schools must provide opening/closing of building and supervision during school events that occur outside the normal operating hours of the Spartan Recreation Center.

6.2.5.2. **Designated Shoreline Public School Employees**

Drop-in fees at the Spartan Recreation Center will be waived for designated Shoreline Public School employees showing Shoreline Public Schools Employee I.D. or a Shoreline Public Schools Lifetime Pass. All Shoreline School District guests must pay the listed fees.

**6.2.5.3. Shoreline-Lake Forest Park Senior Center**

The Shoreline-Lake Forest Park Senior Center will not be charged for the first ten (10) hours of scheduled use of the Spartan Recreation Center during any given week.

**6.2.6. Decorations**

Free-standing decorations are allowed. Items may not be affixed to equipment, the ceiling, doors or light fixtures. Flammable materials, candles and smoke machines are prohibited. Confetti, glitter and other similar decorations are also prohibited. If Renters wish to affix decorations to the walls, only light adhesive painters' tape may be used.

**6.2.7. Spartan Recreation Center Rules & Regulations**

Abusive language, fighting and inappropriate behavior are prohibited. Spartan Recreation Center facility staff must be notified immediately in the event of an incident, accident or emergency. Appropriate attire must be worn at all times. Clean shoes and clothing that is appropriate to the activity involved is required. Muddy shoes, cleats, roller-skates, skateboards and in-line skates are prohibited in the facility. Non-service animals are not allowed in Spartan Recreation Center at any time.

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

|                      |  |
|----------------------|--|
| <b>AGENDA TITLE:</b> | Discussion of the Eastside Off Leash Area Lease Agreement with the Washington State Department of Social and Health Services   |
| <b>DEPARTMENT:</b>   | Parks, Recreation and Cultural Services  |
| <b>PRESENTED BY:</b> | Eric Friedli, Parks, Recreation and Cultural Services Director   |
| <b>ACTION:</b>       | <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion<br><input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Discussion |

**PROBLEM/ISSUE STATEMENT:**

The City of Shoreline and the State of Washington (State) have a long history of working together on issues related to State operations on the Fircrest Campus. The City is currently part of a larger multi-agency State initiative to develop a broad roadmap for the future of the campus; a process that has been slowed by the impacts of the current public health crisis.

Additionally, since 2013, the City has been leasing land from the State of Washington Department of Social and Health Services (DSHS) for the Eastside Off-leash Area (OLA). The Council approved the most recent extension to that lease agreement on June 22, 2020. The current lease agreement runs through the end of 2020. In the current agreement, the City pays a rental rate of \$1,000 per month for the months of July and August and then “the fair market value rate established by an appraisal commissioned by the Lessor” for the remainder of the year.

Based on the DSHS appraisal provided to staff in late July, the monthly rental rate will increase to \$4,356 per month effective September 1<sup>st</sup>. Staff recently asked an independent real estate consultant to review the appraisal. The consultant identified several important deficiencies in the analysis contributing to an above market opinion of value. The current lease agreement with DSHS allows the City to terminate the agreement with 15 days-notice if the budget impact of meeting the state’s fair market value requirement is not acceptable. Given this dramatic increase in the lease rate, Council was interested in discussing the potential options and next steps regarding continuing or terminating the current lease agreement with DSHS.

**FINANCIAL IMPACT:**

The City’s original budget for leasing the Eastside OLA was \$2,400 for all of 2020 based on the rate \$200 per month, which had been the lease rate since 2013. Based on the current lease agreement that began on July 1<sup>st</sup> (\$1,000 per month for July and August and \$4,356 for September through December), the total lease payment for 2020 would be \$20,624, which is \$18,224 over budget. As the Parks Operations Division has been actively reducing expenditures due to the COVID-19 budget challenges, the Division



can absorb this additional roughly \$18,000 in cost for 2020. However, this also means that the Parks Operations budget won't have as much budgetary savings to support the City's 2020 budget challenges due to the COVID-19 recession. If the City were to terminate the Eastside OLA lease and develop a new interim OLA at James Keough Park, staff estimates the capital cost would be between \$75,000 and \$150,000 in one-time funding.

### **RECOMMENDATION**

No formal action is required as this is a discussion item only. Staff is seeking Council direction however on whether to continue or terminate the current Eastside OLA lease agreement with DSHS by August 15, 2020. Staff recommends City continue the current lease at the increased lease rate through either September or October 2020 while continuing to review the State's appraisal and, if indicated, approaching the State to negotiate a reasonable rent based on the City's review. Staff further recommends that if the City is not on a successful pathway to a negotiated solution with DSHS by either September or October 15, 2020, that the City should give notice, close the Eastside OLA and replace it with an interim OLA in James Keough Park.

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

## **BACKGROUND**

On May 1, 2013, the City of Shoreline entered into a five-year lease agreement with the State of Washington Department of Social and Health Services (DSHS) to construct and operate a two-acre fully fenced off-leash area (OLA) located at the southeast corner of the Fircrest Campus, which is located at 1750 NE 150<sup>th</sup> Street. DSHS owns and operates the Fircrest property and is the leasing agent for this Eastside OLA.

The original lease agreement, which expired May 1, 2018, has been amended at various times. The most recent lease agreement for the Eastside OLA, which was approved by the City Council on June 22, 2020, went into effect on July 1<sup>st</sup> and runs through December 31, 2020. The staff report for the June 22<sup>nd</sup> Council approval of the lease with DSHS, which includes the current lease agreement, can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport062220-7e.pdf>.

### **DSHS Lease Terms and Rate for the Eastside OLA**

The terms of the current lease agreement for the Eastside OLA are similar to the terms of the prior lease agreements, except for an increase in the lease rate and termination notice. While the City's prior lease rate was \$200 per month, the current lease agreement has a rental rate of \$1,000 per month for the months of July and August 2020, and starting in September 2020, the rental rate will be "the fair market value rate established by an appraisal commissioned by the Lessor" for the remainder of the year. Based on the DSHS appraisal provided to the City in late July, the monthly rental rate will increase to \$4,356 per month effective September 1<sup>st</sup>.

During the 2020 Legislative session, state law ([RCW 71A.20.170](#)) was amended to assist in preserving the State's developmental disabilities community trust, which is the beneficiary of lease payments made for use of property at Fircrest. An [amendment](#) (SSB 6190 Sec 1 (3)) to the RCW states "any sale, lease, or easement under this section must be at fair market value". Per this revised language in state law, DSHS hired an appraiser to conduct a "fair market value" appraisal for the land at Fircrest School. The City was provided a copy of the appraisal on July 27<sup>th</sup>, and the State's appraisal indicates that an annual lease for two-acres of land at Fircrest would cost \$52,267 annually, or \$4,356 per month as noted above.

The current lease agreement with DSHS allows the City to terminate the agreement with 15 days-notice if the budget impact of meeting the state's fair market value requirement is not acceptable. Given this dramatic increase in the lease rate, Council was interested in discussing the potential options and next steps regarding continuing or terminating the current lease agreement with DSHS.

## **DISCUSSION**

Staff directed its real estate consultant to conduct a review of DSHS' appraisal of the fair market rental value of the Eastside OLA and received initial feedback that there are some deficiencies in the analysis which may have resulted in a valuation which is above market value for this property. This includes misstating that an approved Master

Development Plan (MDP) Permit exists under revision, which would be required for any development to occur on DSHS' property. While DSHS has initiated an internal master planning and design process several times, it has never culminated in a formal application to the City. The comparable properties analyzed in the appraisal did not have similar development constraints associated with them, being in zones where commercial and light-industrial uses are allowed by right.

Staff has developed the following options for Council consideration regarding the current DSHS lease for the Eastside OLA.

**Option 1: Continue Lease Through October 31<sup>st</sup> At Least (Staff Recommendation)**

Given that the review of the DSHS appraisal shows that there is a reasonable difference of opinion about fair market value of this property, staff believes that there is an opportunity to approach the State and potentially negotiate a lower rental rate. Staff recommends not terminating the lease agreement until this approach has been explored. This would likely go beyond August 15<sup>th</sup>, which is the date the City can terminate the lease prior to the higher lease payment going into effect on September 1<sup>st</sup>. Payment of the September and October rent would depend on the status of negotiations with the State at that time.

If lease rate negotiations are successful and a renegotiated lease amount is amenable to the City Council, the Eastside OLA would remain in operation and the City would begin negotiations with the State about extending the lease agreement beyond December 31, 2020. If negotiations are not successful, staff would recommend the City would post notice and move forward with closing the Eastside OLA by November 1, 2020, at the latest. While staff is hopeful that the State would at least consider the City's position about the appraisal of this property, staff understands that the fair market value rate is established by lessor's appraisal, and therefore discussing the appraisal with DSHS may not result in an amended lease rate.

**Option 2: Terminate Lease by August 15<sup>th</sup>**

Council could decide not to challenge the State's appraisal of fair market rent and direct staff to give notice to terminate the Eastside OLA lease agreement prior to August 15<sup>th</sup>. This would ensure that the City would not pay the higher lease rate for the remaining months of the year. Staff would immediately post notice of the imminent closure of the Eastside OLA and would remove fencing, signage, etc. by September 1<sup>st</sup>.

**Alternative Off-Leash Area Location**

Under either one of the options above that results in the closure of the Eastside OLA (by either September 1<sup>st</sup> or November 1<sup>st</sup>), an alternative location for an OLA is recommended. Closure of the Eastside OLA would result in just one year-round OLA in Shoreline, located in Shoreview Park.

The Priority Parks concept design process, conducted in 2018 for the Shoreline Aquatics, Recreation and Community Center/Parks Bond Measure, anticipated the need for additional OLAs in Shoreline. The concept designs for James Keough and Ridgecrest Parks both include new OLAs. The long-term development of those parks is expected to include OLAs along with other park amenities including playgrounds, walking paths, improved parking, picnic shelters, etc.

If there is a near-term need to construct an interim OLA to replace the closed Eastside OLA, James Keough Park is likely the most suitable location. Costs would include fencing, access trail, kiosk, pad for port-a-pottie and parking improvements. While firm cost estimates have not been developed for this project, rough estimates would be between \$75,000 and \$150,000. Construction would take between 60 and 90 days to complete.

### **STAKEHOLDER OUTREACH**

There has been no public or stakeholder outreach related to this specific issue as staff just recently received the State's appraisal.

### **FINANCIAL IMPACT**

The City's original budget for leasing the Eastside OLA was \$2,400 for all of 2020 based on the rate \$200 per month, which had been the lease rate since 2013. Based on the current lease agreement that began on July 1<sup>st</sup> (\$1,000 per month for July and August and \$4,356 for September through December), the total lease payment for 2020 would be \$20,624, which is \$18,224 over budget. As the Parks Operations Division has been actively reducing expenditures due to the COVID-19 budget challenges, the Division can absorb this additional roughly \$18,000 in cost for 2020. However, this also means that the Parks Operations budget won't have as much budgetary savings to support the City's 2020 budget challenges due to the COVID-19 recession. If the City were to terminate the Eastside OLA lease and develop a new interim OLA at James Keough Park, staff estimates the capital cost would be between \$75,000 and \$150,000 in one-time funding.

### **RECOMMENDATION**

No formal action is required as this is a discussion item only. Staff is seeking Council direction however on whether to continue or terminate the current Eastside OLA lease agreement with DSHS by August 15, 2020. Staff recommends City continue the current lease at the increased lease rate through either September or October 2020 while continuing to review the State's appraisal and, if indicated, approaching the State to negotiate a reasonable rent based on the City's review. Staff further recommends that if the City is not on a successful pathway to a negotiated solution with DSHS by either September or October 15, 2020, that the City should give notice, close the Eastside OLA and replace it with an interim OLA in James Keough Park.