



REVISED AGENDA V.2

STAFF PRESENTATIONS

PUBLIC COMMENT

SHORELINE CITY COUNCIL VIRTUAL/ELECTRONIC REGULAR MEETING

Monday, October 19, 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: 253-215-8782 | 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 Time</u>
1. CALL TO ORDER		7:00
2. ROLL CALL		
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
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- 7. CONSENT CALENDAR** 7:20
- (a) Approving Minutes of Regular Meeting of September 21, 2020 7a1-1
 - Approving Minutes of Regular Meeting of September 28, 2020 7a2-1
 - Approving Minutes of Regular Meeting of October 5, 2020 7a3-1
 - (b) Adopting Ordinance No. 905 - Authorizing a One-Year Extension 7b-1
to the Right-of-Way Franchise with Northwest Fiber LLC (dba Ziply) Originally Granted to Verizon Northwest Inc. (Ordinance 522) to Construct, Maintain, Operate, Replace, and Repair a Cable System Over, Along, Under, and Through Designated Public Rights-of-way in the City of Shoreline
 - (c) Adopting Ordinance No. 900 - Amending SMC 8.12 to Establish 7c-1
the Purpose of and Authorizing Guidelines for Use of the Veteran’s Recognition Plaza at City Hall

- 8. ACTION ITEMS**
- (a) Adopting Ordinance No. 901 - Amending Certain Sections of the 8a-1 7:20
Shoreline Development Code to Provide for Commercial Space on the Ground Floor of Multifamily Buildings

- 9. STUDY ITEMS**
- (a) Discussing the 2021-2022 Proposed Biennial Budget – Department 9a-1 7:50
Presentations

10. EXECUTIVE SESSION: Litigation – RCW 42.30.110(1)(i) 8:50

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

11. ADJOURNMENT 9:10

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. 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 OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, September 21, 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.

(a) Proclaiming Welcoming Week

Mayor Hall recognized September 12-19, 2020 as Welcoming Week in Shoreline and shared statistics on the diversity of the City.

3. REPORT OF CITY MANAGER

Debbie Tarry, City Manager, provided updates on COVID-19, and reports and information on various City meetings, projects and events.

4. COUNCIL REPORTS

There were no Council reports.

5. PUBLIC COMMENT

Speaking in opposition of the proposed Enhanced Shelter at 16357 Aurora Avenue N:

Vinay Venkatesh, Shoreline resident, shared data on the petition opposing the Shelter. He asked for more information on the Shelter to properly prepare for the upcoming community meeting.

Ed Jirsa, Shoreline resident, said, from his experience as a firefighter, low-barrier shelters lead to an increase in area homeless populations and call volumes for emergency services. He expressed concern for the effect the Shelter would have on the community.

Joanne Godmintz, Shoreline resident, shared concerns for the impact on budget and emergency services for low-barrier shelters. She opposed the potential zoning change.

Barbara Twaddell, Shoreline resident, said she felt her concerns were being dismissed after a Councilmember's comments at the last Council meeting. She asked for clarification on what level of drug use will be permitted.

Margaret Willson, Shoreline resident, said providing a place to stay with no sobriety requirement is not going to help a drug addict get clean, and she asked the Council to use the shelter for law-abiding needy people.

Larry Pfeil, Shoreline resident, shared information in a letter from the Shoreline Place developer and recommended that the Council read the Washington State Department of Commerce Shelter Program Overview.

Nancy Morris, Shoreline resident, said many legitimate concerns have not been answered about the proposed Shelter and she shared comparisons with the guidelines for hosted encampments. She said shelter policies need to help homeless people get better.

Guruprasad TG, Shoreline resident, asked for information documenting successes of low-barrier shelters and commented that the public process for naming parks is more comprehensive than for considering a low-barrier shelter.

Chris Chalcraft, Shoreline resident, described the Shelter as an irresponsible plan, specifically geared toward a subset of homeless people who have had problems in traditional shelters.

Nancy Pfeil, Shoreline resident, said the Shoreline Municipal Code gives direction that shelters not be cited in residential neighborhoods and said regulations are being rewritten to accommodate the facility. Additionally, she urged preservation of mature trees.

Speaking in support of the proposed Enhanced Shelter at 16357 Aurora Avenue N:

Jason Metcalf-Lindenburger, Lake Forest Park resident, said he was involved heavily with the shelter at Ronald United Methodist Church and shared the community connection that those that the Shelter housed. He said there is public support for the Shelter, and he does not think it will increase the homeless population.

Stephanie Henry, Shoreline resident, shared her positive experiences at the Ronald United Methodist Church Shelter. She said a 24/7 shelter would provide basic necessities for unhoused members of the community.

Pastor Kelly Dahlman-Oeth, resident of Kirkland and Pastor of Ronald United Methodist Church, recognized that homelessness is increasing dramatically but it is not a result of providing shelters for people to live in. He shared positive experiences from running a shelter at the Church.

Offering general Public Comment:

Rebecca Jones, Shoreline resident and Save Shoreline Trees representative, spoke to the value of landmark trees scheduled for removal as part of the pending Washington State Department of Transportation office project.

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 July 27, 2020**
- (b) Authorizing the City Manager to Execute Change Order #2 to Contract No. 9155 with Trinity Contractors, Inc. for Annual Stormwater Catch Basin Repair and Replacement**
- (c) Authorizing the City Manager to Execute Amendment 1 to the King County Flood Control District Flood Reduction Grant Funding for the Storm Creek Erosion Management Project**

8. ACTION ITEMS

- (a) Approving Preliminary Formal Unit Lot Subdivision No. PLN19-0133, Dividing Three Existing Parcels into Nineteen (19) Unit Lots at 18002, 18008 and 18016 12th Avenue NE

Mayor Hall reviewed the Appearance of Fairness Checklist with Council and no one reported any ex parte communications on the subdivision proposal before them.

Cate Lee, Associate Planner, delivered the Staff presentation. Ms. Lee explained that this quasi-judicial decision before Council is a formal subdivision because ten or more lots are proposed for creation. She reviewed the requirements for this Type-C decision. Ms. Lee shared property information including location and zoning and displayed a vicinity map. She reviewed the proposal to subdivide the site into 19 lots and described the proposed structures and the requirements for subdivision. She outlined the process to date and shared highlights and stated that all construction permits have been approved but their issuance is pending Council approval of the preliminary subdivision and lot merger. She stated that City staff and the Hearing Examiner have concluded that the proposed subdivision meets applicable requirements of the Shoreline Municipal Code and after conducting a public hearing, the Hearing Examiner recommends approval subject to listed conditions. City staff concur with the recommendation.

Councilmember McGlashan moved to approve Preliminary Formal Subdivision No. PLN19-0133 subject to the conditions included in the Hearing Examiner recommendation. The motion was seconded by Deputy Mayor Scully.

Councilmember McGlashan said this proposal represents the Council's decision to approve fee simple townhouse lots and said it will be a great addition to North City.

Mayor Hall commented on the road and sidewalk improvements that are part of this project and noted this corner will be a major connection between North City and the Light Rail Station. He said the project brings revenue to fund services and amenities.

Deputy Mayor Scully said the City is changing, and it is important to ensure people can afford to get a start here. Projects like this are more affordable than most of what is being built.

The motion passed unanimously, 7-0.

(b) Adoption of Ordinance No. 896 - Amending Certain Sections of Shoreline Municipal Code Title 20 to Permit Professional Offices in the R-8 and R-12 Zoning Districts

Steve Szafran, Senior Planner, delivered the staff presentation. He reminded Council of the origins of the development code amendments to permit professional offices in R-8 and R-12 zones, stating that it began as a Comprehensive Plan Amendment. The amendments before Council tonight will implement the policy established by Council in Ordinance No. 881. He explained the purpose of the amendments, displayed the amendatory motion language requested by Council, and asked a clarifying policy question regarding parking spaces. He said the Planning Commission recommended the amendments shown in the staff report and that Staff recommends adoption of Ordinance No. 896.

Councilmember Roberts moved adoption of Ordinance No. 896. The motion was seconded by Councilmember McGlashan.

Councilmember Roberts said that as more people work from home, expanding the areas zoned for professional office makes sense.

Councilmember Roberts moved to amend the main motion to modify the Planning Commission's recommendation to remove indexed criteria #1 from the proposed Development Code Amendments. The motion was seconded by Councilmember Robertson.

Councilmember Roberts said this amendment makes it clear that all properties in all areas zoned R-8 and R-12 would be eligible to have a professional office on their property.

Deputy Mayor Scully and Councilmembers Chang and McConnell spoke in opposition of the amendment. Councilmember Chang stated the original language would limit the professional office areas to locations that are already on the edge of busier areas, but the broader range of areas that this amendment would include are scattered throughout the City. Not all the areas make sense to increase busyness. Deputy Mayor Scully said when this first came up he thought

that this would benefit neighborhoods, but since you cannot ensure that each business is a good neighbor, he would like to proceed cautiously to begin with, and expand after having the opportunity to track the impacts. Councilmember McConnell agreed that slowly expanding the area once given the opportunity to observe the success of a smaller section would be a more thoughtful approach.

Mayor Hall said he will support the amendment because in the future people will be working from home more and the closer people can live to where they work, the better it is for the environment, the community, and the local businesses. He said the change affects a small portion of the potential parcels in the City, and he sees it as an opportunity to address the outdated notion in urban planning that people could only live in some neighborhoods and work in others.

The motion to amend passed, 4-3, with Deputy Mayor Scully and Councilmembers Chang and McConnell voting against.

Councilmember Roberts moved to modify the Planning Commission's recommendation to amend indexed criteria #9 to read "one sign complying with Table 20.50.540(G) is allowed." The motion was seconded by Deputy Mayor Scully.

Councilmember Roberts said that businesses operating in the R-8 or R-12 zones should be treated the same way businesses in an R-6 zone are, and this amendment does that.

Mayor Hall and Councilmembers Chang, McGlashan, and McConnell opposed adding internally lit signs to professional office areas. Councilmember Chang said internally illuminated signs make an area look commercial and add light pollution, and she would rather they not be used in home occupation business or professional office areas. Councilmember McConnell said she would prefer to keep neighborhoods looking less commercial. Mayor Hall said he agrees with the principle of allowing professional office and home occupation businesses to have the same types of signage, however, he concurs with Councilmember Chang on this issue, and added that daytime businesses do not have the same need for illuminated signs.

Deputy Mayor Scully observed that while the Council seems united in minimizing the impact of this change will have on neighborhoods, there are differing opinions about what creates a negative impact. He said he does not see a giant difference between internally and externally illuminated signs, and since there have not been complaints about internally illuminated signs in home occupation business areas, he supports the amendment.

The motion to amend failed, 2-5, with Deputy Mayor Scully and Councilmember Roberts voting in favor.

Councilmember Roberts asked if the current definition for 'storage of vehicles' means overnight parking. Mr. Szafran responded that the intent is meant to be any parking, day or night.

Councilmember McGlashan asked for clarification on the parking restrictions and definition of commercial vehicles, stating that they seem to be more restrictive than those for home occupation businesses. Mr. Szafran said, impact wise, there may not be much of a difference

between vehicles used for personal and business uses. Councilmember McGlashan suggested defining “commercial vehicles” in the Municipal Code, and Mr. Szafran defined commercial vehicles and said the same limitations that exist in the home occupation code were incorporated into these proposed regulations.

Councilmember Roberts moved to modify the Planning Commission’s recommendation to amend the indexed criteria #5 to read “the office may use or store two vehicles for pickup of materials used by the office or the distribution of products from the site, provided such vehicles shall not exceed a gross weight of 14,000 pounds, a height of nine feet, and a length of 22 feet.” The motion was seconded by Councilmember McGlashan.

Councilmember Roberts said this amendment will allow a professional office the same vehicle permissions that home occupation businesses are allowed, since no negative impact should be created if a business transitions from home occupation to professional office designation.

Mayor Hall said he is inclined to support this because of the rationale presented. Councilmember McGlashan confirmed that this amendment is focused on the number of commercial vehicles that may be kept on site. Councilmember McConnell confirmed that professional office spaces would have parking restrictions based on property size.

Mayor Hall pointed out that the same definition and code enforcement issues exist whether or not this amendment passes and urged Council to focus their decision on the vehicle count they feel should be permitted.

The motion to amend passed, 6-1, with Deputy Mayor Scully voting against.

The main motion to approve Ordinance No. 896 as recommended by the Planning Commission and as further amended by Council passed unanimously, 7-0.

Mayor Hall expressed gratitude for the Council’s attention to the details of this Ordinance.

9. STUDY ITEMS

- (a) Discussing Ordinance No. 901 - Amending Certain Sections of the Shoreline Development Code to Provide for Commercial Space on the Ground Floor of Multifamily Buildings

Steve Szafran, Senior Planner, and Cate Lee, Associate Planner, delivered the staff presentation. Mr. Szafran reviewed the background on the proposed amendments, which stem from a privately initiated Comprehensive Plan Amendment that was rejected from the Docket. He said in rejecting the amendment, Council recognized that Comprehensive Plan policy already exists to support ground floor commercial, and they directed staff to start work on Development Code amendments. He described the research process, which included an online community survey.

Mr. Szafran said that based on Council’s direction, staff initially identified areas in Ridgecrest and North City where ground floor commercial could be required, and he displayed vicinity

maps. He stated that the survey results indicated both preferred business uses and ones the community did not support, and he listed examples of each. He described the Planning Commission's recommendations on business uses to be prohibited, and he added that staff recommends incentives to encourage construction that accommodates restaurant-ready spaces.

Ms. Lee reviewed the specific incentives of height bonus and hardscape increase included in the proposal and described the rationale for them. She shared the public comments received prior to the Public Hearing and outlined the Planning Commission's recommendations. In addition to the amendments proposed in Ordinance No. 901, the Planning Commission recommended creating a vacant commercial space registry, considering future code amendments to encourage redevelopment of commercial spaces in existing buildings and to activate rooftop spaces for commercial use, and developing a grant program for the owners of restaurants to incentivize new development.

Councilmember Chang said she is excited about this commercial requirement and expressed appreciation for the public survey. She recounted an experience eating in a dining area shared by multiple restaurants and asked if a similar situation would meet the City's dimensional requirements. Ms. Lee said flexible approaches could be considered and elaborated on the specifics. Mayor Hall asked if the proposed code would prohibit multiple vendors from sharing a dining space, and Ms. Lee said the requirements would be at the shell construction phase, prior to finished walls, and improvements could be broken into small storefronts.

Councilmember Robertson shared her appreciation for innovative thinking. She said she supports this step toward making spaces happen for the population that will benefit from it. She praised the work of the Planning Commission and said she would like to pursue the idea of a vacant commercial registry.

Deputy Mayor Scully observed that the question before them is complex, because commercial rent must be low to avoid vacancies. He said he is okay if the sacrifice, in order to get lower rents, is to increase building heights because the current market will tolerate it. He said he is excited to see how the change is made. He asked what benefit a vacant business registry would offer versus pursuing traditional routes to identifying available properties. Ms. Lee said that it would allow the City to take a more proactive approach to ensuring commercial spaces are being filled. Mayor Hall suggested the City's Economic Development Program Manager do some research on a registry for future discussion.

Councilmember Roberts said he supports the end goal of this proposal but has several concerns over what is being called an incentive because these 'incentives' are already granted to any business in the particular zone. Ms. Lee explained that the 8 foot height bonus is only available to new construction multifamily buildings in the displayed areas, and the reason for the incentive is to offset the height being sacrificed to add commercial on the ground floor, thereby not penalizing developers to build something that they are now required to build. She added that the incentive for restaurant-ready is offered because it is more cost effective to install at the shell stage, rather than as a retrofit. Councilmember Roberts said it feels like a new zone is being created with new requirements, not incentives, and he suggested that the city's system of incentives is backwards.

Commenting on the remainder of recommendations, Councilmember Roberts said he is not sure where the idea of ‘family friendly’ uses comes from in the development code, but he is concerned that within these two areas certain businesses that are currently allowed will no longer be allowed. He encouraged the Planning Commission to see if there are any barriers to rooftop dining, and he thinks it is a failure to not address reducing parking requirements because developers are concerned about this when building structures. He said he questions requiring developers to build to the minimum lot line and asked whether construction means initial construction or includes remodeling.

Mayor Hall asked clarifying questions on how the proposed code language would work in certain scenarios. He said if it is the community’s desire and Council’s policy decision to prohibit certain uses in certain areas of the City because they are undesirable in that neighborhood, he would rather prohibit the use in the zone than through these amendments. He recalled that Council asked for a code amendment proposal to be brought forward to them promptly, so in this context, even though he would have preferred to separate the allowed use and ground floor requirement issues, he is willing to look at this approach as a pilot project. Mayor Hall agreed that reducing the parking requirements is one of the best ways to generate affordable housing and lower costs for businesses, and he asked for clarification on the proposed parking requirements in the staff report. Ms. Lee said the proposed code sets a standard parking ratio for commercial space that is much lower than it would be for some specific uses. She said it is not a parking incentive, but it does help even the playing field if the type of business going into the commercial space has not been identified at the time of construction.

Councilmember McGlashan reflected on how retail is changing, so while he supports a commercial use ground floor requirement, the City should not limit what kind of businesses they can rent to because he believes they will struggle to secure tenants.

Based on Council interest, Mayor Hall directed staff to prepare an amendment for Council’s consideration to remove the restriction on what types of businesses are permitted.

Councilmember Chang said she supports limiting the types of businesses that can operate in the area and she would like to incentivize restaurants, since they are the kind of business that the community wants.

Mayor Hall encouraged Council to get questions and amendment requests to staff and noted the Ordinance is scheduled for adoption on October 19, 2020.

(b) Discussing the Resident Satisfaction Survey Results

Eric Bratton, Communications Program Manager; announced this is the 10th community survey and he introduced Chris Tatham, Chief Executive Officer of ETC Institute, who delivered the presentation. Mr. Tatham described the purpose of the survey, stating that it is an important tool to assess resident satisfaction, compare performance with previous survey results and against national and regional benchmarks, and to identify areas for improvement. He reviewed the

methodology of the survey description, method of administration, sample size, confidence level, and margin of error. He displayed a map identifying the location of survey respondents.

Mr. Tatham shared specifics on the major findings and comparisons with previous years' data, highlights of which include:

- ***Residents continue to have a very positive perception of the City and city leaders*** despite the challenges caused by the COVID-19 pandemic, and most residents rate the city as an excellent or good place to live and raise children. He observed that there is a high level of concern about homelessness, but the data does not indicate the cause for dissatisfaction.
- ***Dissatisfaction with City services has not increased during the COVID-19 pandemic.*** The leadership ratings remain strong, with very few residents dissatisfied with City leadership. He noted that most residents continue to feel safe in Shoreline, adding that satisfaction with police services has decreased nationally since March 2020.
- ***Satisfaction with City services is significantly higher in Shoreline than most other U.S. cities,*** with more than a ten to one ratio of residents satisfied versus dissatisfied with the overall quality of services provided by the City.
- ***Residents identify homelessness, quality of human services, and quality of police services as the priority issues for the next two years.***
- ***Streets, Sidewalks, and Housing.*** The majority of respondents prefer finding new funding sources for road and sidewalk maintenance programs and support the City's efforts to develop policies to encourage construction of more housing types.
- ***Effects of COVID-19.*** Reporting indicates that Shoreline has been impacted very similarly to the nation as a whole, with 14% of residents expressing concern with being able to pay for necessities as a result of the pandemic. He said 84% of respondents stated they are confident or very confident the City will bounce back from the pandemic.

Councilmember Robertson asked if there were more details available about the expressed concern about homelessness and Mr. Tatham said the survey does not indicate if respondents want the City to do more, or less. Mayor Hall confirmed that the survey results were completed before the recent discussions on a potential Enhanced Shelter began.

Deputy Mayor Scully recognized the City's need to do better when it comes to policing. He asked for additional information on the results that nationwide there was a decline in satisfaction with policing and Mr. Tatham said he thinks that respondents can be influenced by the media and can be a little less positive.

Councilmember McConnell said she learned that the neutral responses have more power than she thought in influencing results. She said she thinks the City recognizes the areas for improvement and has a leadership that cares about the community.

Councilmember McGlashan said as the Council is discussing a potential shelter in Shoreline, it is meaningful to hear that diversity and inclusiveness, response to homelessness, and human services were all identified as high priority issues by residents.

Councilmember Chang added that she has spoken to a lot of people who are concerned about the Enhanced Shelter, and the dissatisfaction is with the location, not the idea of helping the homeless. In light of the recent actions around the Shelter, if residents were to take the survey at this moment in time, she thinks the City would get very different survey results on the topics of communication and satisfaction.

10. ADJOURNMENT

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

Jessica Simulcik Smith, City Clerk

DRAFT

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, September 28, 2020
7:00 p.m.

Held Remotely via Zoom

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

ABSENT: Councilmember McGlashan

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 except for Councilmember McGlashan.

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

(a) Proclamation of Safe Shoreline Month

Mayor Hall proclaimed October 2020 as Safe Shoreline Month and spoke to the importance of safety and preparedness.

3. REPORT OF CITY MANAGER

John Norris, Assistant City Manager, provided updates on COVID-19 and reports and information on various City meetings, projects and events.

4. COUNCIL REPORTS

Councilmember Roberts reported that the Puget Sound Regional Council Executive Board recommended that the General Assembly adopt Vision 2050, which prioritizes supporting transit corridor projects. He added that the application period for Sound City Association's external committees ends soon.

5. PUBLIC COMMENT

Councilmember Roberts moved to suspend the Council Rules to allow all 26 people signed up to speak for up to two minutes. The motion was seconded by Councilmember McConnell and passed unanimously, 6-0.

Speaking in opposition of the proposed Enhanced Shelter at 16357 Aurora Avenue N:

Ed Jirsa, Shoreline resident, said many questions have been left unanswered after the recent community meeting. His concerns focus on the impact to, and safety of, the community.

Larry Pfeil, Shoreline resident, said the recent Community Meeting on the Enhanced Shelter did not allow enough time for questions and community feedback, and suggested that another meeting be held.

Mithuna Srinivasan, Shoreline resident, said the community meeting left questions unanswered and raised new concerns and confusion. She said the key is in the details and urged Council to carefully deliberate as the proposal is considered.

Margaret Willson, Shoreline resident, shared her reaction and response to the comments from supporters of the Shelter during last week's meeting.

Gaurav Bansal, Shoreline resident, said the City is providing answers without any information and he has lost trust in the Council.

Vinay Venkatesh, Shoreline resident, shared concerns and listed questions he has after the community meeting. He urged the Council to put the low barrier shelter on hold.

Sudeeptha Jothiprakash, Shoreline resident, asked the City to provide concrete examples of successful similar low-barrier permanent housing in a single family neighborhood.

Diane Pfeil, Shoreline resident, shared excerpts from a recent Bellingham Herald article about a shelter in the city. She said the type of behaviors of shelter residents described in her research on low-barrier shelters are not what they want in the neighborhood.

DJ Kong, Shoreline resident, said he opposes a homeless shelter in Shoreline and will consider moving out of the City if it is opened.

Janet Covarrubias, Shoreline resident, asked that the wording on the City website be adjusted to indicate that the shelter is still in the proposal process. She expressed concern that Lake City Partners has no experience operating this type of shelter and asked that another community meeting be scheduled.

Nancy Pfeil, Shoreline resident, said the majority of Councilmembers do not seem to care about the community concerns being expressed and she has yet to hear anything that supports the Shelter being a good thing. She asked Council to consider the liabilities associated with the project.

Speaking in support of the proposed Enhanced Shelter at 16357 Aurora Avenue N:

David Trainer, Shoreline resident, shared examples of his connections stemming from Shoreline encampments and shelters and said the Enhanced Shelter is a win-win situation for residents and the homeless.

April Seamon, Shoreline resident, thanked the Council for moving forward on the Shelter and suggested reassuring the community by offering information and education.

Carolyn Frimpter, Shoreline resident, said she supports the location of the Shelter but is concerned about the plan as described, and suggested the City seek advice from shelter managers.

Offering general Public Comment:

Lash Akinmulero, Shoreline resident, provided comment that was inaudible over the Zoom technology.

Carla Carrell, Comcast representative, thanked the City staff for their work in drafting a Franchise Agreement that meets the needs of the community.

Nancy Morris, Shoreline resident, said too many trees are cut down due to development and asked how tree protection will be enforced.

Lee Keim and Vivian Korneliussen, Shoreline residents, spoke as representatives of the League of Women Voters Seattle/King County Environment Committee and shared information about the resources the League has available to cities to help address climate change.

John Ramsdell, Shoreline resident and Chair of the Westminster Triangle Neighborhood Association, expressed support for Ordinance No. 899. He said the addition of a walkable park would benefit the community.

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, 6-0, the following Consent Calendar items were approved:

- (a) Approving Expenses and Payroll as of September 11, 2020 in the Amount of \$1,532,703.33**

***Payroll and Benefits:**

Payroll Period	Payment Date	EFT Numbers (EF)	Payroll Checks (PR)	Benefit Checks (AP)	Amount Paid
8/9/20-8/22/20	8/28/2020	93014-93234	17096-17112	80278-80285	\$957,104.26
					<u>\$957,104.26</u>

***Accounts Payable Claims:**

Expense Register Dated	Check Number (Begin)	Check Number (End)	Amount Paid
8/30/2020	80229	80229	\$4,304.00
9/1/2020	80230	80246	\$127,378.78
9/1/2020	80247	80247	\$14,298.00
9/1/2020	80248	80255	\$31,714.66
9/1/2020	80256	80277	\$158,586.47
9/6/2020	80286	80303	\$189,130.58
9/6/2020	80304	80307	\$6,582.85
9/6/2020	80308	80328	\$43,603.73
			<u>\$575,599.07</u>

- (b) **Adopting the 2021 Community Development Block Grant Funding (CDBG) and Contingency Plan and the 2021-2022 Human Services Funding Plan, and Authorizing the City Manager to Execute Contracts to Implement Approved Programs and Projects**
- (c) **Authorizing the City Manager to Execute a Janitorial Services Contract with Kellermeyer Bergensons Services, LLC in the Amount of \$325,514.13 to Clean City of Shoreline Facilities**
- (d) **Authorizing the City Manager to Enter Into a Title VI Nondiscrimination Agreement with the Washington State Department of Transportation**
- (e) **Adopting Ordinance No. 899 - Authorizing Acquisition of Certain Real Property located at 709 N. 150th Street, Tax Parcel 182604-9211, for Public Park Purposes by Negotiated Voluntary Purchase, Under Threat of Condemnation, or by Condemnation**
- (f) **Adopting Resolution No. 465 - Approving the Surplus of a 2006 Ford E450 Mini Passenger Bus in Accordance with Shoreline Municipal Code Section 3.50.030(B)**
- (g) **Authorizing the City Manager to Obligate \$663,621 of Connecting Washington Funding for Design of the SR523 (N/NE 145th Street) Aurora Avenue N to I-5 Project**
- (h) **Authorizing the City Manager to Obligate \$11,836,379 of Connecting Washington Funding for Right-of-Way Acquisition for Phase 1 of the SR523 (N/NE 145th Street) Aurora Avenue N to I-5 Project**

8. STUDY ITEMS

- (a) Discussing Ordinance No. 894 - Granting a Non-Exclusive Franchise to Comcast to Construct, Maintain, Operate, Replace, and Repair a Cable System Over, Along, Under, and Through Designated Public Rights-of-way in the City of Shoreline

Christina Arcidy, Management Analyst, delivered the staff presentation. Ms. Arcidy gave an overview of the franchise review process and clarified that Federal Law only allows for regulation of cable television services, so this Agreement does not cover high speed internet or telephone services. She said Comcast is the only cable service provider whose franchise area covers the entire City.

Ms. Arcidy summarized the substantial changes to the Franchise. She reviewed the renewal terms and described the rules established by the recent Federal Communication Commission Order 621 and explained the impacts the changes would make for the City. She said the Shoreline Municipal Code and the Cable Act outline the franchise considerations that can be made by a local government and listed them. She said the renewal agreement would have no fiscal impact to the City and that staff recommends approval of the Franchise.

Mayor Hall said it is his recollection that Verizon had originally intended to serve the entire City with Fiber. He asked if the City has the opportunity to have conversations with Ziplly, the successor of interest to Verizon, to encourage them to serve the rest of the City. Ms. Arcidy said that based on conversations with Northwest Fiber (aka Ziplly), it is her understanding that they are very interested in serving the community, so she will ask them about expansion plans, though Shoreline is not on the list of planned expansion areas. Mayor Hall asked if there is any possibility that Ziplly, has any responsibility for Verizon's failure to fulfill their commitment to serve the entire City. Ms. Arcidy said she would research and bring for discussion when she returns to Council to report on Ziplly's franchise agreement.

It was agreed that the Ordinance No. 894 would return as a Consent Item.

- (b) Discussing Resolution No. 463 Amending the Employee Handbook

Don Moritz, Human Resources Director, delivered the staff presentation. He shared background on the Employee Handbook and noted that Resolution No. 463 is intended to bring policies up to date and into compliance with and/or codify current laws, as well as give additional clarity to employees and managers, and reflect the current human resources practices and administrative procedures.

Mr. Moritz summarized the amendments as the following:

- Housekeeping changes to language, formatting and structure, including amendments throughout the Handbook to make the language gender neutral;
- Clarifications of existing policies to make them more easily understandable to employees and to ensure their consistent application;
- The addition of the Washington State Paid Family and Medical Leave as a policy, which is required by RCW Title 50A; and

- Revision to the City’s Paid Supplemental Leave Benefit to make it supportive of the new Washington State Paid Family and Medical Leave provisions and to reduce its overlap of and duplicative coverage with the State’s plan.

Mr. Moritz then highlighted the noteworthy policy updates, and said staff recommends adoption of Resolution No. 463.

Mayor Hall said it is good to modernize the Handbook and he recognized that most of the proposed changes had been discussed previously by Council. It was agreed that Resolution No. 463 would return as a Consent Item.

9. ADJOURNMENT

At 8:16 p.m., Mayor Hall declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk

CITY OF SHORELINE
SHORELINE CITY COUNCIL
SUMMARY MINUTES OF REGULAR MEETING

Monday, October 5, 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.

3. REPORT OF CITY MANAGER

Debbie Tarry, City Manager, provided updates on COVID-19 and reports and information on various City meetings, projects and events.

4. COUNCIL REPORTS

There were no Council Reports.

5. PUBLIC COMMENT

Offering general Public Comment:

Gerard La Jeunesse, Everett resident, spoke on behalf of his mother, a Shoreline resident. He shared their negative experiences with Zply Fiber.

Major General Raymond Coffey, Shoreline resident and Chair of the Shoreline Veterans Association, expressed support for the Guidelines for Use of the Veterans Plaza and listed requested amendments to the guidelines.

Rebecca Jones, Shoreline resident and representative of Save Shoreline Trees, said the City should retain large conifer trees and shared the environmental benefits of the trees scheduled for removal as part of the Washington State Department of Transportation office development project.

Douglas Cerretti, Shoreline resident and member of the Executive Committee of American Legion Post 227 and member of the Shoreline Veterans Association, spoke in support of Ordinance No. 900 and endorsed the suggested amendments as proposed by Major General Coffey.

Bergith Kayyali, Shoreline resident and representative of Save Shoreline Trees, expressed concern for the loss of landmark and canopy trees in the area and asked Council to limit the removal of trees and hold developers accountable for tree preservation.

Gayle Janzen, Seattle resident and member of Save Shoreline Trees, encouraged the City to save old growth trees and said there are common sense solutions to limit tree removal.

Speaking in opposition of the proposed Enhanced Shelter at 16357 Aurora Avenue N:

Barbara Twaddell, Shoreline resident, questioned the ability of Lake City Partners to adequately manage the facility and expressed disappointment in the content of the community meeting. She said low-barrier shelters increase the likelihood of continued addiction.

Vinay Venkatesh, Shoreline resident, listed what he identifies as inconsistencies in the information being shared about the Shelter and the proposed development regulations.

Margaret Willson, Shoreline resident, said she considers allowing low-barrier shelters to be reckless endangerment of City constituents and urged the Council to oppose the proposed development regulations that would permit them in R-48 zones.

Sudeeptha Jothiprakash, Shoreline resident, asked why the City is entrusting management of the low-barrier shelter to Lake City Partners, and shared examples of why she believes they are not experienced in managing a shelter of this sort.

Nancy Morris, Shoreline resident, said a shelter needs to be instituted with foresight and knowledge to best support and protect both clients and the neighborhood, and shared her questions and concerns.

Jackie Kurlle, Shoreline resident, urged transparency and the opportunity for public input on this project.

Diane Pfeil, Shoreline resident, said she is concerned for the safety of the children she cares for at her daycare facility and asked to be able to operate her business safely. She said Lake City Partners has no history of managing a facility of this sort or size and she questioned the probability of success.

Dicky Leonardo, Shoreline resident, shared the negative experiences of an acquaintance who lives next to a low-barrier shelter.

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 McGlashan and unanimously carried, 7-0, the following Consent Calendar items were approved:

- (a) Approving Minutes of Regular Meeting of August 3, 2020
Approving Minutes of Regular Meeting of August 10, 2020**
- (b) Adopting Ordinance No. 894 - Granting a Non-Exclusive Franchise to Comcast to Construct, Maintain, Operate, Replace, and Repair a Cable System Over, Along, Under, and Through Designated Public Rights-of-way in the City of Shoreline**
- (c) Authorizing the City Manager to Execute a Contract with KPFF, Inc. in the Amount of \$174,500 for On-Call Survey Services**

8. STUDY ITEMS

- (a) Discussing the 2019 Annual Traffic Report

Kendra Dedinsky, City Traffic Engineer; and Police Captain Anthony Garza delivered the staff presentation. Ms. Dedinsky said the Annual Traffic Report helps identify projects for inclusion into the Transportation Improvement Plan (TIP) for consideration of capital funding.

Ms. Dedinsky shared the collision statistics summary, which for 2019 illustrated a very slight uptick in overall collisions compared to 2018, showing about 13 new collisions per year. The major implication from this year's data is the uptick in injury collisions, with a significant spike of serious and fatal injury collisions in 2019. Ms. Dedinsky compared Shoreline results to the region, stating that the State's Target Zero plan is showing that these kinds of collisions are going in the wrong direction, which is mirrored in Shoreline's 2019 data. While overall, the rate of collisions in Shoreline remains lower than King County as a whole, the trendline is increasing slightly. She said the 2019 spike in fatal and serious injury collision data moved Shoreline from the 2nd lowest position among 6 comparably sized cities, to 3rd highest.

In reviewing pedestrian and bicyclist collisions, Ms. Dedinsky said bicycle collisions are on a downward trend, and that bicyclist and pedestrian collisions accounted for their lowest proportion of injury collisions in the 2010-2019 data set. She cautioned that these types of collisions still account for a very large proportion of our City's injury collisions and should remain a focus.

Ms. Dedinsky said that driver distraction remains a significant causal factor in general; noted travel speed is an important factor in injury collisions; and reported impairment as a factor shows no notable spikes or dips in 2019. She said arterial streets experience the vast majority of injury

collisions, and that discontinuing the Neighborhood Traffic Safety Program in 2020 has provided more traffic safety resources to be focused on data-driven countermeasures for injury collision reduction.

Ms. Dedinsky displayed a chart of the predominant intersection collision locations and outlined the improvements made to reduce collisions. She listed the segment collision locations and reviewed the projects under consideration or slated for action, identified within the TIP, and recently implemented. She shared the five-year history of pedestrian/bicyclist collision locations and reviewed the plans for safety updates and improvements.

Ms. Dedinsky identified the Aurora corridor as the area most in need of improvement and shared reasons for the uptick in collisions. She reviewed the plans to improve safety for pedestrians and said additional signage is being posted to strengthen the Business Access and Transit (BAT) lane intent. She warned that if this trend continues the City may need to consider broader measures, like speed reduction, in order to bring down injuries. In summarizing the preliminary collision data for Richmond Beach Road following the road diet implementation, she said all types of collisions are lower in comparison to comprehensive prior rates, but the injury rate after the project is slightly higher. She recognized the recent fatality on Richmond Beach Road and said midblock pedestrian crossing improvements are slated for completion by the end of 2021.

Ms. Dedinsky listed the ongoing collision reduction strategies being undertaken by the City.

Captain Garza shared enforcement statistics and said that the number of traffic citations dropped significantly in 2019, partially because of staffing vacancies and absences. He shared information on the traffic education and outreach work done in 2019, including DUI emphases through Target Zero/WTSC grants. He said parking and abandoned vehicles were a significant enforcement area in 2019. He displayed data on parking tickets issued and the increasing number of abandoned vehicles and the associated impounds and described the enforcement efforts directed to collision reduction. Ms. Dedinsky said Shoreline Police and Traffic Services continue to work together to identify priority streets for speed enforcement emphasis, and she noted that transit ridership and traffic volumes increased slightly in 2019, but COVID-19 has significantly reduced these numbers in 2020.

Councilmember Roberts asked if all streets are evaluated when looking at speeds and if there is a regional comparison for the speed limit study. Ms. Dedinsky said the primary focus is on arterials since they carry the most volume and added that enforcement on local streets is a challenge from a resource perspective. She said she will include regional context.

Councilmember Roberts asked if there is data on what types of vehicles are involved in collisions and Ms. Dedinsky said large vehicles are a measure that Target Zero tracks, and while she runs an analysis every year, there has been no results that indicate areas to target for Shoreline.

Councilmember Chang asked what the cause of the increase in accidents on Aurora is. Ms. Dedinsky said the factors include increased pedestrian activity, growth of adjacent land uses, and more entrances and exits from driveways, and misuse of BAT lanes. She said the increase in activity is why she wants to evaluate the speed limit.

Deputy Mayor Scully said his understanding of Target Zero is that there will always be a human element at play, so the focus should be on changing traffic patterns to mitigate the possible problems. He expressed that the solution should be through infrastructure design, not an increase in enforcement, and he encouraged Ms. Dedinsky to think big when envisioning solutions. Captain Garza said the Washington State Traffic Coalition reports that citations are decreasing while collisions are increasing.

Mayor Hall said that design and systems approaches are important, but so is continuing education.

- (b) Discussing Emergency Resolution No. 466 – Revising the Implementation Plan and Adding Funds for the City’s CARES Act Relief Funds and Authorizing the City Manager to Amend the Interagency Agreement with the Washington State Department of Commerce for Coronavirus Relief Funds and Implement Subsequent Agreements

Bethany Wolbrecht-Dunn, Community Services Manager, delivered the staff presentation. She shared background on the establishment and disbursement of the CARES Act Relief Funds. She listed the categories of eligible uses for the relief funds and described the restrictions and requirements for expenses. She said the goal is to fully expend the CARES Act Relief Funds available to the City and explained that the plan originally adopted by Council divided the existing funding into three categories: City Direct COVID-19 Response, Small Business Support Program, and Human Services Support. She said the State has recently made additional funds available and has extended the contract deadlines, so Council approval is needed for the contract amendment and revised plan of use for the funds.

Ms. Wolbrecht-Dunn shared the proposed allocations for the updated funding implementation plan and described the ways the relief funds would be used in each of the categories. She said there are challenges with expenditures of the Relief Act funds, primarily associated with the unknown and estimated costs. She summarized that Resolution No. 466 programs use of funds in three categories, allows the City Manager authorization to implement programs, and allows flexibility to shift funds, as necessary. She added that Council will receive a final report on how the funds were expended.

Councilmember Robertson said it is great to see additional funding coming to the City, and then back out to help the community. She said she hears that small businesses are suffering, and she would like to see more information on support resources made available to businesses.

Councilmember Chang asked for an update on this round of the business grant applications and awards. Ms. Wolbrecht-Dunn gave an overview of the short timeline and process for awards should the Resolution pass and said she would keep Council informed as it progresses.

It was agreed that Emergency Resolution No. 466 would return as a Consent Item.

- (c) Discussing Ordinance No. 905 - Authorizing a One-Year Extension to the Right-of-Way Franchise with Northwest Fiber LLC (dba Zply) Originally Granted to Verizon Northwest Inc. (Ordinance 522) to Construct, Maintain, Operate, Replace, and Repair a Cable System Over, Along, Under, and Through Designated Public Rights-of-way in the City of Shoreline

Christina Arcidy, Management Analyst, delivered the staff presentation. She said Northwest Fiber recently purchased Frontier Communications (known to consumers as Zply). She shared the Franchise review process to date and said the current Franchise expires in November 2020. She said Northwest Fiber has been unable to resume the contract renegotiations that had begun with Frontier and has requested an extension, which staff believes is in both parties' best interest to grant.

Ms. Arcidy said staff proposes a one-year extension to the Franchise, adding that it does not generate any financial impact to the City.

Ms. Arcidy responded to Mayor Hall's question of the week prior, summarizing that although the City requested Verizon cable service expansion throughout the City in 2008, a smaller expansion area was agreed upon. She shared details of the service obligations and said that Verizon did not meet them prior to transfer of the Franchise to Frontier. Since rights and responsibilities transferred with the Franchise, and the agreed upon service line expansion was completed in 2013 by Frontier, Zply is in compliance with the agreed upon terms.

It was agreed that Ordinance No. 905 would return as a Consent Item.

- (d) Discussing Ordinance No. 900 - Amending SMC 8.12 to Establish the Purpose of and Authorizing Guidelines for Use of the Veterans Recognition Plaza at City Hall

Susana Villamarin, Senior Management Analyst, delivered the staff presentation. Ms. Villamarin said the Veterans Recognition Plaza was developed and partially funded by the Shoreline Veterans Association (SVA) and was dedicated in 2016. She said that while regular events are held at the Plaza, there are no guidelines or policies for its purpose and use, and the proposed code amendment would help ensure the Plaza is used for its intended purpose.

She said the proposed Administrative Rules would establish the duration of display periods and locations where items may be left, define suitable and unsuitable items for placement in the Plaza as well as establish removal guidelines, and define the special events permitted in the space. She said the SVA was included in the drafting of the guidelines and that they requested their planned events not require a permit, but staff decided to require a permit for all groups and events to avoid scheduling conflicts. She said the Parks, Recreation and Cultural Services/Tree Board unanimously recommended adoption of the Ordinance, as does staff.

Councilmember McGlashan said he could support giving the SVA priority for scheduling but expressed concern about the possibility that another group may book the Plaza for an event and then get bumped. Ms. Tarry said that priority reservations are not being extended to the SVA, but since most of their events are on established days, they could schedule well in advance.

Councilmember Robertson said she is proud of this community's Veterans that made the Plaza possible. She confirmed that there has never been a request to use the Plaza by any group other than the SVA or the American Legion. Ms. Tarry said that there have been events in the courtyard that spill into the Plaza area, so that is a possibility for potential conflict. Councilmember Robertson asked if any unsuitable materials have been left in the Plaza, and Ms. Villamarin replied not to her knowledge. Councilmember Robertson recommended the City remain aware of SVA's traditional dates of Plaza use when issuing other permits for the courtyard and Plaza.

Mayor Hall recalled that during recent gatherings at City Hall the Veterans have been concerned over the potential for misuse of the Plaza, so having policies in place makes it easier for the City to ensure proper use of the space.

Councilmember Roberts asked how early a group could request a permit and if the City has to obtain a permit when hosting or sponsoring an event on City facilities, and Ms. Villamarin responded that there is no limit to how early a permit can be requested and that the City does not have to obtain a permit for its own event but does reserve the space by making the dates unavailable for outside reservations.

Deputy Mayor Scully thanked all those who participated in the creation of the Plaza. He said he is fine with giving the City Manager authority to establish rules and regulations for the Plaza that preserve the sanctity of the space and still follow the law. He said a public space is for all of the public, and there should not be preferential reservations. He expressed support for staff's proposal.

Mayor Hall said he supports the staff recommendation and appreciates ensuring that special places are well taken care of. He said, since many of the preferred dates are cyclical, the SVA and other interested agencies can grant themselves preference by reserving far in advance.

It was agreed that Ordinance No. 900 would return as a Consent Item.

9. ADJOURNMENT

At 8:39 p.m., Mayor Hall declared the meeting adjourned.

Jessica Simulcik Smith, City Clerk

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 905 - Authorizing a One-Year Extension to the Right-of-Way Franchise with Northwest Fiber LLC (dba Ziplly) Originally Granted to Verizon Northwest Inc. (Ordinance No. 522) to Construct, Maintain, Operate, Replace, and Repair a Cable System Over, Along, Under, and Through Designated Public Rights-of-way in the City of Shoreline
DEPARTMENT:	City Manager's Office
PRESENTED BY:	Christina Arcidy, Management Analyst
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

As per Shoreline Municipal Code (SMC) Section 12.25.010, all utilities using the City's rights-of-way for operation and maintenance of their facilities are required to have a non-exclusive franchise with the City. The City's existing non-exclusive right-of-way franchise with Northwest Fiber LLC (NW Fiber) to construct, maintain, operate, replace, and repair a cable system within the City expires November 4, 2020. The franchise was originally granted to Verizon Northwest Inc. (Verizon) via Ordinance No. 522 and was then transferred to Frontier Communications Corporation (Frontier) via Resolution No. 289. The franchise was then transferred to NW Fiber via Resolution No. 443, which was adopted on September 16, 2019.

Prior to NW Fiber's acquisition of Frontier, the City had begun franchise negotiations with Frontier. Once the City received notice that Frontier would be acquired by NW Fiber, the City attempted to start franchise negotiations with NW Fiber. NW Fiber is not yet able to begin franchise negotiations and have asked for an extension of the existing franchise.

Proposed Ordinance No. 905 would provide a one-year extension to the existing franchise agreement with NW Fiber and would terminate November 4, 2021, or upon the effective date of a new franchise, whichever occurs first. All terms and conditions of the proposed one-year extension are unchanged from the existing franchise; only the term (length of the agreement) has been changed, which would allow staff the time needed to negotiate a new long-term franchise agreement for cable service in the City.

Proposed Ordinance No. 905 was discussed with the City Council on October 5, 2020. Council was supportive of the proposed one-year franchise extension and directed staff to bring back proposed Ordinance No. 905 on tonight's consent calendar for adoption.

RESOURCE/FINANCIAL IMPACT:

This franchise extension will have no financial impact to the City. The fees and taxes that the City currently receives from NW Fiber will continue under this one-year extension of the existing franchise agreement.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 905 granting a one-year extension of the non-exclusive franchise to Northwest Fiber, LLC.

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

BACKGROUND

As per Shoreline Municipal Code (SMC) Section 12.25.010, all utilities using the City's rights-of-way for operation and maintenance of their facilities are required to have a non-exclusive franchise with the City. The City's existing non-exclusive right-of-way franchise with NW Fiber (dba Ziplly), granted by Ordinance No. 522, expires November 6, 2020.

Council granted this cable franchise to Verizon Northwest Inc. (Verizon) on October 27, 2008 for a term of twelve (12) years. Frontier Communications Corporation (Frontier) then bought the Verizon wireline services in 14 Western States, including Washington, in 2009. Council subsequently granted a requested transfer of the franchise from Verizon to Frontier via [Resolution No. 289](#). On May 28, 2019, Frontier entered into a purchase agreement with NW Fiber and became the successor-in-interest to the assets of Frontier, which prompted a transfer of Frontier's franchise to NW Fiber via [Resolution No. 443](#).

Prior to NW Fiber's acquisition of Frontier, the City had begun franchise negotiations with Frontier. Once the City received notice that Frontier would be acquired by NW Fiber, the City attempted to start franchise negotiations with NW Fiber. NW Fiber is not yet able to begin franchise negotiations and have asked for a one-year extension of the existing franchise.

Proposed Ordinance No. 905, which would provide this one-year extension to the existing franchise agreement with NW Fiber, was discussed with the City Council on October 5, 2020. 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/staffreport100520-8c.pdf>.

Council was supportive of the proposed one-year franchise extension and directed staff to bring back proposed Ordinance No. 905 on tonight's consent calendar for adoption.

DISCUSSION

As noted above, proposed Ordinance No. 905 (Attachment A) would provide a one-year extension to the existing franchise agreement with NW Fiber. All terms and conditions of the proposed one-year extension are unchanged from the existing franchise except for the term, which is extended by one year and would terminate November 4, 2021, or upon the effective date of a new franchise, whichever occurs first.

New Franchise Agreement Consideration

While a competitive cable provider may apply for a franchise at any time, the City must go through the renewal process with each existing cable operator. The City cannot deny renewal to an existing cable operator except for specific criteria set forth in the Cable Act.

As a reminder, the City cannot tell a cable operator which television programs to carry or regulate non-cable services. Cable operators have First Amendment protections, so the City has very limited authority to regulate the type of cable channels carried or the content of cable television programming Comcast makes available in Shoreline. The City does not have authority to regulate non-cable services (e.g., high-speed Internet access and telephone service) provided by NW Fiber. Federal law allows only for regulation of cable television services.

The Shoreline Municipal Code (SMC) section 12.25.070 identifies the considerations the City should review when renewing a right-of-way franchise, which are consistent with the [Cable Act of 1984](#) (47 U.S.C. § 546). These considerations include:

1. The applicant's past service record in the city and in other communities.
2. The nature of the proposed facilities and services.
3. The proposed area of service.
4. The proposed rates (if applicable).
5. Whether the proposal would serve the public needs and the overall interests of the city residents.
6. That the applicant has substantially complied with the material terms of the existing franchise.
7. The quality of the applicant's service, response to consumer complaints, and billing practices.
8. That the applicant has the financial, legal, and technical ability to provide the services, facilities, and equipment as set forth in the application.
9. The applicant's proposal is reasonable to meet the future community needs and interests, taking into account the cost of meeting such needs and interests.

Due to the substantial capital investment required to construct a modern cable system, the Cable Act gives cable companies certain advantages in renewing their franchises. The law limits the City's ability to deny renewal of a cable franchise. Even where the City can regulate, the federal government has established provisions that may limit the City's authority.

While NW Fiber is a new cable provider company, the executive board and staff have worked in the industry for many years in the Puget Sound region. They have shared their interest in building a better fiber network for the region, though no plans have yet been made available to extend service within Shoreline. Staff is cautiously optimistic that negotiations will go smoothly with NW Fiber in the year ahead. Frontier, the previous provider was in substantial compliance with the criteria identified in SMC Section 12.25.070, which is why staff believe this one-year extension to the franchise should be granted.

RESOURCE/FINANCIAL IMPACT

This franchise extension will have no financial impact to the City. The fees and taxes that the City currently receives from NW Fiber will continue under this one-year extension of the existing franchise agreement.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 905 granting a one-year extension of the non-exclusive franchise to Northwest Fiber, LLC.

ATTACHMENTS

Attachment A: Proposed Ordinance No. 905, Authorizing a One-Year Extension to the Right-of-Way Franchise with Northwest Fiber LLC (dba Ziplly) Originally Granted to Verizon Northwest Inc. (Ordinance 522) to Construct, Maintain, Operate, Replace, and Repair a Cable System Over, Along, Under, and Through Designated Public Rights-of-way in the City of Shoreline

ORDINANCE NO. 905

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON EXTENDING AND RESTATING THE FRANCHISE GRANTED TO VERIZON NORTHWEST INC. AND SUBSEQUENTLY TRANSFERRED TO NORTHWEST FIBER LLC BY ORDINANCE NO. 522 FOR A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, MAINTAIN, OPERATE, AND REPAIR A CABLE SYSTEM IN, ON, ACROSS, OVER, ALONG, UNDER, UPON, THROUGH, AND BELOW PUBLIC RIGHTS-OF-WAY OF THE CITY OF SHORELINE, WASHINGTON TO PROVIDE CABLE SERVICES.

WHEREAS, on October 27, 2008, pursuant to RCW 35A.11.020, RCW 35A.47.040, and Chapter 12.25 SMC, the Shoreline City Council passed Ordinance No. 522 granting a twelve-year non-exclusive franchise for a cable system within the public-rights-of-way of the City to Verizon Northwest, Inc; and

WHEREAS, the term of the Franchise granted by Ordinance No. 522 expires on November 4, 2020; and

WHEREAS, with the passage of Resolution No. 289, the franchise was transferred to Frontier Communications Corporation and, with the passage of Resolution No. 443, the franchise was transferred to Northwest Fiber LLC; and

WHEREAS, the City and Northwest Fiber LLC are currently negotiating a new franchise agreement but such negotiations are still on-going, having been impacted by the recent acquisition of Frontier by Northwest Fiber LLC, and may continue beyond the November 4, 2020 expiration date of the current franchise; and

WHEREAS, by providing a one-year extension of the Franchise granted by Ordinance No. 522, the City and Northwest Fiber LLC will be able to complete negotiations that benefit the residents of the City of Shoreline; and

WHEREAS, the City Council finds that it is in the best interests of the health, safety, and welfare of the residents of the City of Shoreline to grant a one-year non-exclusive franchise to Northwest Fiber LLC for a cable system within the City rights-of-way to allow for productive negotiations to occur;

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

Section 1. Ordinance No. 522 Amended. Section 1 of Ordinance No. 522, granting a non-exclusive franchise to Verizon Northwest, Inc. now transferred to Northwest Fiber LLC, is hereby amended to provide for a one (1) year extension of the franchise:

Section 1. Grant of Franchise. The second sentence of this section is amended to read:

Subject to the provisions in Ordinance No. 522, the term of the franchise shall be extended for a period of one (1) year, beginning at 12:01 a.m. Pacific Time on November 5, 2020 and terminating at 11:59 p.m. Pacific Time on November 4, 2021, and shall grant Northwest Fiber LLC the right, privilege, and authority to construct, maintain, operate, and repair a cable system in, on, across, over, along, under, upon, through, and below the public rights-of-way to provide cable services in the City of Shoreline, all as provided in Exhibit A.

Exhibit A – Cable Franchise Agreement. Section 2.3. Term. This subsection is amended to read:

The amended and extended term of the Franchise granted hereunder shall be from 12:01 a.m. Pacific Time on November 5, 2020 to 11:59 p.m. Pacific Time on November 4, 2021.

Section 2. Terms and Conditions of Non-Exclusive Franchise Granted by Ordinance No. 522 Remain the Same. Except as specifically provided in this Ordinance, the terms and conditions of the non-exclusive franchise granted to Northwest Fiber LLC by Ordinance No. 522, including Exhibit A Cable Franchise Agreement, continue in full force and effect.

Section 3. Directions to City Clerk. The City Clerk is hereby authorized and directed to forward certified copies of this Ordinance to Northwest Fiber. No later than 11:59 p.m. PST, November 4, 2020, Northwest Fiber LLC shall accept in writing the extension authorized by this Ordinance and the continuation of the non-exclusive franchise granted by Ordinance No. 522. If Northwest Fiber LLC fails to provide written acceptance, this Ordinance shall become null and void and the franchise granted by Ordinance No. 522 shall expire.

Section 4. 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 5. 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 6. Publication and Effective Date. In accordance with state law, a summary of this Ordinance shall be published in the official newspaper. The cost of such publication shall be borne by Northwest Fiber LLC. If accepted by Northwest Fiber LLC as provided in Section 3 above, this Ordinance shall take effect at 12:01 am Pacific Time on November 5, 2020. Otherwise, this Ordinance and the franchise granted by Ordinance No. 522 shall become null and void as of 11:59 pm Pacific Time on November 4, 2020.

PASSED BY THE CITY COUNCIL ON OCTOBER 19, 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

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adopting Ordinance No. 900 - Amending Shoreline Municipal Code Chapter 8.12 to Establish the Purpose and Authorize Guidelines for Use of the Veterans Recognition Plaza at City Hall
PRESENTED BY:	Susana Villamarin, Senior Management Analyst
DEPARTMENT:	Recreation, Cultural and Community Services
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing <input type="checkbox"/> Discussion

PROBLEM/ISSUE STATEMENT:

The Veterans Recognition Plaza (the Plaza) was dedicated in May 2016 on a portion of the City Hall Campus. The Plaza is located within the City Hall Plaza that is open for general public enjoyment and is considered park land. The Plaza was developed and partially funded by the Shoreline Veterans Association through the leadership of Dwight Stevens and Frank Moll. The Veterans Association holds regular events at the Plaza to commemorate important days such as Memorial Day, Veterans Day, Flag Day, Patriots Day, Independence Day and Armed Services Day.

There are currently no guidelines or policies in place to indicate the importance of the Plaza as a place for recognizing veterans and their service to our country. Staff believe it is important to provide, in a meaningful way, that the intent of the Plaza is to honor veterans. Staff also feel it is important that the City develop administrative rules for the use of the Plaza consistent with this purpose.

Council discussed proposed Ordinance No. 900 at its October 5, 2020 meeting. Following that discussion, Council directed staff to bring back this proposed ordinance for adoption. Tonight, Council is scheduled to adopt proposed Ordinance No. 900.

FINANCIAL IMPACT:

There is no financial impact associated with proposed Ordinance No. 900.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 900.

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

BACKGROUND

The Veterans Recognition Plaza (the Plaza) was dedicated in May 2016 on a portion of the City Hall Campus. The Plaza is located within the City Hall Plaza that is open for general public enjoyment and is considered park land. The Plaza was developed and funded by the Shoreline Veterans Association through the leadership of Dwight Stevens and Frank Moll. The Veterans Association holds regular events at the Plaza to commemorate important days such as Memorial Day, Veterans Day, Flag Day, Patriots Day, Independence Day and Armed Services Day.

There are currently no guidelines or policies in place to indicate the importance of the Plaza as a place for recognizing veterans and their service to our country. Staff believe it is important to provide, in a meaningful way, that the intent of the Plaza is to honor veterans. Staff also feel it is important that the City develop administrative rules for the use of the Plaza consistent with this purpose.

On October 5, 2020, the City Council discussed proposed Ordinance No. 900 (Attachment A) to authorize the amendment of Shoreline Municipal Code (SMC) Chapter 8.12 adding a new section establishing the purpose of the Plaza and authorizing the development of administrative rules for its use. The staff report for the City Council discussion on October 5th can be found at the following link: <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport100520-8d.pdf>.

DISCUSSION

The proposed subsection that is being proposed to be added to SMC Chapter 8.12 is as follows:

SMC 8.12.398 Veterans Recognition Plaza.

The Shoreline Veterans Recognition Plaza at City Hall pays tribute to veterans and current service members from all branches of the military by providing a setting to honor veterans and armed forces members in a dignified, respectful manner. The City Manager or designee shall promulgate rules as to the use of the Plaza consistent with this purpose.

To implement this proposed addition to the Municipal Code, the proposed Administrative Rules (Attachment B) set forth guidelines pertaining to the appropriate use of the Plaza.

During the October 5th Council discussion of proposed Ordinance No. 900, Council stated their support of the proposed Ordinance as drafted and directed staff to bring back the proposed Ordinance for adoption. Tonight, Council is scheduled to adopt proposed Ordinance No. 900.

STAKEHOLDER OUTREACH

The Shoreline Veterans Association was consulted and provided comment on the proposed language. Their comments have been incorporated. They did recommend

that veteran-planned ceremonies not be required to obtain a permit in advance of holding events. Staff have not included that recommendation in this proposed language. In order to manage the number and timing of events and ensure there are not scheduling conflicts, it is important that all groups obtain permits in advance of an event.

The Parks, Recreation and Cultural Services/Tree Board discussed the proposed SMC amendment and the draft Administrative Rules and unanimously recommended their approval.

FINANCIAL IMPACT

There is no financial impact associated with proposed Ordinance No. 900.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 900.

ATTACHMENTS

Attachment A – Proposed Ordinance No. 900

Attachment B – Draft Rules for Use of the Veterans Recognition Plaza

ORDINANCE NO. 900

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING SHORELINE MUNICIPAL CODE CHAPTER 8.12 RULES FOR USE OF CITY OF SHORELINE PARK FACILITIES; ADDING A NEW SECTION TO AUTHORIZE THE PROMULGATION OF ADMINISTRATIVE RULES FOR THE SHORELINE VETERANS RECOGNITION PLAZA.

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

WHEREAS, in 2016, the City dedicated the Veterans Recognition Plaza, located on the City Hall Campus, to honor the valor and sacrifice of our veterans in every branch of the military; and

WHEREAS, SMC Chapter 8.12 currently does not authorize the promulgation of administrative rules in regard to the Veterans Recognition Plaza; and

WHEREAS, in order to ensure the dignity of this memorial is maintained for our veterans, the authority to promulgate administrative rules is necessary;

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

Section 1. Amendment to Chapter 8.12. A new section is added to SMC Chapter 8.12 to read as follows:

SMC 8.12.398 Veterans Recognition Plaza.

The Shoreline Veterans Recognition Plaza at City Hall pays tribute to veterans and current service members from all branches of the military by providing a setting to honor veterans and armed forces members in a dignified, respectful manner. The City Manager or designee shall promulgate rules as to the use of the Plaza consistent with this purpose.

Section 2. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

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

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

PASSED BY THE CITY COUNCIL ON OCTOBER 19, 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



ADMINISTRATIVE RULES

Rules for Use of the Veterans Recognition Plaza			Category: Parks and Recreation
			Rule Sub-Category: Number:
Effective Date: 11/1/2020	Supersedes: N/A	Rule-Making Authority: SMC 8.12.398	Approved By: <hr/> Debbie Tarry, City Manager

1. PURPOSE:

To implement Shoreline Municipal Code Section 8.12.398 Veterans Recognition Plaza and to provide guidance as to where and under what terms visitors may adorn or leave items at the Plaza.

2. AFFECTED PARTIES:

- Public
- Administrative Services Department; Parks, Fleet and Facilities Division
- Recreation, Cultural Services and Community Services Department
- City Manager’s Office

3. DEFINITIONS:

Veterans Recognition Plaza: Located on the north side of Shoreline City Hall, defined by paved/brick surfaces and includes benches, military branch obelisks, and a flag pole with base.

4. RULES ESTABLISHED:

4.1. Display Period and Locations Where Items May Be Left:

- 4.1.1. Items may be left only within the bounds of the paved/brick surfaces of the Veterans Recognition Plaza.
- 4.1.2. Items left at any other location at the City Hall Plaza will be considered litter and may be removed immediately.
- 4.1.3. Suitable Items may be left for a maximum of seven (7) consecutive calendar days (“Display Period”).

4.2. Suitable Items for the Plaza:

- 4.2.1. Natural-cut flowers, potted plants, other similar organic materials.
- 4.2.2. Small flags.
- 4.2.3. Personal messages and photos (e.g. 5" x 7") incorporated into or attached to another suitable item.
- 4.2.4. Memorial floral wreaths on stands.

4.3. Unsuitable Items for the Plaza:

- 4.3.1. Items taped, glued, tied, hung, or otherwise attached to the bricks, flagpole, or flagpole base.
- 4.3.2. Drawings (chalk, paint) on any part of the Veterans Recognition Plaza.
- 4.3.3. Cloth, paper, or plastic banners or signs (unless affixed to a suitable item) and no greater than 5" x 7".
- 4.3.4. Permanent plantings.
- 4.3.5. Statutes, vigil lights (e.g. candles), or breakable objects (e.g. glass, ceramic).
- 4.3.6. Artificial flowers or plants.
- 4.3.7. Bells, beads, wind chimes, or other items that create sound.
- 4.3.8. Electrical or battery powered items (other than authorized PA systems during ceremonies).
- 4.3.9. Items considered by the City to be offensive or inconsistent with the intent of the Veterans Recognition Plaza.
- 4.3.10. Other items not expressly included in the Suitable Items list (section 4.2 above).

4.4. Item Removal Guidelines:

- 4.4.1. Unsuitable Items will be removed by the City immediately.
- 4.4.2. The City is not responsible for damaged, lost, stolen, removed, or otherwise missing items, suitable or unsuitable.
- 4.4.3. Items will be discarded at conclusion of the authorized Display Period.
- 4.4.4. No items will be returned.
- 4.4.5. Items may be removed prior to the end of the Display Period when, in the City's sole discretion, the items become unsightly.
- 4.4.6. Items may be removed prior to the end of the Display Period to facilitate City Hall operations (e.g. mowing, cleaning).

4.5. Veterans Recognition Plaza Special Events:

- 4.5.1. Events inconsistent with the purpose of the Veterans Recognition Plaza as defined in SMC 8.12.398 are not allowed.
- 4.5.2. Permits for events at the Veterans Recognition Plaza will be issued consistent with the regulations in SMC 8.12.
- 4.5.3. Non-Profit Organizations whose mission includes honoring and supporting veterans and armed forces personnel may be eligible to have park facility use fees waived.

5. ADMINISTRATION OF RULES:

- These rules shall be administered by the Parks, Fleet and Facilities Manager.
- Interpretations, exceptions, and modifications to these rules are solely at the discretion of Parks, Fleet and Facilities Manager.
- The City shall place a sign at the Veterans Recognition Plaza stating Plaza Rules are available on the City's website.
- Signage will be posted at the Plaza summarizing these Rules.

DRAFT

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adopting Ordinance No. 901 - Amending Certain Sections of the Shoreline Development Code to Provide for Commercial Space on the Ground Floor of Multifamily Buildings
DEPARTMENT:	Planning & Community Development
PRESENTED BY:	Steven Szafran, AICP, Senior Planner Cate Lee, AICP, Associate Planner
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

The City has experienced an increase in multifamily housing development in the last five years, especially in the North City Business District. While the City requires that the ground floor of new multi-family buildings in commercial and mixed-use zones be constructed to accommodate commercial uses, it does not require commercial uses in that space. This may have led to missed opportunities for commercial development and neighborhood serving commercial uses.

The Shoreline City Council discussed this topic at their annual Strategic Planning Workshop in February 2020. Subsequently on March 16, 2020, the Council directed staff to develop regulations around creating viable commercial spaces in new mixed-use and multifamily buildings. The Council outlined a two-phase approach where Phase 1 includes evaluating requirements for commercial uses in the North City and Ridgecrest neighborhoods. Phase 2 amendments will include other commercial and mixed-use zones in Town Center, Shoreline Place, and the 145th and 185th Light Rail Station Subareas. The proposed amendments being addressed tonight in proposed Ordinance No. 901 (Attachment A) address “Phase 1” of the Council’s two-phase approach.

On September 3rd, following the Planning Commission Public Hearing, the Planning Commission voted to recommend the ground floor commercial Development Code amendments as proposed in Exhibit A to Attachment A.

The City Council discussed proposed Ordinance No. 901 on September 21, 2020 and had comments and/or concerns on some of the amendments. Staff has reflected those comments/concerns in the Discussion section of this report. Tonight, Council is scheduled to adopt proposed Ordinance No. 901.

RESOURCE/FINANCIAL IMPACT:

If Council adopts proposed Ordinance No. 901, the new regulations may slow multifamily redevelopment while developers adjust to the new requirements. This slowdown will be reflected in reduced permit application fee revenue for the City related

to multifamily development. Once the commercial spaces required are filled with tenants this may lead to an increase in commercial tax base.

RECOMMENDATION

Staff recommends that the City Council adopt the Development Code amendments in Exhibit A to proposed Ordinance No. 901 as recommended by the Planning Commission. Staff further recommends that if Council wishes to amend the Planning Commission's recommended Development Code amendments, that Council use the proposed amendatory language in this staff report to make the amendments Council directed staff to prepare during, and subsequent to, the September 21, 2020 Council discussion of this item.

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

BACKGROUND

The City has experienced an increase in multifamily housing development in the last five years, especially in the North City Business District. While the City requires that the ground floor of new multi-family buildings in commercial and mixed-use zones be constructed to accommodate commercial uses, it does not require commercial uses in that space. This may have led to missed opportunities for commercial development and neighborhood serving commercial uses.

The Shoreline City Council discussed this topic at their annual Strategic Planning Workshop in February 2020. Subsequently on March 16, 2020, the Council directed staff to develop regulations around creating viable commercial spaces in new mixed-use and multifamily buildings. The Council outlined a two-phase approach where Phase 1 includes evaluating requirements for commercial uses in the North City and Ridgecrest neighborhoods. Phase 2 amendments will include other commercial and mixed-use zones in Town Center, Shoreline Place, and the 145th and 185th Light Rail Station Subareas.

Research conducted by staff in advance of the Council's Strategic Planning Workshop looked at the zoning codes of 21 jurisdictions in the Pacific Northwest for their ground floor commercial space requirements. An online survey was also conducted April 17 to May 17, 2020 to better understand community preferences and priorities regarding ground-floor commercial requirements. A summary of the results, and the full results, are available on the [project webpage](#) and were also presented to the Planning Commission on June 18, 2020. The survey results informed the proposed code amendments, while balancing the feedback from residents and the business community. More information on the background of these amendments are further detailed in staff reports, and their associated attachments, to the Planning Commission.

Planning Commission Review

The Planning Commission held two study sessions on this topic on June 18 and August 6, 2020, and a Public Hearing on September 3, 2020. Staff reports for these Planning Commission agenda items, along with the meeting minutes and public comments, can be found at the following links:

- June 18th:
<https://www.shorelinewa.gov/Home/Components/Calendar/Event/15496/182?toggle=allpast>.
- August 6th:
<https://www.shorelinewa.gov/Home/Components/Calendar/Event/15502/182?toggle=allpast>.
- September 3rd:
<https://www.shorelinewa.gov/Home/Components/Calendar/Event/15506/182?toggle=allpast>.

At the August 6th Planning Commission meeting, the Commission discussed excluding the following uses from eligibility in the required ground floor commercial spaces: vape/tobacco stores, marijuana uses, and adult use facilities, because the Commission believed these uses are not family-friendly. The Commission stated marijuana uses are

already over-saturating the North City neighborhood, which was reflected in the online public survey.

Given this direction, the draft code amendments presented to the Commission at the September 3rd Public Hearing excluded these uses. Prior to the September 3rd Public Hearing, a written public comment was received requesting the following additional uses be excluded: check-cashing businesses and pawnshops. At the September 3rd Public Hearing the Commission discussed adding these uses in the list of uses to be excluded from eligibility in the required ground floor commercial space. The Commission stated these uses do not contribute to place-making and are not family-friendly, as the reasons for exclusion.

On September 3rd, following the Public Hearing, the Planning Commission voted 7-0 to recommend the proposed ground floor commercial Development Code amendments as proposed in Exhibit A to proposed Ordinance No. 901, with a sub-motion for additional language to be added. The Planning Commission voted 6-1 to recommend excluding additional uses from eligibility in the ground floor commercial space (Check-Cashing Services, Payday Lending and Pawn Shop).

September 21, 2020 City Council Review

The City Council discussed the proposed Development Code amendments on September 21, 2020. 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/staffreport092120-9a.pdf>.

The Council had comments and/or concerns on some of the amendments, specifically relating to excluding specific uses from eligibility in the required ground floor commercial spaces, and parking requirements. Email communications with Councilmember Roberts, subsequent to this Council meeting, also included other concerns, one of which staff has reflected in the Discussion section of this report below.

Tonight, Council is scheduled to discuss and adopt proposed Ordinance No. 901. If Council desires to amend the Planning Commission's recommendation, staff has provided the Council with proposed motion language.

DISCUSSION

Council identified questions and/or concerns on several of the amendments that may result in modifications by the City Council to the Planning Commission recommendation. Staff has included amendatory language for three proposed amendments. These amendments would:

1. Remove the limitation on certain commercial uses being allowed in the commercial spaces, which also means further defining these terms is not necessary;
2. Clarify that buildings subject to these standards are eligible for parking reductions; and

3. Clarify that if an amenity of a multifamily building, such as a fitness center, is also open to the general public, it is not included in the limitation that only 25 percent of the linear frontage can consist of facilities associated with the multifamily use.

Staff has provided Council the amendatory language for these amendments in the following section. The amendments are organized as follows:

- Development Code section;
- Justification; and
- Amendatory language.

1. Development Code Sections: 20.20.014 C definitions; 20.20.040 P definitions; 20.20.048 T definitions; and 20.40.465 Multifamily

Justification

At the September 21st Council Meeting, Mayor Hall raised concerns about excluding certain uses in the commercial space. Mayor Hall's concerns were based on the fact that the exact same use could locate next door in a commercial only building, that it may be difficult to fill these spaces initially, and vacant commercial storefronts are not desirable.

To address Mayor Hall's concerns, the proposed definitions of Check Cashing Services and Payday Lending, Pawnshop, and Tobacco/Vape Store would be deleted in their entirety. The exception language proposed for SMC 20.40.465(B), including the prohibition on residential dwellings in commercial spaces would be stricken because the ground floor residential restriction is also addressed at SMC 20.50.250 C 3.

Amendatory Motion

If Council would like to remove the limitation on certain commercial uses being allowed in the commercial spaces, a Council member would need to move to modify the Planning Commission's recommendation as follows:

I move to modify the Planning Commission's recommendation regarding the restriction of certain uses within the required commercial space by deleting the proposed definitions of "Check-Cashing Services and Payday Lending," "Pawnshop," "Tobacco/Vape Store"; and deleting the exception clause at the end of SMC 20.40.465(B) as well as the prohibition on residential dwelling units.

2. Development Code Section: 20.40.465 Multifamily

Justification

At the September 21st Council Meeting, Councilmember Roberts raised concerns about parking for the required commercial spaces. Councilmember Roberts suggested

clarifying that buildings subject to the proposed ground flood commercial standards are still eligible for parking reductions under SMC 20.50.400.

Amendatory Motion

If Council would like to clarify eligibility for parking reductions, a Council member would need to move to modify the Planning Commission's recommendation as follows:

I move to modify the Planning Commission's recommendation by adding a new sentence to proposed SMC 20.40.465(C) which reads: "Buildings subject to these standards are also eligible for the parking reductions available in SMC 20.50.400."

3. Development Code Section: 20.50.250(C) Building design – Ground Floor Commercial.

Justification

Councilmember Roberts expressed concerns via email with staff subsequent to the September 21st Council Meeting that some ground floor amenities such as fitness centers may actually be used by both the building's residents and the general public. Amending proposed SMC 20.50.250(C)(3) would clarify that spaces available to the general public are not to be included in the maximum 25 percent restriction of lineal frontage for residential uses.

Amendatory Motion

If Council would like to add the language clarifying that building amenities open to the public are not included in the 25 percent limitation on lineal frontage of residential uses, a Council member would need to move to modify the Planning Commission's recommendation as follows:

I move to modify the Planning Commission's recommendation to add a sentence to proposed SMC 20.50.250(C)(3) which reads: Amenities, such as fitness centers that offer memberships to the general public, shall not be included in the maximum 25 percent lineal frontage limitation."

Development Code Amendment Decision Criteria

In accordance with SMC 20.30.350.A, an amendment to the Development Code is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City.

The Planning Commission makes a recommendation to the City Council, which is the final decision-maker on whether to approve or deny an amendment to the Development Code. The following are the Decision Criteria used to analyze a proposed amendment:

1. The amendment is in accordance with the Comprehensive Plan

Staff has determined that the proposed amendments are consistent with the following Comprehensive Plan Goals and Policies:

Goal LU I: Encourage development that creates a variety of housing, shopping, entertainment, recreation, gathering spaces, employment, and services that are accessible to neighborhoods;

Goal LU VII: Plan for commercial areas that serve the community, are attractive, and have long-term economic vitality;

Goal ED II: Promote retail and office activity to diversify sources of revenue, and expand the employment base; and

ED7: Enhance existing neighborhood shopping and community nodes to support increased commercial activity, neighborhood identity, and walkability.

Staff Analysis: The proposed amendments will require commercial uses in the ground floor of Multifamily buildings in the North City and Ridgecrest neighborhoods. This requirement will enhance neighborhood shopping and promote retail and office activity.

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

The proposed amendment will not adversely affect the public health, safety, or general welfare of the residents of Shoreline. It will promote the general welfare by providing additional opportunities for commercial uses and employment in the neighborhoods.

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

The proposed amendments are not contrary to the best interest of the residents and property owners of the City of Shoreline. Community members that participated in the survey overwhelmingly expressed support for the requirement that commercial uses be provided on the ground floor of new multi-family buildings. These changes will support more active and vibrant neighborhoods, consistent with the goals of the Comprehensive Plan.

RESOURCE/FINANCIAL IMPACT

If Council adopts proposed Ordinance No. 901, the new regulations may slow multifamily redevelopment while developers adjust to the new requirements. This slowdown will be reflected in reduced permit application fee revenue for the City related

to multifamily development. Once the commercial spaces required are filled with tenants this may lead to an increase in commercial tax base.

RECOMMENDATION

Staff recommends that the City Council adopt the Development Code amendments in Exhibit A to proposed Ordinance No. 901 as recommended by the Planning Commission. Staff further recommends that if Council wishes to amend the Planning Commission's recommended Development Code amendments, that Council use the proposed amendatory language in this staff report to make the amendments Council directed staff to prepare during, and subsequent to, the September 21, 2020 Council discussion of this item.

ATTACHMENTS

Attachment A – Proposed Ordinance No. 901

Attachment A, Exhibit A – Proposed Development Code Amendments

ORDINANCE NO. 901

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
AMENDING CERTAIN SECTIONS OF THE SHORELINE MUNICIPAL
CODE TITLE 20, THE UNIFIED DEVELOPMENT CODE, CHAPTERS
20.20, 20.40, AND 20.50.**

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, a privately-initiated comprehensive plan amendment was submitted for the 2020 Comprehensive Plan Docket requesting an amendment to the Land Use Element to include a policy requiring commercial uses within the City's commercial and mixed-use zoning districts; and

WHEREAS, the City Council determined that the Comprehensive Plan already contained goals and policies that would support implementation of a commercial use requirement and, therefore, directed Planning Staff to develop implementing development regulations applicable only to the non-residential zoning districts in the North City and Ridgecrest neighborhoods; and

WHEREAS, amendments are needed for SMC Chapters 20.20, 20.40, and 20.50 to implement Comprehensive Plan Goals and Policies Goals LU I, LU VII, and ED II and Policy ED 7 so as to facilitate the City Council's direction and ensure consistency between the City's Comprehensive Plan and development regulations as required by RCW 36.70A.040; and

WHEREAS, on June 18, 2020 and August 6, 2020, the City of Shoreline Planning Commission reviewed the proposed Development Code amendments; and

WHEREAS, on September 3, 2020, the City of Shoreline Planning Commission held a public hearing on the proposed Development Code amendments virtually via Zoom so as to receive public testimony; and

WHEREAS, at the conclusion of the public hearing, the City of Shoreline Planning Commission deliberated and recommended that the proposed Development Code amendments be forwarded to the City Council for approval; and

WHEREAS, on September 21, 2020, the City Council held a study session on the Planning Commission's recommended Development Code amendments virtually via Zoom; and

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

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

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

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

WHEREAS, the environmental impacts of the proposed Development Code amendments resulted in the issuance of a Determination of Non-Significance (DNS) on July 9, 2020; and

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

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

Section 1. Amendment. Chapters 20.20, 20.40, and 20.50 of Title 20 of the Shoreline Municipal Code, Unified Development Code, are amended as set forth in Exhibit A to this Ordinance.

Section 2. Transmittal of Amendment to Washington State Department of Commerce. As required by RCW 36.70A.106, the Director of Planning and Community Development or designee shall transmit a complete and accurate copy of this Ordinance and Exhibit A to the Washington State Department of Commerce within ten (10) calendar days of the date of passage.

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

Section 4. 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 5. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON OCTOBER 19, 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

20.20.014 C definitions.

Check-Cashing Services and Payday Lending

Any person or entity engaged in the business of high interest short term lending, cashing checks, drafts, or money orders for a fee, service charge, or other consideration.

20.20.040 P definitions.

Pawnshop

Every person who takes or receives by way of pledge, pawn, or exchange goods, wares, or merchandise or any kind of personal property whatever, for the repayment of security of any money loaned thereon, or to loan money on deposit of personal property, or who makes a public display of any sign indicating that they have money to loan on personal property on deposit or pledge.

20.20.048 T definitions.

Tobacco/Vape Store

Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia; including electronic nicotine delivery systems and associated nicotine products provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells tobacco products or paraphernalia as an ancillary sale shall not be defined as a “tobacco/vape store.”

20.40.120 Residential uses.

Table 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
RESIDENTIAL GENERAL									
	Accessory Dwelling Unit	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Apartment		C	P	P	P	P	P	P

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	Home Occupation	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Manufactured Home	P-i	P-i	P-i	P-i				
	Mobile Home Park	P-i	P-i	P-i	P-i				
	<u>Multifamily</u>		<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P-i</u>	<u>P</u>	<u>P</u>
	Single-Family Attached	P-i	P	P	P	P			
	Single-Family Detached	P	P	P	P				
GROUP RESIDENCES									
	Adult Family Home	P	P	P	P				
	Boarding House	C-i	C-i	P-i	P-i	P-i	P-i	P-i	P-i
	Residential Care Facility	C-i	C-i	P-i	P-i				
721310	Dormitory		C-i	P-i	P-i	P-i	P-i	P-i	P-i
TEMPORARY LODGING									
721191	Bed and Breakfasts	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Homeless Shelter						P-i	P-i	P-i
72111	Hotel/Motel						P	P	P
	Recreational Vehicle	P-i	P-i	P-i	P-i	P-i	P-i	P-i	
MISCELLANEOUS									
	Animals, Small, Keeping and Raising	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i

P = Permitted Use	S = Special Use
C = Conditional Use	-i = Indexed Supplemental Criteria

20.40.465 Multifamily

- A. Applicability. The criteria in this subsection apply only to the CB zoned properties shown in Figure 20.40.465(A) and supplement the standards in Chapter 20.50, Subchapter 4 Commercial and Multifamily Zone Design.



Figure 20.40.465(A) – Areas of required ground-floor commercial

- B. Commercial space shall be constructed on the portion of the building’s ground floor abutting a public right-of-way (ROW) in all multifamily buildings. Commercial space may be used for any use allowed in the CB zone in Table 20.40.130 – Nonresidential uses and Table 20.40.140 – Other uses, except Adult Use Facilities, Marijuana Operations - Retail and the following General Retail Trade/Services: Check Cashing Services and Payday Lending, Pawnshop, and

Tobacco/Vape Store. Residential dwelling units are not allowed in commercial spaces.

- C. In order to accommodate a range of tenants the required parking ratio for any ground floor commercial tenant space shall be 1 parking stall per 400 square feet of floor area. Square footage refers to net usable area and excludes walls, corridors, lobbies, bathrooms, etc.

- D. Available Incentives. All buildings subject to these indexed criteria are eligible for a height bonus. An additional eight (8) feet in height is granted through this bonus. The eight (8) feet is considered base height and shall be measured in accordance with SMC 20.50.050.

- E. Restaurant Ready are a preferred use in commercial spaces. Restaurant Ready spaces are constructed to accommodate a restaurant by including the following components:
 - 1. ADA compliant bathrooms (common facilities are acceptable);
 - 2. A central plumbing drain line;
 - 3. A grease interceptor; and
 - 4. A ventilation shaft for a commercial kitchen hood/exhaust.

- F. The following incentives are available when the ground floor commercial space is constructed to accommodate a restaurant:
 - 1. Height Bonus. An additional ten (10) feet in height is granted through this bonus. The ten (10) feet is considered base height and shall be measured in accordance with SMC 20.50.050.
 - 2. Hardscape Maximum Increase. An additional five percent (5%) of hardscape is granted through this bonus.

20.50.020 Dimensional requirements.

Table 20.50.020(3) – Dimensions for Development in Commercial Zones

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

Commercial Zones				
STANDARDS	Neighborhood Business (NB)	Community Business (CB)	Mixed Business (MB)	Town Center (TC-1, 2 & 3)
Min. Front Yard Setback (Street) (1) (2) (5) (see Transition Area Setback, SMC 20.50.021)	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from Commercial Zones and the MUR-70' zone	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from R-4, R-6 and R-8 Zones (see Transition Area Setback, SMC 20.50.021)	20 ft	20 ft	20 ft	20 ft
Min. Side and Rear Yard Setback from TC-4, R-12 through R-48 Zones, MUR-35' and MUR-45' Zones	15 ft	15 ft	15 ft	15 ft
Base Height (3)	50 ft	60 ft <u>(6)</u>	70 ft	70 ft
Hardscape (4)	85%	85% <u>(7)</u>	95%	95%

Exceptions to Table 20.50.020(3):

- (1) Front yards may be used for outdoor display of vehicles to be sold or leased.*
- (2) Front yard setbacks, when in transition areas (SMC 20.50.021(A)) and across rights-of-way, shall be a minimum of 15 feet except on rights-of-way that are classified as principal arterials or when R-4, R-6, or R-8 zones have the Comprehensive Plan designation of Public Open Space.*
- (3) The following structures may be erected above the height limits in all commercial zones:*

- a. *Roof structures housing or screening elevators, stairways, tanks, mechanical equipment required for building operation and maintenance, skylights, flagpoles, chimneys, utility lines, towers, and poles; provided, that no structure shall be erected more than 10 feet above the height limit of the district, whether such structure is attached or freestanding except as provided in subsection (3)(f) of these exceptions. WTF provisions (SMC 20.40.600) are not included in this exception.*
 - b. *Parapets, firewalls, and railings shall be limited to four feet in height.*
 - c. *Steeple, crosses, and spires when integrated as an architectural element of a building may be erected up to 18 feet above the base height of the district.*
 - d. *Base height may be exceeded by gymnasiums to 55 feet and for theater fly spaces to 72 feet.*
 - e. *Solar energy collector arrays, small scale wind turbines, or other renewable energy equipment have no height limits.*
 - f. *Base height may be exceeded by 15 feet for rooftop structures such as elevators, arbors, shelters, barbeque enclosures and other structures that provide open space amenities and their access.*
- (4) *Site hardscape shall not include the following:*
- a. *Areas of the site or roof covered by solar photovoltaic arrays or solar thermal collectors.*
 - b. *Intensive vegetative roofing systems.*
- (5) *The exact setback along 145th Street, up to the maximum described in Table 20.50.020(2), will be determined by the Public Works Department through a development application.*
- (6) *Base height may be exceeded by 8 feet for properties that qualify for SMC 20.40.465(D) or 18 feet for properties that qualify under SMC 20.40.465(F)(1).*
- (7) *Maximum hardscape may be exceeded by an additional five percent (5%) for properties that qualify under SMC 20.40.465(F)(2).*

Subchapter 4.

Commercial and Multifamily Zone Design

20.50.220 Purpose.

The purpose of this subchapter is to establish design standards for all commercial zones – neighborhood business (NB), community business (CB), mixed business (MB)

and town center (TC-1, 2 and 3), the MUR-35' and the MUR-45' zones for all uses except single-family attached and mixed single-family developments, the MUR-70' zone, and the R-8, R-12, R-18, R-24, R-48, PA 3 and TC-4 zones for all uses except single-family detached, attached and mixed single-family developments. Refer to SMC 20.50.120 when developing single-family attached and detached dwellings in the MUR-35' and MUR-45' zones. Some standards within this subchapter apply only to specific types of development and zones as noted. Standards that are not addressed in this subchapter will be supplemented by the standards in the remainder of this chapter. In the event of a conflict, the standards of this subchapter shall prevail.

20.50.225 Administrative design review.

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

20.50.230 Threshold – Required site improvements.

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

- A. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing land and structure(s) on the parcel. This shall include all structures on other parcels if the building under permit review extends into other parcels; or
- B. When aggregate building construction valuations for issued permits, within any cumulative five-year period, exceed 50 percent of the County assessed or an appraised value of the existing land and structure(s) at the time of the first issued permit.
- C. When a single-family land use is being converted to a commercial land use then full site improvements shall be required.

20.50.235 Site planning – Setbacks – Standards.

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

20.50.240 Site design.

A. Purpose.

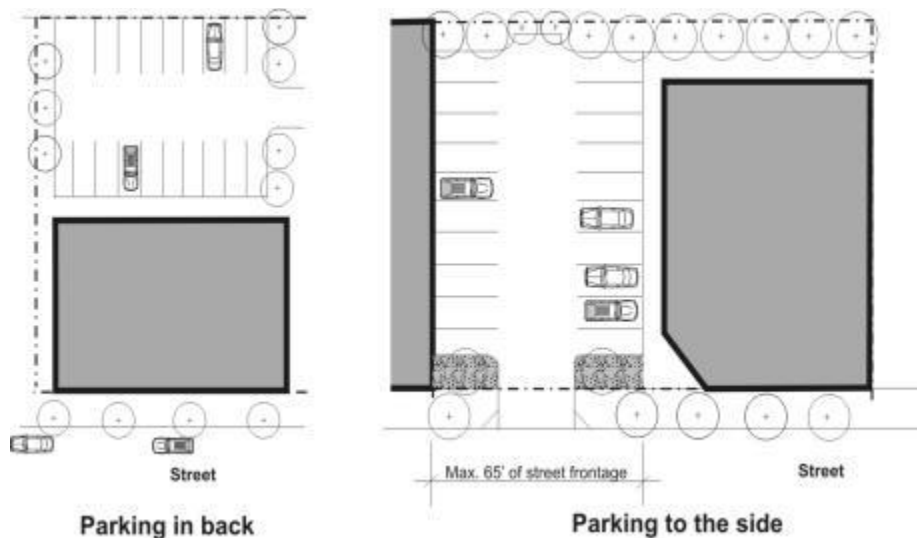
1. Promote and enhance public walking and gathering with attractive and connected development.
2. Promote distinctive design features at high visibility street corners.
3. Provide safe routes for pedestrians and people with disabilities across parking lots, to building entries, and between buildings.
4. Promote economic development that is consistent with the function and purpose of permitted uses and reflects the vision for commercial development as expressed in the Comprehensive Plan.

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

C. Site Frontage.

1. Development in NB, CB, MB, TC-1, 2 and 3, the MUR-45' and MUR-70' zones and the MUR-35' zone when located on an arterial street shall meet the following standards:
 - a. Buildings and parking structures shall be placed at the property line or abutting public sidewalks, except when the required minimum front yard setback is greater than zero (0) feet, in which case the building shall be placed at the minimum setback. However, buildings may be set back farther if public places, landscaping and vehicle display areas are included or future right-of-way widening or a utility easement is required between the sidewalk and the building;
 - b. All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Reference dimensional Table 20.50.020(2) and exceptions;
 - c. For properties not subject to SMC 20.40.465, the Mminimum space dimension for building interiors that are ground-level and fronting on streets shall be 12-foot height, measured from finished floor to finished ceiling, and 20-foot depth and built to commercial building code. These spaces may be used for any permitted land use. This requirement does not apply when developing a residential only building in the MUR-35' and MUR-45' zones;
 - d. Minimum window area shall be 50 percent of the ground floor facade for each front facade which can include glass entry doors. This requirement does not apply when developing a residential only building in the MUR-35' and MUR-45' zones;

- e. A building’s primary entry shall be located on a street frontage and recessed to prevent door swings over sidewalks, or an entry to an interior plaza or courtyard from which building entries are accessible;
- f. Minimum weather protection shall be provided at least five feet in depth, nine-foot height clearance, and along 80 percent of the facade where over pedestrian facilities. Awnings may project into public rights-of-way, subject to City approval;
- g. Streets with on-street parking shall have sidewalks to back of the curb and street trees in pits under grates or at least a two-foot-wide walkway between the back of curb and an amenity strip if space is available. Streets without on-street parking shall have landscaped amenity strips with street trees;
- h. Surface parking along street frontages in commercial zones shall not occupy more than 65 lineal feet of the site frontage. Parking lots shall not be located at street corners. No parking or vehicle circulation is allowed between the rights-of-way and the building front facade. See SMC 20.50.470 for parking lot landscape standards;



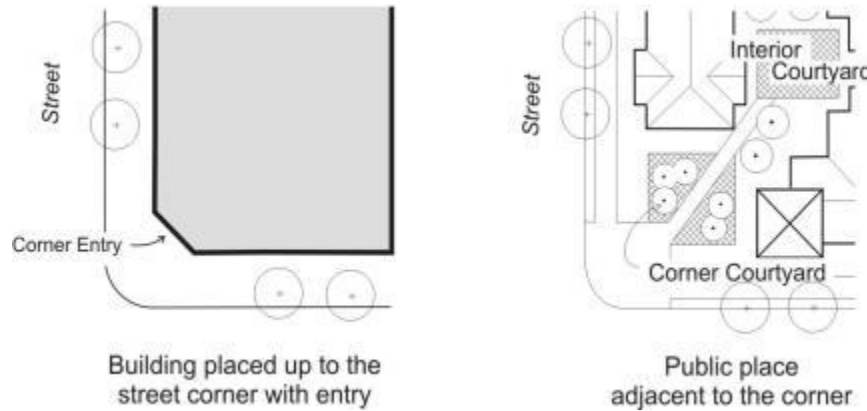
Parking Lot Locations Along Streets

- i. New development in MUR zones on 185th Street, 145th Street, and 5th Avenue NE between NE 145th Street and NE 148th Street shall provide all vehicular access from an existing, adjoining public side street or public/private alley. If new development is unable to gain access from an existing, adjoining public side street or public/private alley, an applicant may provide access from the adjacent right-of-way; and
- j. Garages and/or parking areas for new development on 185th Street shall be rear-loaded.

D. Corner Sites.

1. All building and parking structures located on street corners (except in MUR-35') shall include at least one of the following design treatments on both sides of the corner:

- a. Locate a building within 15 feet of the street corner. All such buildings shall comply with building corner standards in subsection (D)(2) of this section;
- b. Provide a public place at the corner leading directly to building entries;
- c. Install 20 feet of depth of Type II landscaping for the entire length of the required building frontage;
- d. Include a separate, pedestrian structure on the corner that provides weather protection or site entry. The structure may be used for signage.



Street Corner Sites

2. Corner buildings and parking structures using the option in subsection (D)(1)(a) of this section shall provide at least one of the elements listed below to 40 lineal feet of both sides from the corner:

- a. Twenty-foot beveled building corner with entry and 60 percent of the first floor in non-reflective glass (included within the 80 lineal feet of corner treatment).
- b. Distinctive facade (i.e., awnings, materials, offsets) and roofline designs beyond the minimum standards identified in SMC 20.50.250.
- c. Balconies for residential units on all floors above the ground floor.



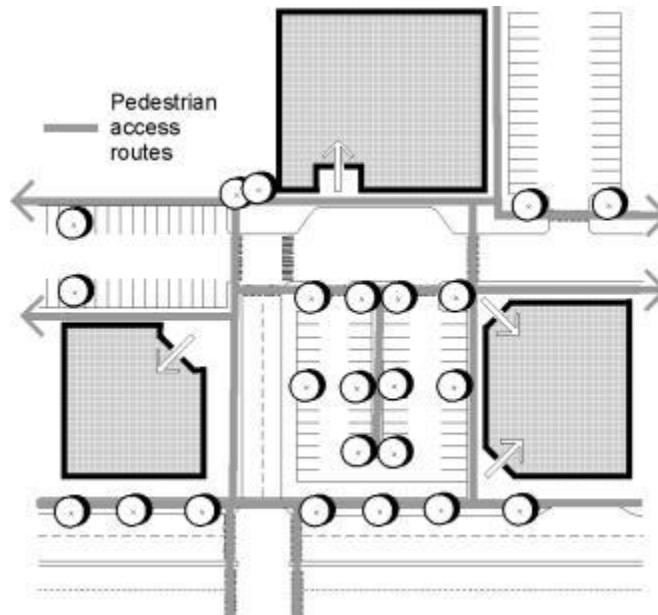
Building Corners

E. Internal Site Walkways.

1. Developments shall include internal walkways or pathways that connect building entries, public places, and parking areas with other nonmotorized facilities including adjacent street sidewalks and Interurban Trail where adjacent (except in the MUR-35' zone).

a. All development shall provide clear and illuminated pathways between the main building entrance and a public sidewalk. Pathways shall be separated from motor vehicles or raised six inches and be at least eight feet wide;

b. Continuous pedestrian walkways shall be provided along the front of all businesses and the entries of multiple commercial buildings;



Well-connected Walkways

c. Raised walkways at least eight feet wide shall be provided for every three, double-loaded aisles or every 200 feet of parking area width. Walkway crossings shall be raised a minimum three inches above drive surfaces;

- d. Walkways shall conform to the Americans with Disabilities Act (ADA);



Parking Lot Walkway

- e. Deciduous, street-rated trees, as required by the Shoreline Engineering Development Manual, shall be provided every 30 feet on average in grated tree pits if the walkway is eight feet wide or in planting beds if walkway is greater than eight feet wide. Pedestrian-scaled lighting shall be provided per subsection (H)(1)(b) of this section.

F. Public Places.

1. Public places are required for the commercial portions of development at a rate of four square feet of public place per 20 square feet of net commercial floor area up to a public place maximum of 5,000 square feet. This requirement may be divided into smaller public places with a minimum 400 square feet each.
2. Public places may be covered but not enclosed unless by subsection (F)(3) of this section.
3. Buildings shall border at least one side of the public place.
4. Eighty percent of the area shall provide surfaces for people to stand or sit.
5. No lineal dimension is less than six feet.
6. The following design elements are also required for public places:
 - a. Physically accessible and visible from the public sidewalks, walkways, or through-connections;
 - b. Pedestrian access to abutting buildings;
 - c. Pedestrian-scaled lighting (subsection H of this section);
 - d. Seating and landscaping with solar access at least a portion of the day;
 - e. Not located adjacent to dumpsters or loading areas; and
 - f. Amenities such as public art, planters, fountains, interactive public amenities, hanging baskets, irrigation, decorative light fixtures, decorative

paving and walkway treatments, and other items that provide a pleasant pedestrian experience along arterial streets.

g. Accessible potable water and electrical power shall be supplied to a public facing portion of the exterior of high-capacity transit centers, stations and associated parking.



Public Places

G. Multifamily Open Space.

1. All multifamily development shall provide open space.
 - a. Provide 800 square feet per development or 50 square feet of open space per dwelling unit, whichever is greater;
 - b. Other than private balconies or patios, open space shall be accessible to all residents and include a minimum lineal dimension of six feet. This standard applies to all open spaces including parks, playgrounds, rooftop decks and ground-floor courtyards; and may also be used to meet walkway standards as long as the function and minimum dimensions of the open space are met;

- c. Required landscaping can be used for open space if it does not obstruct access or reduce the overall landscape standard. Open spaces shall not be placed adjacent to service areas without full screening; and
- d. Open space shall provide seating that has solar access at least a portion of the day.



Multifamily Open Spaces

H. Outdoor Lighting.

1. All publicly accessible areas on private property shall be illuminated as follows:
 - a. Minimum of one-half footcandle and maximum 25-foot pole height for vehicle areas;
 - b. One to two footcandles and maximum 15-foot pole height for pedestrian areas; and
 - c. Maximum of four footcandles for building entries with the fixtures placed below second floor.
2. All private fixtures shall be shielded to prevent direct light from entering neighboring property.
3. **Prohibited Lighting.** The following types of lighting are prohibited:
 - a. Mercury vapor luminaires.
 - b. Outdoor floodlighting by floodlight projection above the horizontal plane.
 - c. Search lights, laser source lights, or any similar high intensity light.

d. Any flashing, blinking, rotating or strobe light illumination device located on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel.

Exemptions:

1. Lighting required for emergency response by police, fire, or medical personnel (vehicle lights and accident/crime scene lighting).
2. Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.
3. Signs and sign lighting regulated by Chapter 20.50 SMC, Subchapter 8.
4. Holiday and event lighting (except for outdoor searchlights or strobes).
5. Sports and field lighting.
6. Lighting triggered by an automatic emergency or security alarm system.

DO THIS



External Shield

DON'T DO THIS



Unshielded
PAR Floodlights



Unshielded Wallpacks
& Unshielded or
Poorly-shielded Wall
Mount Fixtures

I. Service Areas.

1. All developments shall provide a designated location for trash, composting, recycling storage and collection, and shipping containers. Such elements shall meet the following standards:
 - a. Located to minimize visual, noise, odor, and physical impacts to pedestrians and residents;
 - b. Paved with concrete and screened with materials or colors that match the building;

- c. Located and configured so that the enclosure gate swing does not obstruct pedestrian or vehicle traffic, nor require a hauling truck to project into public rights-of-way; and
- d. Refuse bins shall not be visible from the street.



Trash/Recycling Closure with Consistent Use of Materials and Landscape Screening

J. Utility and Mechanical Equipment.

- 1. Equipment shall be located and designed to minimize its visibility to the public. Preferred locations are off alleys; service drives; within, atop, or under buildings; or other locations away from the street. Equipment shall not intrude into required pedestrian areas.



Utilities Consolidated and Separated by Landscaping Elements

2. All exterior mechanical equipment, with the exception of solar collectors or wind power generating equipment, shall be screened from view by integration with the building’s architecture through such elements as parapet walls, false roofs, roof wells, clerestories, equipment rooms, materials and colors. Painting mechanical equipment strictly as a means of screening is not permitted.

20.50.250 Building design.

A. Purpose.

1. Emphasize quality building articulation, detailing, and durable materials.
2. Reduce the apparent scale of buildings and add visual interest for the pedestrian experience.
3. Facilitate design that is responsive to the commercial and retail attributes of existing and permitted uses.
4. Create an active and inviting space for pedestrians with visually interesting storefronts and seamless transitions between public rights-of-way and private space.

B. Building Articulation.

1. Commercial buildings fronting streets other than state routes shall include one of the two articulation features set forth in subsections (B)(2)(a) and (b) of this section facing a street, parking lot, or public place. Parking structure facades fronting public streets shall apply to this subsection only as material, color, texture, or opening modulations and not as offset modulations. Building facades less than 60 feet wide are exempt from this standard.



Building Facade Articulation

2. Commercial buildings fronting streets that are state routes shall include one of the two articulation features below no more than every 80 lineal feet facing a street, parking lot, or public place. Building facades less than 100 feet wide are exempt from this standard. Parking structure facades fronting public streets shall apply to this subsection only as material, color, texture, or opening modulations and not as offset modulations.

a. For the height of the building, each facade shall be offset at least two feet in depth and four feet in width, if combined with a change in siding materials. Otherwise, the facade offset shall be at least 10 feet deep and 15 feet wide.

b. Vertical piers at the ends of each facade section that project at least two inches from the facade and extend from the ground to the roofline.

3. Multifamily buildings or residential portions of a commercial building shall provide the following articulation features at least every 35 feet of facade facing a street, park, public place, or open space. Parking structure facades fronting public streets shall apply to this subsection only as material, color, texture, or opening modulations and not as offset modulations:

a. Vertical building modulation 18 inches deep and four feet wide, if combined with a change in color or building material. Otherwise, the minimum depth of modulation is 10 feet and the minimum width for each modulation is 15 feet. Balconies may be used to meet modulation; and

b. Distinctive ground or first floor facade, consistent articulation of middle floors, and a distinctive roofline or articulate on 35-foot intervals.



Multifamily Building Articulation



Multifamily Building Articulation

4. Rooflines shall be modulated at least every 120 feet by emphasizing dormers, chimneys, stepped roofs, gables, or prominent cornices or walls. Rooftop appurtenances may be considered a modulation. Modulation shall consist of a roofline elevation change of at least four feet every 50 feet of roofline.

5. Every 150 feet in building length along the streetfront shall have a minimum 30-foot-wide section that is offset by at least 20 feet through all floors.



Facade Widths Using a Combination of Facade Modulation, Articulation, and Window Design

6. Buildings shall recess or project individual windows above the ground floor at least two inches from the facade or use window trim at least four inches in width.



Window Trim Design

7. Weather protection of at least three feet deep by four feet wide is required over each secondary entry.



Covered Secondary Public Access

8. **Materials.**
 - a. Metal siding shall have visible corner moldings or trim and shall not extend lower than four feet above grade. Masonry, concrete, or other durable material shall be incorporated between the siding and the grade. Metal siding shall be factory finished with a matte, nonreflective surface.



Masonry or Concrete Near the Ground and Proper Trimming Around Windows and Corners

- b. Concrete blocks of a singular style, texture, or color shall not comprise more than 50 percent of a facade facing a street or public space.



- c. Stucco must be trimmed and sheltered from weather by roof overhangs or other methods and shall be limited to no more than 50 percent of facades containing an entry. Stucco shall not extend below two feet above the grade.



- d. The following exterior materials are prohibited:
 - i. Chain-link fencing that is not screened from public view. No razor or barbed material shall be allowed;
 - ii. Corrugated, fiberglass sheet products; and
 - iii. Plywood siding.

C. Ground Floor Commercial.

- 1. New buildings subject to SMC 20.40.465 shall comply with these provisions.
- 2. These requirements apply to the portion of the building's ground floor abutting a public right-of-way (ROW).
- 3. A minimum of 75 percent of the lineal frontage shall consist of commercial space. Up to 25 percent of the lineal frontage may consist of facilities associated with the multifamily use, such as lobbies, leasing offices, fitness centers and community rooms.
- 4. All ground-floor commercial spaces abutting a ROW shall be constructed at a minimum average depth of 30 feet, with no depth less than 20 feet, measured from the wall abutting the ROW frontage to the rear wall of the commercial space.

5. All ground-floor commercial spaces shall be constructed with a minimum floor-to-ceiling height of eighteen feet (18'), and a minimum clear height of fifteen feet (15').

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: 2021-2022 Proposed Biennial Budget Department Presentations
DEPARTMENT: Administrative Services Department
PRESENTED BY: Sara Lane, Administrative Services Director
Rick Kirkwood, Budget and Tax Manager
ACTION: Ordinance Resolution Motion
 Discussion Public Hearing

PROBLEM/ISSUE STATEMENT:

The City Manager presented the 2021-2022 Proposed Biennial Budget to the City Council on October 12, 2020. Tonight's agenda includes an overview of the City departments' 2021-2022 Proposed Biennial Budget requests. The 2021-2022 Proposed Biennial Budget and 2021-2026 Capital Improvement Plan (CIP) has been made available to the public and is available on the City's website and at City Hall, the Shoreline Police Station, and the Shoreline and Richmond Beach libraries.

The focus of the departmental presentations will be on any significant changes between the department's 2020 Current Budget and the 2021-2022 Proposed Biennial Budget. The October 19 department review schedule and corresponding pages in the budget document are listed below:

<u>Department</u>	<u>Budget Pages</u>
City Council	105 – 109
City Manager's Office	113 – 124
Human Resources	127 – 132
City Attorney	135 – 140
Parks, Recreation and Cultural Services	143 - 147
Recreation, Cultural and Community Services	151 – 168
Administrative Services & Citywide	171 – 187
Police	191 – 203
Criminal Justice	207 – 211
Planning and Community Development	215 – 225

Staff plans to complete department reviews through the Planning & Community Development Department on October 19. On October 26, the City Council will review the Public Works Department, Surface Water and Wastewater Utilities, and the 2021-2026 Proposed CIP. Staff will also describe the budgets in other funds.

Future budget discussions will be held on November 2 and November 16. Public hearings on the 2021 property tax levies and revenue sources will be held on November 2 and on the 2021-2022 Proposed Biennial Budget on November 2 and 16. Adoption of the 2021-2022 Biennial Budget and 2021 property tax levies is scheduled for November 16.

FINANCIAL IMPACT:

The 2021-2022 Proposed Biennial Budget totals \$232.358 million, is balanced and includes adequate reserve levels to meet all adopted budget policies.

RECOMMENDATION

No action is required by the City Council. Department presentations will be for informational purposes and provide an opportunity for the City Council to ask specific questions regarding proposed department budgets.

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