

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

Monday, July 20, 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**

John Norris, Assistant City Manager, provided an update on the current City COVID-19 status and issued a reminder about the restrictions in place and emphasized the importance of social distancing and the use of face coverings. Mr. Norris described various City meetings, events, and activities.

**4. COUNCIL REPORTS**

Deputy Mayor Scully said he attended meetings of the WRIA-8 Salmon Recovery Council and the All Home Coordinating Committee. A highlight of the All Home meeting was learning that at this year's Point in Time Count, north King County counted 56 individuals, which he feels is a manageable number for providing resources and shelter to. He said there is incredible racial disparity in local homelessness.

Mayor Hall said the data coming out of the pandemic shows how important it is for people to stay home, especially during this current peak in infection rates. He emphasized that the curve has to bend back down again in order to get the economy and schools open again. He urged people to use safety precautions and to thank front line and essential workers.

**5. PUBLIC COMMENT**

Kathleen Russell, Shoreline resident, spoke on behalf of Save Shoreline Trees. She cited the City's Comprehensive Plan and said that with all the private and public development taking

place, tree removal creates an inequity of tree canopy cover throughout parts of Shoreline. She asked the City to reevaluate the number of tall trees being removed over the next three years.

Janet Way, Shoreline resident, said that parks matter more than ever during the pandemic, with an increase in use in the open spaces and a deep appreciation for the urban forest. She said what is lacking from the Parks and Tree Board is a plan to preserve the existing heritage of trees and grow the canopy, and she shared sources of information and funding. She said the Fircrest Chapel is surrounded by a forest and she would like to see the City advocate to protect it.

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 item was approved:**

**(a) Approving Minutes of Regular Meeting of June 1, 2020**

8. STUDY ITEMS

(a) Annual Discussion with the Parks, Recreation and Cultural Services/Tree Board

Mayor Hall welcomed the Parks, Recreation and Cultural Services (PRCS)/Tree Board and expressed regret that this year they are unable to have this meeting face-to-face. He said their volunteer contributions are valued greatly. John Hoey, PRCS/Tree Board Chair, facilitated introductions of the participating board members Bill Franklin, Jeff Potter, Sara Rabb McInerney, Bruce Amundson, Christine Southwick, and welcomed incoming youth members Hayley Berkman and David Lin.

Mr. Hoey listed the strategic priorities established by the PRCS/Tree Board during their annual retreat. He said the eight preliminary issues identified were: parks, open space, funding, cultural services and public art, community engagement, relationships, equity and inclusion, and Proposition 1, and that in the subsequent work sessions the Board narrowed the list down to three top priorities of equity and inclusion, parks, and cultural services and public art and identified action steps for each one.

Mr. Hoey said what spurred the focus on equity and inclusion was the realization that the PRCS/Tree Board does not reflect the diverse population of Shoreline. He said the Board would like to adopt an equity and inclusion lens in all their work, and the first step was to engage in a diversity and inclusion training facilitated by City staff.

Dr. Amundson said it is significant that cultural services and public art was identified as one of the top priorities, reflecting a new trend for the PRCS/Tree Board. He said art and cultural services have received the least support of all programs in the Parks Department. He reminded

Council that the PRCS/Tree Board recommends making the Public Art Coordinator position a 1.0 FTE. He said the PRCS/Tree Board would like to ask the Council to establish equality across the parks, recreation, and cultural services programs organizationally within the department and designate the leadership job title of the public art program as a Superintendent, aligning with the titles for the leadership in the Parks and Recreation programs.

Mr. Franklin reported on the work of the Parks subcommittee and said their goals include continuing to recognize and leverage the work already done by the Parks Funding Advisory Committee (PFAC). He said they are dovetailing their work with their equity goal, especially as it pertains to offering an equitable level of service in parks and amenities across the City. Mr. Potter recognized all the work that has gone into the various park improvement plans and said they will include considerations that came to light with COVID-19 and the Light Rail development. Ms. Raab McInerny said she is excited to help evolve the strategic recommendations.

Mr. Hoey summarized the next steps the PRCS/Tree Board and subcommittees have planned and added that the Parks subcommittee is working diligently to help inform Council's consideration of a potential bond measure in 2021. He said the plan is to have each one of the three strategic priorities be highlighted on a rotating basis at their regular monthly board meetings.

Councilmember Robertson recognized the quality of the individuals volunteering on the Board and said she is impressed with the chosen priorities and is excited to see what comes from their work. She reinforced the importance of an equitable spread of accessibility and walkability to open spaces.

Councilmember Roberts asked how the Board will balance taking both existing, known uses, and emerging trends for parks and open space into consideration in their work. Mr. Franklin replied that Eric Friedli, Parks, Recreation, and Cultural Services Director, and staff recently presented to the Board on emerging trends, and the board has been discussing observations of new and innovative ways that other towns are using their parks. Councilmember Roberts asked if future trends lean toward the need for flexible spaces or for specific uses. Mr. Hoey said both are important. Mr. Potter added that COVID-19 has brought to the forefront the value of open space and it is going to be important to provide safe access to a variety of open spaces.

Mayor Hall said that while this year is very different, the good news is that most of the work done by the PRCS/Tree Board lasts a long time. He said that it is important to figure out how to manage during the time of COVID-19 while also continuing to take the long view of how to improve and increase parkland for future residents.

Councilmember McConnell thanked the Boardmembers for the work they do, especially now as more people are taking advantage of the availability and quality of parks. She welcomed the youth board members and encouraged them to share their unique perspectives.

Mayor Hall added that the Council strongly supports the emphasis on equity and inclusion and stressed the importance of making sure that everyone in Shoreline has access to recreational amenities.

(b) Discussing Ordinance No. 893 – Adopting Interim Regulations to Allow for Additional Extensions of Application and Permit Deadlines Beyond Those Provided for in Shoreline Municipal Code Title 20 Due to COVID-19 Impacts

Rachael Markle; Planning and Community Development Director, delivered the staff presentation. Ms. Markle said the purpose of the Ordinance is to prevent permit applications from expiring due to unforeseen delays created as a result of the pandemic. She reviewed the background of Emergency Order 6, which provided tolling relief and was intended to prevent expiration of the permit applications that were either received early in the pandemic or in the review process when the pandemic started. She said staff has had time to assess the situation and recommends that tolling be replaced with the interim regulations in Ordinance No. 893.

Ms. Markle described the sections of the Municipal Code that set deadlines and extensions for permit applications. She said the proposed interim regulations would allow for two extensions of applications, including Right-of-Way permit applications. She said Ordinance No. 893 includes a plan to transition from tolling to the provision of an additional extension and explained how applicants would be informed of the changes. She said that adoption of interim regulations can be accomplished more expediently, and described the process for adoption and extension, should the need arise.

Ms. Markle said alternatives to the staff recommendation of adopting interim regulations include ending tolling, continuing tolling, or increasing the number or length of extensions available for permit applications. She reviewed the next steps should Ordinance No. 893 be adopted.

Mayor Hall, Councilmembers Roberts, McGlashan, McConnell, and Chang expressed support for the staff recommendation.

Deputy Mayor Scully asked whether this would be implemented as a matter of right, or if an application would be necessary. Ms. Markle replied that the process includes submission of a written inquiry to have any of the permit extensions granted, but that Council could change this if they so wish. Deputy Mayor Scully proposed that the extension be offered initially as a matter of right, then give the Director the authority to extend it as many times as needed as long as there is COVID-19 uncertainty and effects.

Councilmember Roberts confirmed that the right of the extension does not expire at the time the Ordinance does. Margaret King, City Attorney, reminded Council of the possibility of extending an interim ordinance beyond six months.

Councilmember McGlashan agreed with Deputy Mayor Scully's proposal. He asked why the extensions includes permits that have already been issued. Ms. Markle explained that developers often wait to pick up their permits until they have their contractors, materials, and funding available.

Mayor Hall confirmed that the six month time limitation is a requirement of the Growth Management Act.

Councilmember McConnell said this adjustment will provide more certainty and fewer hurdles for the developers as business resumes.

Councilmember Chang commented that she supports both extending the deadlines for picking up permits as well as giving additional time for responding to corrections. She asked when the new Building Code is scheduled to be adopted and if it would impact the interim regulations. Ms. Markle said it would be in February 2021 and there would not be any impact.

Mayor Hall agreed that obtaining an extension should be easy and straightforward, and asked if the process to request an extension is expensive or onerous. Ms. Markle said there is no cost, and that the request can be submitted as an email but it must be done prior to the permit expiring. She added that the plan is to notify applicants to keep them informed as to where they are in the process. Mayor Hall said with that knowledge he supports the staff recommendation, in part because it can be adopted and implemented quickly.

Deputy Mayor Scully said he is essentially fine with the staff recommendation since there is reason behind the six month limitation. He added that when needed, he will advocate for the ability to extend it. He said while he would prefer for it to be automatic, he will not move to amend the Ordinance since he did not hear significant support from Council.

It was agreed that Ordinance would return as a Consent item.

(c) Discussing Interim Regulations for Outdoor Dining

Andrew Bauer, Senior Planner, delivered the staff presentation. Mr. Bauer explained that the interim regulations would facilitate establishing outdoor seating areas, helping to offset current reduced seating capacities because of the Safe Start Washington plan requirements for social distancing. Mr. Bauer outlined the restrictions for bars and restaurants in each phase of the Safe Start Washington plan and said with the occupancy restrictions it is reasonable to consider other options to allow for additional seating. He said other cities are responding to this need by relaxing regulations, reducing or waiving application fees, and streamlining the issuance of permits.

Mr. Bauer described Shoreline's existing regulations and explained the aspects that act as barriers to securing a permit. He said the staff recommendations would be valid in phases two and three of Safe Start Washington and include a range of potential options, and shared details on the recommendations. He highlighted the key components and listed pros and cons, which include the permit duration, waiving parking requirements, and waiving permit fees. He shared suggestions for streamlining the permitting process and listed the pros and cons to establishing interim regulations.

Mr. Bauer said that it is important to take Right-of-Way use into consideration and highlighted some of the factors that could impact use. He described the outreach done to date and said seven local businesses had expressed interest, with the majority interested in the flexible use of private property. He outlined the next steps and asked for Council direction on whether or not staff

should further explore the idea of the outdoor dining by right process, and for clear direction on Council preference to waiving fees and parking requirements.

The majority of the Councilmembers expressed support for waiving the permitting fees, and for some version of streamlining the application process. Councilmembers also recognized the different needs between private property and Right-of-Way permissions.

Councilmember McGlashan expressed support for the staff recommendation. He said he is a little nervous about the Right-of-Way option interfering with public access and usage and there may need to be some monitoring to confirm compliance. He asked for information on how the businesses would be notified as the phases change, and Mr. Bauer described the level of service the City would provide for noticing permit holders.

Councilmember McConnell asked how the City would notify all local businesses of the opportunity to create outdoor dining space. Mr. Bauer said staff is planning ways to get the word out to the business community. She asked if staff would monitor the use of private parking lots to make sure there is not negative impact to neighboring businesses and if tents or coverings would be allowed in outdoor spaces. Mr. Bauer said the fire code and building permit requirements would not change, therefore temporary tents would require additional permitting.

Councilmember Chang asked how staff would check for compliance if the permitting was done by right, or if monitoring would be complaint-based. Mr. Bauer said that is up for discussion, but if staff was to check for compliance it increases the amount of time and effort. He said what would be more efficient would be being more detailed on the front end, including a thorough review to confirm that the applicant has reasonably demonstrated that they can meet the requirements. Mr. Bauer described the elements of streamlining the process and said in his experience, most applicants will ask for clarification if they are concerned with being able to meet the requirements.

Councilmember Robertson said this opportunity is a potential lifeline to local establishments to be able to expand their business. She said that while safety is a huge concern, she feels it is a well thought-out process. She shared her expectation that the City will communicate any anticipated increases in workload for the fire department proactively.

Councilmember Roberts said he supports putting an emergency clause on this Ordinance to create immediate opportunity to take advantage of the nice weather. He said that while what was presented tonight is streamlined, more could be done. He said the two categories of temporary outdoor dining in existing parking lots and use of the Right-of-Way need to be separated. He thinks there needs to be additional review for Right-of-Way permits. He would like to encourage the PRCS/Tree Board to explore a parklet permits program, similar to what Seattle offers, to help vitalize street life. Councilmember Roberts said he likes the Mayor's suggestion of self-certification as the process for creating temporary dining in private parking lots.

Deputy Mayor Scully said he hopes this can get started soon. He agreed the two categories have individual considerations. He said he supports minimizing involvement and letting businesses do what they can to add outdoor seating on private property, but he agrees that the Right-of-Way

includes the competing goals of economic interest in opening up restaurants and the importance of being able to use the sidewalk safely. He proposed a self-certification for the private property use, and no review or fees. He said it is safe because of the protections the building code, fire code, and ADA requirements already establish. He said short term parking impacts are not a concern for him. He added that Right-of-Way permits should also be streamlined with a simple application, no fee, and quick turnaround.

Mayor Hall said he agrees that there should be a distinction between the two types of permits. He said that because of the importance for the public as a whole to be able to use the Right-of-Way, he agrees with performing a review prior to permitting the use. He said he feels that private property use should be allowed by right as soon as the Ordinance is passed and agreed that an emergency clause should be added to allow for immediate use if the applicant meets the required criteria. He said that in addition to streamlining the process, it is an efficient allocation of staff time.

Councilmember McConnell asked if it would make staff more comfortable to include eventual site visits to review compliance and mitigate complaints. She expressed support for making the Ordinance active upon passage.

Councilmember McGlashan asked if staff anticipates the possibility of businesses applying for both forms of the permits, and what the outcome would be in that case. Mr. Bauer said the temporary use would be addressed through the Right-of-Way permit, so obtaining both permits would not be needed.

Councilmember Chang asked about other permits that might be required for these temporary uses and Mr. Bauer explained that if a temporary shelter were erected it would need to be permitted separately and comply with all applicable codes. Councilmember Chang agreed that it makes sense to differentiate the process between private property and Right-of-Way permits.

Deputy Mayor Scully confirmed that these regulations would not waive any codes but would only allow business owners to use an existing space on private property in a way that would not previously have been allowed.

Mayor Hall summarized that the Council supports the inclusion of an Public Emergency clause with an immediate effective date, a streamlined review for Right-of-Way uses, and that permission for compliant use on private property be granted by right, after self-certification and registration.

Councilmember Roberts asked if establishing these interim regulations would require a code amendment. Mr. Bauer said staff have been proceeding with the assumption that this is an interim ordinance, needing to be reviewed and reupped every six months. Ms. King concurred, explaining that some of the requirements being waived are set out in the City's Development Code, so that is why it needs to be done as an interim ordinance.

Ms. King asked for clarification on Council direction for the registration process, explaining that applicants would still be subject to compliance with the health district requirements for social

distancing. She said staff had talked about the possibility of using a registration checklist and asked if that was within the parameters of what Council is directing, and what repercussions the Council would like the City to implement in instances of violation. Mayor Hall said his view is that since the State guidelines have already been clearly established, they should be the foundation, and the expectation would be that the property owner would need to notify the City that they are taking advantage of the interim regulations for outdoor dining and self-certify that they have met the State guidelines. He said he does not think the guidelines need to be repeated in the interim regulations nor does the City need to review for compliance, since the business would be attesting to it. Ms. King pointed out that the Ordinance could be amended if unforeseen problems were to prompt reevaluation.

Mayor Hall noted for the record that while this regulation is being put in place to support local businesses, the strong guidance is still to stay home and help stop the spread of COVID-19.

Councilmember McConnell asked that it be clarified that the applicant must have permission from the property owner to implement this use. Mayor Hall said the Council does not want the City to be put in the position of trying to mediate disputes between landlords and tenants, so the expectation would be that the business would need to ensure they have permission to use the property in that way.

Councilmember Chang asked what the process would be if restaurants wanted to look ahead to putting up more weather resistant structures as fall approaches. Mr. Bauer said the City has been in touch with the Fire Department and is coordinating on how that would happen. He added that many of the streamlining efforts would not require Council action or approval, and that the City would be able to implement measures as necessary and adapt as needed.

Mr. Bauer said he has clear direction for the next steps and confirmed that the City Attorney had the information needed to proceed.

(d) Discussing Ordinance No. 891 - Accepting a Corrected Survey and Plat for Short Plat No-98055 as Provided in RCW 58.10.030

Nate Daum, Economic Development Program Manager, delivered the staff presentation. Mr. Daum described the Ordinance as a housekeeping matter that would correct an error on the record of the property adjacent to the former police station.

Mr. Daum shared background on the purchase and sale agreement the City entered into in 2019, at which time it was identified that the recorded plat for the properties to the north erroneously placed the southern property line of those properties one foot south into the City's property. He described the process for correction and added that the City has secured the written consent of two of the three affected property owners, meeting the requirements for a plat alteration. He said if the Ordinance is approved the City would move forward with working with the adjacent property owners to provide a new fence on their side of the correct property line. He displayed a graphic of the vicinity and an image of the certificate of correction. He said the financial impact to the City is limited to the cost for the fencing being offered to the consenting property owners



as well as basic administrative costs, including those associated with the purchase and sale agreement scheduled to close later this year. He reviewed the next steps for the plat correction.

It was agreed that the Ordinance would return as a Consent Item.

(e) Discussing the Shoreline Supplemental Paid Family Leave and the Washington State Paid Family and Medical Leave Programs

Don Moritz, Human Resources Director, delivered the staff presentation. He explained that the supplemental paid family leave benefit utilization summary covers the first two years of utilization. He said staff is seeking direction for potential changes to the policy now that the State's paid family medical leave act has been implemented, explaining that there is some overlap with the current plan.

Mr. Moritz said the purpose of the leave is to provide the security of income continuation for employees facing health and family issues that require extended time off for qualified reasons. The benefit currently provided is 12 weeks of paid time off for employees who have a Family and Medical Leave Act (FMLA) event and whose leave accruals dip down to 80 hours or less. He outlined the eligibility requirements and shared examples of reasons for use. He said at the time of implementation the benefit was a trailblazer, since only a handful of other jurisdictions offered anything similar.

Mr. Moritz said there have been 20 requests for this leave since implementation and shared a graph tallying the reasons leave was utilized, with addition of a child into the home as the primary usage. He said the leave types taken were split equally between intermittent and consecutive leaves and gave examples of factors that might contribute to needing both forms of leave. He displayed a graphic depicting the types of supplemental paid family leaves taken in each year and described the associated costs and how they were calculated. He said he anticipates further growth in usage of the program. He said the supplemental leaves are attached to an FMLA leave, and in order to request a supplemental paid leave you have to have qualified for, and be taking, FMLA leave.

Mr. Moritz said the policy direction being sought relates to how the supplemental leave plan overlaps with the State's leave plan. He explained that the State leave plan became available in 2020 and provides 18 weeks of paid leave for similar reasons as FMLA and described the qualification and eligibility requirements. He shared elements of the Washington Paid Family and Medical Leave benefits program and compared them to the City's benefits. He listed the premium costs and explained that both the employer and employee contribute to the State plan.

Mr. Moritz elaborated that one of the things being taken into consideration in the policy updates are some modifications that would make the policy supplemental to the State's plan, rather than primary and listed the estimated cost savings this change would make. He displayed a side-by-side comparison of the current benefits and proposed changes and described the differences.

Councilmember Roberts asked for clarification on the duration of employment needed to qualify for the plans. Mr. Moritz said the duration is six months for the City's supplemental leave, which

is earlier than one would qualify for the State program. Councilmember Roberts asked for a comparison of the definitions of who constitutes a family member, and Mr. Moritz said the City and State definitions match, and is more generous than the FMLA definition.

Councilmember Roberts said he is in support of the proposed policy but would like to understand the ramifications. He said there is one week of unpaid leave in the State program and asked if the City would mitigate that week. Mr. Moritz said staff would recommend that employees be allowed to use their leave accruals to fill the gap.

Councilmember McGlashan asked if the State's policy allows for incremental or intermittent leave. Mr. Moritz said that to qualify, it would need to be a consecutive absence of eight hours.

Mayor Hall said he supports the staff recommendation and confirmed that there is Council support for harmonizing the City and State programs.

9. ADJOURNMENT

At 9:43 p.m., Mayor Hall declared the meeting adjourned.

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Jessica Simulcik Smith, City Clerk