

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Resolution No. 493 – Establishing a Fee for Outdoor Seating Permits
DEPARTMENT:	Planning & Community Development
PRESENTED BY:	Cate Lee, AICP, Senior Planner
ACTION:	<input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

Eating and drinking establishments have been severely impacted by the COVID-19 pandemic. To provide relief for these businesses, many communities, including Shoreline, took action to ease regulations on outdoor seating areas so that lost capacity due to indoor seating restrictions were at least partially offset while still adhering to local requirements to reduce the spread of COVID-19. Shoreline’s interim regulations for outdoor seating areas went into effect on July 27, 2020 and have been extended by the City Council on four (4) occasions. Council has also previously directed staff to develop permanent regulations for outdoor seating areas.

Tonight, Council is scheduled to take a separate action on proposed Ordinance No. 969, which would set forth regulations for Outdoor Seating areas by amending Chapter 20.50 of the Shoreline Municipal Code (SMC). If adopted, proposed Resolution No. 493 (Attachment A) would provide for an amendment to the City’s Fee Schedule to establish a permit fee for outdoor seating.

RESOURCE/FINANCIAL IMPACT:

The proposed fee is not intended to cover the entire cost of staff time. The fee is proposed to cover only a portion of time to process the applications and to encourage these spaces, which offer a public benefit in the form of activating surface parking lots and increasing the number and types of gathering spaces. A one-hour fee will be charged to the business owner, while it’s anticipated staff will spend one to three hours reviewing the application.

RECOMMENDATION

Staff recommends that the City Council approve Resolution No. 493, which would establish a fee for Outdoor Seating permits in the City’s Fee Schedule.

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

BACKGROUND

Eating and drinking establishments have been severely impacted by the COVID-19 pandemic. To provide relief for these businesses, many communities, including Shoreline, took action to ease regulations on outdoor seating areas so that lost capacity due to indoor seating restrictions were at least partially offset while still adhering to local requirements to reduce the spread of COVID-19. Shoreline's interim regulations for outdoor seating areas went into effect on July 27, 2020 and have been extended by the City Council on four (4) occasions. Council has also previously directed staff to develop permanent regulations for outdoor seating areas.

The Planning Commission discussed this topic on December 16, 2021, held a study session on May 19, 2022, and a Public Hearing on July 21, 2022. The staff reports for these Planning Commission agenda items, along with the meeting minutes and public comments, can be found at the following links:

- [December 16, 2021 Meeting](#)
- [May 19, 2022 Meeting](#)
- [July 21, 2022 Meeting](#)

No public comments were received during the July 21st Planning Commission Public Hearing. Following the Public Hearing, the Planning Commission voted 6-0 to recommend the proposed Outdoor Seating Development Code amendments as proposed in Attachment A, Exhibit A to proposed Ordinance No. 969.

The City Council discussed the proposed Development Code amendments and proposed permit fee on August 15, 2022. More information on this discussion can be found here: [Discussion of Ordinance No. 969 - Amending Chapter 20.50 of the Shoreline Municipal Code to Add Regulations for Outdoor Seating and Discussion of Resolution No. 493 - Adopting a Fee for Outdoor Seating Permits.](#)

DISCUSSION

The City Council established the fee schedule for 2022, which includes fees for permits, through Resolution No. 484 on November 15, 2021. The proposed Outdoor Seating permit will be added as a line item to the land use sub-category under Planning and Community Development applications.

During the August 15, 2022 City Council discussion of proposed Resolution No. 493, the Council raised no concerns about this proposed fee being added to the City's fee schedule and directed that this proposed Resolution return tonight for potential action.

RESOURCE/FINANCIAL IMPACT

The proposed fee is not intended to cover the entire cost of staff time. The fee is proposed to cover only a portion of time to process the applications and to encourage these spaces, which offer a public benefit in the form of activating surface parking lots and increasing the number and types of gathering spaces. A one-hour fee will be

charged to the business owner, while it's anticipated staff will spend one to three hours reviewing the application.

RECOMMENDATION

Staff recommends that the City Council approve Resolution No. 493, which would establish a fee for Outdoor Seating permits in the City's Fee Schedule.

ATTACHMENTS

Attachment A – Proposed Resolution No. 493

RESOLUTION NO. 493

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, ADDING A NEW PERMIT FEE TO THE FEE SCHEDULE.

WHEREAS, on August 15, 2022, the Shoreline City Council discussed Ordinance No. 969, adopting permanent regulations for outdoor seating areas for eating and drinking establishments; and

WHEREAS, concurrent with the discussion of Ordinance No. 969, the City Council discussed this Resolution to establish a new fee for the Fee Schedule to allow for the appropriate billing of City services;

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

Section 1. Shoreline Fee Schedule. The Fee Schedule, Planning and Community Development, Section G, Land Use is amended to add a new subsection, subsection 22 outdoor seating areas, to read as follows:

- | | |
|---|---------------------------------------|
| 22. Outdoor Seating – Initial permit | \$217.00 |
| Outdoor Seating – Modification of existing permit | Hourly Rate, maximum of one (1) hour. |

Section 2. Severability. If any one or more sections, subsections, or sentences of this Resolution are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Resolution and the same shall remain in full force and effect.

Section 3. Effective Date of Resolution. This Resolution shall take effect and be in full force immediately upon passage by the City Council. This Resolution shall remain in effect until further action of the City Council amends this Resolution or declares an end to the emergency.

ADOPTED BY THE CITY COUNCIL ON SEPTEMBER 12, 2022.

Mayor Keith Scully

ATTEST:

Jessica Simulcik Smith, City Clerk