



City of Bothell™

BOTHELL CITY COUNCIL

*****VIRTUAL MEETING*****

AGENDA

June 9, 2020

6:00 PM

BOTHELL CITY HALL

18415 101st AVE NE

BOTHELL, WA 98011

Public Notice: Pursuant to Governor Inslee’s Stay Home, Stay Healthy Proclamation 20-25 and in effort to curtail the spread of the COVID-19 virus, this City Council meeting will be conducted remotely. We encourage members of the public to attend and participate in the meeting remotely, as described in more detail below.

To attend the meeting:

- [Watch the meeting LIVE](#) online
- Watch the meeting live on BCTV Cable Access Channels 21/26 (must have Frontier/Comcast Cable)
- Listen to the meeting live by phone: +1-510-338-9438 USA Toll / Access code: 126 262 7549
- Council meetings are also recorded and available the next day on the [City of Bothell YouTube Channel](#).

To provide written or verbal comments:

- [Sign-up HERE](#) to give your comment (submissions must be received by 3PM, day of meeting).

MEMBERS OF THE CITY COUNCIL

Mayor Liam Olsen

Deputy Mayor Jeanne Zornes

Councilmember Davina Duerr

Councilmember James McNeal

Councilmember Tom Agnew

Councilmember Rosemary McAuliffe

Councilmember Mason Thompson

REGULAR SESSION

Call to Order, Roll Call and Pledge of Allegiance

1. Meeting Agenda Approval

During this item, the City Council may identify agenda items to be continued, withdrawn, or added.

2. Presentations, Reports, & Briefings

A. Public Engagement Opportunities

- None at this time.

B. Proclamations

- None at this time.

- Pgs. 5-6
- C. Special Presentations
 - King County Solid Waste Rate Proposal – Sustainability Coordinator Emily Warnock & King County Representatives Pat McLaughlin and John Walsh
 - D. Staff Briefings
 - None at this time.
 - E. City Manager Reports
 - Update of City’s COVID-19 Response
 - Civil Protests Update
 - F. Council Committee Reports

3. Visitor Comment

If you wish to comment (either in writing or verbally) please [submit a form HERE](#) prior to 3PM (day of meeting). Verbal comments will be allowed 3 minutes to speak via phone. All comments will be made part of the record.

4. Consent Agenda

All items under this section will be passed with a single motion and vote. These items are of a routine nature. Prior to approval, City Council may request items be withdrawn from the consent agenda for separate discussion. Approval of the consent agenda authorizes the City Manager to implement each item in accordance with the staff recommendation.

- None at this time.

5. Public Hearings

- None at this time.

6. Ordinances & Resolutions

- Pgs. 7-18
- A. AB # 20-072 - Consideration of an Interim Ordinance Allowing Temporary Reduced Parking for Outdoor Dining
Recommended Action: Provide direction to staff on whether to charge a fee and approve the proposed Interim Ordinance.

7. Contracts and Agreements

- None at this time.

8. Other Items

- Pgs. 19-22
- A. AB # 20-073 -Consideration of the Redeployment of Lime Scooters in Bothell
Recommended Action: Provide Staff with direction regarding the redeployment of electric scooters in the City of Bothell.

9. Study Session/Update/Discussion Items

Pgs. 23-32

- A. AB # 20-074 – Study Session on the Status of the Canyon Park Subarea Plan Update
Recommended Action: No action is requested this evening.

10. Council Conversations

During this item, Council members have the opportunity to informally discuss topics of city interest.

11. Executive Session/Closed Session

- None at this time

Pursuant to the Washington Open Public Meetings Act, Title 42, Chapter 30, Revised Code of Washington, Sec. 42.30.110 (1), Executive Sessions or Closed Sessions may be held, under certain exceptions, at any time during the meeting that a need arises for the City Council to seek advice from the City Attorney as to the posted subject matter of this City Council meeting.

12. Adjourn

CERTIFICATE

I hereby certify that the above agenda was posted on 6/4/2020 by 6:00 P.M., on the official website and bulletin board at Bothell City Hall, 18415 101st Avenue NE, Bothell, WA, 98011, in accordance with RCW 42.30.077, at least 24 hours in advance of the published start time of the meeting.

Laura Hathaway, City Clerk

SPECIAL ACCOMODATIONS: The City of Bothell strives to provide accessible meetings for people with disabilities. If special accommodations are required, please contact the ADA Coordinator at (425) 806-6151 at least one day prior to the meeting.

Copies of agenda bills and attachments listed in this agenda may be obtained from the City Clerk's Office the Friday before the meeting.

Bothell City Council meetings are aired live on Bothell Community Television (BCTV) Channel 21/26 (Comcast/Frontier) (available to Comcast and Frontier Cable customers within Bothell City limits). Meetings are generally replayed according to the following schedule (subject to change): Wednesday following the meeting at 10 a.m.; Friday, Saturday and Sunday following the meeting at 10 a.m. and 7 p.m. City Council and Planning Commission meetings and the BCTV schedule are viewable online at www.bothellwa.gov

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Fast Facts: Developing the 2021-22 Rate Proposal

King County's Solid Waste Division is in the final stages of preparing a rate proposal for transmittal to the King County Executive. As we continue briefing our city partners on the substance of the proposal, there are key considerations to keep in mind:

County reduces costs by \$37 million, 2019 budget estimated to hold flat through 2022.

- The County has identified \$37 million of cost reductions, representing approximately 10% of what would have been its biennial budget. Actions include fixed and variable cost reductions such as closing the landfill on the weekends, deferring the replacement of capital equipment, reduced labor costs, use of bond financing, and reductions in professional services and supplies.
- The identified cost reductions enable no increase in operational spending over the current 2019/20 biennial budget. These reductions fully offset real inflectional expenses and costs associated with necessary new investments that will enable the region to attain their equity and environmental goals.

Improved recycling and a slower economy is reducing waste tonnage resulting in higher per ton costs.

- The successful diversion of construction and demolition debris from the waste stream and into reuse markets has advanced our recycling progress but reduced tonnage by 7%.
- The COVID-19 economic impacts are forecasted to further reduce waste tonnage resulting in fewer units (tons) from which to recover a reduced operating budget.
- Our current financial model is almost entirely dependent on waste tonnage to generate revenue. Despite \$37 million in identified budget reductions resulting in no net increase to the operating budget, the dramatically lower tonnage will require a higher per ton fee to cover the lower expenses.

Low income discount programs (Cleanup LIFT) provides equitable service access for some of the most vulnerable residents across the County.

- Although the proposed rate increase would have a nominal impact to curbside customers (about \$0.64/month) we recognize that our most financially vulnerable households spend a greater proportion of their income on essential services such as waste disposal.
- The rate proposal includes making the Cleanup-LIFT program permanent, providing a discount of half of the minimum fee for self-haul customers who show an ORCA LIFT, EBT, or Medicaid card at our transfer stations. A number of city partners also offer low-income rate discounts to curbside customers.
- Over 6,400 low income customers have benefited from the County's Cleanup LIFT program since its inception in January 2019. Participation continues to grow.

(Continued on next page)

Solid Waste Division

Regional dialog will inform a comprehensive approach to decoupling dependency on waste to fund services - some action should be taken now to recover cost of service and fund critical actions.

- The County is actively seeking regional leaders to be part of a workgroup that will study and make recommendations regarding a rate restructure for the future. This work will inform ways to decouple the regions dependency on garbage to fully fund the system. This is particularly important since 70% of what is landfilled could be recycled.
- In the meantime, this rate proposal provides an opportunity to increase transparency of costs for the actual services provided. In 2019, “free recycling” cost the County \$1 million. The proposed transaction fees accomplish three things;
 1. Provides recovery for the actual cost of service for recycling at transfer stations.
 2. Is primarily paid by the self-haul customers who are using these recycling services
 3. Provides funding for the additional diversion of resources otherwise destined to be landfilled. Instead these materials will be put into the economy creating jobs and environmental benefits.

An estimated 1,400 private sector jobs will be created thru implementation of the 2019 Comprehensive Solid Waste Management Plan while addressing important equity and environmental issues.

- The Northeast County and South County projects target equity and service gaps that are long overdue for solutions. From a financial standpoint, project delays would not result in visible savings to a typical single-family household and in fact could be detrimental to such in the future. The inflationary costs alone could be significant in time.
- Moving forward with these important projects not only address equity and service gaps, but also provide a boost to our local economy. An estimated 1,400 jobs will be created by these capital investments during a projected economic downturn.

Rate Development Schedule



The County is committed to regional transparency and continued engagement

- Though the Stay-at-Home orders have restricted in-person meetings, King County is still committed to public engagement and ongoing meetings with stakeholders and the public to discuss the proposed rate. Monthly advisory committee meetings continue on-line.
- Questions or requests for briefings can be directed to the Solid Waste Division Intergovernmental Relations Administrator, Dorian Waller, at 206-263-1368 or dwall@kingcounty.gov.



City of Bothell™

TO: Mayor Olsen and Members of the Bothell City Council

FROM: Michael Kattermann, Community Development Director
Darcey Eilers, Deputy City Attorney

DATE: June 9, 2020

SUBJECT: Consideration of an Interim Ordinance to allow temporary use of private property/parking areas for outdoor dining

POLICY CONSIDERATION:

The Council is being asked to consider two policy issues and provide direction to staff:

- 1) whether to temporarily waive certain requirements of the Bothell Municipal Code (BMC) to allow private property, particularly parking areas, to be used for outdoor dining; and
- 2) if those requirements are waived, whether to charge or waive the fee that would be associated with the permit.

The purpose of this action would be to allow eating and drinking establishments throughout Bothell to expand their capacity for serving dine-in customers temporarily during phases 2 and 3 of Governor Inslee’s plan for reopening businesses in response to the COVID-19 pandemic. If Council decides to pursue this policy, an interim ordinance (Attachment 1) has been prepared for consideration and action.

HISTORY:

| | DATE | ACTION |
|--|-----------------------|--|
| | MARCH 5, 2020 | Mayor declared state of emergency due to COVID-19 Virus outbreak |
| | MARCH 16, 2020 | City Manager directed as many city staff as possible to work remotely |
| | MARCH 23, 2020 | Governor issued stay-at-home order, causing some development projects to stop operations |
| | MAY 4, 2020 | Governor issued four phased approach for reopening businesses |

DISCUSSION:

Most businesses have been severely economically impacted by the pandemic and some may not reopen. Phase 2 of the reopening approach will allow eating and drinking establishments to offer table service again. In order to protect the health of the public and reduce the risk of exposure to the virus, there will be limitations on table size (maximum 5 people), spacing and serving capacity (maximum 50% of

pre-pandemic capacity). Phase 3 increases table size to 10 and serving capacity to 75%. While reopening is a positive step for these businesses and the community, the capacity limitations will have an economic impact on businesses and the community.

One way to allow these businesses to expand their serving capacity is to allow the temporary use of private property, primarily required parking areas, for outdoor dining service. The reduced capacity should have the effect of reducing the parking needed through phases 2 and 3. These temporary provisions are well timed for the summer months, assuming phases 2 and 3 will cover at least some portions of June of July. When phase 4 is in effect, the businesses will be able to return to pre-pandemic capacity and the temporary provisions will no longer be needed.

In order to ensure that life, safety and access requirements would be met by the temporary dining areas, a permit and inspection would be required. The proposed interim ordinance directs staff to create a permit process that is basic and brief. Staff estimates that the cost of processing the permit would be the equivalent of one hour of an inspector's time, or \$166.00. Additionally, if the business wants to install a canopy over the outdoor seating area, there is an existing permit and fee of \$287. Staff would propose combining the two permits and fees for these temporary uses. Council could also decide to waive either or both permit fees. Staff recommends retaining the additional hourly fee for inspections outside of normal city business hours. Although the fee is relatively inexpensive, there is no way to estimate how many businesses may take advantage of these temporary waivers. Staff is seeking Council direction on whether to charge the permit fees if the interim ordinance is adopted.

Staff is developing a permit with minimal submittal requirements and a consolidated review/inspection process referred to as "subject to field inspection" (STFI). Submittal requirements will include a diagram indicating location and type of delineation of the temporary dining area, including canopy if applicable; number of parking spaces temporarily displaced; guidance for applicants to determine restricted occupant loads under the International Building Code; adequate and accessible circulation to and within the dining area; and accessible routes to restrooms. Staff believes this information is necessary to maintain life, safety and accessibility standards for customers and the community. This does not affect any requirements of other agencies that regulate eating and drinking establishments.

This interim ordinance is intended to be temporary until public health and economic conditions improve, and the provisions of the ordinance are necessary to avoid an imminent threat to public health or safety. As King and Snohomish County are expected to move to Phase II, this Ordinance is exempt from the requirements of a

threshold determination under the State Environmental Policy Act pursuant to WAC 197-11-880 and BMC 14.02.080.

Under the provisions of state law (RCW 36.70A.390), cities may enact interim ordinances for a period of six months. The City has 60 days from the adoption of the interim ordinance to conduct a public hearing. The expectation is that phase 4 will occur prior to the expiration of the interim ordinance. Council can repeal the ordinance at any time with a motion and affirmative vote.

FISCAL IMPACTS: Collecting permit fees could cover city processing and permitting costs during the short duration of the interim ordinance. Waiving either or both permit fees would likely have limited impacts on city costs and may encourage more businesses to expand their capacity and increase sales tax revenues. The value of the foregone fees, if this item is approved, is difficult to determine in advance of applications being received, but is not expected to have a significant impact on the General Fund budget. Staff does not think lost revenues would qualify under the provisions of the CARES Act. However, staff will explore potential reimbursement under any future state or federal programs.

ATTACHMENTS: Att-1. Proposed Interim Ordinance

RECOMMENDED ACTION: Provide direction to staff on whether to charge a fee and approve the proposed Interim Ordinance (Attachment 1).

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ORDINANCE NO. _____ (2020)

AN INTERIM ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, IN RESPONSE TO THE COVID-19 PANDEMIC TEMPORARILY AUTHORIZING EXISTING FOOD AND BEVERAGE ESTABLISHMENTS TO USE PRIVATE PARKING AREAS FOR OUTDOOR DINING; ESTABLISHING AN EXPIRATION DATE CONSISTENT WITH RCW 36.70A.390; AND FIXING AN EFFECTIVE DATE.

WHEREAS, a state of emergency has been declared by the federal, state, county, and municipal governments in response to the COVID-19 pandemic; and

WHEREAS, since February 29, 2020, Governor Jay Inslee has issued several proclamations, including Emergency Proclamation 20-25 (“Stay Home, Stay Healthy order”), placing numerous restrictions on individuals and businesses in response to the state-wide threat of the spread of COVID-19 virus; and

WHEREAS, Governor Inslee has developed a phased reopening approach, known as the “Safe Start Washington” phased reopening plan, for resuming recreational, social, and business activities; and

WHEREAS, outdoor activities, including outdoor restaurant seating, have been determined to be safer and less likely to lead to the spread of COVID-19 than indoor restaurant seating; and

WHEREAS, during a modified Phase 1 of the “Safe Start” reopening plan, restaurants are authorized to resume outdoor on-premise food and beverage service at 50 percent of existing outdoor capacity, so long as those businesses adopt social distancing measures consistent with the phase-specific re-opening plan requirements but indoor dining is prohibited; and

WHEREAS, during Phase 2 of the “Safe Start” reopening plan, restaurants and taverns are authorized to resume both indoor and outdoor on-premise consumption of food and beverages consistent with the phase-specific reopening plan requirements; and

WHEREAS, in the industry-specific requirements, Section 5 of the Phase 2 Restaurant/Tavern Reopening COVID-19 Requirements requires that the restaurants and taverns operate at no more than 50% of seating capacity, limiting the size of parties to five or less, and seating groups of guests at least 6 feet apart; and

WHEREAS, the City Council wishes to encourage business activity consistent with the Safe Start requirements and to make restaurants and taverns safer to operate by leveraging available private and public space to be used as additional outdoor areas for dining activity while maintaining social distancing requirements; and

WHEREAS, the City Council believes that allowing food and beverage establishments to expand their business footprint onto privately-owned parking facilities where they may not be permitted by city code otherwise will support the Governor's Safe Start plan, encourage compliance with social distancing requirements, and promote business operation and economic recovery while maintaining the focus on core public safety principles; and

WHEREAS, it is necessary and appropriate during the state of local emergency to utilize an interim ordinance, which is intended to be only temporary until public health and economic conditions improve, to facilitate and encourage outdoor seating areas to make food and beverage establishments safer to operate and to promote needed economic and business recovery in the City; and

WHEREAS, the City Council finds that it is in the public interest to adopt this interim Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. AUTHORIZATION TO USE PRIVATE PARKING AREAS FOR OUTDOOR DINING. Subject to the provisions of this Ordinance, the City grants temporary permission for existing eating and drinking establishments to utilize private parking areas for outdoor dining use, provided the private parking area is immediately adjacent to the food and beverage establishment.

A. Such outdoor dining use shall be permitted only if it is authorized to operate under the state's Safe Start Washington phased reopening plan.

B. An eating and drinking establishment may only operate in a private parking area only with a valid permit issued by the City and only while this Ordinance remains in effect.

C. Any person who utilizes private areas for outdoor dining use as authorized by this Ordinance shall comply with all terms, conditions, and requirements of this Ordinance.

D. Use of any portion or percentage of private off-street parking areas for outdoor dining use shall require the property owner's approval. Nothing in this Ordinance compels a landlord to permit a tenant to expand its business to the exterior.

E. This Ordinance authorizes only temporary use of private areas otherwise restricted for parking purposes. Nothing in this Ordinance authorizes permanent improvements or interior expansions. Such development must comply with existing permit processes.

Section 2. SECTIONS WAIVED. In order to effectuate the purpose of this Ordinance, minimum parking regulations normally applicable to eating and drinking establishments are waived to enable such uses to serve patrons in adjoining parking spaces. Specifically, for the duration of this Ordinance, the following Bothell Municipal Code sections are hereby suspended and waived for the duration of this Ordinance only to the extent necessary to effectuate this Ordinance and under the terms and conditions set forth in this Ordinance:

A. BMC 12.16.020(A) – No occupancy permit is required for temporary outdoor seating.

B. BMC 12.16.020(D) – A temporary change of use from parking to seating area is authorized for existing food and beverage businesses.

C. BMC 12.16.030 – No minimum parking spaces or additional bicycle parking are required for temporary outdoor seating activity authorized by this Ordinance.

D. BMC 12.16.120(C)(1) – Waived for temporary walkways within or associated with temporary outdoor seating activity authorized by this Ordinance.

E. The minimum parking requirements applicable in the downtown subarea as reflected in BMC 12.64.402 and by cross-references within each district section are waived for purposes of authorizing temporary outdoor seating activity consistent with this Ordinance.

F. Any other minimum or maximum parking requirement of the City not specifically identified here that conflicts with this Ordinance, as determined by the Community Development Director, is hereby waived.

Nothing in this Ordinance shall be construed to authorize the waiver of any other City code requirements and all such other provisions and law shall remain in full force and effect. In particular, any use of private parking areas for outdoor dining use pursuant to this Ordinance must comply with all applicable fire, life safety, and ADA requirements.

Section 3. PERMIT PROCESS.

A. The Community Development Director is directed to create a permitting process for this temporary outdoor dining use. Applications will be reviewed by the Community Development Department and the Fire Department.

B. The permitting process shall be efficient and with a limited review based upon a subject-to-field-inspection (STFI) permit.

C. No permit application fee will be charged.

D. The purpose of this permit presents special circumstances that warrant a different review process than the existing administrative permit requirements, particularly because the authorized activity is temporary in nature and because there is an immediate need to create this opportunity to expand outdoor dining areas. Therefore, to the extent additional administrative provisions are necessary, the Community Development Director has discretion to establish those requirements, except that this permit should not include any requirements more burdensome than a Type 1 permit under Chapter 11.07 BMC. The Community Development Director may but is not required to include public notice requirements.

E. If an applicant desires to include a temporary membrane (*e.g.*, a canopy or tent) for the temporary outdoor dining area, the City's existing temporary membrane permit application and review process shall be subsumed into this temporary outdoor dining area permit. While this Ordinance remains in effect, the current IFC operational permit fee established in the fee resolution for a temporary membrane is waived for temporary outdoor dining areas.

F. Nothing in this Ordinance waives or purports to waive any requirement to obtain permits or approvals from other entities, such as the state's Liquor and Cannabis Board or the state or county Health Department, which are the responsibility of the food and beverage establishment.

Section 4. REQUIREMENTS AND RESTRICTIONS. Temporary outdoor dining areas utilizing private parking areas must comply with the following requirements and restrictions:

A. Outdoor seating in private parking areas may be utilized only to support additional tables and chairs for food or beverage establishment seating.

- 1) New outdoor operations cannot result in a total occupancy greater than the originally approved occupancy limit for the food or beverage establishment, unless explicitly authorized by the Building Official and the Fire Marshal.
- 2) All outdoor seating shall be spaced at least 6 feet apart measured from back of occupied chair to back of occupied chair;

B. The converted use must be in conformance with all City building and fire requirements for building accessibility and emergency access.

- 1) Fire hydrants and fire lanes must not be blocked, and required fire access must be maintained.
- 2) Outdoor seating shall not block or otherwise restrict access to designated disabled parking spaces.
- 3) Outdoor seating shall not block any established exits from any building.
- 4) ADA and other access standards and guidance apply.

C. Other limitations on placement of outdoor dining areas.

- 1) Outdoor seating cannot be located within required landscaping, stormwater facilities, critical areas, or private streets.
- 2) Temporary placement of outdoor seating areas and/or equipment such as wash stations and hand sanitizing stations or stations for staff set-up and service do not need to meet required setbacks.
- 3) The outdoor dining area may expand past the food or beverage establishment's façade with the neighboring business's permission.

D. A current City of Bothell business license is a prerequisite to being issued a permit as provided for in this Ordinance.

E. Any other requirements or restrictions deemed necessary by the Community Development Department and/or the Fire Marshal. In particular, in order to allow the greatest flexibility in implementing the additional outdoor dining areas authorized by this Ordinance, the Community Development Director and the Fire Marshal have discretion to modify or change these regulations and restrictions to address any changes or modifications to the Safe Start phased reopening requirements and restrictions.

Section 5. SEVERABILITY. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 6. EFFECTIVE DATE. This Ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Section 7. EXPIRATION. The City Council adopts this interim regulation under the authority of RCW 36.70A.390. Therefore, the interim controls adopted herein shall be in

effect for a period of six (6) months from the effective date of this Ordinance and shall automatically expire after a period of six months, unless extended as provided by statute or otherwise superseded by action of Council, whichever occurs first. Because this is an interim ordinance only, it shall not be codified.

Section 8. CORRECTIONS. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

APPROVED:

LIAM OLSEN
MAYOR

ATTEST/AUTHENTICATED:

LAURA HATHAWAY
CITY CLERK

APPROVED AS TO FORM:

PAUL BYRNE
CITY ATTORNEY

FILED WITH THE CITY CLERK: _____

PASSED BY THE CITY COUNCIL: _____

PUBLISHED: _____

EFFECTIVE DATE: _____

ORDINANCE NO.: _____ (2020)

SUMMARY OF ORDINANCE NO. _____ (2020)

City of Bothell, Washington

On the _____ day of _____, 2020, the City Council of the City of Bothell passed Ordinance No. _____ (2020). A summary of the content of said Ordinance, consisting of the title, is provided as follows:

AN INTERIM ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, IN RESPONSE TO THE COVID-19 PANDEMIC TEMPORARILY AUTHORIZING EXISTING FOOD AND BEVERAGE ESTABLISHMENTS TO USE PRIVATE PARKING AREAS FOR OUTDOOR DINING; ESTABLISHING AN EXPIRATION DATE CONSISTENT WITH RCW 36.70A.390; AND FIXING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

LAURA HATHAWAY
CITY CLERK

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO.: _____ (2020)

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City of Bothell™

TO: Mayor Olsen and Members of the Bothell City Council

FROM: Jennifer Phillips, City Manager
Jeanie Ashe, Executive (Presenter)

DATE: June 9, 2020

SUBJECT: Consideration of the Redeployment of Lime Scooters in Bothell

POLICY CONSIDERATION: This item asks the City Council to consider the redeployment of electric scooters in the City of Bothell.

If this item is approved, staff will implement the direction given by the City Council.

HISTORY:

| DATE | ACTION |
|-----------------------|--|
| JUNE 4, 2019 | City Council agreed to a 90-day motorized foot scooters pilot program. Directed staff to return item to Council for action within 90 days. |
| OCTOBER 15, 20 | City Council received a staff report and directed staff to continue e-scooter pilot program for 180 days. |
| MARCH 23, 2020 | Governor Jay Inslee signed the “Stay Home, Stay Healthy” order, a proclamation that closed all businesses except for essential businesses. |

At its June 4, 2019 meeting, Council approved a 90-day pilot program for motorized foot scooters. Staff issued a temporary Public Area Use Permit to Lime, a micro-mobility shared scooter business, and on July 19, 2019, the company launched 100 motorized foot scooters in Bothell.

During the 90-day pilot program, staff received feedback from the community and monthly reports from Lime. At the end of 90 days, Council received a staff report about the program and approved a 180-day extension to allow Staff the time needed to create a permanent micro-mobility program for Council’s consideration. In October 2019, Lime temporarily discontinued doing business in

Bothell and pulled all 100 scooters. It is a common practice for Lime to put programs on hold in small communities during the winter months.

Lime brought their scooters back to Bothell in early March 2020. On March 16, 2020, Staff received an email stating that in response to COVID-19 and in an abundance of caution, Lime would be temporarily pausing operations and would remove its scooters from Bothell within 36 hours.

The scooter-sharing company would now like to resume operations in Bothell as soon as possible.

DISCUSSION: Lime reports that they have operated their bikeshare and scootershare business throughout the pandemic in major cities (Austin, Baltimore, Los Angeles, and San Francisco) with no coronavirus transmission traced to their use. Seattle has allowed ongoing operations of bikeshare during the pandemic.

The intent of multi-modal forms of transportation is to encourage the use of public transportation. Scooters located near bus stops provide riders the option of renting a scooter for the last mile home. Scooters are also a popular alternative form of transportation in dense, urban communities. In Bothell, primarily students and recreational riders have used scooters.

Staff has not completed development of the formal right-of-way use permit process which would officially allow and charge bikeshare and scootershare companies to use public right-of-way for staging their equipment. It is anticipated this would come before the Council in late fall 2020.

**FISCAL
IMPACTS:** None

ATTACHMENTS: Att-1. E-Scooters: COVID Safety Response

**RECOMMENDED
ACTION:** Provide Staff with direction regarding the redeployment of electric scooters in the City of Bothell.

E-Scooters:

COVID Safety Response

Overview

As COVID-19 spreads, cities continue to face extraordinary challenges in ensuring the safety and health of residents while enabling them to meet critical needs, such as picking up prescriptions or getting public health staff to work.

As coronavirus spreads through close personal contact in shared spaces, single-person micromobility vehicles are a safer alternative to public transit (which some city leaders have discouraged use of) or enclosed rideshare vehicles.

With that in mind, we'd like to announce some of the safety measures we have rolled out as we reopen some cities under our LimeAID program. Our main priorities revolve around preventing on-surface transmission, thorough employee training, and educating our riders on safety protocols.

How We Clean and Disinfect Our Scooters

At Lime, we have a responsibility to help reduce the spread of coronavirus just as we enable communities to respond to and recover from its impacts

During our LimeAID program we have both morning and afternoon operations that are dedicated to finding, diagnosing, and disinfecting our fleet. Every interaction with a Lime vehicle follows the CDC recommendations for cleaning and disinfecting, including:

- **Disinfect all surfaces using cleaners and wipe so that the surface remains visibly wet for five minutes and then let it dry.**
- **Disinfect a surface using a bleach solution, allowing the solution to be in contact with the surface for at least five minutes. Rinse and air-dry.**
- **Focus on frequently touched areas on our vehicles; Handlebars, Brake, Throttle, etc.**
- **Focus on high traffic areas in our daily operations; Vans, doorknobs, bathrooms, mechanic stations, etc.**

Lime is committed to only using **Tier 1 Products recommended by the ACC, CBC, and EPA** for the fight against the Novel Coronavirus. We are doing daily inventory checks and working with our suppliers to ensure our facilities are properly stocked with these supplies.



A Message To Our Riders

As always, we ask riders to stay safe and take the necessary steps to help protect themselves and our communities, as advised by local public health officials and detailed on our blog. Together we can emerge from this crisis and THRIVE. We will be focusing our communication efforts to remind our riders on the below health and safety tips when riding with Lime.

Take precautions - inspect the scooter to make sure the wheels, brakes, throttle, lights, and frame are all in good working condition. For a tutorial please see: <https://safety.li.me/>

Hands - wash your hands or use hand sanitizer which is at least 70% alcohol-based when you arrive at your final destination. Wear gloves when you can.

Ride Solo - for safety and social distancing; maintain a distance of at least 6 feet from others.

Identify - bike lanes and be aware of traffic lights and signs.

Vigilance - remain alert of your surroundings and potential safety hazards.

Essential Rides Only - rides are for essential travel only, such as the grocery store, pharmacy or for healthcare purposes. No joyriding, and please follow your city's shelter-in-place orders.



Our Commitment to Employee Training

Before reopening any market all employees must complete several training courses including:

- **Hazard Communication**
- **Preventing the spread of Transmissible Illness**
- **Cold and Flu Prevention**

Additionally, we have rolled out extensive measures to keep our local teams well informed of any new safety protocols we need to administer to ensure the safety of our team and riders. This is primarily focused around COVID. This includes:

- **All employees will be fully outfitted with CDC approved Personal Protective Equipment (PPE) including but not limited to:**
 - **N95 Respirator Mask**
 - **Disposable Nitrile Gloves**
- **Comprehensive PPE training, such as:**
 - **Respirator Mask training**
 - **Glove training, donning, and doffing**
- **Establishing COVID daily task force to keep the company updated on any relevant COVID global news in addition to new safety protocols announced by health organizations**
- **stopCOVID.co training course**
- **Social distancing protocols**
- **Preventing on-surface transmission**

Experts: Micromobility's Role in Crisis

Institute for Transportation and Development Policy

"This pandemic has created a moment to acknowledge **the significance of the ways in which small modes**, including cycling, enable us to safely and resiliently navigate our cities."

Dave Snyder, Executive Director of the California Bicycle Coalition

"We'd love to see more, and **urge mobility companies to continue to provide shared bikes and scooters for essential travel**, including discounts and free service to new customers, especially people providing essential services."

David Freedman, M.D., Professor of Infectious Diseases at the University of Alabama at Birmingham

"The virus is **not going to jump off the handlebars**...Instead, cleaning your hands after you touch the handlebars or any other potentially contaminated surface is probably the best strategy. It's really a shared responsibility between the owners and the users."



City of Bothell™

TO: Mayor Olsen and Members of the Bothell City Council

FROM: Bruce Blackburn, Senior Planner

DATE: June 9, 2020

SUBJECT: Study Session on the Status of the Canyon Park Subarea Plan Update.

POLICY CONSIDERATION: This is a status briefing for Council. No action or policy direction requested at this time.

HISTORY:

| DATE | ACTION |
|-----------------------|--|
| APRIL 2015 | Council adopts 2015 Periodic Plan Update containing an action to undertake a more thorough amendment for Canyon Park |
| MARCH 2017 | Council initiates Canyon Park Plan and Code amendments – Vision phase |
| SEPTEMBER 2018 | Council receives Vision Report |
| DECEMBER 2018 | Council initiates Analysis / environmental Phase |
| FEBRUARY 2019 | Council initiates Subarea Plan and Regulations Phase |
| DECEMBER 2019 | Draft Environmental Impact Statement Issued |
| NMOVEMBER 2019 | Council received a staff update briefing |
| MARCH 4, 2020 | Planning Commission recommends a preferred land use alternative |

DISCUSSION: Canyon Park contains one of 29 regional growth centers (RGC) designated by the Puget Sound Regional Council (PSRC). PSRC adopted revised criteria for these centers in 2018 that call for a minimum of 18 existing activity units and a planned capacity of 45 activity units per acre. Activity units are defined as the number of people that reside and/or are employed within the designated center. Ensuring the Canyon Park RGC complies with these revised criteria is the fundamental objective of this subarea plan update.

A Draft Planned Action Environmental Impact Statement (DEIS) was issued December 6, 2019 which evaluated the impacts of four alternative growth scenarios:

- No Action - Existing Comprehensive Plan
- Live/Work – Total mix of 28% residential and 72% employment
- Business Plus – Total mix of 21% residential and 79% employment

- *Mitigated Live/work* – Total mix of 28% residential and 72% employment

The Live/Work and Business Plus Alternatives represent about 16,000 more people by the year 2043; about 8,000 to 9,000 more than the existing (2015) Comprehensive Plan or the no action alternative. The *Mitigated Live/Work* alternative represents about 13,600 more people or 5,400 more than the existing Comprehensive Plan.

The City received 21 DEIS comments which the City will respond to within the final Planned Action EIS to be released this summer.

On March 4, 2020 the Planning Commission held a public hearing where the Commission received additional public testimony, deliberated, and voted to recommend a preferred land use alternative known as the 'Middle Ground Alternative' (Attachment 1). The preferred alternative achieves a total mix of 29% residential and 71% employment and about 13,700 more people which is 5,500 more than the current Canyon Park Subarea Plan.

The staff and consultant team have spent the COVID-19 stay at home period thoroughly analyzing the Planning Commission's preferred land use alternative and have prepared additional environmental analysis, draft Subarea Plan policies and potential implementing regulations. Further, the team has conducted additional transportation modeling and completed a draft market evaluation of the preferred alternative.

Urban Design Parameters (Attachment 2) describe the allowed land uses, building scale, minimum and target density and intensity, parking minimums, public space provisions for each plan designation. The document also contains an example illustration for each designation. The proper mix and type of plan designations is critical to achieving the vision for Canyon Park and satisfying the PSRC RGC criteria. The information in Attachment 2 is guiding the drafting of the development regulations and design guidelines for the subarea plan.

Next steps this summer will include online public engagement, public meetings and hearings before the Planning Commission, issuance of an addendum to the Draft EIS and issuance of the Final EIS. Late summer will include public meetings and hearings before the Council with Council adoption of a Planned Action Ordinance late summer/early fall. The Planned Action Ordinance will encompass the subarea plan update and regulations.

**FISCAL
IMPACTS:**

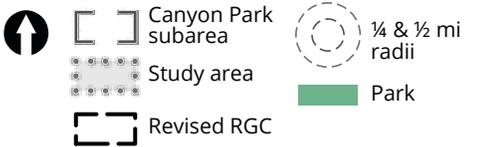
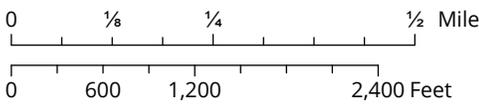
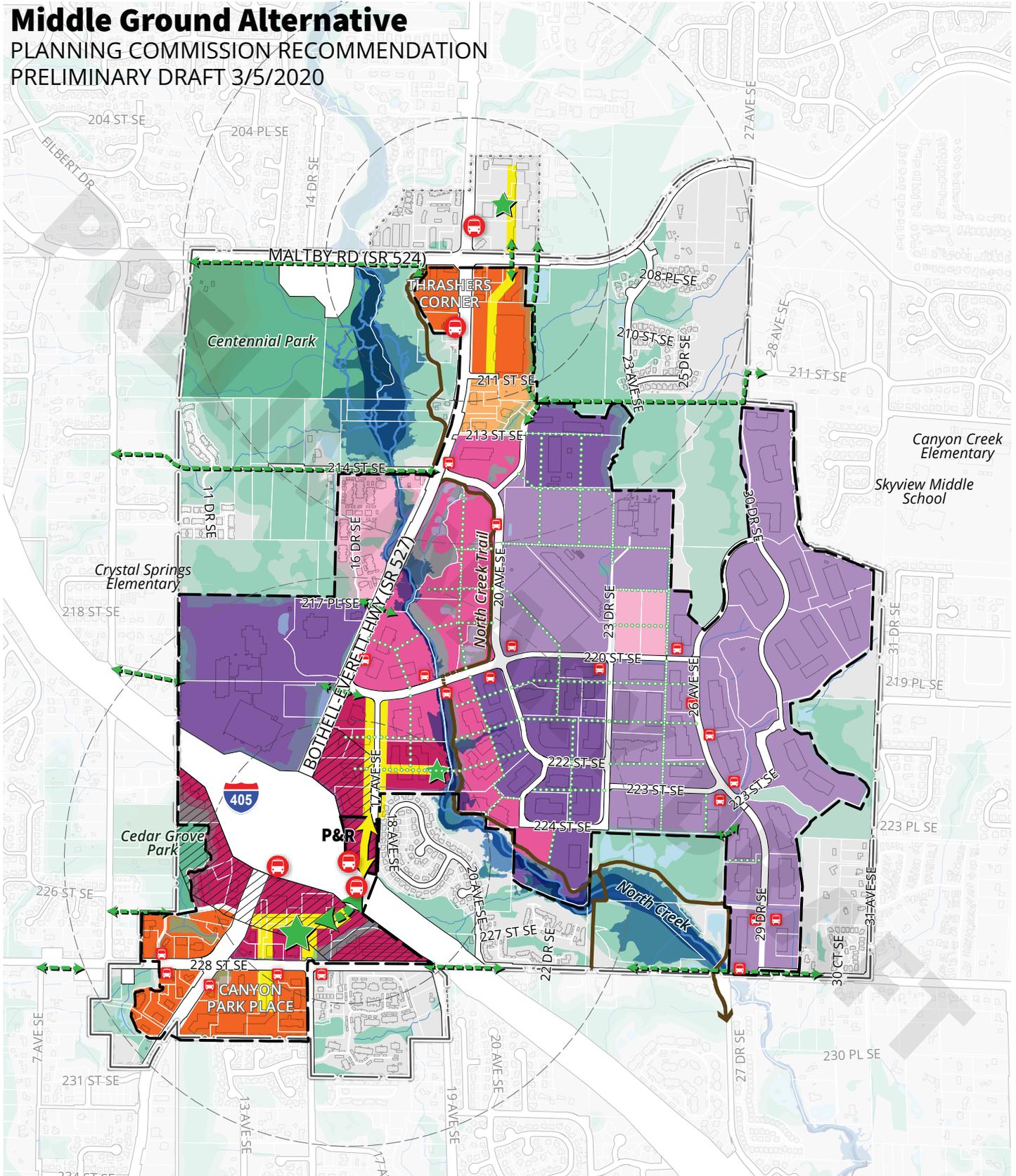
This phase of the project is funded by a 2019 proviso from the Washington State Legislature. The funding is reflected in the city budget and is sufficient to complete the plan.

ATTACHMENTS: | Att-1. Planning Commission Preferred Alternative
Att-2. Preferred Alternative Urban Design Parameters

RECOMMENDED | No action is requested this evening.
ACTION:

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Middle Ground Alternative
 PLANNING COMMISSION RECOMMENDATION
 PRELIMINARY DRAFT 3/5/2020



Land Use & Urban Design Proposals

- Office/Residential Mixed Use (MU) - High
- Office/Residential MU - Medium
- Office/Residential MU - Low
- Residential MU - High
- Residential MU - Medium
- Employment - Medium
- Employment - Low
- 500' Air Quality Buffer - Office Only

Paths and Mobility

- Public gathering space
- Nbd center street
- Through-block connections
- Major proposed ped. improvements
- North Creek Trail
- I-405 I-405 Bus Rapid Transit (BRT) or Swift Green Line
- B Bus stop

Natural Areas

- Water body
- Wetland & buffer
- Floodway/flood plain
- River/stream

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Draft Urban Design Concepts by Zone

| | | | |
|---|------------|---|-------------|
|  | Required |  | Allowed |
|  | Encouraged |  | Not allowed |

| Zone | Res. | Retail | Minimum Density | Parking Minimum | Common Usable O.S. ¹ | Private O.S. ² | Examples |
|---|---|---|--|---|---|---|--|
| Residential MU – High Encourages a high intensity (6+ stories, typically apartments/condos), holistic residential neighborhood to meet residential growth targets and make use of transit, focused public investment, and nearby job opportunities. |  |  Along main streets & special corners | Minimum: • 90 du/acre Target: • 133 du/acre | <ul style="list-style-type: none"> • 1 stall per 450 SF retail + .75 stalls per bedroom, but no more than 2.2 stalls/unit • (Approx. average 1.25 stalls per unit.) |  |  |  |
| Residential MU – Medium Encourages a medium intensity (4-6 stories), holistic residential neighborhood to meet residential growth targets and transition between the high-intensity TOD and nearby job opportunities. |  |  Along main streets & special corners | Minimum: • 45 du/acre Target: • 57 du/acre | <ul style="list-style-type: none"> • 1.1 stall per bedroom, but no more than 2.2 stalls per unit • (Approx. average 1.5 stalls per unit.) |  |  |  |

¹ Encourage consolidation of public space as central gathering places in neighborhood centers (i.e., Thrasher’s Corner, Canyon Park Place, and Canyon Park Business Center).

² To be explored further.

Att-2

| Zone | Res. | Retail | Minimum Density | Parking Minimum | Common Usable O.S. ¹ | Private O.S. ² | Examples |
|--|------|--|---|--|---------------------------------|---------------------------|----------|
| <p>Office/Residential – High Encourages high-intensity office mixed-use development (6+ stories) near transit and areas impacted by highway air quality and noise—while allowing residential—to make use of focused public investment and further develop a transit-oriented job center and holistic neighborhood.</p> | | Along main streets & special corners | <p>Minimum: • 0.60 FAR or • 90 du/acre</p> <p>Target: • 3.00 FAR or • 133 du/acre</p> | <ul style="list-style-type: none"> • 1 stall / 500 SF office/retail • Average 1.25 per dwelling unit | | Office Res | |
| <p>Office/Residential – Medium Encourages medium-intensity office mixed-use development (3-6 stories) near areas impacted by highway air quality and noise—while allowing residential—to meet growth targets, create a holistic neighborhood, and transition between the high-intensity TOD and nearby job opportunities.</p> | | At special corners | <p>Minimum: • 0.50 FAR or • 45 du/acre</p> <p>Target: • 1.50 FAR or • 57 du/acre</p> | <ul style="list-style-type: none"> • 1 stall / 500 SF office/retail + 0.9 spaces / 1,000 SF light industrial • Average 1.5 per dwelling unit | | Office Res | |
| <p>Office/Residential – Low Encourages lower intensity development (1-3 stories) further from transit and focused public investments. “Missing middle” housing makes use of North Creek and connects residential areas. Commercial makes use of highway visibility and existing business park.</p> | | At special corners | <p>Minimum: • 0.35 FAR • 35 du/acre</p> <p>Target: • 0.50 FAR • 35 du/acre</p> | <ul style="list-style-type: none"> • 1.5 stalls per bedroom, but no more than 2.2 stalls per unit. | | Office Res | |

Att-2

| Zone | Res. | Retail | Minimum Density | Parking Minimum | Common Usable O.S. ¹ | Private O.S. ² | Examples |
|--|---|---|--|---|--|---|---|
| <p>Employment – Medium Encourages medium intensity (3-6 story) office / flex / manufacturing to continue business park viability and make use of proximate transit and nearby holistic neighborhood. Residential not allowed to protect light industrial and incubator spaces in business park from displacement.</p> |  |  At special corners | <p>Minimum: • 0.50 FAR</p> <p>Target: • 1.50 FAR</p> | <ul style="list-style-type: none"> • 1 stall / 500 SF office/retail + 0.9 spaces / 1,000 SF light industrial |  (minimal) |  |  |
| <p>Employment – Low Allows low intensity (1-2 story) office / flex / manufacturing to continue business park viability and make use of proximate transit and nearby holistic neighborhood. Residential not allowed to protect light industrial and incubator spaces in business park from displacement.</p> |  |  | <p>Minimum: • 0.35 FAR</p> <p>Target: • 0.50 FAR</p> | <ul style="list-style-type: none"> • 1 stall / 400 SF office + .9 spaces / 1,000 SF light industrial |  (minimal) |  |  |

PRELIMINARY DRAFT

Other Considerations

Affordable Housing

Throughout, require 5 or 10% of units (depending upon ARCH analysis) to be affordable to moderate income households, or for non-residential uses, 5% of gross floor area or pay a fee-in-lieu (\$11.20/GSF). (See Bothell code for Downtown and SR 522 Corridor.)

Affordable Commercial

In addition to removing residential as an allowed use to retain, encourage and support business and employment in the Subarea, support small business space affordability:

- 1) Set a maximum retail space size (while accommodating existing grocery and hardware uses).
- 2) Encourage flexible commercial space to accommodate co-ownership and/or growing businesses.
- 3) Add design guidelines that encourage neighborhood-oriented small businesses on main streets.

Through-Block Connections

- Require through-block pedestrian/bicycle connections at approximately 300 feet intervals.
- Where feasible, align connections to connect a grid and follow existing property lines.

Neighborhood Center Street

Encourage a “main street” with diverse, neighborhood-serving businesses and a lively environment through the following form-based code and/or design standards:

- Require active ground floors.
- Require frequent entries (e.g., every 30 feet) to enliven the street and ensure space for small businesses.
- Encourage creative space options to accommodate small and growing businesses, such as flexible commercial space for co-ownership.

- Set maximum retail size limits (except for grocery and hardware) or average area to ensure a diversity of sizes.

Residential Transition

Continue requiring step backs and setbacks adjacent to single purpose residential zones to prevent shadows and respect privacy.

Landscape

Throughout the area:

- Require street trees in planting strips between the street and sidewalk.
- Consider a “green factor” or other method of ensuring vegetation replacement.
- Retain much of the existing, mature street landscaping