
Council Meeting Date: March 22, 2004

Agenda Item: 8(a)

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Consideration of a Special Use Permit (File #201280) To Intensify a Nonconforming Gambling Use by Adding Satellite Off Track Wagering at 16708 Aurora Avenue North (Drift on Inn Casino)
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Matt Torpey, Planner II

PROBLEM/ISSUE STATEMENT:

Gambling uses are prohibited in the City of Shoreline. However, gambling uses that were legally established prior to the City's moratorium on gambling are allowed to continue as a nonconforming use. These may be expanded or intensified subject to approval of a Special Use permit. The owners of the Drift on Inn Casino, a nonconforming gambling use, have applied for a Special Use Permit to intensify the use. Emerald Down's Race Track has chosen to move off track wagering from Parker's Casino to the Drift on Inn due to the potential sale of Parker's Casino. The Planning Commission recommended approval of the Special Use Permit by a vote of 5-2. The Planning Commission meeting focused on parking and traffic as a problem/issue related to this application. Street signage, additional parking, and further studies are suggested as a remedy to this issue (See Criteria 5). A Special Use Permit is quasi-judicial and the City Council is the decision-making authority. The target time limit for a decision on a Special Use Permit is 120 days as defined in the Development Code. The 120-day time period will expire in May.

ALTERNATIVES ANALYZED:

After reviewing the findings of fact and conclusions contained in this report (See Attachment D, Exhibit 1), the City Council has the following options:

- Approve the Special Use Permit as conditioned by the Planning Commission; or
- Approve the Special Use Permit as conditioned by the Planning Commission and amended by the City Council; or
- Deny the Special Use Permit based on conclusions formulated by the Council that the application as conditioned does not meet the Special Use Permit criteria.

RECOMMENDATION

The Planning Commission and staff recommend that the Special Use Permit be approved as conditioned by the Planning Commission based on the findings of fact and conclusions contained in this report (See Attachment D, Exhibit 1).

Approved By:

City Manager 

City Attorney 

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PROJECT DESCRIPTION

The Special Use Permit (SUP) Application before the Planning Commission is a request to allow the intensification (addition) of Emerald Downs's off track wagering as a nonconforming gambling use at the Drift on Inn Casino located at 16708 Aurora Avenue North. No construction activities are planned as part of this application. The building and site will remain unchanged. This application only considers whether or not the proposed use intensification, satellite off track wagering, meets the Special Use Permit Criteria.

What is Satellite Off Track Wagering and what does adding this use entail?

In early 2000, Emerald Downs proposed to relocate its King County off-track betting facility from an establishment north of Kirkland to Parker's Casino in the City of Shoreline. Under RCW 67.16.200, the State has authorized the Horse Racing Commission to approve satellite pari-mutuel betting sites operated by Emerald Downs in Auburn "subject to local zoning and other land use ordinances". These sites receive real time betting lines and video transmission of races run at the track. No limit bets may be placed on 10-11 races held during each race day. These off-track satellites must be located at least 20 miles from the Emerald Downs track and only one such betting site is allowed for each county.

Off track wagering would be operated at the Drift on Inn from approximately April 15th to September 15th each year. The days of operation are Thursday and Friday from 5:00 p.m. to 10:00 p.m. and Saturday and Sunday from 1:00 p.m. to 9:00 p.m. Special racing event telecasts would also occur on Memorial Day, Fourth of July, and Labor Day from 1:00 p.m. to 9:00 p.m.

Why is a Special Use Permit required to add satellite off track wagering as a use at the Drift on Inn Casino?

Gambling uses are prohibited in the City of Shoreline. Gambling uses are defined in the Development Code as:

One of those gambling activities regulated by the State which involve staking or risking something of value upon the outcome of a contest of chance or a future contingent event not under the person's control or influence, upon an agreement or understanding that the person or someone else will receive something of value in the event of a certain outcome. Gambling Uses include those uses regulated by the Washington State Horse Racing Commission and the Washington State Gambling Commission with the following exceptions as these uses are defined in Chapter 9.46 RCW...(SMC 20.20.022)

Although gambling uses are prohibited, those gambling uses that were legally established prior to the City's moratorium on gambling uses are allowed to continue as nonconforming uses. A nonconforming use may be **expanded** or **intensified** subject to approval of a Special Use permit provided a nonconformance with the Code standards is not created or increased. Intensification of a gambling use means the addition of a new gambling activity to an existing nonconforming gambling activity. At present, the Drift on Inn Casino operates fifteen (15) card tables and would like to add satellite off track

wagering as a new gambling use. Expansion of a gambling use refers to a physical increase in the size of the building envelope or lot area containing a nonconforming gambling use. An applicant must prove that the proposed expansion or intensification of the gambling use meets or exceeds the Special Use Permit criteria found in the Development Code Section 20.30.330.

In addition to the Special Use Permit criteria, the Code contains supplemental index criteria for gambling uses. The supplemental criteria applies parking requirements specific to gambling uses in addition to the standard parking requirements found in Section 20.40.372 of the Development Code.

PROCEDURAL HISTORY

The Shoreline Municipal Code (SMC) classifies Special Use Permit applications as a "Type C." These application types require a series of actions, each of which are summarized in the table that follows.

REQUIRED ACTION	DATE COMPLETED
Pre-Application Meetings Held	December 22, 2003
Neighborhood Meeting Held	January 5, 2004
Application Date	January 16, 2004
Complete Application	January 23, 2004
Public Notice of Complete Application and Public Hearing <ul style="list-style-type: none"> • Notices Mailed • Signs Posted at Site • Advertisements In Paper 	January 28, 2004
End of Public Comment Period	February 11, 2004
Planning Commission Public Hearing and Deliberation:	February 19, 2004 and February 26, 2004
City Council Public Meeting: Project approval or denial.	March 22, 2004

PUBLIC COMMENT

A total of three comment letters were received in response to the proposed project. To view the comment letters, please refer to Attachment B: Comment Letters. The public hearing was held on February 19, 2004. Five citizens provided testimony at the hearing. Since a Special Use Permit is quasi-judicial, only one open record public hearing may be held. Therefore, the record is closed and no additional public comment may be taken. The Council must rely upon the record as established at the open record hearing to make its decision on this permit. Please see Attachment C: Planning Commission

Minutes from the 2/19/04 and 2/26/04. Included in Attachment B are the written public comments received prior to the Public Hearing.

SPECIAL USE PERMIT CRITERIA

Section 20.30.330.B of the Shoreline Municipal Code outlines the criteria by which SUP applications are reviewed. The City shall grant a SUP, only if the applicant demonstrates that it meets each of the Special Use criteria. Below each criterion, staff has described how the project as proposed or as conditioned has met the criterion.

1. The use will provide a public benefit or satisfy a public need of the neighborhood, district or City.

The use as proposed does not meet this criterion. However, the use as conditioned will provide a public benefit to the neighborhood, district and City. Condition #3 will allow adjacent properties to utilize the on site storm drainage system on the Club Hollywood property, which is also owned by the applicant. This condition will alleviate known drainage and flooding problems on parcels to the north of the property. After review by the City's Development Review Engineer, it has been confirmed that the storm system on Club Hollywood's property can readily handle the potential addition to the storm drainage system. Condition #5 as proposed should improve the traffic and parking conditions in the neighborhood. Placing no parking any time signs along identified problem areas on 167th Street North will provide a benefit to the neighborhood.

2. The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas.

The subject property is located adjacent to Aurora Avenue North and is zoned Regional Business. The Regional Business zone permits a variety of commercial uses in the City of Shoreline. The uses that surround project site include the following:

Uses to the North: Club Hollywood Casino

Uses to the South: AAMCO Auto Repair

Uses to the East: Hadath Cemetery, Residential Neighborhood

Uses to the West: Mix of retail uses

Based on the above list of uses a restaurant, bar with a card room and off track wagering is found to be compatible with surrounding uses.

3. The special use will not materially endanger the health, safety and welfare of the community.

The proposed Special Use condition proposed under Criterion #1 allows the project as proposed to meet this criterion. The project as conditioned will address parking lot safety. See Attachment D, Exhibit 2- Conditions.

4. **The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity.**

Although the proposed use of bar with a card room and off track wagering would be located next to Club Hollywood Casino, staff does not feel that this meets the definition of a detrimental over concentration of a particular use. Considering that the use is currently allowed at Parker's Casino and is proposed to transfer the use to the Drift on Inn, the level of gambling intensity in the City will remain unchanged.

If allowing the particular use would exceed the capacity of the city's infrastructure or public services such as police, fire, schools, then the use would be considered a detrimental overconcentration. The proposed Special Use conditions assist the project as proposed to meet this criterion. The project as conditioned will not cause a detrimental over concentration of the use. In addition, the State Gambling Commission only allows one off track wagering site per County alleviating the concern that this use could proliferate.

5. **The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.**

Parking

Based on the parking calculations prepared by Gabbert Architects and submitted as part of the Special Use Permit application, a total of 196 parking spaces are required for the existing and proposed uses to meet the Shoreline Development Code. The Drift on Inn currently has 140 parking spaces, 56 additional spaces are required to bring the Drift on Inn into compliance with Shoreline's parking code. Condition #4 requires the Drift on Inn to enter into parking agreements with adjacent properties to provide adequate parking for the Casino. Increasing the required off street parking should help alleviate parking issues that may be present in the surrounding neighborhood.

Traffic and Pedestrian Safety

The traffic study prepared by Transportation Planning & Engineering, Inc for the applicant, indicated that the addition of satellite off track wagering would likely increase the number of p.m. peak hour trips (trips attributed to the project site between the 6:00-7:00 p.m.) from 86 trips currently to 107 trips on weekdays and a similar amount on weekends. This increase represents less than a 1% increase in traffic volume on Aurora Avenue North and according to the traffic engineer that prepared this study, would not represent a noticeable increase in activity by the average driver traveling on Aurora Avenue. Condition #5 as proposed should improve the traffic conditions in the neighborhood. The City of Shoreline Public Works Department studied the current on street parking situation on 167th Street North; their recommendation is to place no parking signs in the locations identified in Condition #5. The reason for this recommendation is that areas where on street parking is currently permitted are partially in a lane of travel and create a potential safety hazard.

The increase in available parking provided through shared parking agreements, combined with the additional utilization of free valet parking services should alleviate any overflow parking that may occur on North 167th Street. To ensure that traffic and

pedestrian safety are not compromised by the approval of this application, Condition #6 requires that traffic and parking conditions be reevaluated during the racing season. The Special Use Permit as recommended by the Planning Commission will remain open ended and is to be revisited for additional consideration by the Planning Commission and council after the end of the racing season.

While not associated with this permit application, it should be noted that as a condition of approval for construction of the Club Hollywood Casino, North 167th Street will have curb, gutter, sidewalk and amenity strip installed from Aurora Ave east to the Seattle City Light right of way. General pedestrian safety in this area will improve as a result. Construction of this improvement is scheduled to begin prior to March 31st.

6. The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.

Since the project proposal does not include the expansion of the building – sewer and water certificates were not required. The Shoreline Fire Department reviewed this application and confirmed that there is adequate water flow and fire protection to serve this site.

7. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties.

Not Applicable: No construction is proposed as part of this application.

8. The special use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this title.

The Comprehensive Plan does not have any policies that specifically relate to gambling. The proposed project as conditioned does support such Comprehensive Plan policies as:

- LU1: Preserve environmental quality by taking into account the land's suitability for development and directing intense development away from natural hazards and important natural resources.
- LU39: Ensure vital and attractive commercial areas through public/private investments including: pedestrian amenities and street aesthetics, such as trees, benches, etc.; adequate transportation services such as bus routes, parking, roads, loading and delivery zones, bicycle and pedestrian routes; public spaces such as plazas, pocket parks, intersection treatments and amenities, and public squares; appropriate signage excluding billboards; transportation demand management programs such as carpooling and bus usage; and gateway treatments and public art.

9. The special use is not in conflict with the standards of the critical areas overlay.

Based on the information supplied by the property owner and the critical area maps available at the City of Shoreline, the proposed project does not appear to be located in any known critical area.

CONCLUSION

The proposed project to intensify the nonconforming gambling use at the Drift on Inn casino by adding satellite off track wagering as a new use as conditioned by the Planning Commission recommended conditions of approval, meets the Special Use Permit Criteria and the Supplemental Index Criteria for gambling uses.

RECOMMENDATION

Staff recommends that the Special Use Permit be approved subject to conditions based on the findings of fact and conclusions contained in this report.

ATTACHMENTS

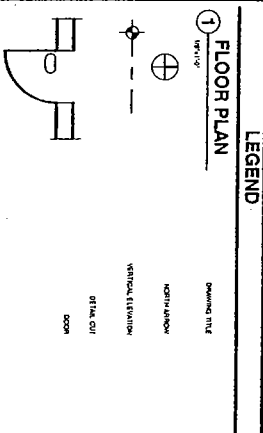
- Attachment A: Applicable Plan Sheets
- Attachment B: Public Comment Letters
- Attachment C: Planning Commission Minutes from Public Hearing held on February 19th and 26th
- Attachment D: Proposed Ordinance 347
Exhibit 1: Planning Commission Findings, Conclusions, and Decision
Exhibit 2: Special Use Permit Conditions

Attachment A

Applicable Plan Sheets

DRIFT ON INN SPECIAL USE PERMIT

16708 AURORA AVENUE NORTH SHORELINE, WA 98133



Drawing List

Sheet Number	Sheet Name
A0.0	Cover Sheet
A0.1	Code Book
A0.2	Code Book
A0.3	Code Book
A0.4	Code Book
A0.5	Code Book
A0.6	Code Book
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A0.99	Code Book
A0.100	Code Book

PROJECT DATA

16708 AURORA AVENUE NORTH SHORELINE, WA 98133

OWNER: DRIFT ON INN
 16708 AURORA AVENUE NORTH SHORELINE, WA 98133

DESIGNER: GABBERT ARCHITECTS PLANNERS
 1800 SOUTH 34TH STREET, SUITE 100
 SEASIDE, WA 98138

DATE: 01/06/04

BUILDING AND SITE DATA

ADDITIONAL INFORMATION:

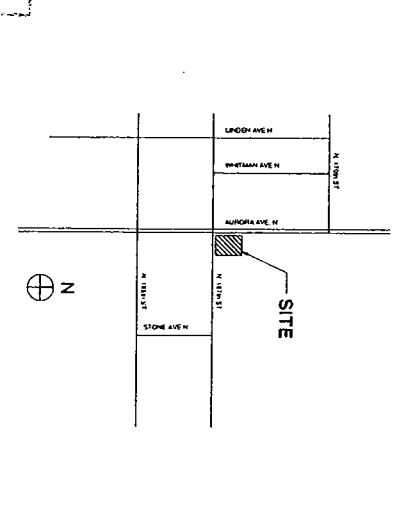
DATE: 01/06/04

SCALE: 1/8" = 1'-0"

DATE: 01/06/04

LEGAL DESCRIPTION

THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORD OF THE DEED OR OTHER INSTRUMENT WHICH IS THE SOURCE OF THE INFORMATION CONTAINED HEREIN. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A WARRANTY OF ANY KIND. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF GABBERT ARCHITECTS PLANNERS.



DATE: 01/06/04
 TIME: 10:00 AM

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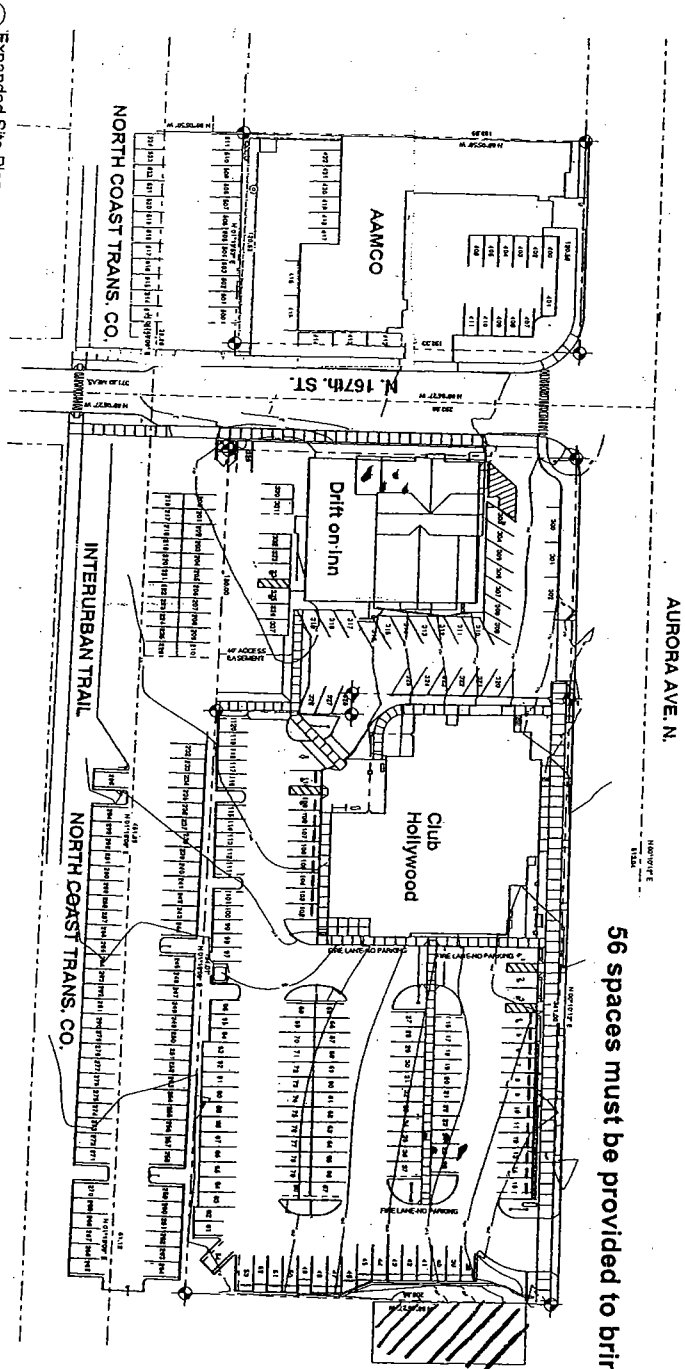
JAN 16 2004

<p>1800 South 34th St Seaside, WA 98138 Telephone: (206) 452-7993 Fax: (206) 452-7994 www.gabbert.com</p> <p>GABBERT Architects Planners</p>	<p>Drift on Inn Special Use Permit</p> <p>ONE PP Group LLC 14700 Aurora Ave N Shoreline, WA 98133</p> <p>DP Miller Construction</p>	<p>DATE: 01/06/04</p> <p>DESIGNER: GABBERT ARCHITECTS PLANNERS</p> <p>PROJECT NO: 03021.00</p> <p>DRAWING NO: 03021.00</p> <p>DATE: 01/06/04</p>	<p>NAME: A0.0</p> <p>DATE: 01/06/04</p> <p>DESIGNER: GABBERT ARCHITECTS PLANNERS</p>
		<p>Cover Sheet</p> <p>A0.0</p>	<p>NAME: A0.0</p> <p>DATE: 01/06/04</p> <p>DESIGNER: GABBERT ARCHITECTS PLANNERS</p>

Drift on Inn Casino Parking Analysis

Parking Required	
Drift on Inn	196
Club Hollywood	176
Total Required	372
Parking Provided	
Drift parking lot	38
Club Hollywood	146
Seattle City Light	111
AAMCO lot	21
Total	316

56 spaces must be provided to bring into compliance



1 Expanded Site Plan

RECEIVED

JAN 16 2004

201280

NO. 001
03021.00
Site Plan
A1.1

1600 16th St SE
Bellevue, WA 98001
Telephone (206) 467-7900
Facsimile (206) 467-7928
www.gabbert.com

GABBERT
Architects
Planners

Drift on Inn Special Use Permit

Clay Group LLC
1400 1st Ave SE
Bellevue, WA 98003
P.O. Box 1111 - Construction

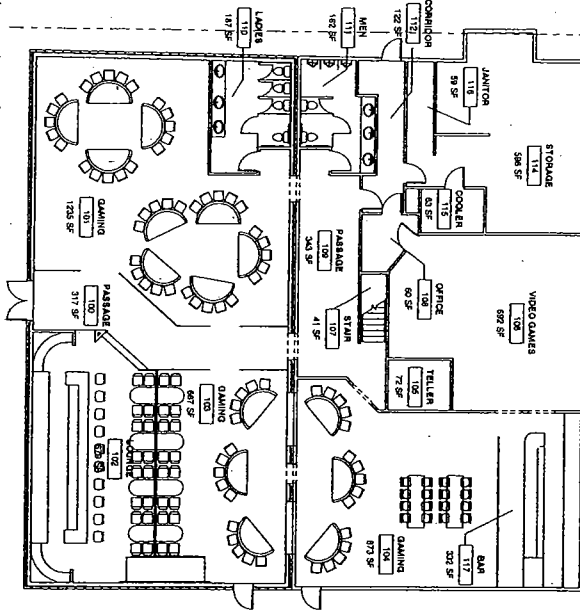
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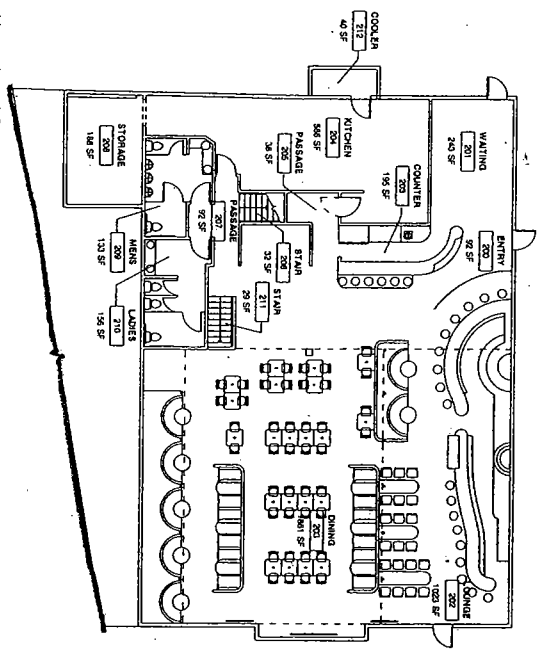
JAN 16 2004

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1 Lower Level Code



2 Upper Level Code

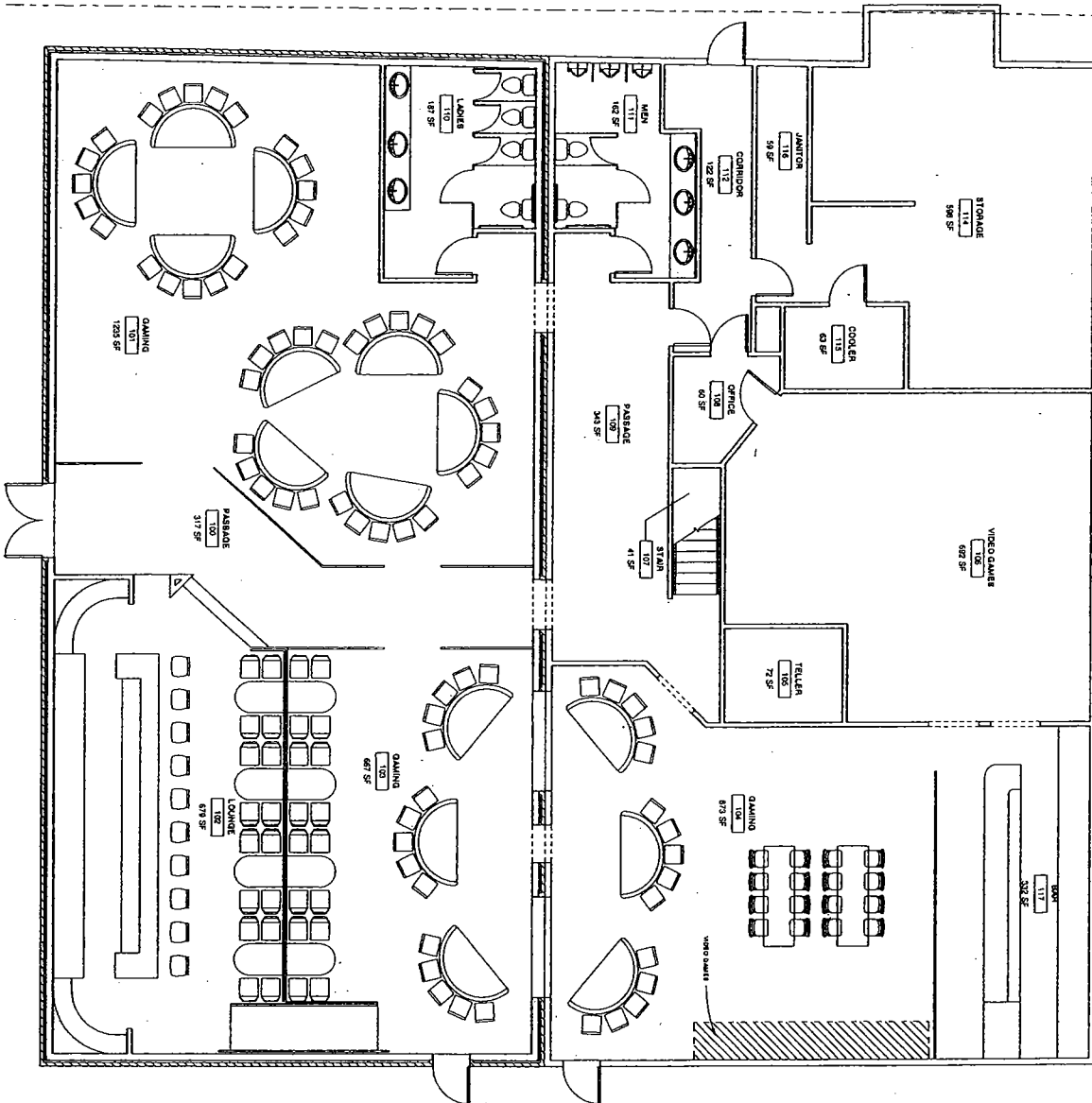


Number	Room Schedule	Area
100	PASSAGE	317 SF
101	GAMING	1724 SF
102	LOUNGE	879 SF
103	GAMING	679 SF
104	GAMING	154 SF
105	TELLER	172 SF
106	VIDEO GAMES	867 SF
107	STAIR	41 SF
108	PASSAGE	118 SF
109	PASSAGE	118 SF
110	PASSAGE	118 SF
111	MEN	182 SF
112	COORPOR	122 SF
113	JANITOR	59 SF
114	COOLER	40 SF
115	COOLER	40 SF
116	COOLER	40 SF
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212	COORPOR	122 SF

PARKING REQUIREMENTS

REQUIRED PARKING FOR EXISTING DEVELOPMENT	EXISTING DEVELOPMENT
1,00	

1 Lower Level
1/6" = 1'-0"



201280

JAN 16 2004

P. 0.05

GABBERT Architects Planners

3000 South 4th Way #1
 Seattle, WA 98101
 Telephone: (206) 461-1711
 Fax: (206) 461-1712
 Email: gabbert@abbott.com

PROJECT NO: 03021.00
 DRAWING NO: 100
 DATE: 01/16/04
 CHECKED BY: [Signature]
 DESIGNER BY: [Signature]

Miller Construction

Drift on Inn Special Use Permit

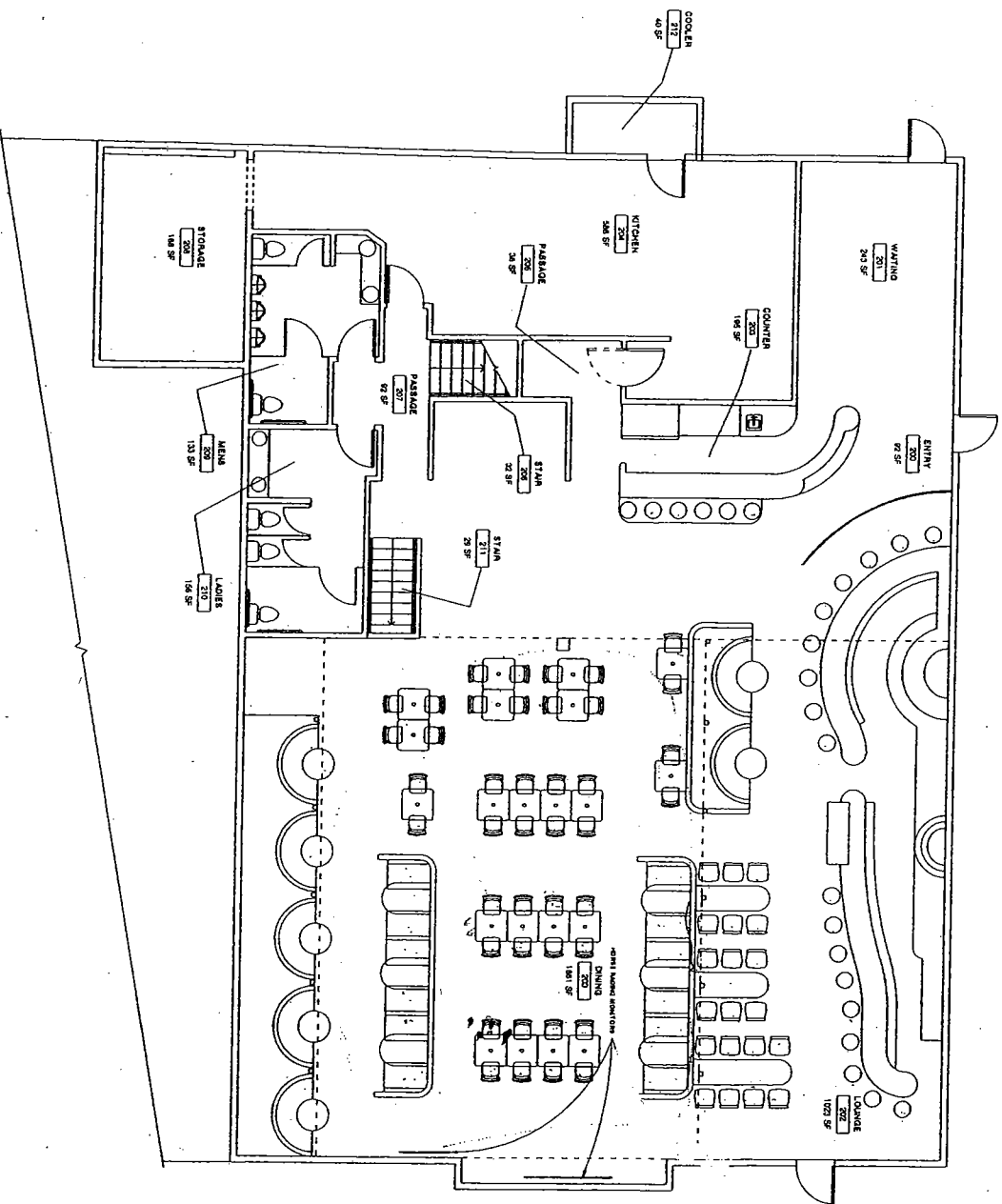
Old PP Group LLC
 15700 Aurora Ave N
 Shoreline, WA 98133

NO.	DATE	DESCRIPTION

A2.1
 Lower Level
 Floor Plan

DATE: 1/16/04 10:14 AM

Upper Level
1/16/04



201203

JAN 16 2004

PROJECT NO: 03021.00
DATE: 01/16/04
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: AS SHOWN
Upper Level
Floor Plan
A22

3000 Birchway Blvd. #100
Atlanta, GA 30328
Telephone: (404) 489-7947
Facsimile: (404) 489-3630
http://www.gabbert-architects.com

GABBERT
Architects

Drift on Inn Special Use Permit
City of College Park, GA
14200 Parkway Ave. #100
College Park, GA 30087
Miller Construction

MARK	DATE	DESCRIPTION

Attachment B

Public Comment Letters

February 10, 2004
Shoreline Planning Commission
Re: Off Track Betting moving to Debby's Roadside Café'

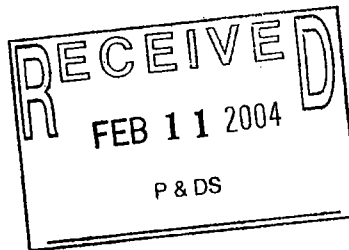
This past August I purchased my home in Shoreline on 167th St. I enjoy the neighborhood and all Shoreline has to offer. Over the past few months, since Club Hollywood has opened I have taken great displeasure in the amount of side street parking. It has developed into such a problem that only one vehicle can fit thru at a time for a 100 yard stretch. This problem continues to grow with the growth in popularity of Club Hollywood. I can only for see this problem escalating with the addition of Off Track Betting. Off Track could possible add another 50-100 vehicles 4 to 5 days a week. I for one DO NOT want someone's vehicle parked on or near my property.

My other concern would be for the safety of those individuals that leave the Drift on Inn Casino on late nights. It's only a matter of time before an individual is hit by a driver due to the cramped side street parking conditions and poor lighting.

I hope that you will consider these valid reasons not to move the Off Track Betting to Debby's Roadside Café.



Scott C Hildebrandt
1343 167th St.
Shoreline, WA 98133
(206) 683-6664



February 10, 2004

To the Shoreline Planning Commission
Re: Public Comment on Off Track Betting

As a resident of Shoreline, I oppose having off track betting at Debby's Roadside Café (Drift On Inn) for several reasons;

With the opening of Club Hollywood Casino, there has been quite an increase of traffic slowing down on 99, and an increase of traffic in the neighborhood, particularly 167th and the side streets. I frequently visit friends that live on that street, and there are numerous times that cars are parked across 167th from the Drift, and patrons are walking or dashing across the road going to and from the Drift On Inn. The area is not well lit, and I would worry that someone will get hit by a car one of these days. There are several occasions when cars park on the side of the road also.

My friends are also thinking of selling their home in the next year, and worry about the property values being affected by the increase of traffic lately, plus more to come, if off track racing is allowed there.

The handicap and elderly people will have a hard time getting upstairs from the casino area, since most of the parking is out back, and the parking that is in front, is not very level for wheelchairs. Cars pulling into the driveway to get to the front door will also slow down traffic on 99, because obviously there will be a line of cars trying to let off people at the front door.

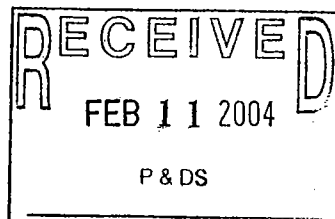
The capacity of Debby's does not seem to be adequate (151) for the horse racing crowd. That is approximately 115 less (just in the off track area alone) than when it was held at Parkers Casino. Any overflow of patrons of Debby's will obviously have to be able to go downstairs or outside.

I think that the off track racing should remain at Parkers Casino, where the over all capacity is a lot better than Drift On Inn's.

I think that the planning commission should think twice before allowing off track racing at a smaller location, with less capacity, less adequate and convenient parking, and at a location that the neighborhood is going to see even a greater increase of traffic from the additional casino and the off track racing.

Sharon Fedde

Sharon Fedde
327 N. 205th St.
Shoreline, WA 98133
(206) 546-1251



Matt Torpey

From: Robert Jenkins [robtjenkins@hotmail.com]
Sent: Friday, February 13, 2004 12:09 AM
To: Matt Torpey
Subject: Project 201280 - Drift On Inn Casino

Robert C, Jenkins
1315 N. 167Th Street
Shoreline, WA 98133

February 12, 2004

Matt Torpey
Planning and Development Services
City of Shoreline
Shoreline, WA 98133

Sub: Project Number 201280 - Special Use Permit for the Drift On Inn Casino

Dear Mr. Torpey:
We are concerned about the traffic issues created by the Drift On Inn Casino.

The project review indicates that applicant is required to submit a traffic study.
We would like the opportunity to review this traffic study.

The following are the concerns we have:

1. Is the traffic following the traffic signs posted at the parking lot?

There are " NO LEFT TURN" signs at exit of the parking areas in front and behind the casino for the traffic exiting the parking areas.

2. How much of the traffic on N. 167Th Street is traffic created by the Casino?

We have observed that well over 50 percent of the traffic on N. 167Th is using N. 167Th Street to bypass Aurora Ave. N. to access the Casino.

What is the limit of traffic that the City of Shoreline views as acceptable on this residential street for the casino?

3. Can something be done to reduce the amount of Taxi cabs which are driving empty and using N.167th Street to drive to and from the Casino.

Please keep us informed of the review process.

Sincerely,

Robert C. Jenkins
1315 N. 167Th St.
Shoreline, WA 98133
Phone 206.546.1333

Emily Carter
1353 N. 167Th St.
Shoreline, WA 98133
Phone 206.542.3282

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Attachment C

**Excerpt of
Planning Commission Minutes
February 19th and 26th Public Hearings**

6. REPORTS OF COMMISSIONERS

a. Type C Quasi Judicial Hearing on Drift On Inn Special Use Permit to Intensify a Non-Conforming Gambling Use by Adding Off-Track Wagering

Chair Doennebrink reviewed the rules and procedures for the public hearing. He also reminded the Commissioners of the rules regarding the Appearance of Fairness Law, which requires all Commissioners to disclose any communications they might have received outside of the hearing about the subject of the public hearing. None of the Commissioners disclosed any ex parte communications on the subject of the public hearing. No one in the audience indicated a conflict of interest concern or ex parte communication on the part of any of the Commissioners.

Matt Torpey, Planner II, reviewed the staff report for the Special Use Permit Application for a request to intensify a non-conforming gambling use by adding off-track wagering from the Emerald Downs Raceway to the Drift On Inn Casino located at 16708 Aurora Ave North. He explained that off-track wagering has been operating as a non-conforming use at Parker's Casino three blocks to the west for the past four years. The proposal would move this use from Parker's Casino to the Drift On Inn Casino. The wagering would operate four days per week from April 15th to September 15th each year. The hours of operation for Thursday and Friday would be 5 p.m. to 10 p.m. On Saturday and Sunday the hours of operation would be 1 p.m. to 6 p.m. There would also be several special racing event telecasts that would occur on Memorial Day, Fourth of July, and Labor Day from 1 p.m. to 9 p.m.

Mr. Torpey explained that a special use permit process is required for this use because the City Council prohibited gambling as an existing use in the City of Shoreline in 1998. However, gambling can be expanded or intensified subject to approval of a special use permit, provided that a non-conformance with the code standards is not increased or created. Intensification of the gambling means the addition of a new gambling activity to an existing non-conforming gambling activity. He said the Drift On Inn Casino operates 15 non-conforming card tables and would like to add satellite off-track wagering as a new gambling use.

Mr. Torpey reviewed three of the nine criteria that are required for approval of a special use permit as follows.

- **Criteria 1 -- The use will provide a public benefit or satisfy a public need of the neighborhood, district or City.** As applied for, Mr. Torpey said staff does not feel the application would meet this criteria. However, staff believes the following conditions would bring them into compliance.
 1. **Condition 1** would require the applicants to bring the garbage enclosure on site up to City standards by enclosing it on three sides with a self-closing gate. Currently, the City has received complaints from the public because the garbage area is an eyesore.

2. **Condition 2** would require the applicant to bring the lighting in the parking lot up to City standards. Currently there is minimal lighting in the parking lot, but staff feels additional lighting to meet City standards would provide an additional public benefit.
 3. **Condition 3** would allow the adjacent properties to the north to tie into the existing Club Hollywood Casino storm drainage system. The applicant does own that same property and has offered this as a condition. The City Engineer reviewed the storm drainage system and indicated that it is sized to be able to handle the run-off from properties to the north that are known to experience flooding conditions at this time.
- **Criteria 4 – The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity.** Mr. Torpey advised that staff has reached the conclusion that the proposed use would not cause a detrimental over-concentration of gambling, and this is based on the assumption that the detrimental over-concentration refers to the ability of local infrastructure and services to support the use. Staff believes that the use, as conditioned, would not overburden police, fire or water, and there are no plans to expand the building. The Police Department has indicated that there are no current problems associated with gambling at Parker’s, Club Hollywood or the Drift On Inn. He noted that this use already exists in the City of Shoreline, and the proposal would merely move it down the block.
 - **Criteria 5 – The special use is such that pedestrian and vehicular traffic associated with that use will not be hazardous or conflict with existing or anticipated traffic in the neighborhood.** Mr. Torpey said that based on the requirements found in the supplemental criteria of the Shoreline Municipal Code, a total of 196 parking spaces would be required for the proposed use, and this is based on the square footage calculations, as well as the additional seat counts associated with the conditional use permit. He noted that the Drift On Inn currently has 140 spaces.
1. **Condition 4** would require the Drift On Inn to enter into parking agreements with adjacent properties to provide adequate parking for the casino. Staff believes the increase of parking, combined with the additional utilization of a valet service that the applicant is proposing would eliminate parking issues that have been put forward related to 167th Street North. It has been demonstrated by the applicant that the parking agreements are available and the neighbors to the casino are willing to sign them.

Mr. Torpey said that traffic for this use, as proposed in the ITE Manual and according to the applicant’s traffic engineer, would generate an additional 21 peak hour trips. It is estimated that seven of these vehicle trips would use the access off of 167th Street. The remainder of the trips would access from the two driveways along Aurora Ave.

Mr. Torpey advised that staff believes all of the other nine criteria have been met without complication by the proposed application.

Mr. Torpey noted that three public comment letters were received regarding the application. The issues raised related to traffic and parking along 167th Street. He said staff believes that the existing parking conditions on 167th Street would be alleviated by the additional parking on site and valet parking services.

Mr. Torpey concluded by stating that staff recommends that the special use permit be approved. He explained that the Planning Commission has three options. They can vote to recommend approval as conditioned, recommend approval as amended or vote to deny the application.

Doug Miller, Drift On Inn, said he believes the proposed application meets all of the criteria as put forth by the City. They have been forthcoming with shared parking agreements to eliminate the concerns of the neighbors. They have increased their parking capacity above and beyond the additional 60 spaces required for the off-track betting use.

Bob Frasier, Director of Operations, Emerald Downs, explained that the hours of operation for the off-track racing use would be 6 p.m. to 9:30 p.m. on weekdays. Most of the other casino business picks up at 9:30 or 10 p.m., and a lot of the racetrack customers leave during that time. On weekends the hours of operation would be 1:00 p.m. to 6:00 p.m., and the casino business is typically not busy during the daytime hours of the summer months. There provides a good opportunity to share parking space.

Mr. Frasier said the proposed location is very important to Emerald Downs. They are a racing industry with a lot of fans in the north end. It is very difficult for these people to go to Emerald Downs on a week night. This location would mean that 30 or 40 people that normally would not come down to the track would be able to participate and wager. This is important for their business because they are a state-wide industry. He pointed out that a lot of their clientele are older retired people. They, typically, come in to place bets on a few races and then leave. Any concerns related to civil disobedience do not apply to their fans. They are well-mannered and good customers. He said they are very excited to work with the Drift On Inn management team.

Commissioner Piro referred to **Criteria 2**, regarding compatibility with neighboring uses. He questioned how wide of a net staff must take into account when assessing compatibility. Mr. Torpey said he looked at adjacent properties. To the east is the cemetery, which is quite expansive. He said he did not consider the properties beyond that as being directly impacted, although they are residential. The property to the south is an auto repair facility, which is a significant retail use that staff sees as compatible. To the north is Club Hollywood, which is an identical use as what is being proposed. Beyond that are more retail uses. Across the six lanes of Aurora Ave, is Sugar's Dancing Club.

Commissioner Piro referred to the parking analysis (Page 37 of the staff report). He said it appears that quite a few of the parking spaces are being projected onto property that he

assumed would be part of the Interurban Trail. Mr. Torpey noted that the parking analysis on Page 37 of the staff report shows the existing conditions and not the proposed parking spaces. He said he has reviewed the parking proposal with the City Engineering staff, and they found no problems. He noted that there would be fencing and landscaping between the parking stalls and the trail. The fencing for the Interurban Trail would be three to five feet east of the current parking stalls. According to the applicant, Seattle City Light has no plans to take away any parking from them in the near future.

Commissioner McClelland noted that the Interurban Trail would separate the subject property from the cemetery property. She questioned what is located on the south side of 167th Street. Mr. Torpey said that residential homes are located on the other side of the Interurban Trail.

Commissioner McClelland said that in the past, when dealing with the casino, the Commission has treated everything east of the casino as a residential neighborhood. She said it is important that the Commission feels confident that the residential neighborhood is viewed as part of the compatibility mix.

Mr. Torpey said the City did receive comment letters from the residents related to the existing condition of the traffic. No matter what happens with the proposed application, these conditions would persist. If the application were approved, the additional parking would lessen the impact to the neighborhoods. He reminded the Commission that as a condition of approval for the Club Hollywood Casino, the applicant was required to bond and design full frontage improvements on 167th from Aurora Ave to the east end of the Seattle City Light right-of-way, and these improvements must occur within the next few months.

Commissioner McClelland said the one thing that she does not want to happen as a result of the casino being a successful business is for 167th Street to become more attractive for pass through traffic. The Commission has previously made the commitment that 167th Street would remain a residential street in both appearance and function. She asked if the planned improvements could result in 167th Street becoming a pass through street. Mr. Torpey said staff does not anticipate that the improvements would result in increased pass through traffic. Additionally, there would be right-turn-only requirements and signage would be placed on both the Seattle City Light right-of-way driveway and the driveway coming out of the Drift On Inn parking lot. The police department would be able to enforce these exit points as right-turn only onto 167th. He noted that the improvements on 167th Street were required as part of the Club Hollywood project, and approval of this application would not change this requirement.

Chair Doennebrink asked Mr. Frasier to describe the situation that led Emerald Downs to request a relocation. Mr. Frasier explained that the owners of Parker's Casino put their facility up for sale last year. If the facility were sold for a use other than a casino, it could potentially leave Emerald Downs without a location. As a result, they felt it would be best to change their operation to a stable location. Since the Drift On Inn has expressed an interest and can meet all of Emerald Down's requirements, they felt it made sense to pursue the new location.

Commissioner MacCully inquired if the parking along the Seattle City Light right-of-way that is on both the Club Hollywood property and the AAMCO property is under a contractual obligation. Mr. Miller used a map to identify the location of the Seattle City Light right-of-way. He said they have a month-to-month contract with Seattle City Light, and this has been in place for over eight years. Every property owner along the trail has this same condition placed upon them. Commissioner MacCully noted that there are other property owners in this area that have been told they need to vacate to accommodate the Interurban Trail, but this does not appear to be the case in this situation.

Commissioner MacCully inquired if there was any thought given to conditioning the turning movements for people parking on the AAMCO property as part of this application. Mr. Torpey said there was not.

Commissioner Kuboi inquired if the operation of the casino or the off-track betting would be suspended if the parking spaces on the Seattle City Light right-of-way were no longer available.

Mr. Torpey said this type of situation would be turned over to the Code Enforcement Officer for action because it would be a non-compliant use. One option would be for the casino to reduce their use to meet the available parking. Commissioner Kuboi inquired if there is a distance for which parking would no longer be considered suitable. Mr. Torpey said the parking must be located within 500 feet of the facility.

Commissioner Kuboi asked staff to elaborate more regarding the traffic study and how they calculated the additional 21 peak hour trips. Mr. Torpey said this calculation was based on the Institute of Traffic Engineers Manual, which assigns a transportation trip number that is generated by the use and the amount of square footage that is allowed. In this case, the square footage was based on the upstairs area that is currently being used as a restaurant but would be transformed into the off-track betting area. He suggested the applicant could better identify how many people have historically come to use the off-track betting facility. Commissioner Kuboi said he does not believe a use such as off-track betting would be one in which people would arrive in a diffuse pattern over a period of time. Most will come and go at about the same time. The general casino operation would have clientele coming and going on a more random basis. He expressed his concern that the traffic study should account for this identifiable difference. Mr. Torpey said the traffic study did take into account only the peak p.m. hour trips, which take place between 5:00 and 6:00 p.m. This coincides with the hours when the racetrack clientele would be coming to the site.

Commissioner Sands inquired if all of the additional 56 parking spaces would be provided by sharing space with adjacent businesses. Would there be any additional parking spaces provided that are not identified on the map? Mr. Torpey said the map identifies the existing usable sites. There would be two new locations that would accommodate the additional 56 parking spaces. Thirty-one spaces would be located directly to the south of the AAMCO property, and the remainder of the parking would be provided on the parcel directly to the north of Club Hollywood. He clarified that the 56

parking spaces required of the applicant would be in addition to the spaces that already exist.

Commissioner Sands inquired if the parking contracts that were referred to earlier are between the applicant and some other property owners. Mr. Torpey answered affirmatively. Commissioner Sands inquired if staff has viewed copies of these agreements. Mr. Torpey again answered affirmatively, and said they appear to meet the City's requirements. He noted that the agreements would be for a one-year time period. If the applicant were to fall out of compliance, they would be turned over to code enforcement. They would either have to find new parking space or discontinue the off-track racing use.

Commissioner Sands recalled that when the Commission reviewed the Club Hollywood application, they discussed that curbing should be required to force people to turn right as opposed to just signage. He inquired if this would be part of the street improvements that would be made to North 167th Street. Doug Miller answered that they are not able to put in curbing because fire trucks would be unable to access the site. They are also limited by what Seattle City Light will allow them to do with the right-of-way. They are working to get Seattle City Light's approval to construct sidewalks on both sides of their property, which can provide barriers to force everyone to the right.

Ms. Markle clarified that the condition that was placed on the Club Hollywood application was that curbing should be placed at the access to limit traffic to right turn. However, this condition would only be required if the applicant could negotiate an agreement with Seattle City Light.

Commissioner Piro questioned why there is non-compliance at this time related to the trash enclosures and the lighting. Mr. Torpey said there has never been any building permit or an application for the Drift On Inn that would require them to bring anything into compliance. The Club Hollywood property is in compliance with both lighting and trash requirements.

Commissioner McClelland said the purpose of requiring on-site parking or immediate off-site parking is to prevent cars from parking in other places. She said she assumes the additional parking that would be provided off-site would be valet parking. If someone cannot find a space to park on site and decides they don't want to do valet parking, they could end up parking along 167th Street. She questioned if people would be allowed to park in the off-site spaces without using the valet service.

William Hubble answered that the off-site parking to the north of the property provides easier access to the building than on-street parking would provide because it is well lit and there are sidewalks. Commissioner McClelland said she is concerned about enforcement of the parking requirements because code enforcement is on a complaint basis. She would like there to be some certainty that people would be forced to park where they are supposed to. Mr. Hubble pointed out that the valet service would be complimentary. In addition, clear signage would be provided to identify where people

could park and where the valet service would be located. This would, hopefully, direct people to park in the areas that are designated.

Chair Doennebrink noted that the applicant proposed to increase the lighting along the Interurban Trail. Mr. Hubble said the applicant presented this concept to the engineering staff responsible for designing the Interurban Trail. They indicated that this additional lighting would not be desired because the City does not want pedestrians on the trail in the evenings. Any lighting that would be required would be shielded lighting directed downward to avoid glare on neighboring properties.

Commissioner McClelland inquired if any landscaping would be provided along the fence to separate the parking for the commercial use and the Interurban Trail. Mr. Torpey answered that a fence would be located along the edge of the parking and then ten feet of landscaping would be placed between the fence and the Interurban Trail. However, they do not have any details as to the landscape design.

Commissioner Sands noted that the existing restaurant use would be converted to the off-track betting use. He questioned if the applicant anticipates an increase in clientele if the use is changed. Mark Mitchell, Drift On Inn, said the biggest days for the track would be Saturday and Sunday from 1:00 to 6:00 p.m., which is not a busy time for the remainder of the casino. He said he does not anticipate they would even need the additional parking, even though it is required by code. The restaurant would still be operational, but they don't anticipate a lot of restaurant customers during that time period. The restaurant function would not be eliminated as a result of the off-track betting use.

PUBLIC COMMENT

Armando Alvarez, 9006-B Corliss Ave North, Seattle, WA 98103, said he is opposed to the City allowing satellite betting to move from Parker's to the Drift On Inn. He would rather this use remain at Parker's Casino because there is ample parking space available for all uses. The employees at Parker's Casino make him feel at home are very considerate and friendly. Parker's Casino offers better facilities. He has visited other casinos in Shoreline, including the Drift On Inn and Club Hollywood. He is a good customer for the satellite betting that is located at Parker's, as are other members of his family. He also noted that there is good lighting provided outside of Parker's, and that is why he and his wife feel more comfortable and secure going to Parker's Casino.

Sharon Fedde, 327 North 205th Street, said she is the bar manager at Parker's Casino. They have had off-track betting at Parker's for the past four years. She noted for the record, that Parker's Casino is not for sale at this time. The owner did put it up for sale for a short period of time, but he changed his mind and informed Emerald Downs before they sought out the Drift On Inn. Ms. Fedde said she does not feel the Drift On Inn's facilities are adequate. She has worked with off-track people for the last four years, and 35 to 40 percent of them are elderly. As far as she knows, the Drift On Inn has one set of restrooms in the area where the off-track betting would be located. Parker's is level, and

they have three different sets of restrooms and people don't have to go up stairs. They have put out a petition that a lot of Emerald Downs customers have signed. In addition some of Parker's own customers signed the petition.

Ms. Fedde said she does not feel that month-to-month rental of parking space is adequate for what they want to do. She feels like Parker's paved the way for off-track betting to be in Shoreline, and the owners spent a considerable amount of money on attorney fees, permits, and other improvements to accommodate this use. She said she speaks on behalf of a lot of Parker's customers, who would like to retain off track betting at their facility. She said there is no such thing as free valet parking because customers feel they must leave a tip. She said Parker's has been monitoring their parking lot. Since the Hollywood Casino has opened, they have had a lot of cars parked in their lot that are not Parker's customers. She felt that if the application were approved, the City would see more people crossing Aurora Ave and not at the crosswalks.

Christy O'Connell, 15914 – 44th Ave West, Lynnwood, said she is a manager at Parker's Casino and agrees with the comments provided by Ms. Fedde and Mr. Alvarez. She noted that Thursday and Friday from 6:00 to 9:30 p.m. are the casino's peak hours. People get off of work around 5:00 p.m. and head to the casino on their way home. The business usually dies off around 10:00 or 11:00 p.m. On Saturdays and Sundays people are off work and the casino is usually busy all day long. Ms. O'Connell said the off-track betting facility at Parker's often has over 100 clients per night. During the big races, they have had up to 300 customers, which is a lot more than the 30 noted in the application.

Ms. O'Connell said that parking is a big issue. Parker's has more parking space compared to what would be available at the Drift On Inn. In addition, Parker's facility is all one story with no stairs. Wheelchair access is provided at four different doors. She agreed with Ms. Fedde that because most of their off-track betting customers are elderly and on a fixed income, they would not likely pay a few dollars for a valet parking tip. They would rather park on a dark street and walk to the facility.

Ms. O'Connell said she knows a resident who lives along 167th Street, which is packed when the Drift On Inn is opened. During the summer months when the kids are out of school, this increased traffic could pose a danger.

Scott Hildebrandt, 1343 North 167th Street, said he purchased a home on 167th Street in August of 2003. He said he sees the traffic everyday. He questioned if any of the Commissioners have even driven down this street on a Friday or Saturday. Barely one car fits going down this street because of cars that are parked along the side. If off-track betting is allowed, there could be 50 to 100 additional cars trying to park along this street. If the valet parking was currently working, there would not be people parking on the side streets now. Just because additional valet parking would be provided off-site does not mean people would use it. Most people would find it more convenient to park on 167th Street and walk into the casino. The parking conditions that are recommended by staff would not eliminate the problems associated with on-street parking. He said that if the applicant could guarantee that there would not be more cars on 167th, he would support

the application, but he doesn't see that happening under the current proposal. He said he enjoys his home and living in Shoreline, and he would like to see that street cleared off.

Mark Jones, 4703 – 238th Place SW, Mountlake Terrace, said he attended the public hearing before the Commission related to the special use permit for Parker's to provide off-track betting. He was also present when the Club Hollywood application was before the Commission for review. A lot of the issues that are being discussed tonight were part of the Hollywood Casino permit approval, but none of these things have been done yet (garbage, sidewalk improvement, left turn lane). However, he suggested that none of these issues have to do with the application currently before the Commission.

Mr. Jones agreed that there is no such thing as free valet parking. He said that Parker's has had the off-track betting facility for the past four years, and they know how many customers come in each night. It is a lot more than 30 or 40 customers or 21 additional trips. He invited the Commissioners to try and find a parking space at the Drift On Inn. It is not possible. He questioned if the 56 additional parking spaces would be available immediately or if the applicant would have additional time to locate these spaces. He recalled that when the Club Hollywood application was reviewed, staff indicated that they would look at the parking situation a month later to see if it was sufficient. He knows that on some nights, Fridays and Saturdays especially, the parking is not sufficient already. Now they are asking to bring in 60 to 100 people more per night for off-track betting.

Mr. Jones said he is the financial manager for Parker's Casino and has a vested interest, but he also knows what the off-track betting facility is like and how many people come. He said it does not make sense to him to relocate the off-track betting facility at the Drift On Inn.

Mr. Miller said the applicant believes there is adequate parking to accommodate the off-track betting use. He said the applicant has given the City and neighborhood over \$15,000 to augment the situation on 167th Street. They have worked to improve the situation. They want to be the best neighbor they can. The value of the neighborhood has improved since the Mitchell family has taken over the Drift On Inn and Club Hollywood.

They will do everything and anything possible to mitigate the concerns of all of the neighbors along 167th Street. They have more than enough parking agreements to provide adequate parking within 500 feet of the facility. If they need to go further, they are willing to take steps to mitigate these situations.

Commissioner McClelland inquired if this is a situation of competitive bidding between the two casinos. Mr. Frasier answered that the contract Emerald Downs would have with the Drift On Inn would be the same contract they would have with any other facility within the State. State law requires that whatever contract they offer one they have to offer everybody. It is not an issue of competitive bidding, it is more an issue of getting into a stable location that will be in existence for a long time. The North Seattle location is very important to Emerald Downs. He said they have already decided to leave Parker's

no matter what happens with the proposed application. Commissioner McClelland clarified that the hearing is not about whether or not Emerald Downs should leave Parker's. Mr. Frasier agreed and said the hearing should be about whether or not the proposed application meets all of the requirements.

Commissioner McClelland said it is important for the Commission to know if the additional clientele associated with the off-track betting use would be greater than the 30 or 40 identified in the application. She noted that it is the City's responsibility to protect the neighborhoods from degradation as a result of any use that is allowed on Aurora Ave. Mr. Frasier recalled that when Parker's application for a permit to allow off-track betting was reviewed by the Commission, parking was also a significant issue. It was noted, at that time, that because the off-track betting use takes place during times when the other casino uses are not as busy, parking would not be a significant issue.

Commissioner Kuboi clarified that if the special use permit was denied, there would be no off-track betting in Shoreline. Mr. Frasier said their commitment is to locate the off-track betting use at the Drift On Inn. Even if they wanted to go back to Parker's, which they would not or could not do, certain criteria would still have to be met. He said Emerald Downs is 100 percent dedicated to moving into the new location at the Drift On Inn. If the application is not approved, he would be in a real bind because his business depends upon the north location.

Chair Doennebrink suggested that instead of providing valet parking, the applicant could direct people where to park. Mr. Hubble said that the Drift On Inn pays the valet so that the service is complimentary. Chair Doennebrink recalled that previous speakers have suggested that people would not use the valet service because they would have to tip the attendant. Mr. Hubble said they find their valet service is used very effectively. He explained that the Drift On Inn contracts with a private valet company to provide this service. He noted that a valet company would not stay in a location if it were not being used adequately.

Commissioner Doering inquired about the applicant's ability to provide handicap accessibility at the Drift On Inn. Mr. Hubble answered that there are three entrances to the upstairs level and two are handicap accessible. Handicap parking is available in front of the facility, with a ramp leading to the front entrance. There is also a ramp leading to the side door that is wheelchair accessible. The restrooms are quite large and are handicap accessible, too.

Commissioner McClelland inquired if anything more could be done to address the parking problems that exist on 167th Street. She suggested that every visible step should be taken to identify the street as residential. Perhaps they should post signs that prohibit curbside parking along this section of 167th Street. Mr. Torpey explained that the Seattle City Light right-of-way ends at the City's street right-of-way. He assumes that the parking problem exists on that portion of the street that is located next to the cemetery. He said that signage is an option that could be explored further. Ms. Markle said it is the City's policy that the neighborhood be involved when they do something like post signs,

put in a traffic circle, etc. on a residential street. The avenue for doing this is the Neighborhood Safety Program, and the 167th Street neighborhood has contacted the City and is trying to get a group together to make decisions about what they want on their street. The \$13,500 that was referenced earlier by Mr. Miller has been set aside to do neighborhood traffic improvements once the neighborhood agrees about what improvements should be made.

Chair Doennebrink noted that the right-turn-only sign that is currently located at the exit onto 167th Street is small and discrete. Ms. Markle advised that a right-of-way permit has been submitted by the applicant to do the 167th Street improvements. They have a March 31st deadline to complete this work. If it is not done by that time, the City would evoke the bond and do the work, themselves. As a result of the proposed improvements, the driveway would be better defined because of the curbing and sidewalk. She said she spoke with the project manager recently about the condition of working with Seattle City Light to determine whether or not additional curbing and signs could be added. The City will require the applicant to provide proof in writing as to why this can or cannot be done. She reminded the Commission that if Seattle City Light does not allow the additional curbing and signs, the City cannot require them to do the additional work. She noted that the applicant is proposing to put up additional signs to facilitate the right-turn only at the exit.

Scott Hildebrandt said he understands that the Drift On Inn is doing what they can to eliminate the parking problems on 167th Street. But that still doesn't prevent the problem from occurring. Unless the City is willing to fine individuals who park along this street or tow their vehicles, customers of the Drift On Inn will continue to park on 167th Street regardless of what signs are put up to restrict the parking. He said it is ridiculous for this problem to continue. The City and the Drift On Inn need to work together to create a solid plan to resolve the problem before the application is approved. He wants some assurance from the City that something will be done.

Commissioner Sands inquired if Mr. Hildebrandt has been involved in the process of organizing the neighborhood to determine what they want to do. Mr. Hildebrandt said he doesn't know how the other residents along 167th Street feel about the situation. He said he attended the Planning Commission meeting at which the Club Hollywood application was considered, and some of his neighbors were also in attendance to complain about the 167th Street parking issue.

Mark Jones said that over the past four years, Parker's has not had any parking problems associated with the off-track betting use. This is because they have a large parking lot with 210 spaces to serve one casino. This is not the case for the Drift On Inn, and adding off-track betting would make the situation worse. He said he does not believe the Drift On Inn could sufficiently meet all of the criteria that must be considered in order for their application to be approved.

Commissioner Kuboi recalled that one of the Parker's representatives made the comment that some of the parking that occurs on their side of Highway 99 is somehow attributable to Club Hollywood or the Drift On Inn. He inquired how Parker's knows that some of

the cars parked in their lot are owned by people who are patronizing the businesses across the street. Sharon Fedde answered that she learned this information from someone who witnessed these people parking across the street, walking up the road, and then crossing the street.

Jim Gorsuct, 39728 State Route 20, Concrete, said he is a surveillance manager at Parker's Casino. He said he has watched people park in the Parker's lot and on 170th on Friday and Saturday nights. They then go across the street to Club Hollywood and back to Parker's because it is all within walking distance. He said a lot of the off-track betting customers like to take breaks during the sessions. When there isn't a race going on and they have already made their bet, they like to go out to their vehicles. Many of them bring sack lunches and other beverages, and they sit in their cars and eat. He said he doesn't see where valet parking two or three blocks down would accommodate these people. They will park as close as they can to the Drift On Inn. He said he foresees personal and public safety issues as a result of the situation along 167th Street.

THE PUBLIC COMMENT PORTION OF THE HEARING WAS CLOSED.

Commissioner Piro reminded the Commission of the few points he made last year when the Commission considered the special use permit application for Club Hollywood. He reminded the Commissioners that gambling is a prohibited use in the City of Shoreline, and the use is a carry over from their King County days. One of the main reasons the City incorporated was dissatisfaction with the King County way of doing business. He said he does not see this as necessarily a morally or ethical sort of judgment on gambling, but it is an issue of community character and following the code. He said that, in his estimation, this type of use should either be maintained and not expanded or be phased out and eventually disappear from the community. The gambling use should not be intensified.

Commissioner Piro agreed that the Commission should not get involved in the issue of whether off-track betting should be located at Parker's or at the Drift On Inn. However, he recalled that some of the Commissioners who were in favor of the permit last year did so because they felt they had done something for the Drift On Inn by allowing the Club Hollywood proposal to move forward and it wouldn't be right to hold the line on Parker's. Finally, Commissioner Piro noted that a lot of the public testimony suggests that there are, indeed, some traffic and parking problems that have not been mitigated or rectified. At best, he suggested that the application is a bit premature. He would like to see the parking and traffic issues addressed before the Commission considers any additional use at this site.

COMMISSIONER PIRO MOVED THAT THE COMMISSION RECOMMEND DENIAL OF THE SPECIAL USE PERMIT TO INTENSIFY A NON-CONFORMING GAMBLING USE BY ADDING OFF-TRACK WAGERING. COMMISSIONER DOERING SECONDED THE MOTION.

Commissioner McClelland said she feels the Commission is in a difficult situation. She said she believes the Drift On Inn has made a good faith effort to comply with the code requirements and meet the needs of Emerald Downs.

She recalled the discussion from the last time the Commission considered a special use permit for this site, and she said she is disappointed that protection of the neighborhood was not made the number one objective. While the Commission asked that the neighborhood concerns be addressed, the staff report for this application does not really even treat the neighborhood as a party being impacted. She said she does not doubt the applicant's intentions, but she believes the concerns expressed by Mr. Hildebrandt about human nature. People will park as close to the door as they can, and they prefer to park for free. She said she feels bad that the Commission has not been able to do more to protect the neighborhood. She agreed with Mr. Hildebrandt that it is the City's job to protect the neighbors who live along 167th Street.

Commissioner MacCully said he does not perceive the proposed application as either an expansion or an intensification of a gambling use. He sees it as shifting a gambling use from one location to another. He said he believes that, based on the efforts made in the presentations made by the staff and the applicant, a good faith effort has been made to address the parking issue. However, he agreed that the City has not done enough to deal with neighborhood impacts. He said he understands the difficulty of getting the neighborhood together to decide what the best approach would be. He would like the City to continue to work with the neighborhood to determine the best approach for resolution.

Commissioner MacCully suggested that in addition to larger signage to restrict patrons of the Drift On Inn and the Club Hollywood from using 167th Street as a travel lane, other alternatives such as pavement markings, etc. should be considered. The more information that is provided to the customers about parking and traffic flow, the more likely they are to pay attention. Commissioner MacCully said he would also like to see signage provided to keep people from coming out of the AAMCO property and turning right to go down 167th Street. Commissioner MacCully said it appears that not a lot of traffic work has been done for 167th Street, and they are relying on anecdotal information that is inconsistent with what they are hearing from the public. He questioned the identification of only 21 additional peak hour trips when the use could bring between 100 and 300 people to the facility.

Commissioner Kuboi said he also feels the Commission should focus on the neighborhood impacts. He said that, aside from the issue of where the use should be located, nobody appears to be fundamentally concerned about having off-track betting in the neighborhood other than the impacts that are created. While he would hope that markings and signage would encourage people to do the right thing, if it is not made illegal, people would continue to use 167th Street for parking and access. He questioned if it would be appropriate to station an employee at the exit points during peak times to direct traffic.

Commissioner Sands said that if the Commission were to recommend that no parking signs be placed on both sides of 167th Street, what process would they have to go through to get it done and how quickly could it be done. He questioned why nothing has been done over the past year to address this issue. Ms. Markle said this process starts with the Neighborhood Traffic Safety Program, and must be initiated by the neighbors getting together. She noted that parking within the right-of-way is legal in Shoreline. In fact, residents living along this street allow their guests to park in the right-of-way. If parking is no longer allowed, residents could complain because their guests would not be able to park.

The program has been very active in consistently calling people from that neighborhood to get them excited about making improvements, but they have not received a lot of reception to date. She would hesitate to advise the Commission to recommend that no parking be allowed on 167th Street. Commissioner McClelland suggested that the City must take an active role in contacting the parties that are most severely impacted by the situation. They can't wait for the neighborhood to organize and come to them.

Commissioner Sands noted that there are only three or four houses east of the cemetery before you get to Ashworth Ave. That portion of 167th Street is the only area that is impacted. Would this neighborhood effort require the majority of people living along Ashworth Ave to participate or could these few property owners constitute a neighborhood group. Ms. Markle said the neighborhood group must define the area that would be involved in the neighborhood traffic safety program. She said she believes the boundaries of this defined neighborhood go further to Ashworth Ave or Meridian Ave. In addition to complaints about parking, there were also complaints about cut through traffic and speed. Commissioner Sands noted that the majority of this defined neighborhood does not really care what happens in this first block, and that is probably why they can't get the neighborhood to organize.

Commissioner McClelland suggested that they narrow the situation down to the impacted area and condition that block rather than waiting for the neighborhood to organize. Perhaps a condition of approval could be that the City must do something to address the problem. Ms. Markle said they could try to do this, but it would require Police Department approval, and they would have to work with the Public Works Department. There is a process within the City for dealing with these improvements. There are other neighborhoods that are in line to receive attention and funding from the City to have improvements on their street. However, this street is unique because outside funding is available.

Commissioner Piro reminded the Commission of the concern he brought up that gambling is outright prohibited in the City. He said he would be nervous if the Commissioner were to develop some conditions and then wait to see where they go. He recalled his previous comment that the application is premature and he would like to see more work done on some of the conditions and issues that have been raised before the Commission makes a decision on the application. Commissioner Doering agreed that

there are too many uncertainties. None of the neighborhood concerns that were brought out more than a year ago have been dealt with.

Commissioner MacCully said he would vote against the motion to deny the application. While he continues to be concerned about the neighborhood traffic issues, the Commission is not going to be able to craft language to address these concerns now. He noted that staff has been responsive when they have given them direction that is not necessarily part of conditions on applications. The staff has indicated that they are working with the neighborhood, and he would expect the staff to do so under any circumstance. In looking at the material presented to the Commission, he does not believe the application to be an expansion of an existing use, but a relocation of an existing use. Just because the location is changed does not mean the off-track betting use would be dramatically increased. He said the staff analysis tells him that most of the concerns and questions that are identified in the special use criteria have been addressed to his satisfaction. He continues to be concerned about traffic.

COMMISSIONER PIRO WITHDREW HIS MOTION. COMMISSIONER DOERING, THE SECONDER OF THE MOTION, AGREED.

Commissioner Piro inquired what options the Commission has in terms of delaying their decision or asking for additional analysis before making a decision. Could the Commission table the issue to a future meeting? Ms. Markle said the Commission definitely has the ability to delay their decision to a future date certain. They could also continue their discussion and give the staff direction as to what additional information should be provided.

COMMISSIONER MACCULLY MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE FINDINGS AND DETERMINATION AS PRESENTED AND FORWARD IT TO THE CITY COUNCIL WITH THE CONDITIONS IDENTIFIED BY STAFF. IN ADDITION, THE COMMISSION SHOULD CRAFT SOME LANGUAGE PLACING EMPHASIS ON NEIGHBORHOOD TRAFFIC CONDITIONS. COMMISSIONER SANDS SECONDED THE MOTION.

Commissioner Piro said he would support the motion, except he does not think the Commission could quickly craft language to resolve the neighborhood traffic concerns. He would like to continue the application to the next meeting and direct the staff to do more specific work to address the neighborhood concerns. Ms. Markle advised that the applicant might have an issue with delaying the action because they have to obtain approval before the next racing season that begins April 15th. If the Commission were to delay their decision, there might not be time to get the issue before the City Council for final action prior to the April 15th deadline.

Mr. Miller said the Drift On Inn shares the concerns of those people who live along 167th Street. He said he goes out almost every Friday and Saturday night to monitor the situation. On occasion there are cars parked on 167th Street, but this use has greatly

diminished. He agreed that sometimes when people park along 167th Street, there is only one lane available for traffic, and he would like to see this issue resolved. However, it is illegal to tow people who are parked on public streets. He said this is the Drift On Inn's fourth traffic study over the past year and a half, and the traffic going down 167th Street has been reduced, but not all parking has disappeared. He said he would like the owners of the Drift On Inn to review the situation and do whatever they can to address the concerns.

Mr. Mitchell explained that until the Drift On Inn's application is approved, the Racing Commission cannot begin their background checks. These checks can take over a month to complete.

Regarding the number of additional cars that would be associated with the off-track betting, Mr. Miller reminded the Commission that the Drift On Inn is limited by the City as to the number of people they can have in their facility at one time.

Commissioner McClelland inquired if there would be at least five people in the room who would agree to sit down and talk about how to spend the \$15,000 that has been set aside for traffic mitigation.

She said she would like to offer some certainty to the neighbors living along 167th Street, but she would be against postponing the Commission's recommendation until after the traffic and parking issues have been resolved. She felt this would take more time and could not be completed by the next meeting.

Commissioner Doering pointed out that none of the decision makers were present (police department, neighborhood traffic safety program). The Commission does not have the ability to mitigate the issue and provide certainty to the neighbors. The decision makers have to agree to get together to address the situation. The public wants certainty, but the Commission cannot solve the problem no matter how hard they try. Commissioner McClelland agreed that the Commission cannot solve the problem, but a combination of people present who care about the issue could get the ball rolling.

COMMISSIONER MACCULLY AMENDED HIS MOTION TO RECOMMEND THAT THE SPECIAL USE PERMIT BE APPROVED SUBJECT TO THE CONDITIONS BASED ON THE FINDINGS OF FACT AND CONCLUSIONS CONTAINED IN THE REPORT. COMMISSIONER SANDS SECONDED THE AMENDMENT.

Commissioner Kuboi clarified that Commissioner McClelland is suggesting that one condition be that a group be chartered with the presumption that everyone would deal with good faith and that collectively that group could come up with a set of conditions that would be satisfactory to all parties involved. However, those conditions are not known at this point and would not actually be in the Commission's recommendation to the City Council. Commissioner McClelland said she did not mean to suggest that this group meeting become a condition of approval. It should just be a tacit agreement that they need to keep the ball rolling. When the time is appropriate, the group could report

back to the Commission. Commissioner Kuboi said this would deprive the Commission of any type of jurisdiction or enforcement over the outcome of that process. Commissioner McClelland pointed out that the Commission has already been told that they do not have any control over this process.

Commissioner Kuboi said that if the Commission had time to work with a group of individuals to identify specific conditions, these conditions would be enforceable. Commissioner McClelland pointed out that, at this point, the Commission does not even know for sure that there is a problem. More research is necessary, and she suggested that the resolution should not be attached to the application.

Commissioner MacCully said he is willing to volunteer his time to work with the staff, the neighborhood and the applicant to resolve the issues related to traffic along 167th Street. But he does not want to make this effort a condition of approval.

Commissioner Kuboi inquired if it would be inappropriate for the special use permit to only be for one racing season. Based on the results of whatever the Commission considers over the coming months, the permit would be reviewed again before the next season. If this joint group comes up with an agreement, the Commission would then have an opportunity to revisit the issue and have a little more control over the situation. Ms. Markle explained that any condition that is attached to the Commission's recommendation of approval must be associated with how the application does not meet the criteria.

Commissioner Kuboi said he does not share Commissioner MacCully's interpretation of "intensification of use." He suggested that looking at the use from a City-wide perspective is inappropriate. Looking at the use from a neighborhood perspective, allowing the use to relocate to the Drift On Inn would intensify the impact to the neighborhood. If the use remains at Parker's, it would not have as significant impact on the 167th Street neighborhood.

Commissioner Sands said he believes the applicant has done everything possible to address the situation. They have put up a bond to work on the road, and they have allowed the immediate community to tap into their storm drainage system. In addition, they have complied with all of the terms and conditions of the City Code requirements. He said he has a concern about traffic on 167th, but unfortunately, he felt this is beyond the Commission's control. He said this seems to be a City problem rather than the applicant's problem. He recommended that the Commission approve the motion at this time with the caveat presented by Commissioners MacCully and McClelland that the parties meet together as soon as possible in an attempt to get the City to resolve the problems along 167th Street.

THE MOTION FAILED 3-4, WITH COMMISSIONERS MCCLELLAND, MACCULLY AND SANDS VOTING IN FAVOR AND COMMISSIONERS DOERING, KUBOI AND PIRO AND CHAIR DOENNEBRINK VOTING AGAINST.

Commissioner Sands said he feels that the applicant has been very gracious in offering to spend some time working with the neighborhood, City staff and the Commission to resolve the concerns. He felt the applicant is frustrated because they have done a lot of studies yet the Commission still does not have accurate information as to the concerns they want to have mitigated. He said he would welcome an opportunity to review the application further.

Commissioner Kuboi advised that if the Commission were to condition their recommendation and approve the special use permit for one year only, the applicant would be able to go forward to get the use in place for this year. In addition, the Commission and applicant would have the ability to address anything that might come up over the next year, as well as anything that could be done to alleviate the problems along 167th Street.

Ms. Markle said she sees a few pitfalls with approving the permit for one year only. For instance, how would the Commission assess after one year whether or not the use is a success and has met the conditions or not. She questioned if the applicant would be required to reapply for a special use permit once the year has expired. This would require an additional permit fee. She noted that while this might be acceptable, it is unprecedented, and she is not sure if it is legal. The Commission could make this recommendation and staff could seek feedback from the City Attorney.

Commissioner McClelland said the Commissioners who voted in favor of the last motion were in agreement that the burden is on the City to resolve the problems along 167th Street. Therefore, putting a one-year deadline on the applicant would have no impact.

Commissioner Kuboi agreed that Commissioner McClelland's line of logic is fine if the Commission agrees with the premise that the traffic is a City responsibility. However, he does not completely agree with that premise because of the concept of intensification. He believes there is intensification involved with this application in that they are getting to a critical point, and this additional use could take the traffic situation beyond that point.

Ms. Markle said that if the Commission is concerned about the parking situation, they could add a condition similar to what was done with the Club Hollywood application. This condition could require that a parking study be done after the racing use is started. If more parking is necessary, the City would identify the number of additional spaces needed and the applicant would have a set amount of time to provide this additional parking. However, it seems like the location of the parking is the major problem.

Ms. Markle said that the traffic concerns could be addressed using a similar condition as that used for Club Hollywood. This condition required traffic counts on 167th Street before and after the opening of Club Hollywood to see if the traffic increased. If traffic was increased, Club Hollywood would be responsible for a percentage of the improvements. But this is assuming that the neighborhood goes through the

Neighborhood Traffic Safety Program, which has been the holdup. She said she regrets that she cannot provide any alternatives at this point, but she is committed to talk with the Public Works Department to see if there are other ways to address the issues of the people living on 167th Street near the Drift On Inn.

Commissioner Sands inquired if the Commission could table their decision until the next meeting and allow staff to discuss alternatives that would address their concerns. If the City Council will not consider the application until March 22nd, the Commission could make their recommendation at least two weeks before the City Council's review. He would like to find a way to address the 167th Street concerns as part of their recommendation to the City Council. If they can't do this, he would recommend that the Commission recommend approval of the application as presented and then do their best to address the concerns on 167th Street.

Ms. Markle said that if the Commission were to postpone their decision until March 4th, there would still be time for staff to get their recommendation to the City Council in time for the March 22nd meeting. If the Commission does not act on the application on March 4th, staff would have to inform the City Council that the Planning Commission could not reach a recommendation.

Commissioner McClelland pointed out that if the Commission were to recommend approval so that the application could move forward and they agree to look into the 167th Street concerns, the City Council would have the ability to place conditions on the application during their review. The staff could present a report to the Commission at their next meeting that could then be taken to the City Council. The City Council could then place appropriate conditions on the application.

Commissioner Sands suggesting that the Commission postpone further action until the staff can propose additional conditions to address concerns that have been raised regarding 167th Street. The Commission could then take up their discussion by reviewing the proposed conditions.

Rather than starting their discussion on the application all over again, they could just deal with the additional conditions.

Ms. Markle pointed out that the Commission also has a public hearing on the Development Code amendments scheduled on their March 4th agenda. Perhaps the Commission should schedule a special meeting to continue their discussion on this application. Chair Doennebrink said he does not anticipate it would take a significant amount of time for the Commission to review the condition language proposed by staff and make a recommendation to the City Council on March 4th.

Mr. Frasier said the more time the Commission waits to make their recommendation the more time it will take to complete the process. They could come to a real fine line of getting the permit approved and having the facility ready for opening day. He said he would prefer that the Commission make a recommendation now so that he can let the Horse Racing Commission know that the permit is going to the City Council with a

recommendation so that they can begin the process. He said he realizes the Commission's concerns related to parking and traffic. It is important to understand that the times the parking would be needed for the off-track betting use are the times when the remainder of the casino activity is slow. Also, it is important to note that the valet parking lots are further away so there could end up being more parking available close to the establishment. The Horse Racing Commission is a governmental agency, and it takes time for them to complete their review. He said it is important that they are able to open the facility on April 16th since there are two big events coming up at that time.

Commissioner MacCully said it sounds like the one conditional use criteria that the Commission seems to be focusing on is Criteria 5, which states that the special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.

Mr. Mitchell agreed that 167th Street is almost a thoroughfare. He said that during the past summer they sat and counted the cars that turned on Aurora Ave and went down 167th Street. Of the approximately 90 cars they counted, only one turned into the Drift On Inn on the first day and three on the second. The street is being used constantly, but not all of the traffic can be attributed to the Drift On Inn. He said the applicant has met with the neighbors to review their plans. The neighbors made recommendations and the applicant has tried to implement their suggestions. They put in a left-turn only sign at the exit location. They also provided \$25,000 for a traffic study. They will put something on the street to slow the traffic down. He felt that stalling the application could create problems for the Drift On Inn's plans. They would continue to work to resolve the problems along 167th. However, he felt that on most days the maximum number of additional people would be 60 to 70 people.

Mr. Miller said it important for the Commission to consider whether or not the application meets all of the conditions as required by the Code. He said he believes they have, and said they would do everything feasible to mitigate the conditions. If there is a traffic issue, they would like to be a good neighbor and help the City to resolve the problem. However, because of the time frame involved, he asked that the Commission make a recommendation in favor of the application now.

Commissioner McClelland said her concern has nothing to do with the application, but everything to do with addressing 167th Street in general. This street is being used as a cut through street, and the Commission has expressed concern that with the intensification of Club Hollywood, there would be more traffic on that street. However, she could work on this situation with staff independent of the application before the Commission at this time.

COMMISSIONER MCCLELLAND MOVED THAT THE SPECIAL USE PERMIT BE APPROVED SUBJECT TO THE CONDITIONS BASED ON THE FINDINGS OF FACT AND CONCLUSIONS CONTAINED IN THE REPORT AND DEAL WITH NEIGHBORHOOD TRAFFIC AS A CONCEPT SEPARATE AND APART FROM THE APPLICATION. COMMISSIONER SANDS SECONDED THE MOTION.

Commissioner Doering said she would still vote against the motion because she needs to have more assurance that the neighborhood would be protected. The City has been unable to resolve the traffic situation thus far. Although the applicant has done what they need to do, she does not believe the neighborhoods need to put up with the impacts associated with this use. She noted that once the Interurban Trail is completed there would be more pedestrian traffic in the area. If the off-track betting use is moved to the Drift On Inn the traffic would increase and impact the neighborhood.

Commissioner Piro said he feels that if the Commission had time to obtain more information, they could progress with more comfort and certainty. He said he feels the Commission has been placed in a bind. Ms. Markle said that even if the staff and Commission could get together to figure out what the street improvements should be, there is a waiting list for capital projects. She could find out some of the additional information requested by the Commission within the next few weeks.

Commissioner Kuboi said his primary concern is related to parking. He believes that 167th is a cut through street, and any person who purchased a home on that street in recent years must have realized they were not buying a house on a quiet low traffic street. Short of putting in speed bumps, he did not feel there was a lot the City could do to regulate traffic flow. His primary concern is the cars that park on the street in order to patronize the Drift On Inn.

Commissioner Sands reviewed that the Commission has two opinions before them for consideration. The opinion of the applicant and the way the City calculates traffic says that if they come up with 56 additional spots, no additional impact would be created on 167th Street. But people from across the street have challenged the traffic calculations. He said his preference would be to assume that the applicants and the City staff, who have spent time and money to come up with the numbers, are correct. It seems that the applicant has gone through a great deal of effort to show that they would not further impact 167th Street. He said he is not suggesting that people don't park on 167th Street already. But if they provide 56 additional parking spaces, the situation would not be any worse than it is right now. On that basis, perhaps the Commission should not worry so much about the parking and they should approve the applicant's request.

Commissioner Piro said there has been an intensity of concern around the issues all evening, and he is still feeling a little befuddled that there is a motion for approval of the application on the table when all of the Commissioners have expressed the same concerns. While he is sensitive to the timeline, he feels he needs more information to reach the comfort level necessary in order for him to recommend approval of the application.

Commissioner MacCully said it is important that the Commission not hold the application hostage because of traffic problems on 167th, which may have been partially caused by the fact that there are two gambling casinos where people make illegal left

turns and travel on 167th Street. He suggested that the traffic congestion is caused primarily by 167th Street being a cut through street, and that is not the Drift On Inn's responsibility. He questioned whether they would be able to link all of these problems into the special use permit conditions. While the application would intensify the traffic and gambling use at the Drift On Inn, it would be balanced by a de-intensification of gambling and traffic at a location three blocks away, both along the Aurora Corridor.

THE MOTION FAILED 3-4, WITH COMMISSIONERS MCCLELLAND, MACCULLY AND SANDS VOTING IN FAVOR AND COMMISSIONERS DOERING, KUBOI AND PIRO AND CHAIR DOENNEBRINK VOTING AGAINST.

Commissioner Kuboi inquired if it is possible to vote on a one-year arrangement being subject to legal review by the City Attorney. If there is concurrence from the City Attorney, the Board's recommendation for a one-year arrangement could be forwarded to the City Council. Ms. Markle said this is possible, but there is a chance that the condition would be deemed illegal. Commissioner Kuboi suggested that a special meeting could still be scheduled in case the City Attorney indicates that a one-year arrangement would not be legal.

Ms. Markle said the Commission could make this recommendation. If the City Attorney determines that the recommendation is not legal, the staff would simply not support the Commission's recommendation for that reason and explain it to the City Council. She said the staff would prefer to have some sort of concurrence on the recommendation, but if they can't, that would be okay too.

COMMISSIONER KUBOI MOVED THAT THE SPECIAL USE PERMIT BE APPROVED SUBJECT TO THE CONDITIONS BASED ON THE FINDINGS OF FACT AND CONCLUSIONS CONTAINED IN THE REPORT WITH THE CAVEAT THAT THE SPECIAL USE PERMIT WOULD BE FOR THE PERIOD OF ONE SEASON WITH ONE CONDITION BEING A TRAFFIC AND PARKING STUDY THAT WOULD BETTER ASSESS THE IMPACT OF THE NEW INTENSIFIED USE.

COMMISSIONER SANDS SECONDED THE MOTION.

Commissioner Sands suggested that the applicant would have to be given a reasonable period of time to make other arrangements if the Commission decides to recommend that the special use permit not be approved for the 2005 season.

Commissioner Kuboi clarified that the Commission would be responsible to notify the applicant at the end of the 2004 season whether or not they would approve the application for the 2005 season. Commissioner Sands said the motion is beginning to sound a lot like the condition that was placed on Club Hollywood. This condition required that a parking study be done. If it was determined that not enough parking space was available, Club Hollywood would have to provide additional parking space in order to continue to operate their facility. Commissioner Kuboi said he would not want to limit this condition to the number of parking spaces. There may be plenty of parking spaces, but the patrons will still want to park on 167th Street because it is closer to the facility.

Commissioner McClelland clarified that the motion would be a provisional approval based on the results of a study that has yet to be done. The results of this study would then determine permanent approval. Commissioner McClelland said she could support a provisional approval that would give the Commission time to see how things go. Then they could revise the conditions if necessary.

Ms. Markle recommended that if the Commission were to schedule a special meeting, staff could find out from the City Attorney if a one-year arrangement would be feasible. They could also provide information about what could be done by the Public Works Department to address the issue. They could research the possibility of placing no parking signs along this street.

THE MOTION WAS WITHDRAWN.

COMMISSIONER MACCULLY MOVED TO TABLE THE MOTION UNTIL FEBRUARY 26, 2004, AT WHICH TIME A SPECIAL MEETING WOULD BE SCHEDULED. COMMISSIONER SANDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

Commissioner MacCully asked that staff provide guidance related to fairness issues and what the Commissioners should do to avoid ex parte communications. The Commission concluded that the Commissioners would not have the ability to discuss the situation with the applicant. Ms. Markle cautioned that if the Commissioners were to talk to the neighbors, this could be considered information outside of the public hearing process, as well. Technically, it would be better for the Commission to direct any of their questions or comments through the staff. The Commission directed the staff to schedule a special meeting on February 26th.

CITY OF SHORELINE

**SHORELINE PLANNING COMMISSION
SUMMARY MINUTES OF SPECIAL MEETING**

February 26, 2003
Conference Center
7:00 P.M.

Shoreline
Board Room

PRESENT

Chair Doennebrink
Vice Chair Harris
Commissioner Gabbert (Arrived at 8:15)
Commissioner Kuboi
Commissioner MacCully
Commissioner McClelland
Commissioner Sands
Commissioner Piro
Commissioner Doering

STAFF PRESENT

Rachel Markle, Planning Manager
Matt Torpey, Planner II
Lanie Curry, Planning Commission Clerk

1. CALL TO ORDER

The regular meeting was called to order at 7:00 p.m. by Chair Doennebrink.

2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Doennebrink, Vice Chair Harris, Commissioners Kuboi, MacCully, Sands, McClelland, Piro and Doering. Commissioner Gabbert arrived at 8:15 p.m.

3. APPROVAL OF AGENDA

COMMISSIONER PIRO MOVED TO APPROVE THE AGENDA AS PROPOSED. COMMISSIONER SANDS SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.

UNFINISHED BUSINESS

a. Planning Commission Deliberation of Drift On Inn Special Use Permit to Intensify a Non-Conforming Gambling Use by Adding Off-Track Wagering

Chair Doennebrink reviewed that this was continued from the last meeting of December 19th. The Public hearing portion had been concluded, and the Commission decided to continue their deliberations to allow staff an opportunity to address their concerns and questions.

Matt Torpey recalled that at the February 19 meeting, the Planning Commission asked him to review some options related to no-parking signage on 167th Street North. He said he worked with the Police Department and the Public Works Department on this issue, and they have come up with a plan that they feel would address the concerns of the Commission and the neighbors living along 167th Street. He provided an illustration of their proposed plan, which identifies three different areas for no parking. The first would be located on the north side of 167th Street between Aurora Avenue and the Seattle City Light right-of-way and directly south of the Drift On Inn. The second area would be on the south side of 167th Street between Aurora Avenue and 30 feet east. The third area involves the long stretch that is across the street from the Cemetery on the south side of 167th between Aurora and Stone Avenues.

Mr. Torpey advised that the Public Works Department investigated this situation and found that parking on the south side of 167th Street North between the Seattle City Light right-of-way and Stone Avenue impedes traffic flow since cars tend to park in the lane of travel. They agreed that this area should be signed for "no parking at any time." However, they found that parking on the north side of 167th Street along the cemetery would be out of the travel lane and would not pose an impediment to traffic movement. He noted that the Public Works Department has plans to regrade and gravel the right-of-way portion by the cemetery this spring to make it more adequate for parking and resolve potential drainage problems.

Mr. Torpey also reiterated that the City's Neighborhood Transportation Safety Program is committed to work with this neighborhood and currently has \$10,000 committed to the program that would be used once the neighborhood moves to Phase II of the program, which is physical implementation of traffic control devices.

Mr. Torpey reminded the Commission that they asked staff to research the possibility of an "open-ended" special use permit. The City Attorney has confirmed that there is precedence for an open-ended permit with a condition to review the application at a later date. He noted that staff drafted a potential condition to implement this concept for the Commission's consideration (Condition 6 in the Staff's Memorandum).

Chair Doennebrink inquired if Seattle City Light is currently in the process of reviewing the frontage improvements. Mr. Torpey said he spoke with a representative from Seattle

City Light, and he indicated that he has not received the plans. However, he does know about the frontage improvements. He indicated that he does not foresee any potential problems with the proposed improvements.

Mr. Torpey emphasized that these improvements were required as part of Club Hollywood's permit approval. No portion of the proposal currently before the Commission would impact the Seattle City Light right-of-way. Chair Doennebrink recalled that, as part of the staff's recommendation, the applicant would be required to provide lighting as a condition of approval.

If the Commission were to forward a recommendation to the City Council that they approve an open-ended special use permit, Commissioner Piro inquired if the recommendation would have to include the conditions that would be used for review at the end of the nine-month period. Or could the conditions be developed at a later point in time? Ms. Markle said it would be preferable for the Commission to provide some benchmarks and reasons why they would consider denying the permit in the future.

Commissioner MacCully reminded the Commission that there was a motion on the floor that was tabled at the last meeting. This motion was to recommend that a special use permit be approved subject to the conditions and based on the findings of facts and conclusions contained in the staff report, which included four special conditions.

COMMISSIONER MACCULLY MOVED THAT THE COMMISSION AMEND THE MOTION MADE ON FEBRUARY 19TH BY COMMISSIONER KUBOI BY ADDING CONDITIONS FIVE AND SIX AS OUTLINED IN THE STAFF REPORT. COMMISSIONER SANDS SECONDED THE MOTION TO AMEND.

Commissioner MacCully thanked the staff for their quick response to the Commission's concerns. He noted that, as discussed earlier by Commissioner Piro, the Commission does need to establish a timeline and criteria to be used when the permit is considered in the future. He requested that staff provide clarification about what needs to be done in this regard.

Commissioner McClelland suggested that the results of the traffic study and analysis conducted during the season could be used by the Commission to determine whether or not they need to add conditions or reconsider the special use permit.

Commissioner Sands expressed his opinion that the Commission does not need to provide any more language than what was provided in Condition 6, which indicates that studies would be done. As per the proposed language, the City of Shoreline Planning Department would bring a recommendation to the Planning Commission at the end of the horseracing season as to whether or not the use should be allowed to continue. This recommendation would be based on the required traffic study. The Commission could deal with any impacts at that point. Commissioner Piro agreed that Conditions 5 and 6 adequately meet the Commission's intent.

Mr. Torpey noted that Condition 6 would prevent the applicant from having to reapply for a special use permit at the end of the season. He advised that as outlined in the condition, the applicant would be required to provide a deposit for traffic and parking studies that would be conducted on a Thursday, Friday and Saturday, as well as an additional Saturday that contains one of the three big races.

Commissioner Kuboi referred to Condition 5 and suggested that the second sentence should be rewritten to read: "Shall be installed prior to April 15, 2004 per the City Engineering Standards."

Commissioner Kuboi inquired if the Commission would need to articulate the conditions under which they would or would not approve the special use permit at the conclusion of the traffic study. Mr. Torpey replied that this would be necessary. He said his understanding is that staff would come back with a recommendation based on the traffic study. If the Commission finds that the existing conditions, with the added off-track wagering, do not meet Condition 5 they could recommend denial. Commissioner Kuboi inquired if the Commission would be in any less of a position to deny the special use permit because the operation had been allowed to occur for one season. Mr. Torpey said he is not qualified to answer that legal question. Ms. Markle reminded the Commission that the City Attorney has indicated that there is precedence for an open-ended special use permit. However, there could be a potential problem. She recalled a similar case with Parkers Casino in which the use was already started. This situation went to court, but the City did eventually win the case and Parkers Casino was required to obtain a special use permit.

Commissioner McClelland suggested that if the study indicates that more parking spaces were needed, the applicant would find these spaces. She cautioned against sending the message that the Commission is already anticipating hammering down on this use. The Commission should be open minded about the result of the traffic study and analysis and go from there.

Commissioner Kuboi inquired if the results of the new traffic study would be compared with the traffic study that has already been done by the applicant. Mr. Torpey clarified that the new traffic study would provide level of service details, trip generation counts and a parking analysis for the conditions as they exist on the days identified. He advised that the study that was done by the Drift On Inn for this application would be used as a baseline for identifying the additional traffic impacts associated with the use.

Commissioner Piro suggested that the Commission and staff could do a better job of reviewing these types of issues in the future. He said that several new concerns came to light as he spent time reviewing the special and conditional use permit requirements, as well the City's actual gambling ordinance. He suggested it would be good for the Commission to pay more attention to the code requirements. He also encouraged the staff to address the issues as thoroughly as possible. At the last meeting, the Commission received very little information related to the gambling ordinance in the packet that was provided prior to the hearing. The Commission would have benefited from a full

discussion of where this particular project would stand in light of the current ordinance. He recalled that at the last meeting, the Commission had different viewpoints for what would constitute intensification of a use, but this was not addressed in any of their materials.

Commissioner Piro said the Commission spent a lot of time talking about conditional uses surrounding parking, and guidance is provided in both the code and ordinance around the use, per say. However, he has a hard time trying to see where Para mutual betting would satisfy a regional land use, which should be the primary purpose of the Commission recommending approval of a special use permit.

In addition, Commissioner Piro said the Commission did not establish any good information on what concentration means, and this could have come into play with this application since there are already five gambling establishments in Shoreline..

Commissioner Piro reminded the Commission that the community is very concerned about their neighborhoods. The Commission has raised this issue on numerous occasions. He suggested that when applications that involve impacts on the community and adjacent properties are being considered, it would be wise for staff to extend their review and consider the impacts to the neighborhoods, even those that are not immediately adjacent. The memorandum that was provided by the staff a few days ago to identify solutions to neighborhood parking and traffic concerns is a good example of what he would like to see for all applications.

Chair Doennebrink reminded the Commission that the motion is to recommend approval of the staff proposal with the additional two conditions that were outlined in the memorandum from staff regarding signage and the traffic and parking study.

THE COMMISSION APPROVED THE MOTION 5-2, WITH COMMISSIONERS MCCLELLAND, KUBOI, MACCULLY, SANDS AND CHAIR DOENNEBRINK VOTING IN FAVOR AND COMMISSIONERS DOERING AND PIRO VOTING IN OPPOSITION. VICE CHAIR HARRIS ABSTAINED SINCE HE WAS NOT PRESENT AT THE PUBLIC HEARING OF FEBRUARY 19, 2004. COMMISSIONER GABBERT WAS ABSENT.

Attachment D

Proposed Ordinance 347

**Exhibit 1: Planning Commission Findings,
Conclusions, and Decision.**

Exhibit 2: Special Use Permit Conditions

ORDINANCE NO. 347

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON APPROVING A SPECIAL USE PERMIT FOR THE PURPOSE OF INTENSIFYING A NONCONFORMING GAMBLING USE BY ADDING SATELLITE OFF TRACK WAGERING AT 16708 AURORA AVENUE NORTH

WHEREAS, certain property, located at 16708 Aurora Avenue North, is designated on the Zoning Map as Regional Business, and on the Comprehensive Plan Map as Community Business; and

WHEREAS, gambling as a use is permitted at 16708 Aurora Avenue North as a nonconforming use; and

WHEREAS, nonconforming gambling uses may be expanded or intensified through the approval of a Special Use Permit; and

WHEREAS, owners of certain property, located at 16708 Aurora Avenue North have filed an application for Special Use Permit for the purpose of intensifying the existing nonconforming gambling use by adding satellite off track wagering; and

WHEREAS, on February 19, 2004, a public hearing on the application for Special Use Permit was held before the Planning Commission for the City of Shoreline pursuant to notice as required by law; and

WHEREAS, on February 19, 2004, the Planning Commission recommended approval of the special use permit and entered findings of fact and a conclusion based thereon in support of that recommendation; and

WHEREAS, upon consideration of the application and the Planning Commission recommendation, the City Council has determined that the Special Use Permit application for the property located at 16708 Aurora Avenue North is approved;

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

Section 1. Findings. The Findings and Conclusions of the Shoreline Planning Commission as attached hereto as Exhibit 1 are hereby adopted.

Section 2. Special Use Permit. A Special Use Permit is hereby approved for the intensification of a nonconforming gambling use to add satellite off track wagering to 16708 Aurora Avenue North subject to the conditions in Exhibit 2.

Section 3. Severability. If any provision of this ordinance or the application of a provision to any person or circumstance, is declared invalid, then the remainder of this Agreement, or the application of such provision to other persons or circumstances, shall not be affected.

Section 3. Effective Date. This ordinance shall go into effect five days after passage, and publication of the title as a summary of this ordinance.

PASSED BY THE CITY COUNCIL ON MARCH 22, 2004.

Mayor Ronald B. Hansen

ATTEST:

APPROVED AS TO FORM:

Sharon Mattioli
City Clerk

Ian Sievers
City Attorney

Date of Publication: March 25, 2004
Effective Date: March 30, 2004

PLANNING COMMISSION FINDINGS AND DETERMINATION

Exhibit 1

Findings and Determination of the City of Shoreline Planning Commission

Drift on Inn Casino's Special Use Permit , File #201280

Summary-

Upon reviewing the application for the Special Use Permit to allow for off-track wagering at the Drift on Inn, the City of Shoreline Planning Commission did find and determine that the application was in compliance with City codes and not detrimental to the health safety and welfare of the City of Shoreline, and therefore recommended:

APPROVAL OF THE SPECIAL USE PERMIT APPLICATION AS RECOMMENDED BY STAFF AND CONDITIONED BY THE PLANNING COMMISSION.

I. FINDINGS OF FACT

1. Project Description-

- 1.1 Action: Special Use Permit to allow for the intensification (addition) of satellite off track wagering
- 1.2 Vicinity: 16708 Aurora Ave North
- 1.3 Parcel Number: 072604-9081
- 1.4 a.) The subject property has a land use designation "Community Business" as identified on the City of Shoreline's Comprehensive Plan Land Use Map.
b.) Zoning for the subject property is Regional Business.

2. Procedural History-

- 2.1 Pre-Application meeting held: December 22, 2003
- 2.2 Neighborhood meeting date: January 5, 2004
- 2.3 Application Date: January 16, 2004
- 2.4 Complete Application Date: January 23, 2004
- 2.5 Public Notice of Complete Application and Public Hearing: January 28, 2004
- 2.6 End of Public Comment period: February 11, 2004
- 2.7 Planning Commission Public Hearing: February 19 and 26, 2004
- 2.8 City Council Public Meeting: March 22, 2004

3 Public Comment-

- 3.1 A total of three comment letters were received in response to the proposed project. Five citizens provided testimony at the hearing. The letters and

testimony focused on parking and traffic in the area, as well as Parker's Casino employees testifying as to the appropriateness of placing off track wagering at the Drift on Inn.

4 SEPA Determination-

- 4.1 A SEPA determination was not required for this Special Use Permit pursuant to WAC 197.11.800(3):

5. Consistency-

- 5.1 The application has been evaluated and found to be consistent with the nine criteria listed in Shoreline Municipal Code Section 20.30.330 (B) and the supplemental index criteria for gambling uses in Section 20.40.372.
- 5.2 This Special Use Permit does not constitute approval for any development proposal.

II. Conclusions

1. The use will provide a public benefit or satisfy a public need of the neighborhood, district or City.

The proposal as conditioned will allow adjacent properties to utilize the on site storm drainage system on the Club Hollywood property, which is also owned by the applicant. This condition will alleviate known drainage and flooding problems on parcels to the north of the property. Additionally, the application as conditioned should reduce neighborhood parking and traffic concerns.

2. The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas.

The subject property is located adjacent to Aurora Avenue North and is zoned Regional Business. The Regional Business zone permits a mix of commercial uses.

Uses to the North: Club Hollywood Casino

Uses to the South: AAMCO Auto Repair

Uses to the East: Hadath Cemetery; Residential

Uses to the West: Mix of retail uses

Based on the above list of uses a restaurant, bar with a card room and off track wagering is found to be compatible with surrounding uses.

3. The special use will not materially endanger the health, safety and welfare of the community.

The project as conditioned will address the issues raised concerning vehicular and pedestrian safety.

- 4. The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity.**

Although the proposed use of bar with a card room and off track wagering would be located next to Club Hollywood Casino, staff does not feel that this meets the definition of a detrimental over concentration of a particular use. Considering that the use is currently allowed at Parker's Casino and is proposed to transfer the use to the Drift on Inn, the level of gambling intensity in the City will remain unchanged.

- 5. The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.**

Parking

Based on the parking calculations prepared by Gabbert Architects and submitted as part of the Special Use Permit application, a total of 196 parking spaces are required for the existing and proposed uses to meet the Shoreline Development Code. The Drift on Inn currently has 140 parking spaces, 56 additional spaces are required to bring the Drift on Inn into compliance with Shoreline's parking code. Condition #4 requires the Drift on Inn to enter into parking agreements with adjacent properties to provide adequate parking for the Casino. Additionally, Condition #5 as proposed should improve the traffic and parking conditions in the neighborhood. Placing no parking any time signs along identified problem areas on 167th Street North will provide a benefit to the neighborhood. The increase in available parking, combined with the additional utilization of free valet parking services should alleviate any overflow parking that may occur on North 167th Street.

Traffic and Pedestrian Safety

The traffic study prepared by Transportation Planning & Engineering, Inc for the applicant, indicated that the addition of satellite off track wagering would likely increase the number of p.m. peak hour trips (trips attributed to the project site between the 6:00-7:00 p.m.) from 86 trips currently to 107 trips on weekdays and a similar amount on weekends. This increase represents less than a 1% increase in traffic volume on Aurora Avenue North and according to the traffic engineer that prepared this study, would not represent a noticeable increase in activity by the average driver traveling on Aurora Avenue. To ensure that traffic and pedestrian safety are not compromised by the approval of this application, Condition #6 requires that traffic and parking conditions be reevaluated during the racing season. The Special Use Permit as recommended by the Planning Commission will remain open ended and is to be revisited for additional consideration by the Planning Commission and council after the end of the racing season.

While not associated with this permit application, it should be noted that as a condition of approval for construction of the Club Hollywood Casino, North 167th Street will have curb, gutter, sidewalk and amenity strip installed from Aurora Avenue east to the Seattle City Light right of way. General pedestrian safety in this area will improve as a result. Construction of this improvement is scheduled to begin prior to March 31st.

- 6. The special use will be supported by adequate public facilities or services and**

will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts.

Since the project proposal does not include the expansion of the building – sewer and water certificates were not required. The Shoreline Fire Department reviewed this application and confirmed that there is adequate water flow and fire protection to serve this site.

- 7. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties.**

Not applicable: No construction is proposed as part of the application.

- 8. The special use is not in conflict with the policies of the Comprehensive Plan or the basic purpose of this title.**

The Comprehensive Plan does not have any policies that specifically relate to gambling. The proposed project as conditioned does support such Comprehensive Plan policies as:

- LU1: Preserve environmental quality by taking into account the land's suitability for development and directing intense development away from natural hazards and important natural resources.
- LU39: Ensure vital and attractive commercial areas through public/private investments including: pedestrian amenities and street aesthetics, such as trees, benches, etc.; adequate transportation services such as bus routes, parking, roads, loading and delivery zones, bicycle and pedestrian routes; public spaces such as plazas, pocket parks, intersection treatments and amenities, and public squares; appropriate signage excluding billboards; transportation demand management programs such as carpooling and bus usage; and gateway treatments and public art.

- 9. The special use is not in conflict with the standards of the critical areas overlay.**

Based on the information supplied by the property owner and the critical area maps available at the City of Shoreline, the proposed project does not appear to be located in any known critical area.

III. Recommendation

The Planning Commission recommends that the Special Use Permit be approved subject to the conditions based on the findings of fact and conclusions contained in this report.

City of Shoreline Planning Commission



Chairperson

Date: 3/8/04

Exhibit 2

Conditions- Drift on Inn Casino SUP #201280

1. The onsite trash collection enclosure shall be brought into compliance with SMC 20.50.150. This requires the receptacle to be fully enclosed and hidden from public view. The method of enclosure shall be construction of wooden enclosure on three sides with self-closing doors on the fourth side. The height of the enclosure shall be six feet. This condition shall be met within 30 days of the approval of the Special Use Permit or shall be considered a violation of the Development Code and subject to code enforcement action.
2. The parking lot lighting for the Drift on Inn Casino shall be brought in to compliance with SMC 20.50.260. The parking lot lighting shall be shielded to protect adjacent properties from glare. The applicant shall provide the City with a parking lot lighting plan within 30 days of approval of the Special Use Permit. This condition shall be met within 30 days of the approval of the Special Use Permit or shall be considered a violation of the Development Code and subject to code enforcement action.
3. An easement shall be recorded against the title of Club Hollywood Casino, parcel number #072604-9086 for access and use of the on site storm drainage bypass system by adjacent properties that was installed as part of Club Hollywood's construction.
4. The property owner shall record an agreement for shared parking encompassing all of the required parking for the Drift on Inn Casino that is located on other parcels of land within 30 days of approval of this application. The total number of spaces required to bring the Drift on Inn Casino to compliance is 56. The agreement shall include the duration of the parking agreement, terms for renewal, terms for revocation, number of shared parking spaces, hours of operation for each use sharing the parking spaces, and other limitations. This document shall be recorded and a copy shall be provided to the City prior to permit issuance. In the event that a shared parking agreement is terminated during the time this use is in existence, the property owner shall have 45 days from approval of this application to locate and secure parking to replace those spaces that are required as part of this permit. If the property owner is unable to comply with this condition, it shall be deemed a code enforcement issue subject to the City's development code enforcement provisions in affect at the time of the violation.
5. Signage shall be installed at the following locations along 167th Street North:
 - "No Parking" signs on the North side of 167th Street from the western boundary of the Seattle City Light Right of Way and Aurora Avenue North.
 - No Parking" signs on the South side of 167th Street between Aurora Avenue North and 30 feet east on 167th Street North.
 - "No Parking" signs on the South side of 167th Street North from the eastern most boundary of the Seattle City Light Right of Way to Stone Avenue NorthThe signs shall read "No Parking Any Time" and shall be installed prior to April 15, 2004 per the City's engineering standards.

6. The approval of this SUP permit is granted for the 2004 horse racing season, March 27, 2004 – October 1, 2004 based on the outcome of a parking and traffic study to be funded by the applicant. A deposit of \$2,500 shall be required to be submitted in the form of a financial guarantee on or before April 15, 2004. If the actual cost of the study exceeds \$2,500, the applicant shall pay the balance. This study shall investigate the impacts of off track wagering on both the casino parking lot and 167th Street North. The traffic study shall be conducted on a Thursday, Friday, and Saturday as well as an additional Saturday on the weekend of the Kentucky Derby, Breeder's Cup, or Preakness. After the end of the 2004 horse racing season, the City of Shoreline Planning Department shall bring a recommendation to either continue to allow or not allow off track wagering before the Planning Commission for reconsideration, with final approval by the City Council.