

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

<p>AGENDA TITLE: Ordinance on the Midvale Avenue N. Street Vacation</p> <p>DEPARTMENT: Planning & Development Services</p> <p>PRESENTED BY: Tim Stewart, Director Paul Cohen, Planner III <i>plc</i></p>

PROBLEM/ISSUE STATEMENT:

On July 19, 2004, City staff initiated a Street Vacation to the City Council to set a public hearing date with the Planning Commission on August 19, 2004. The right-of-way to be vacated is located on Midvale Avenue from N. 185th Street to 170 feet south and the full 45 foot width (see Ordinance No. 358, Exhibit A: Vacation Map). The SGA Corporation owns the abutting property to the east. Seattle City Light owns the abutting property to the west. City staff has coordinated with affected utilities and analyzed future City plans for the area in question, and is recommending approval of this request (see Vicinity Map, Attachment A).

The process for reviewing street vacations is described in Section 20.30.070 of the Shoreline Development Code and through State law (Chapter 35.79 RCW). State law requires Council to pass a resolution fixing the time for a public hearing (which was completed on August 19, 2004) and final Council action on the proposed vacation. A detailed description of the vacation and staff analysis of how it meets the decision criteria for a vacation can be found in the attached Planning Commission report (Attachment B).

Planning Commission

The Shoreline Planning Commission conducted a public hearing on the proposed street vacation on August 19, 2004 (Attachment C: Planning Commission August 19th minutes). In the Planning Commission's Findings and Determinations (Attachment D) they recommend approval of the proposal with amended conditions and recommended more analysis of the Comprehensive Plan policies beyond what was provided in the Planning Commission staff report.

The Planning Commission amended the proposed conditions of approval to delete a condition on the location and approval of the closure of N 183rd Street and the proposed main entry off Aurora Ave. N. Their reason was that it was not relevant to the vacation and realignment of Midvale and because the issue of site entry can be resolved during the development review phase. In addition, the Commission amended condition 4 so that Area 2 meets City street standards. The ordinance includes the substance of the Planning Commission conditions with some editing to remove redundancy and provide clarification.

In response to the Planning Commission request for additional analysis of the Comprehensive Plan policies, staff has included additional analysis in this report. The following policies were cited by the commission as applicable to the proposed street vacation.

- Goal LU VIII: To direct the changes in the Aurora Corridor from a commercial strip to distinctive centers with variety, activity, and interest by:
 - Balancing vehicular, transit and pedestrian needs
 - Creating a “sense of place” and improving image
 - Protecting neighborhoods
 - Encouraging businesses to thrive
- LU48: Ensure the street design and urban design in general is distinctive in the center part of the Corridor, from 175th and 185th.
 - Using a strategy based on sound market principles
- LU53: Encourage a broad mix of uses in close proximity to create retail synergy and activity.
- LU56: Negotiate with Seattle City Light and work with City Light R-o-W leaseholders to obtain an easement to develop a non-motorized Interurban Trail and other public amenities from n. 145th to N. 200th streets.

Analysis

For the most part, the above policies support the proposed street vacation. Under Goal LU VIII, the proposed street vacation balances pedestrian and vehicular needs by improving the access and utilization of Midvale, adding substantial pedestrian facilities, and allowing some mix of pedestrians and vehicles. The realignment of Midvale with other circulation adjustments is designed to discourage cut-through traffic in the adjacent neighborhoods. The street vacation will encourage businesses to thrive by opening the site to Aurora access and provide controlled access points at N 183rd and N 185th streets.

Under Policy LU48, the proposed design would realign Midvale from a straight, under capacity roadway into one that is integrated with development, business access, parking, and pedestrian use of the area. The vacation will trigger the construction of the Interurban Trail, which is connected to parking and pedestrian access to future commercial activity as well as circulation through the area.

Under Policy LU53, the street vacation cannot assure but may encourage a broad mix of uses to create retail synergy. The redevelopment of the former QFC site may trigger a response by other commercial uses to locate or upgrade existing businesses in the vicinity.

Under Policy LU56, the proposed street vacation is conditioned to require the construction of the Interurban Trail between N. 183rd and N. 185th streets.

- September 13, 2004: City Council closed record public hearing and action on an ordinance of street vacation (Planning Commission and Staff recommended Ordinance No. 358, Attachment E).

FINANCIAL IMPACT:

Approval of the Street Vacation ordinance by City Council would entitle the City to monetary or other consideration for the vacation. Planning Commission and Staff recommends that the Petitioner's dedication of alternate access through the development parcel be accepted as adequate consideration payment.

RECOMMENDATION

Planning Commission and Staff recommends that City Council adopt Ordinance No. 358 approving the vacation of Midvale Avenue N. Street as defined in Exhibit A located between N. 183rd and N. 185th Streets subject to conditions.

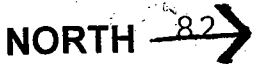
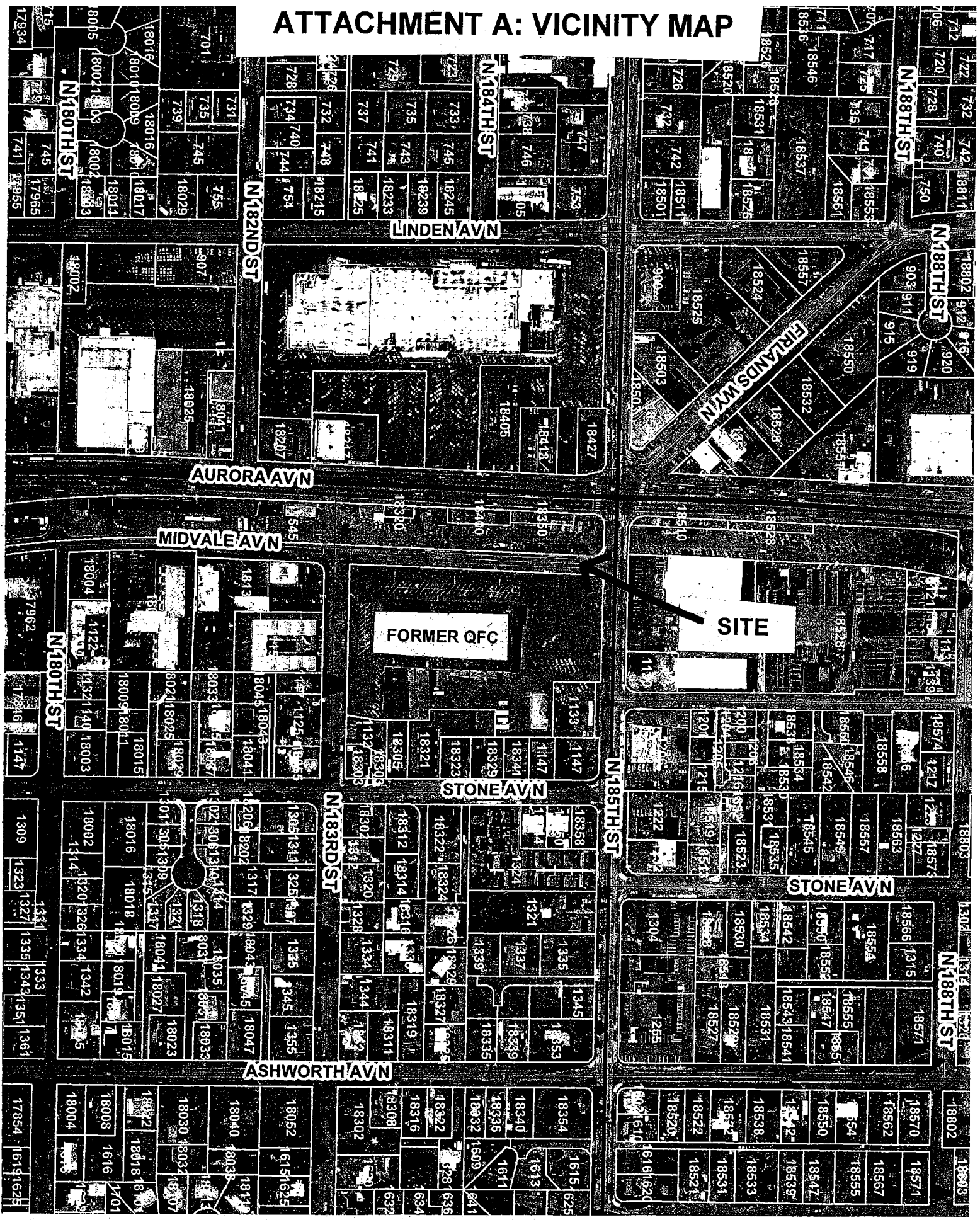
ATTACHMENTS:

- Attachment A: Vicinity Map
- Attachment B: Planning Commission Staff Report
- Attachment C: Planning Commission August 19, 2004 Minutes
- Attachment D: Planning Commission Findings and Determination
- Attachment E: Ordinance No. 358
- Exhibit A: Vacation / Dedication Area Map

Approved By:

City Manager  City Attorney 

ATTACHMENT A: VICINITY MAP



Planning Commission Meeting Date: August 19, 2004

Agenda Item:

**PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON**

AGENDA TITLE: Type C Action – Quasi-judicial Public Hearing to vacate a portion of Midvale Avenue N between N 183rd and N 185th Street.

DEPARTMENT: Planning & Development Services

PRESENTED BY: Paul Cohen, Senior Planner

PROPOSAL

On July 19, 2004 staff presented to Council a city-initiated street vacation for a 170-foot portion of Midvale Avenue N south of N 185th Street. Council adopted Resolution 220, which initiates the street vacation process and fixes a public hearing date before the Planning Commission.

The applicant for the redevelopment of the former QFC site has requested the vacation of the north 170-foot portion of Midvale Avenue N. Right-of-Way (R-o-W) up to N. 185th Street. One of the significant recommendations contained in the Draft Central Shoreline Subarea Plan was the rerouting of Midvale Avenue N. between N. 183rd Street and N. 185th Street to align Midvale with the Midvale section north of N. 185th Street. It was anticipated that any private redevelopment of the former QFC site would be required to provide for the realignment of Midvale Avenue N. (See pages 30 and 31 from the Draft Central Shoreline Subarea Plan, Attachment A.) The existing Midvale Avenue N. between the proposed vacation and N. 183rd and N. 185th streets could be utilized for access, parking, landscaping, and possible realignment of part of the Seattle City Light R-o-W if needed. Under WAC 308-330-270 (7) the Council is required to act on a public street vacation upon a traffic engineering study.

The process for reviewing street vacations is described in Chapter 12.17 of the Shoreline Municipal Code and through State law (Chapter 35.79 RCW). State law allows Council to pass a resolution to initiate a street vacation and requires a resolution fixing the time for a public hearing on the vacation before the Planning Commission. The City Attorney has advised that this application be processed as a quasi-judicial action due to the apparent benefit to a single property owner. Planning Commission is the body required to hold an open record hearing, enter findings and make a recommendation based on the merits of the proposal and the decision criteria. The Council then holds a closed record meeting. No new testimony on the merits of the proposal will be taken by the Council in evaluation the proposal. The City Council will then utilize your recommendation when they take final action on the application September 13, 2004 in a closed record hearing.

RECOMMENDATION

Staff recommends that the Planning Commission enter findings and conclusions to recommend approval for the Midvale Avenue N vacation approximately 170 feet south of N 185th Street with the conditions contained within this report (Attachment D: **Draft** Planning Commission Findings of Fact and Conclusions).

DISCUSSION

Background

Staff has met with the applicant for redevelopment of the former QFC site numerous times over the past six months to discuss different alternatives and discuss possible agreements so that the site may be redeveloped. On January 6, 2004 staff responded with a formal letter outlining the major issues and city requirements for redevelopment. Staff met with Council at the June 28, 2004 workshop to present information on the Gateway Plaza proposal, which includes the vacation of a portion of Midvale Avenue N. and its realignment through the applicant's property.

Staff held a pre-application meeting with the applicant on December 18, 2003. The applicant held a neighborhood meeting February 19, 2004. The property owner submitted applications for building permits, demolition, site construction, and rights-of-way on May 4, 2004. All applications, other than demolition, were determined incomplete May 12, 2004 until supplemental information and development authorization was submitted for Midvale Ave. N. and Seattle City Light R-o-W. Since then only supplemental information has been submitted. City staff has agreed to begin review of these applications but will not issue permits until they are complete and Council grants vacation of Midvale Avenue N.

On June 28, 2004 the Council held a workshop to learn more about plans to redevelop the Gateway Plaza. At the July 19, 2004 meeting Council adopted a resolution to authorize the Planning Commission to hold a public hearing on a proposed vacation of a portion of Midvale Avenue N. A public hearing notice and request for written comments on the street vacation was advertised and posted on July 28, 2004. A total of six written comments were received. Please see Attachment B.

Proposal Benefits

The overall Gateway project proposes to redevelop the former QFC site including the tavern and taxi company, Midvale Avenue N., and Seattle City Light property with a 15,300 square foot pharmacy and a 49,260 square foot multi-tenant commercial building with approximately 300 parking stalls. It would also involve removal of the buildings in the Seattle City Light R-o-W, construction of the Interurban Trail and landscaping as well as frontage improvements including landscaping on Aurora Avenue, N 183rd and N 185th streets.

Specifically, the applicant is requesting that the City vacate a portion of Midvale Avenue N. to allow private use within the Midvale R-o-W. As a condition of approval, the City would need to retain the right to repurchase up to 15 feet of this R-o-W to replace R-o-W that Seattle City Light might lose if Aurora Avenue N. were to shift east as a part of

the Aurora Corridor improvements. There are also utilities in the Midvale Avenue N. R-o-W that the City would need access to maintain.

The vacation is also an opportunity to reroute traffic circulation and unsafe turning movements on to and off of N. 185th Street to an intersection further east to align with Midvale Avenue on the north side of N. 185th Street. The applicant of Gateway Plaza would like to close the intersection of Midvale Avenue. N. and N. 185th Street so that they can coordinate more direct access to their site from N. 183rd Street and Aurora Avenue N. and create more parking in the Midvale R-o-W as well as on Seattle City Light property. For the proposal to function various access easements will have to be granted by the property owner to the City in order to connect Midvale Avenue N. through the applicant's site to the new intersection at Midvale Avenue N north of N 185th Street.

Although the Central Shoreline Subarea Plan has not been formally adopted, it has served as guidance for Council and staff in planning for this section of Shoreline. In the subarea plan the "Gateway Site" is identified for redevelopment with a 5-year and 25-year vision. In either vision, "the plan proposes a private drive through the site that has the character of a street and provides public access as well as through-connectivity. Aligning Midvale Avenue N. at a new signal at N. 185th Street allows for full access and connects the Midvale Main Street with future development at Echo Lake and the Shoreline Park and Ride to the north."

Traffic Analysis

Staff's goals are that the realigned Midvale Avenue N.: "looks and functions like a street"; site access points are placed to improve traffic safety and flow; that it accommodates the future widening of Aurora Avenue N.; and possible traffic spill-over into the adjacent residential neighborhood is mitigated. Staff has reviewed the applicant's traffic impact analysis and the City's own information and determined that the realignment of Midvale Avenue N. through the site will work with the other circulation needs in the vicinity as modified and conditioned by staff.

Midvale Avenue N Design (See Attachment C)

Area 1 – North Portion Of Midvale Avenue N.: The applicant has requested a street vacation 170 feet south on Midvale Avenue N. from N. 185th Street to allow for a parking lot and landscaping. The Midvale Avenue N. R-o-W is 45 feet wide. If vacated, the City will require reversionary rights on the property in the event that Seattle City Light R-o-W needs to shift east 15 feet to accommodate the future widening of Aurora Avenue N. A utility easement will also be required on this property for existing underground utilities. No access to or from N 185th Street onto Midvale Avenue N. will be allowed.

Area 2: South Portion: Street will remain City R-o-W. Applicant will be required to build a street cross section of two – twelve foot minimum travel lanes subject to parking design, with curbs and landscaping. Parking may be allowed if adequate distance is given to allow safe parking movements on Midvale Avenue N. Any parking in the Seattle City Light R-o-W may be allowed but may be moved to accommodate changes in their R-o-W and pole relocation. The requirement for sidewalks can be met with the Interurban Trail to the west and an 8-foot sidewalk on the east side of Midvale Avenue

N. or an unobstructed easement along the building front. Walkways from the Interurban Trail, across Midvale Avenue N., and to the buildings will be required for pedestrian safety.

Area 3 – N 185th Street and Midvale Avenue N. Extension: A public access easement granted to the City will extend and complete the new alignment by connecting from Area 2 east between the proposed buildings and then north to align with the intersection of Midvale Avenue N. on the north side of N. 185th Street. This extension will include the two travel lanes, angle parking on both sides and the sidewalk along the south side of the extension. The property owner would build, operate, and maintain the access.

To ensure that the Midvale Avenue N. realignment looks and functions like a City street, it will be constructed to have on-grade street paving instead of drive aprons where it connects with N. 183rd and N 185th Streets, dashed yellow centerline, and no raised cross walks throughout its length. All parking areas adjacent to Midvale will have curbing or drive aprons along its sides to further delineate Midvale as a through street.

Area 4 – N. 183rd Street to Aurora Avenue N: The applicant is proposing direct access to the site from Aurora Avenue N approximately 250 feet north of N. 183rd Street. This short section of street (approximately 80 feet) between Aurora Avenue N. and Midvale Avenue N. will be closed to avoid traffic conflicts with the new main entry into the site. The timing of its closure will be as the main entry opens. The City would close the street in cooperation with Seattle City Light.

Area 5 – Aurora Main Entry: The proposed entry will have right-in and right-out only movements. The location of this entry allows for ample separation from the Aurora Corridor plans for the N. 182nd Street and N. 185th Street intersections. It cannot be opened until N. 183rd Street is closed. The property owner would build the entry with the approval of Seattle City Light.

Staff is coordinating with Seattle City Light to obtain their approval of the site plan proposed in their R-o-W adjacent to Midvale Avenue N. This is important because the proposal is dependent on the direct access from Aurora Avenue through the Seattle City Light R-o-W and additional parking. It also involves the City requirement that the Interurban Trail be built in the section between N. 183rd and N. 185th Streets.

The City may seek the closure of N. 183rd Street only where it passes through Seattle City Light property between Aurora Avenue and Midvale Avenue N. because of traffic safety concerns since it is only 80 feet from the proposed site entry. The closure of N. 183rd Street and the opening of a N. 182nd Street are consistent with the Aurora Corridor Plan.

Process

The process for reviewing Street Vacations is described in the Shoreline Municipal Code and by state law in RCW Chapter 35.79. Part of the process includes a public hearing conducted by the Planning Commission.

In accordance with Shoreline Municipal Code 12.17, Council initiated the vacation of a portion of Midvale Avenue N. and its subsequent realignment because it would benefit and facilitate redevelopment. The decision to vacate and realign streets, intersections, and entries does not approve the proposed building and site design, which is still under review. If Council chooses not to vacate this portion of Midvale Avenue N. this particular development proposal would not be permitted as submitted. If the proposal were revised to be contained solely on the applicant's property east of Midvale Avenue N. site frontage, parking, and other development requirements could be met under the existing building layout.

The Council will hold a closed record meeting on September 13, 2004 to consider the proposed street vacation of a portion of Midvale Avenue North. If the street vacation is approved, the necessary easements would be recorded concurrently with the vacation and interests in the vacated property could be reserved as a condition of vacation.

A street vacation would transfer the ownership and control of the right-of-way to adjacent property owners, with continuing public needs, such as utility easements, reserved in the vacation ordinance.

SEPA review is not required as part of this proposal because per Section 197-11-800(2)(h) of the Washington Administrative Code (WAC) specifically indicates that the vacation of streets or roads is exempt.

CRITERIA FOR STREET VACATION APPROVAL

The criteria for approving Street Vacations is described in Shoreline Municipal Code 12.17.050, and the Planning Commission may recommend approval of the Street Vacation if the following criteria are met:

CRITERIA 1

The vacation will benefit the public interest.

Midvale does not function well in its current alignment because it only services the back of business in the Seattle City Light R-o-W and enters onto N 185th Street too close to Aurora Avenue N for city standards. With the proposed realignment of Midvale, the public health, safety and welfare will not be endangered and will likely be improved.

The proposed vacation meets Criteria 1 by providing the following public benefits:

- 1) The vacation is an opportunity to reroute traffic to eliminate unsafe turning movements on to and off of N. 185th Street by shifting traffic to an intersection further east to align with Midvale Avenue N. on the north side of N. 185th Street.
- 2) The realignment will also provide the flexibility to realign the Seattle City Light R-o-W to accommodate future Aurora Avenue improvements.
- 3) The street vacation and Midvale realignment would facilitate economic redevelopment of the former QFC site into a more flexible and usable site.

CRITERIA 2

The proposed vacation will not be detrimental to traffic circulation, access, emergency services, utility facilities, or other similar right-of-way purposes.

The proposed vacation meets Criteria 2 by realigning and designing Midvale Avenue North in accordance with the City's engineering standards and in conjunction with the review and input of applicable utility and emergency service providers. The long-range circulation plan, ped/bike plan, and street improvement plan do not address this street section and are unaffected by the realignment. In addition, a traffic impact study and street improvement plan will be reviewed as a part of the development applications to further ensure that there will be no detrimental impacts to traffic circulation, access, emergency services, utility facilities, or other similar right of way purposes.

Further, utility facilities will be maintained in the current location with access rights remaining. Applicable utilities have provided the City with comments and the conditions necessary to ensure the proposed street vacation will not be detrimental to their facilities. The following is a synopsis of the individual utility comments and conditions:

Seattle City Light

Seattle City Light owns a strip of land which runs between the right-of-way of Aurora Avenue North and Midvale Avenue N. Seattle City Light primarily uses this property for power transmission lines. Seattle City Light allows for other uses to be permitted through their real property department.

The City has a franchise agreement with Seattle City Light, which allows for the City use of SCL property. Based upon this franchise agreement, the City is pursuing the development of the Interurban Trail on the Seattle City Light right-of-way, which the developer is proposing to construct from N. 183rd to N. 185th Streets.

The City of Shoreline has adopted requirements that electrical utilities be placed underground. The right-of-way of Midvale Avenue N includes a power distribution line, which serves the adjacent properties as well as two properties on the eastside of Aurora Avenue North. Power lines serving properties along Aurora and located within the regional business zone will need to be placed underground. See SMC 20.70.460.

Seattle Water Department

The water main, which serves this area, is a 6-inch water main. Though not in the R-o-W, improvements to the water main will need to be done prior to any development or construction in this area. The water main along Aurora Avenue North, south of North 185th Street is 30-inch diameter.

City of Shoreline Storm Water Utility

There is 12-inch storm drainage system in Midvale Avenue N. Currently, storm water runoff from Midvale and adjacent property to sheet flows through the right-of-way that is proposed for vacation. Any development of the site and/or the vacated right-of-way will require on-site storm water flow control, water quality, and conveyance of off-site storm drainage. Storm drainage improvements will be required along the property frontage of Midvale Avenue North. The owner will need to work with Seattle City Light to obtain a permit to install the required storm water conveyance in the Seattle City Light right-of-way.

Sanitary Sewer

The existing Midvale Avenue N includes a sanitary sewer. This needs to remain to serve the adjacent properties and appropriate easements recorded.

CRITERIA 3

The street or alley is not a necessary part of a long-range circulation plan or pedestrian/bicycle plan.

The proposed vacation meets Criteria 3, in that the pedestrian/bicycle plan does not include Midvale Avenue N. as a part of its long-range plan. However, the construction of the Interurban Trail from 183rd to 185th is part of the City's long range pedestrian and bicycle plan. Therefore, the proposed vacation as conditioned to construct the portion of the Interurban Trail from 183rd to 185th fulfills the long-range circulation plan for this area.

CRITERIA 4

The subject vacation is consistent with the adopted comprehensive plan and adopted street standards.

There are no policies in the Comprehensive Plan that specifically address street vacations. The following policies do have application to the proposed vacation:

Goal TV: Protect the livability and safety of residential streets from the adverse impacts of the automobile. The intent of the street vacation is to realign Midvale, along with other adjustments in circulation and access, to improve circulation in and around the site.

LU39: Ensure vital and attractive commercial areas through public/private investments including pedestrian amenities, transportation services such as parking, bicycle and pedestrian routes. The zoning and land use is Regional Business. The Comprehensive Plan designates this property as Community Business.

LU50: Encourage the redevelopment of key, underused parcels through incentives and public/private partnerships.

LU51: Initiate opportunities to build a showcase development as an example and template for future development.

LU60: Assist with land assembly, redesign rights-of-way to improve intersections and assemble property for redevelopment.

The adopted street standards can be met with the proposed vacation as conditioned in this recommendation.

The comprehensive plan policies noted above are supported by the proposed street vacation through the vacation's facilitation of an improved street design and circulation for Midvale Avenue N., N. 185th Street and Aurora Avenue N.; by bringing the area up to current City design and amenity standards; and facilitating the assembly of land to encourage the redevelopment of a key, under-developed commercial area.

APPROVAL CONDITIONS

The affected utilities and City departments have reviewed the petition for vacation and have no objections to the vacation if the following conditions are met:

1. Any and all construction on adjacent parcels must meet City of Shoreline requirements such as development standards, engineering guidelines, and SEPA mitigating measures.
2. A total width of 45 feet of right-of-way and a length of 170 feet south of the N. 185th Street R-o-W is vacated with reversionary rights to allow Seattle City Light to move their R-o-W east and accommodate power poles and to retain a utility access easement for existing and future underground utilities. (Area 1).
3. Maintain Area 2 as City R-o-W and allow a use permit to redevelop per city street standards.
4. An access agreement is granted to the City for the area described in Area 3 with construction and maintenance completed by property owner.
5. Coordinate the City's closure of N. 183rd Street between Midvale Avenue N. and Aurora Avenue N. with the opening of the site's main entry from Aurora Avenue N. (Area 4).
6. Allow with the permission of Seattle City Light the construction and use of the main entry to the site from Aurora Avenue N.
7. All existing encroachments in City of Shoreline right-of-way shall be removed.
8. Construction of the Interurban Trail must be completed between N. 183rd and N. 185th Streets.
9. Easements for each utility need to be recorded prior to the vacation taking effect. Utility easements must allow for extension of mains and allow for underground service.
10. All utilities have stated that any facility relocation or changes to service will be done at the cost of the applicant.
11. Seattle City Light requests that the vacation ordinance include language granting and reserving rights to Seattle City Light for the perpetual use, operation, and maintenance of its overhead and underground electrical system within the subject property.
12. Ronald Wastewater has indicated that a sewer line is located in the subject property, and a sewer easement agreement will need to be recorded prior to the street vacation taking effect.
13. Seattle Public Utility has indicated that a water line is located in the subject property, and an easement agreement will need to be recorded prior to the street vacation taking effect.
14. There is an existing 2-inch gas line 20 feet west of the centerline of Midvale Avenue N. This main currently serves customers at Monarch Appliances. If

these businesses are demolished, PSE would need to be notified prior to the work in order to remove the gas meters to the existing building and to cut and cap the gas main in Midvale to clear the proposed development area. If new gas service is needed, the applicant should contact PSE.

15. AT&T Broadband would require a minimum four weeks, after payment is received, to remove and relocated any facilities.

CONCLUSION

1. The vacation is an opportunity to reroute traffic to eliminate unsafe turning movements on to and off of N. 185th Street by shifting traffic to an intersection further east to align with Midvale Avenue N. on the north side of N. 185th Street.
2. The realignment will also provide the flexibility to realign the Seattle City Light R-o-W to accommodate future Aurora Avenue improvements.
3. The street vacation and Midvale realignment would facilitate economic redevelopment of the former QFC site into a more flexible and usable site.
4. The street vacation meets the necessary criteria and therefore should be approved as conditioned.

PLANNING COMMISSION OPTIONS

1. Adopt the Draft Planning Commission Findings of Fact and Conclusions to recommend approval for the Midvale Avenue N. vacation of approximately 170 feet south of N. 185th Street with the conditions contained within this report.
2. Amend the Draft Planning Commission Findings of Fact and Conclusions to recommend approval for the Midvale Avenue N. vacation of approximately 170 feet south of N. 185th Street.
3. Amend the Draft Planning Commission Findings of Fact and Conclusions to recommend denial for the Midvale Avenue N. vacation of approximately 170 feet south of N. 185th Street.

RECOMMENDATION

Staff recommends that the Planning Commission enter findings and conclusions to recommend approval for the Midvale Avenue N vacation approximately 170 feet south of N 185th Street with the conditions contained within this report (Attachment D: **DRAFT** Planning Commission Findings of Fact and Conclusions).

ATTACHMENTS

Attachment A: Draft Central Shoreline Subarea Plan - Pages 30 and 31

Attachment B: Comment Letters

Attachment C: Site Map Depicting Proposed Vacation and Easements

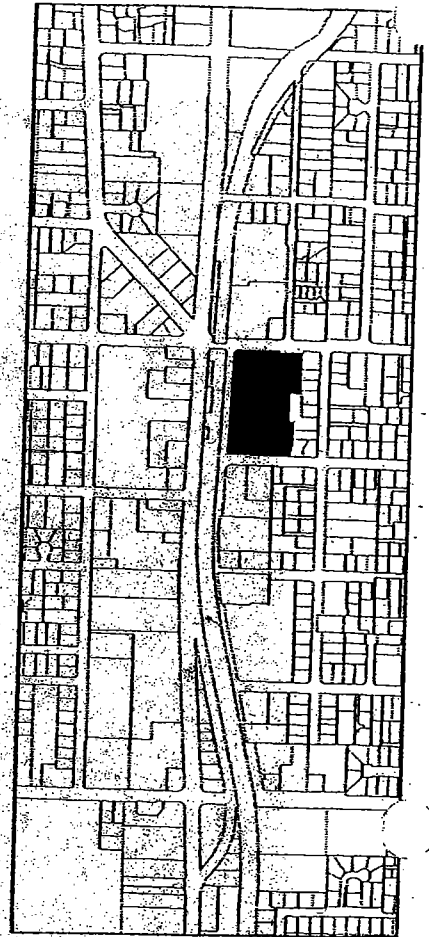
Attachment D: **DRAFT** Planning Commission Findings of Fact and Conclusions

CENTRAL SHORELINE SUBAREA PLAN

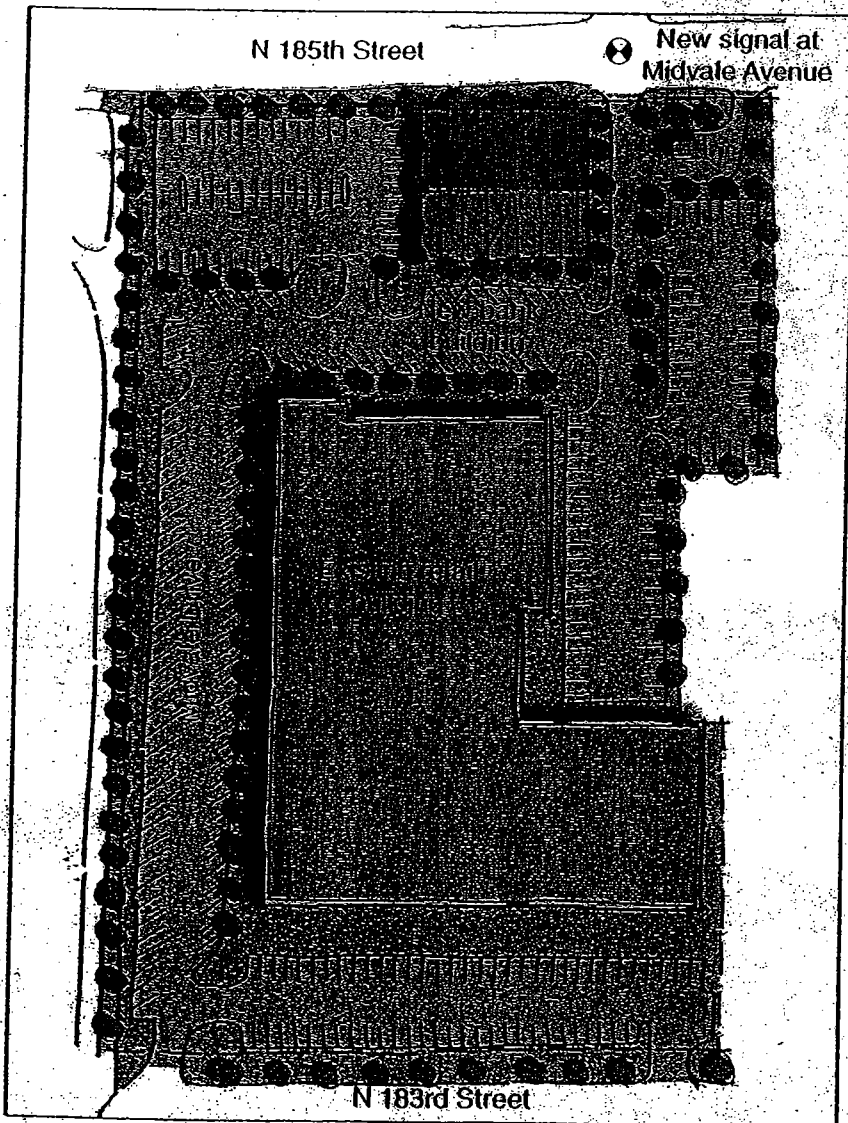
THE "GATEWAY" SITE

The site represents an important anchor of the Midvale Main Street to the north. In collaboration with the property owner, the consultant team developed a variety of possible redevelopment concepts. The following 5-year and 25-year visions are based on a set of concrete assumptions. Depending upon market forces and other criteria an earlier complete redevelopment of the site seems feasible.

The site plans show Midvale Avenue vacated. However, a street connecting N 183rd with N 185th Street is key. The plans propose a private drive through the site that has the character of a street and provides public access as well as through-connectivity. Aligning Midvale at a new signal at N 185th Street allows for full access and connects the Midvale Main Street with future development at Echo Lake and the Shoreline Park and Ride to the north.



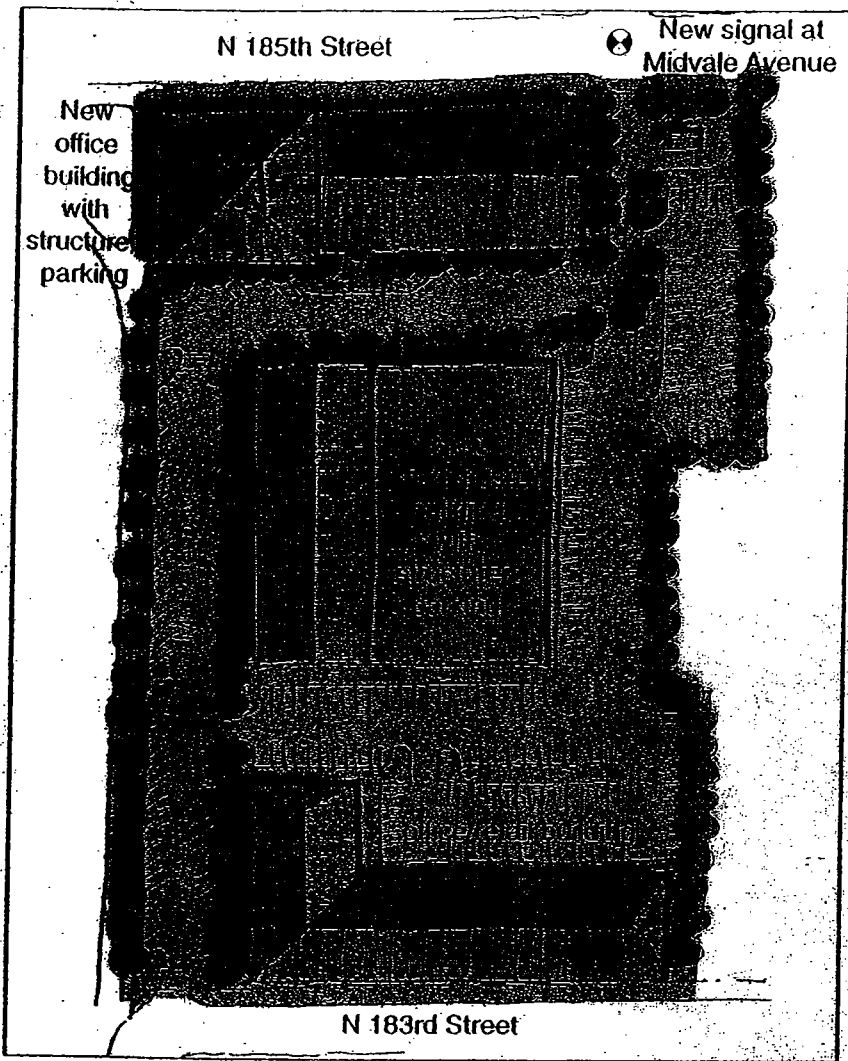
Locator key



5-Year Vision

In the 5-year vision, the existing retail building has been renovated and may have a different use. A new office building to the north houses a bank with an adjacent drive-through ATM. A drive with diagonal parking and sidewalks connects Midvale Avenue south of the site with its northern leg.

CENTRAL SHORELINE SUBAREA PLAN



In the 25-year vision, the site has been completely redeveloped. The bank building now is part of a larger office building with structured parking. A larger footprint structure could house the YMCA or a small grocery store. An L-shaped office or retail building occupies the southern edge of the site. Structured parking below a portion of the new buildings accommodate additional parking, thus allowing higher density development.

25-Year Vision



A view across Aurora towards the Gateway Demonstration site shows new mixed-use buildings.

DEVELOPMENT STANDARDS

PURPOSE

The purpose of this chapter is to establish Development Standards for the Central Shoreline Subarea. The Development Standards will eventually be translated into code language and, once adopted by the City Council, included in the City of Shoreline's Development Code. The Development Standards are intended to address the following planning policies and objectives.

PLANNING POLICIES:

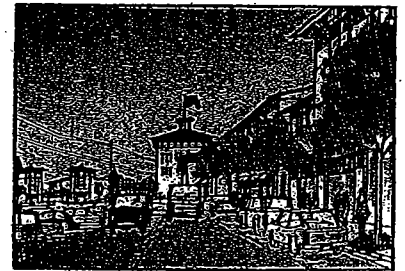
- Create a pedestrian-friendly environment with destinations throughout the Subarea.
- Create a transit-oriented environment that promotes multi-modal transportation.
- Encourage and guide redevelopment of the Subarea while preserving the privacy and safety of the abutting single-family neighborhoods.
- Promote development that utilizes and capitalizes on the Interurban Trail as a recreational amenity and business opportunity.

PLANNING OBJECTIVES:

- Encourage placement of buildings up to the street along the western edge of Aurora Avenue North. Narrow the perceived width of the road and lessen the prominence of surface parking lots.
- Create a pedestrian-oriented, mixed-use district along Midvale Avenue N between N 175th Street and N 185th Street. Promote a Main Street character along the eastern edge of Midvale Avenue N with wide sidewalks, street trees and on-street parking.
- Encourage higher densities along Midvale Avenue north of N 185th Street to support the mixed-use district.
- Create gateways to the mixed-use district around N 185th Street and N 175th Street.
- Create a special redevelopment district for the properties situated in the wedge-shaped area between Aurora Avenue North and Ronald Place.



Buildings close up to the street narrow the perceived road width and help create a sense of enclosure.



Midvale Avenue has a pedestrian-oriented Main Street character.

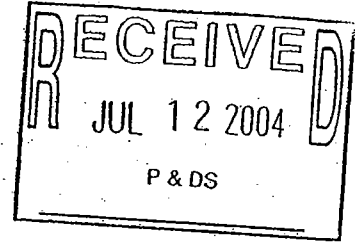


The northern leg of Ronald Place offers a pleasant pedestrian environment protected from the Aurora traffic by retail buildings on the "Wedge".

RECEIVED

JUL 12 2004

City Manager's Office



July 9, 2004

Members of the City of Shoreline City Council
17544 Midvale Avenue North
Shoreline, WA, 98133

Dear City Council,

I am writing to you concerning the proposed Gateway Plaza Redevelopment and the potential closure of Midvale Ave. N.

The Aurora Corridor and the Interurban Trail projects have been adopted as the number one goal for the 2004-2005 City Council work plan. Also the second approved goal of the Council is to enhance the City program for safe and friendly streets.

The Aurora Corridor project is intended to enhance the avenue to make it safe and pedestrian friendly. "It adds sidewalks and curbs, landscape and island medians to add safety and liveliness to the avenue and its users. It encourages development that is pedestrian friendly and improves the safety, traffic flow and capacity, transit operations, drainage systems, economic development and aesthetic appeal of Aurora, creating a "Main Street" character of which the community can be proud".

The Interurban trail is a pedestrian promenade cut diagonally through the City of Shoreline. This corridor links neighborhoods, businesses and parks, forming a connection through the whole community. Along this trail would be places to rest, attractive landscaping to enjoy and a variety of businesses to visit". When completed it will be a trail that connects the city and its communities not divide them.

In the Central Shoreline Subarea plan, the Gateway Plaza location is identified as where these two projects will merge and run side by side along the Seattle City light easement and Aurora Ave from 175th St. to 185th St. This is where the two ideas can merge into a cohesive vision of the citizens. Part of the planning policies for the Central Shoreline Subarea is to "Promote development that utilizes and capitalizes on the Interurban Trail as a recreational amenity and business opportunity". Part of the objective is to "Create a pedestrian-oriented, mixed-use district along Midvale Ave. N. between N. 175 th St. and 185th St. It promotes a "Main Street" character along the eastern edge of Midvale Ave. N. with wide sidewalks, street trees and on street parking".

The proposed Gateway Plaza includes the redevelopment of the Interurban Trail but the proposed retail building to the North is set over 100' away from the trail and the intersection of N. 185th St. and Aurora Ave. N. The second proposed larger retail building to the South is set almost 200' away from the Interurban Trail. A pedestrian customer or trail user who wants to visit the stores

must walk 200' through parking lots and crossing vehicle access routes 3 consecutive times to get to the retail building. Does this meet the City of Shoreline goal and vision for the Aurora Corridor and Interurban Trail? The new retail buildings should instead embrace and welcome the Interurban Trail. It could bring to realization the the themes of the citizen visions for "an area with improved pedestrian environment, places to gather, green spaces, trees, fountains, and plazas".

Though the Central Shoreline Subarea plan recommended the rerouting of Midvale Ave. between N. 183rd St. and N. 185th St., it also promotes development that utilizes and capitalizes on the Interurban Trail as a recreation amenity and business opportunity. It promotes a "Main Street" character. Vacating Midvale Ave. should not be the only issue to be decided here. The main street character is also our vision, an opportunity to merge the Interurban Trail and business opportunity.

We have completed a significant start for the Interurban Trail project at N. 145th St, and N. 160th St. These projects have set a standard and character and opportunity of the City of Shoreline vision. But let us examine another completed project in Shoreline on N. 175th St. that gives us a hint of the development trains that are arriving at our city. Top Foods Development, good or bad, was implemented and met all the City of Shoreline's existing Development Standards. But does it meet our goal and objective for what the Aurora Corridor and the Interurban Trail projects could be? Is there a commerce and pedestrian interaction? The constructed portion of the Interurban Trail at Top Foods is nothing more than a 6' wide sidewalk between 2 strip of grass area among parking spaces. There is no interaction with the commerce and the park trail. Does it meet our goal and vision in encouraging pedestrian interaction or safe and friendly streets where a pedestrian does not need to cross a large parking lot to get refreshment? At this rate we are doomed to repeat the same urban development blight of the segregation of pedestrians from commerce with large parking lots and cross roads. Pedestrians and customers are still discouraged from walking to commerce.

There are many examples of great urban spaces, i.e. Granville Island, Edmonds old town, Gilman Village, Portland River front, Whistler, Leavenworth, Sun River etc. They all have well defined characters with development guidelines, and urban design elements.

Our great city staff has good intentions and are highly capable, but often times their comments are limited to recommendations within the existing Shoreline Development Standard. A project either meets or does not meet the existing the Development Standard limits. He or she based their approval, conditions or denial of a proposed project according to the existing available conditions imposed by the existing Development Standards. Top Foods was developed without any comments or reviews by City Council and Planning Commission because it met all criterias and requirements of our existing Shoreline Development Standard. We have not provided any planning instrument or development standard that would implement our broad goals and objectives in an important core of our city. This Central Area has a potential to be our future "Down Town". Does our existing

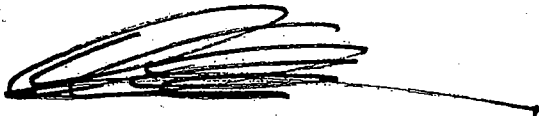
Development Standard allow us to review and comment on any development along the Interurban Trail? Do we have any way of reviewing or guiding any development along the Interurban Trail?

An alternate site plan for the Gateway Plaza is attached for your review. It locates both retail buildings east of the Interurban Trail where pedestrian and commerce have opportunity for direct interaction and are integrated. Midvale Ave. is relocated to the east of the property providing a straight and direct alignment of Midvale Ave. from N. 183rd St. to the N. 185th St. intersection. More parking spaces can be provided but with less curb-cut off both Aurora Ave. and N. 185th St., and it also provides the drive-through windows for the retail building to the north.

The trains of development in Shoreline are moving fast. The drafted unadopted Central Shoreline Subarea plan that was completed in 2002 depicted a redevelopment of the Gateway Plaza in 25 years. But that proposal is here now for your review. Let us set a standard, an example and a goalpost that is our vision. Let us implement our vision and make our goal a reality. Here is our opportunity to merge the City of Shoreline's goals and visions of these two important projects in one location. The merger of the Aurora Corridor and the Interurban Trail is a great connection for the Shoreline where its citizens can stroll through a pedestrian promenade in the heart of the city. The Gateway Plaza project could be where the Aurora Corridor and the Interurban Trail become the true gateway to the City of Shoreline. Let us make it a place where pedestrians and commerce can intermix, create a plaza, a sidewalk cafe, an inclusive environment where people can gather and are welcome to walk.

What is our goal? What is our vision? Are we there yet, or have we missed it already? Is the City of Shoreline still "Waiting for the Interurban"?

Respectfully Submitted,



Chakorn Phisuthikul

Attachment A: Proposed Gateway Plaza preliminary site plan

Attachment B: Alternative Gateway Plaza site plan

CHAKORN PHISUTHIKUL
2618 N.W. 198th St.
Shoreline, WA. 98177
T. 206-622-9560, F. 206-748-0180
email: chakorn@habitatwest.net

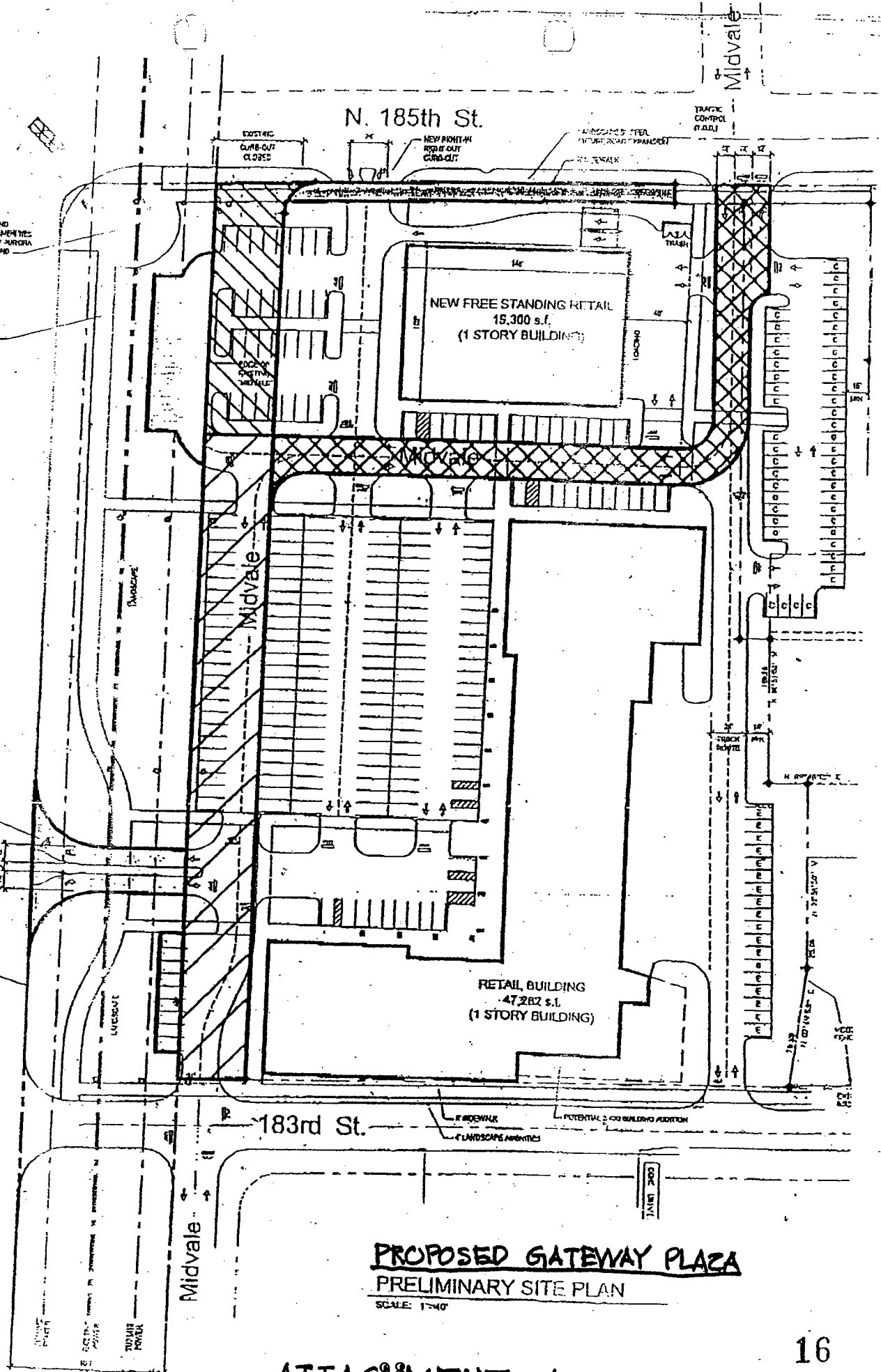
aurora

LANDSCAPE AND PEDESTRIAN IMPROVEMENTS AT CORNER OF AURORA AND N. 185th ST.

12' WIDE TRAIL

15' HIGH NEW FRONT-CURT CURB-CUT

EXISTING EDGE OF CURB



N. 185th St.

183rd St.

Midvale

Midvale

PROPOSED GATEWAY PLAZA
PRELIMINARY SITE PLAN

SCALE: 1"=40'

ATTACHMENT A

Pedestrian
Connection
to next block

N. 185th St.

Midvale

AURORA AVE.

Gateway
Plaza

BARTELL

P

RELOCATED MIDVALE AVE

RETAIL
BUILDING

P

P

Gateway
meets
Interurban

Pedestrian
Node

N. 183rd St.

ALTERNATIVE GATEWAY PLAZA

SITE PLAN

Midvale



ATTACHMENT B

From: Scott Thompson [sthompson@audio-acoustics.com]
Sent: Friday, July 23, 2004 9:02 AM
To: CMO
Subject: Appearance of Fairness

Gentlemen,

I have one question and one comment.

First, where can I learn more about Appearance of Fairness rules and regulations for members of city commissions?

Last evening I attended my first ever City of Shoreline function, a meeting of the Planning Commission on the Comprehensive Plan update. During their deliberations the Commission asked the City staff to have the City Attorney come to and educate them on the rules and regulations for about an upcoming hearing on a street vacation. This came about after the Chairman and members of the Commission explained their disappointment with not being allowed to speak before the City Council at this past Monday's meeting on the Gateway Project.

What surprised me was that after the meeting was adjourned the Chair and three or four members of the Commission were in the lobby speaking in hushed tones about the Gateway project and what they were going to do about it. That seemed out of line to me, especially after they asked for a legal briefing on appropriate procedures to follow.

My comment is I am baffled as to why the Planning Commission is even dealing individual projects. In preparation for attending last evening's meeting I obtained and read minutes from the Planning Commission's meetings of July 1 and July 15, 2004 along with the Chapter 2.20 of the Shoreline Municipal Code. The code indicates the Planning commission's responsibilities are to deal with preparation of a comprehensive plan and development regulations; land use management and environmental protection ordinances and regulations; review potential annexations, and where design review is required, perform that review. Why then is the Planning Commission asking if they can go visit the site of the proposed building permit at 19027 Richmond Beach Drive? (See page 3 of the Minutes of their July 1, 2004 meeting.) Why are they spending hours of their valuable time dealing with the Gateway project? Pages 12-15 of the Minutes of the July 1 meeting describe efforts by the Commission to adopt a strategy on how they can become involved with the project and perhaps use the street vacation issue as leverage to that end.

It is clear from the meeting the Commission has much work ahead of it in the Comp Plan. It seems they have taken their eye of the big picture task and are involving themselves in specific project issues. Staff suggested this may be the result of the Commission having a couple of new members that are not yet fully aware of the purpose and responsibilities of the Planning Commission. If this is the case I suggest the appropriate City staff assist the Commission in taking time to review its responsibilities, and the rules and regulations it is to conduct itself under.

As noted above I have obtained a copy of Chapter 2.20 of the SMC. I have also asked the Planning Commission staff for a copy of the Bylaws it operates under. If there is something else that I could

ask for that would assist me in understanding the role of the Planning Commission please let me know.

Thank you.

--Scott A. Thompson
17203 Greenwood Place N
Shoreline, WA 98133-5250
(206) 786-2630

GATEWAY PLAZA TIC

1501 N. 200TH STREET
SHORELINE, WA 98133

206-533-2191 FAX 206-533-2196

August 11, 2004

Members of the Planning Commission
City of Shoreline

RE: VACATION OF A PORTION OF MIDVALE AVENUE N

Ladies and Gentlemen:

We are the owners of abutting property to the east of the section of Midvale Avenue N to be vacated, pursuant to the proposal before you which was initiated by the City of Shoreline. This vacation is for the purpose of rerouting Midvale through our property in order to comply with City plans for increasing public safety and to facilitate development of the Interurban Trail, the Aurora Corridor project, and a new, revitalized Gateway Plaza.

The four criteria for street vacation as set forth in the Shoreline Municipal Code 12.17.050 are met as follows:

A. THE VACATION WILL BENEFIT THE PUBLIC INTEREST.

1. The relocation of the intersection of 185th Street and Midvale Avenue N. approximately 200 feet to the east will improve public safety. The current intersection is too close to Aurora, causing traffic congestion and safety concerns. The City staff is very much in favor of moving the intersection east to the point where it is directly across from the continuation of Midvale Avenue to the north.
2. The ability of the City to work with Seattle City Light for design of the Aurora corridor project will also be greatly enhanced. Vacation of the portion of Midvale will provide the City with up to 15 feet to exchange with Seattle City Light for the widening of Aurora and the new BAT lanes.

3. The new configuration of Midvale between 183rd and 185th was strongly encouraged by City staff in order to comply with the five-year vision guidelines set forth in the Shoreline Sub Area Plan. We revised our original design to comply with their wishes, so that Midvale would wind through our site. This allows Midvale to connect with Midvale north of 185th and allows future development to extend Midvale to 192nd.
4. The routing of traffic through the site is a benefit to the neighborhood to the east because, with the closure of the 183rd and Aurora intersection as per the Aurora Corridor Project plan, traffic will be encouraged to flow through the site. Vehicles will be disinclined to flow east along 183rd Street through the Meridian Park neighborhood; there being no access at 183rd to or from Aurora.
5. There are currently six curb cuts along 185th Street between Aurora and the east boundary of our site. Our plan reduces the number of curb cuts for ingress/egress to two. One of these new curb cuts will be right-in and right-out access only (no left turns). This will increase vehicular and pedestrian safety and benefit traffic flow along 185th Street.
6. We will assist the City with removal of the buildings along Aurora.
7. The owners of Gateway Plaza will build the Interurban Trail between 183rd and 185th Streets concurrently with this development, enabling the City to further its plan to connect the north and south ends of the Trail. Making this segment a reality will benefit all the citizens of Shoreline and give impetus to the completion of this central section. The trail will be visually appealing with landscaping along a 100 foot wide strip between Aurora and Midvale; as opposed to paving and derelict buildings.
8. The redevelopment will dramatically improve the attractiveness of the site and the property. This project will lead the way for the improvement of this area of Shoreline, which is desired by a large majority of the citizens of this City.

B. THE PROPOSED VACATION WILL NOT BE DETRIMENTAL TO TRAFFIC CIRCULATION, ACCESS, EMERGENCY SERVICES, UTILITY FACILITIES, OR OTHER SIMILAR RIGHT-OF-WAY PURPOSES.

1. The traffic study shows that the new retail and office center will generate less traffic than the previous uses.
2. The flow of traffic is professionally designed, as opposed to the unplanned multiple access points which surround the site at this time.
3. The access points from 185th Street will be reduced, causing less congestion.
4. Access to the site from Aurora will be more direct, benefiting the businesses and users of the new center, as well as emergency vehicles. Further there will be access completely around the buildings for emergency equipment; as opposed to the current structure.
5. The new center is designed to be pedestrian friendly. The rerouted Midvale will benefit from 20 foot wide, partially covered sidewalks along the main

building. The Interurban Trail will provide pedestrian access, with sidewalks connecting the Trail to the buildings in the center.

C. THE STREET IS NOT A NECESSARY PART OF A LONG RANGE CIRCULATION PLAN OR PEDESTRIAN/BICYCLE PLAN.

This street is not part of such a plan, and the Interurban Trail, which we are helping to build, is the long range pedestrian/bicycle path which the City of Shoreline is creating.

D. THE VACATION IS CONSISTENT WITH THE ADOPTED COMPREHENSIVE PLAN AND ADOPTED STREET STANDARDS.

Our project and this partial vacation are in complete compliance with the City of Shoreline Comprehensive Plan and all current City codes and zoning.

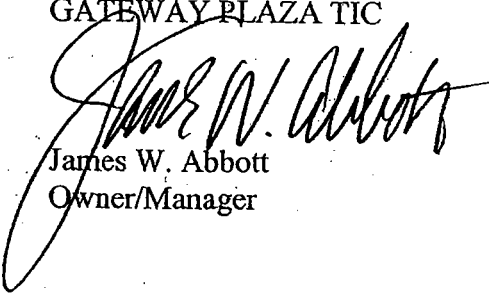
Based on the above, we respectfully request that the Planning Commission recommend that this partial street vacation be approved by the City Council with conditions to: 1) re-route Midvale through our property as designed; and 2) provide that, upon request of the City, a strip 15 feet by 170 feet will be deeded back to the City if required for the Aurora corridor project. It is our firm belief that this development will improve the site and the neighborhood, and that it will benefit the citizens of Shoreline.

Our goal is to create a revitalized Gateway Plaza with creative architectural design, to attract both pedestrian and vehicular traffic, and which will be supported by retail and office businesses providing services to the community. We have tried our best to design a development which takes into consideration the demands of all interested parties, within the limitations of market and economic forces.

We ask that the Planning Commission not make its decision based on design issues, since such issues would not be a valid basis for a street vacation. In your July 1 and July 15th meetings this vacation request was discussed and prejudged by the Planning Commission members. We request that your recommendations pursuant to this hearing be based solely on meeting the four criteria set forth above; as required by statute.

Thank you for your consideration.

Yours truly,
GATEWAY PLAZA TIC



James W. Abbott
Owner/Manager

Paul Cohen

From: Lanie Curry
Sent: Wednesday, August 11, 2004 10:57 AM
To: Paul Cohen; Tim Stewart
Subject: FW: Gateway area development

-----Original Message-----

From: DANIEL LYONS [mailto:danlyons1@verizon.net]
Sent: Wednesday, August 11, 2004 3:58 AM
To: harley@isomedia.com
Cc: Lanie Curry
Subject: Gateway area development

Dear Sir,

As a longtime resident of Shoreline (I will be 82 next month), I am concerned about the direction the City may take in developing the area between 183rd and 185th Streets, along Midvale Ave. N.

I understand that the Planning Commission is trying to think 25 years ahead, and has recommended a dramatic development concept which seems to show little respect for the work that has been done in attempting to provide a viable

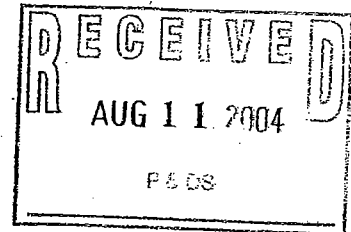
plan which will address the immediate concerns of our new City. I have seen many examples of well-meaning planners trying to guess what a city will need in 25 years, and fewer than half of their guesses were correct. In more than one such case the result was unintended urban blight. The sensible philosophy is to make modest changes until the dust settles. In this case, it seems to me that closing part of Midvale Ave. is logical, with an exit from Gateway to 185th St. opposite the continuation of Midvale Ave. north of 185th.

I hope you will be kind enough to convey this opinion to the Planning Commission.

Very truly yours,

Daniel A. Lyons
18033 13th Ave. NW

Robert D. & Mary J. Kelly
20067 8th N.W.
Shoreline, WA 98177
(206) 542-0342



August 11, 2004

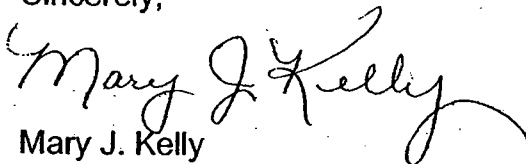
Planning and Development Services
CITY OF SHORELINE
17544 Midvale Avenue North
Shoreline, WA 98133

Attn: Mr. Paul Cohen

Gentlemen:

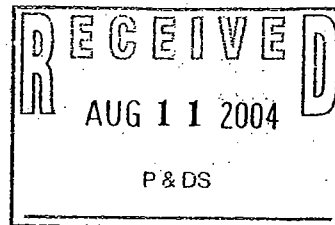
My husband and I support the proposed vacation of the section of Midvale Avenue just south of 185th and the rerouting of Midvale through the former QFC site. It would be great to see the former QFC complex cleaned up and occupied by new businesses.

Sincerely,


Mary J. Kelly

Scott A. Thompson

17203 Greenwood Place North
Seattle Washington 98133



August 11, 2004

Mr. Paul Cohen
CITY OF SHORELINE
Planning and Development Services
17544 Midvale Avenue N
Shoreline, WA 98133-4921
(206) 546-6815

Subject: Midvale Street Vacation

Dear Mr. Cohen:

This purpose of this letter is to present my initial comments in support of the proposed vacation of Midvale Avenue North in the vicinity of 185th. I reserve the right to supplement these comments after I have an opportunity to review the Staff Report which I understand is to be available approximately seven days prior to the August 19th hearing before the Planning Commission.

My understanding is that the request to vacate the approximately 170 foot long portion of Midvale Avenue is to be judged on the following criteria as detailed in Section 20.40.530.B of the Shoreline Municipal Code:

"B. No petition to vacate a street or alley shall be approved unless the following criteria are met:

1. The proposed vacation will not be materially detrimental to other properties in the vicinity, nor will it endanger public health, safety or welfare.
2. The subject street or alley is not needed for general access, emergency services, utility facilities, or other similar purposes, nor is it a necessary part of a long range circulation plan, pedestrian/bicycle plan, and/or street improvement plan.
3. The subject vacation is consistent with the adopted Comprehensive Plan and other related regulations and policies.
4. The subject vacation shall not directly or indirectly result in adverse impact on historical or cultural resources, the natural environment, and/or otherwise negatively affect critical areas as defined in the critical areas overlay district."

If there are other criteria that requested vacation is to be evaluated against, please so advise in the Staff report.

My analysis of the above four criteria is as follows

- a. The proposed vacation will not be detrimental to any properties and will not endanger the public health, safety or welfare. In fact the proposed vacation, when coupled with the new and improved city right-of-way the developer of the Gateway project has agreed to provide and improve (Area "3" on Attachment B to the Staff Report submitted to the City Council for their July 19, 2004 Special Meeting; copy attached) will improve public safety by eliminating the dangerous alignment of the existing intersection of 185th and Midvale. Also, instead of being straight, the re-aligned 183rd and Midvale to 185th and Midvale connection will have turns. These turns will slow the speed of traffic and as a consequence, facilitate Midvale being crossed by pedestrians.
- b. I have found no indication in any City plans that the area proposed to be vacated is needed for general access emergency services, utility facilities, or other similar purposes nor is it a necessary part of a long range circulation plan, pedestrian/bicycle plan, and/or street improvement plan. To the contrary, the area proposed to be vacated is nearly identical to what the un-adopted Central Shoreline Sub Area Plan.
- c. In my opinion the proposed vacation is consistent with the adopted Comprehensive Plan and other related regulations and policies and, as noted in Item "b" above, consistent with the un-adopted Central Shoreline Sub Area Plan. Prior Planning Commission discussions have already pointed out the fact that current Comprehensive Plan policies support the requested vacation
- d. The proposed vacation will not directly or indirectly result in adverse impact on historical or cultural resources, the natural environment, and/or otherwise negatively affect critical areas as defined in the critical areas overlay district.

I am interested in how the Planning Commission will approach the task of conducting the Public Hearing and formulating their recommendation to the City Council in view of their prior statements about the Gateway Shopping Center project that the proposed vacation relates to. I believe Vice Chair Piro of the Commission had it correct during the Planning Commission meeting of July 1, 2004. His comments, as summarized in the approved minutes of that meeting were as follows:

"If the project comes to the Commission in the context of a street vacation, [we] would not really be in a position to arbitrarily deny the vacation of the street just because [we] don't like the proposed development. [We] should not use the street vacation as a hostage point to force changes in the development plan."

However, from their past meetings and their Resolution No. 002-2004, it is clear that the Planning Commission is not pleased with the design of the Gateway Shopping Center project as currently submitted. The following summary of comments by Commissioner Hall (taken from the approved minutes of the Planning Commission meeting of July 15, 2004) further describe the situation:

"It [is] not the desire of the Commission to hold the development hostage by withholding the vacation. Rather, [our] concerns were not fundamentally about the vacation but whether or not the development was consistent with the City's vision."

My understanding is the members of the Planning Commission were issued a copy of "YOU BE THE JUDGE - A HANDBOOK FOR THE LAND USE DECISION MAKER" published by the Association of Washington Cities. It will be interesting to see if they have read it as they do not appear to have read and be following their By-Laws as they continue to stray from their assigned duties and responsibilities.

Specifically, the By-Laws of the Planning Commission, Chapter 2.20, and Ordinance No 36 of the Shoreline Municipal Code, all consistently establish the duties and responsibilities of the Planning Commission. I believe it is important to note that the commission is actually referred to as a "planning policy commission" [emphasis added] who's purpose is to "provide guidance and direction for Shoreline's future growth through continued review and improvement to the city's comprehensive land use plan, zoning code, shoreline management, environmental protection and related land use documents". (See Ordinance No. 36 and SMS Chapter 2.20.)

The Planning Commission is not tasked with design or architectural review, except in specific instances (and the Gateway Plaza project is not one of them.) Shoreline Municipal Code Section 2.20.060 Duties - Responsibilities at subpart "D" states:

"Where design review is required by land use ordinances of the city, the planning commission shall perform such design review unless that review is delegated to some other appointed body or city staff."

It follows that as the Gateway Shopping Center project is not required to have design review, the Planning Commission stepping outside its charter when it endeavors to partake in design review of the Gateway project as if they were an architectural review board. This troubles me as a citizen of Shoreline. Neither I, nor our firm have any projects in the City of Shoreline and at the moment I am glad of that fact as it appears you never know what standard you might be held to and by whom. I hope that neither the City, nor the members of the Planning Commission become at risk for these actions.

I also support the proposed street vacation because from a review of the City's files, I find it was the City of Shoreline that rejected the Gateway Shopping Center's preference to "maintain the present location of Midvale" (MulvannyG2 Architecture letter of July 2, 2003, copy attached) and informed the developer:

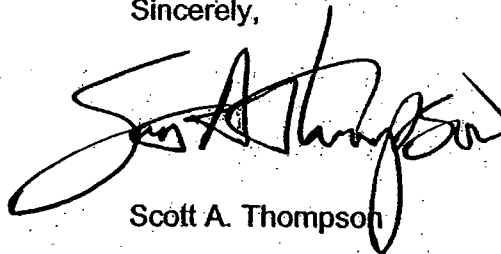
"[A] through connection using street standards is needed through the site to connect 183rd and Midvale to align with e185th and Midvale. Our suggestion is to pass the connection past the front of the building and then to jog east over to align with Midvale on the north side of 185th. We would like the new retain space to be moved toward the street frontage so that this connection road can jog between the buildings so that its approach to the new signaled intersection at 185th is safe. This connection needs a publish access easement and designed with street standards of 24 feet wide, 8-foot sidewalks and curb as least along the east side." (City of Shoreline Planning and Development Services letter of July 21, 2003, copy attached.)

The fact that the City, via its trained, professional staff, would suggest/require the rerouting of Midvale through the Gateway Plaza site is further evidence that the proposed design of the partially vacated and re-routed Midvale would not create a situation endangering public health, safety or welfare.

It is also important to note that the proposed vacation in itself would not create a situation that endangers the public. While the development of the adjacent property could, if not properly conditioned and controlled as part of the building and site plan review and approval process, I have every confidence that the City's Planning and Development Services department is up to this task and will assure the Gateway Plaza project provides for a safe use of the realigned Midvale Avenue.

In closing, I urge the passage of the proposed street vacation.

Sincerely,



Scott A. Thompson

SAT:
Enclosures as noted (3)

ATTACHMENT B

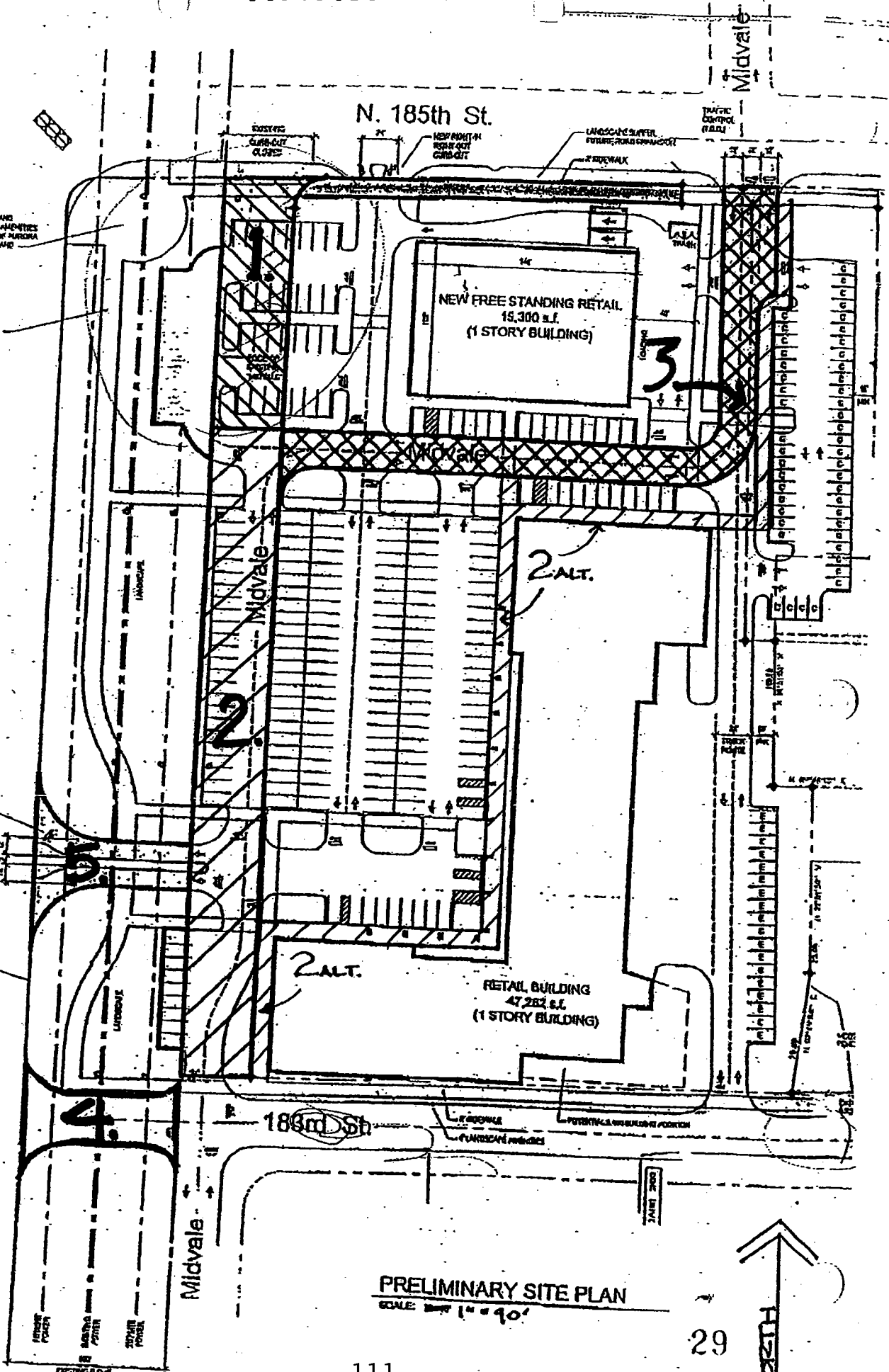
Aurora

LANDSCAPE AND
PERFORMANCE PRIORITIES
AT CORNER OF AURORA
AND N. 185th ST.

4' WIDE TRAIL

NEW INCIDENT
RESPONSE
CROSS-CUT

EXISTING EDGE
OF CURB



PRELIMINARY SITE PLAN
SCALE: 1" = 40'

29

July 2, 2003

Mr. Paul L. Cohen
Senior Planner
City of Shoreline - Planning & Development Services
17544 Midvale Ave. North
Shoreline, WA 98133-4921

Re: **Gateway Shopping Center**
18300 Midvale Ave., North
Shoreline, WA 98133
Project Number: 03-1326

Subject: **Pre-application meeting request for the pre-application meeting scheduled for:**
July 9, 2003 at the City of Shoreline Planning & Development Services Office.

Dear Mr. Cohen:

Per our phone conversations on Thursday June 26th, I am forwarding to you ten (10) copies of the following information for your review prior to the pre-application meeting scheduled for July 9th, 2003. We are awaiting a confirmation from you regarding the specific time of this meeting.

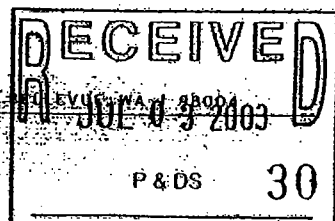
The following outline is based on The City of Shoreline's Planning and Development Services standard form PA-04 for a request for pre-application meeting. Please note that the applicant is seeking clarification from The City of Shoreline regarding some of the items that are requested for inclusion within this request for pre-application, thus those items are not included at this time. The applicant is requesting that the City provide clarification on these items, and additional items, at the July 9th pre-application meeting.

1. Description of Proposed Project

The project site is the existing retail center located at 18300 Midvale Avenue North, one block east of Aurora Avenue between 183rd Street and 185th Street. The project is proposed to include selective demolition, renovation and additions to the existing retail center, this work will include the construction / renovation of the building elevations fronting 183rd Street, Midvale / Aurora and 185th Street. Work will also including new surface parking, new landscaping and selective new utility work. All new work on site will allow for the city's future widening of 185th Street and Aurora Ave and a north / south pedestrian and bicycle pathway within a landscaped area between Midvale and Aurora (the Seattle City Light Right of Way). Coordination with Seattle City Light and the ability to provide mid-block access to the site, parking within the Right of Way and the removal of all existing structures in the Right of Way are critical to the feasibility of the project. Another critical item is the ability to maintain the existing

425.463.2000
425.463.2002

110 112TH AVENUE NE | SUITE 500, FREDERICKS, WA 98004
MulvannyG2.com



location of Midvale and incorporate curb cuts along its eastern boundary for access to the new surface parking.

2. General Information

- **Address:** 18300 (18130 Shown on Survey) Midvale Avenue North
- **Parcel Number(s):** Not Known, however Parcels A and B in the N.W. ¼ N.E. ¼, SEC.7, T-26-N, R-4-E, W.M. in the City of Shoreline, King County, Washington are assumed based on the attached Boundary Line adjustment drawings. **NOTE:** The attached Boundary line adjustment documents are attached **FOR REFERENCE ONLY**. It is **NOT** known at this time if these Boundary Line adjustments have been filed and are applicable. The applicant would like clarification of the actual boundary line configurations during the pre-application meeting.
- **Existing use of Property:** Retail
- **Proposed Number of Units:** Not applicable. Number and division of tenant spaces are speculative and are not known at this time.
- **Vicinity map of site and abutting properties:** Limited site plan information is available at this time; street reference maps, aerial reference photo and the boundary line adjustment documents are attached for **REFERENCE**. Based on the City of Shoreline Zoning Map it is assumed that all parcels on the site are zoned RB; regional Business, however some documentation has referenced R-12 residential. It is not known at this time if the R-12 residential zoning is applicable to adjacent properties and / or was part of the proposed boundary line adjustment. The applicant would like clarification of the actual boundary line configurations during the pre-application meeting.

3. Site Plan Information

- **Property Lines with Dimensions:** The boundary line adjustment documents are attached for reference, see previous notes.
- **Proposed Building and Parking Layout:** See attached proposed site plan.
- **Existing Building Location and setbacks:** The boundary line adjustment documents are attached for reference, see previous notes. Setbacks are not indicated; however the site plan is to scale.
- **Proposed vehicle access:** See attached proposed site plan.
- **Location of proposed lot lines:** The boundary line adjustment documents are attached for reference, see previous notes. The applicant will require clarification on the status of the boundary line adjustment to determine and document proposed lot line configuration.
- **Significant trees:** Not shown at this time. The attached proposed plan indicates the new landscaping areas that will be designed at a later date.
- **Existing frontage improvements:** See attached proposed site plan.
- **Location of Utilities and Hydrants:** Not currently indicated on the proposed site or the boundary line adjustment drawings. Existing and proposed new information will be incorporated and designed at a later date.
- **Location of easements if known:** The applicant will need clarification of any existing easements and right of ways. The Seattle City Light ROW is known between Midvale and Aurora; however coordination for proposed use within the ROW must be clarified with the City of Shoreline. The applicant will require clarification of any proposed revisions to ROW's along Aurora, Midvale, 183rd and / or 185th. The applicant will require clarification of any easements shown on the boundary line adjustment drawings.

- Estimate of grading quantity: Not known at this time, however the intent is to provide for a balanced site.
- Environmental Critical Areas: The applicant will require clarification on this item. Storm water retention has not been designed and / or shown at this time, however underground retention will likely be provided to allow for maximum surface parking.

4. **Building Information**

- Square Footage: See attached proposed site plan
- Number of Floors Proposed: See attached proposed site plan
- Elevations: Not designed or included at this time. As previously noted, the building elevations along 183rd, Midvale / Aurora and 185th Street will be new and will provide the center with a fresh, consistent and revitalized design.
- Type of Construction: The majority of the construction is existing, new construction type has not yet been determined other than the extent of work shown on the proposed site plan.
- Type of occupancy: M- Mercantile and / or B- Business. Final designation to be determined based on final code analysis.
- Conceptual Building Floor Plans: Building footprint is shown on the proposed site plan. Building plans will be based on tenant subdivisions to be determined at a later date.

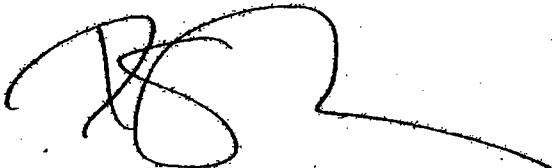
Attachments (10 copies of each):

- Proposed Site Plan
- Boundary Line Adjustment Plan – FOR REFERENCE ONLY, prepared by others
- Boundary Line Adjustment Legal Description – FOR REFERENCE ONLY, prepared by others
- Mapquest® location map, large scale - FOR REFERENCE ONLY
- Mapquest® location map, small scale - FOR REFERENCE ONLY
- Mapquest® aerial photo, large scale - FOR REFERENCE ONLY

Should you require any additional information regarding this matter, please contact me at 425.463.1531.
Thank you.

Sincerely,

MulvannyG2 Architecture



Paul Michael Scanlon, Sr. Project Manager

PMS/PMS

c: SGA Corporation; Mr. James W. Abbott, President

documents



Planning and Development Services

17544 Midvale Ave N; Shoreline, WA 98133-4921
(206) 546-1811 * Fax (206) 546-8761

July 21, 2003

Mr. James Abbott
SGA Corporation
1501 North 200th Street
Shoreline, WA 98133

RE: Preapplication for Gateway Redevelopment #201246

Dear Mr. Abbott:

Thank you for meeting with us July 9th to discuss your schematics for redevelopment of the Gateway site. This letter is to summarize what we discussed and to provide additional information for questions that we could not answer at the time.

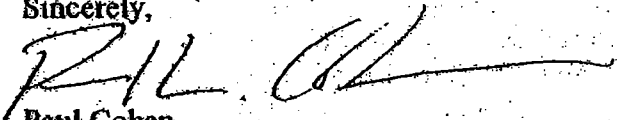
Your proposal is to renovate the existing structure and site which includes some demolition of the existing tilt-up warehouse space and adding retail space to the north end of the building. In addition you are requesting encroachment rights to use Midvale Ave N for site access and parking with a main entry directly off Aurora Ave N. Our responses are fairly general in response to your more schematic proposals.

1. SEPA – Environmental review will be required if there is a net increase of more than 4,000 square feet of building or 20 parking spaces.
2. Valuation – If your proposal exceeds the 50% valuation of the property value then full site improvements will be required.
3. Midvale Through Connection – As a part of a street vacation and the draft Central Shoreline Subarea Plan a through connection using street standards is needed through the site to connect 183rd and Midvale to align with 185th and Midvale. Our suggestion is to pass the connection past the front of the building and then to jog east over to align with Midvale on the north side of 185th. We would like the new retail space to be moved toward the street frontage so that this connection road can jog between the buildings so that its approach to the new signaled intersection at 185th is safe. This connection needs a public access easement and designed with street standards of 24 feet wide, 8 foot sidewalks and curb at least along the east side.
4. You will need a traffic signal warrant to improve the intersection of 185th and Midvale Ave on the north side.

5. Entry to the site from Aurora where you proposed will work. However, you will need to remove the extra pull-in and pull-out lanes. Use of the BAT lanes is designed for that purpose.
6. You will need to develop the Aurora Avenue frontage, interurban trail and landscaping in the SCL R-o-W. The bike trail alignment is OK except it should cross at the intersection of 183rd and Midvale and not 183rd and Aurora.
7. Please contact John McKenzie at CH2M Hill (425 453 5000) for Interurban Trail and Aurora design standards.
8. Design Standard – Please refer to the Mixed Use and Commercial Design Standards of the Development Code. In general, pay attention to the building frontage requirements, façade treatment, entry and pedestrian connection requirements as the building faces both 183rd, Midvale, and N. 185th St.
9. Stormwater – The south half of the site will require flow restriction and water quality improvements. The north half will require only water quality improvements. Doug Van Gelder at (206 546 1064) can provide more detail information for you.
10. Frontage – All streets will require frontage improvements of a 4-foot wide planting strip and 8 foot wide sidewalk behind the street curbs. Traffic Study – A traffic study will be required to determine if the potential Midvale and 185th intersection needs to be signalized and for other possible traffic improvements and to determine ingress and egress to Aurora Avenue. The parties responsible for the improvements, if needed, are determined by the traffic study and the sources of the traffic.
11. Rezone of R-12 parcel – The City would support the rezone of this parcel and review it concurrent to other applications.
12. Processes – If you exceed SEPA thresholds then you will need a building permit per building with SEPA, which requires a Type B review process. If you need a Lot Line Adjustment, Engineering Variances, and Rights-of-Way permits, etc. we can combine the review times to run concurrently.
13. Minimum setback for parking and drives at the rear of the property is 10 feet. Driveways can intrude into the
14. Landscaping – you will need Type I landscaping, 10 feet wide along the entire rear property line. Parking lot landscaping must be installed at 20 square feet per parking stall, minimum 200 square feet per area and at least 8 foot in dimension. See the SMC Landscape section.
15. Stormwater detention and water quality systems will need to be installed.
16. Please call Mark Bunje at 206-546-6562 regarding the Fire Code.

Please call me at 206-546-6815 if you have any questions.

Sincerely,



Paul Cohen

cc: Pre-Application File
Paul Scanlon, Mulyanny Architects.

Aurora

LANDSCAPE AND PEDESTRIAN AMENITIES AT CORNER OF AURORA AND N 185th AVE

12" WIDE TRAIL

NEW NIGHT-TIME REENTRANT CURB-CUT

EXISTING EDGE OF CURB

N. 185th St.

Midvale

TRAFFIC CONTROL (TABLE)

EXISTING CURB-CUT CLOSED

NEW NIGHT-TIME REENTRANT CURB-CUT

LANDSCAPE BUFFER FUTURE ROAD FRONTAGE

NEW FREE STANDING RETAIL 19,300 s.f. (1 STORY BUILDING)

3

Midvale

2

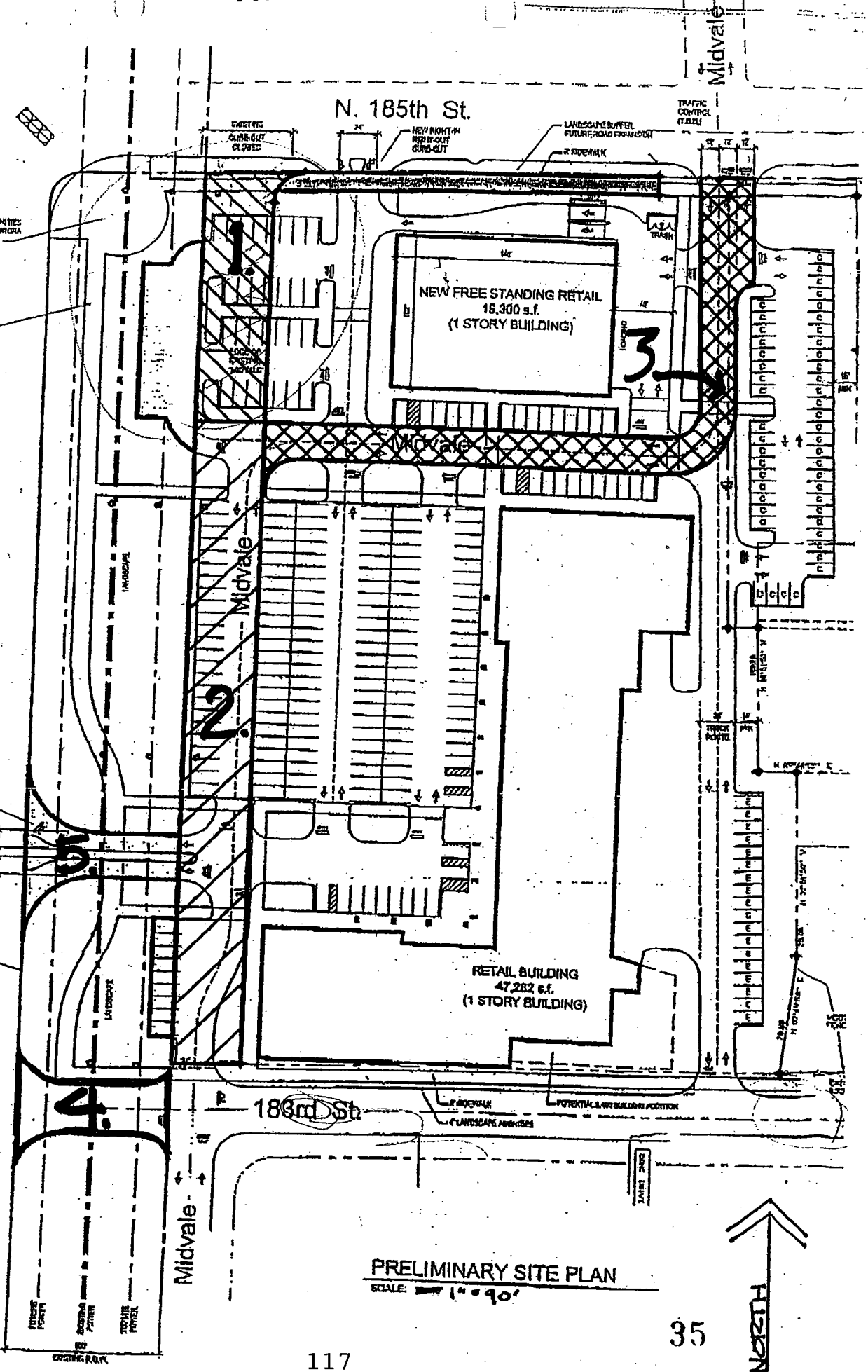
RETAIL BUILDING 47,282 s.f. (1 STORY BUILDING)

183rd St

Midvale

PRELIMINARY SITE PLAN
SCALE: 1" = 90'

35



ATTACHMENT C

DRAFT

These Minutes Subject to
September 2nd Approval

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION

SUMMARY MINUTES OF REGULAR MEETING

August 19, 2004
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Harris
Vice Chair Piro
Commissioner Hall
Commissioner Kuboi
Commissioner McClelland
Commissioner Phisuthikul
Commissioner MacCully
Commissioner Doering

STAFF PRESENT

Tim Stewart, Director, Planning & Development Services
Andrea Spencer, Senior Planner
Paul Cohen, Senior Planner
Ian Sievers, City Attorney
Jill Marilley, City Engineer
Kirk McKinley, Aurora Corridor Project Manager
Lanie Curry, Planning Commission Clerk

ABSENT

Commissioner Sands

1. CALL TO ORDER

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

2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Harris, Vice Chair Piro, Commissioners Hall, Doering, Kuboi, McClelland, Phisuthikul and MacCully. Commissioner Sands was excused.

3. APPROVAL OF AGENDA

The Commission unanimously approved the agenda as written.

4. APPROVAL OF MINUTES

There were no minutes available for approval.

5. GENERAL PUBLIC COMMENT

Bronston Kenney, 1007 NW 190th Street, said he was recently told by City staff that preservation and, where possible, improvement of Shoreline neighborhoods was a fundamental goal of the City. However, he suggested that there is a conflict within the City related to this goal. He said that when the cottage housing ordinance was approved by the City, the type of development proposed by Mr. Nearing was not envisioned. While he understands the City's obligation to conform to the Growth Management Act, he said it is neither necessary nor desirable to degrade existing neighborhoods as this project would. It appears to be more of a monopoly game board than a neighborhood. Mr. Kenney noted that a crucial element of the cottage housing ordinance is compatibility, but the citizen outcry and the anticipated loss of property values demonstrate that the proposal is not compatible. In contrast, he referred to a recently built home on 10th NW, just north of 190th, which raised no protest because it was similar to the other homes in the neighborhood.

Mr. Kenney said the City Council only authorized cottage developments where compatible, but the Planning Department's present definition of "compatible" is flawed and should be revised, and no further cottage development should be permitted until this is done. Cottage development should only be permitted through a full-blown zoning process, since the conditional use permit leaves too much room for interpretation and misunderstanding. He said it has been alleged that the City, and particularly the Planning Department, is in the pocket of the developers. While this is not without basis, he suggested that problems have resulted from a loss of discipline at City Hall. He said the Planning Department works with developers on a daily basis, but sees the constituents only occasionally. Over time, they have forgotten for whom they work. He said the City Council has failed to monitor results and correct the deficiencies promptly in statutes and application related to cottage development. The citizens should not be used as experimental subjects, with projects being forced upon them and then being left alone to bear the full force of the consequences without consent or compensation. He concluded by stating that substantive changes at City Hall must start immediately because too many homes and businesses are under threat. The City must place the needs of the constituents above maintaining comfortable relationships with developers and contractors.

Marlin Gabbert, 17743 – 25th Ave NE, said he was present to introduce a new organization called "Forward Shoreline." Its purpose is to provide a positive organization that promotes pride in Shoreline as a place to live and raise families and to promote economic development by creating a commercial and retail tax base that gives relief to the residential taxpayers. He said that when compared to other cities the size of Shoreline, the City has a very low commercial/retail base to receive taxes from, and this hurts the City economically. He said one of the goals of the organization is to meet with developers who have substantial means to assemble pieces of property that are large enough to develop feasible projects. He pointed out that there are a lot of small parcels of land in the City, which makes substantial commercial/retail development difficult.

Mr. Gabbert advised that the organization advocates for reasonable land use decisions that promote the goal of achieving a livable City. There have been some nice projects developed recently such as Top Foods, etc. and the City is heading in the right direction.

Forward Shoreline will continue to promote this type of development. He said the Commission would hear from the group as time goes on. He provided a copy of the organization's brochure to each of the Commissioners.

David Fagerstrom, 807 NW 191st Lane, referred to the cottage development project that has been proposed on 8th Northwest and a developer's meeting that was held on August 12th. He indicated that after the meeting he and his neighbors surveyed other property owners, and of the 98 eligible, they reached 47. Only 19 indicated that they received a notice of the developer's meeting. Mr. Fagerstrom suggested that the City should change their guidelines for future meeting notice letters, and one option would be to use post office delivery confirmations at a cost of 45 cents each. He stated that cottage developers must not control meeting notice mailings. In addition, the meetings should be scheduled at times other than during the workday.

Mr. Fagerstrom said that Brent Smith, an engineer by trade, lives just west of the development of cottage homes at 11941 – 8th Ave NW. In his presentation at the development meeting, he talked about water runoff not being properly addressed. He indicated that there is hardpan under the soil, and he has had cave-ins on his property. In addition, about every five years there is a major storm that cannot be handled by the existing storm drainage system. Studies need to be done on the impact the project would have to traffic on 8th NW. He summarized that he believes the cottage housing process is flawed, and the language related to public notice should be strengthened.

6. STAFF REPORTS

a. Type C Quasi-Judicial Public Hearing on Midvale Avenue North Street Vacation

Chair Harris reviewed the rules and procedures for the public hearing. He reminded the Commissioners of the Appearance of Fairness Law, and inquired if any of the Commissioners received any communications regarding the subject of the hearing outside of the hearing.

Commissioner Doering disclosed that she and Harley O'Neil served together on the Aurora Task Force. Commissioner Hall said that prior to the public hearing date being set, at a City Council meeting he briefly spoke with two representatives of the project, and Chair Harris and several other Commissioners were present. Commissioner MacCully reported that he, too, served on a committee with Harley O'Neil, and that he worked for Mr. O'Neil years ago. Commissioner McClelland said she ran into Mr. O'Neil and Mr. Abbott at a restaurant recently, but she did not talk about the subject with them. Commissioner Phisuthikul indicated that his son had asked questions regarding the project.

Since the City is the applicant for the vacation application, Commissioner McClelland questioned if the vacation is separate and apart from the development application. Mr. Sievers advised that the two are separate actions. The Planning Commission and the City Council have separate roles in each of the applications. He clarified that the City was asked by the developer of the property to initiate the vacation application. To accommodate the applicant, the City did agree to initiate the application for practical reasons, but the interested party in the vacation is the applicant. But as with any vacation, the City is interested in finding a public interest that is served by the vacation.

Commissioner McClelland inquired if the street vacation would go through if approved even if the development application was withdrawn. Mr. Sievers said the City Council would make the decision about whether to continue with the vacation or not. He said one of the conditions of the proposal is an exchange of excess consideration from a particular developer. If the development application is withdrawn and that consideration is removed, the City Council may decide not to proceed without some consideration for the vacation.

Chair Harris inquired if anyone in the audience feels there might be a conflict of interest or an ex parte contact on the part of any Commissioner.

Peter Buck, Buck and Gordon, Attorney for the Gateway Project, said that while he does not object to any Commissioner participating in the hearing, he felt it would be in the interest of the Commission to be very aware of any issue that is critical to the hearing and the integrity of the process. He referred to the memorandum from the City Attorney dated July 27, 2004. The second paragraph makes it clear that a private property owner is definitely involved in the street vacation application, and this brings up concerns related to the Appearance of Fairness Doctrine. It is very important that the Commission recognize that this is a quasi-judicial proceeding that puts effective burdens on the Commission to act differently. He asked that this memorandum be added to the official record. In addition, he asked that the pamphlet titled, You Be the Judge, which addresses the Appearance of Fairness Doctrine, be added to the record, as well. He suggested that the Appearance of Fairness Doctrine goes beyond ex parte contacts. It says that when the Commission enters into the hearing tonight, they need to do it with the belief that they are approaching the subject with open minds, fairly and without bias or prejudice. This is the bedrock of the entire planning system when reviewing quasi-judicial matters. He said it is important that the Commissioners put aside prior biases. He asked that the record also include the Planning Commission minutes of July 1, 2004, July 29, 2004 and August 12, 2004, as well as the letter from Commissioner Phisuthikul dated July 9, 2004. He said that it would be hard for someone to read this material and not think that decisions had already been made on the part of the Commission. He asked that, with the integrity of the process in mind, the Commission do what they can to put this aside and judge the matter on what they hear tonight and on the criteria. He said he has confidence that the Commission can act with an open mind on this matter and set aside their preexisting conditions.

Commissioner Hall said Mr. Buck's points are extremely well taken. He said that the Commissioners have reviewed the materials that have been provided to make sure they can be fair and unbiased. However, he clarified that the resolution that was previously passed by the Commission was related to a separate discretionary decision by the City Council as to whether or not the City should initiate or set a date for the hearing. Now that the hearing date has been set, he said he has worked very hard to ensure that he can approach the hearing with an open mind.

STAFF REPORT

Paul Cohen, Senior Planner, reviewed that on July 19th the City Council adopted Resolution 220, which initiates the street vacation process for Midvale Avenue North. He advised that the proposal is to vacate a portion of Midvale, just south of North 185th Street (about 170 lineal feet) with conditions and adjustments to accommodate a realignment of Midvale Avenue North between North 183rd and North 185th Streets. The intended result is to provide better redevelopment opportunity of the adjacent sites, better access, perhaps more parking, and build a portion of the Interurban Trail.

Another intended result is to improve pedestrian and vehicular circulation in and around the site, particularly Aurora Avenue North, North 183rd Street, and North 185th Street and to accommodate the future Aurora Avenue North improvements and realign Midvale Avenue to look and act like a street.

Mr. Cohen explained that the proposal involves five separate areas of the site, and the intent is that they work in concert to allow the realignment to be successful. He reviewed each of the areas as follows:

Area 1: This area is identified as the northern portion of the property that the actual request for vacation applies to. The applicant has requested a street vacation of 170 feet of Midvale Avenue North right-of-way south of North 185th Street to allow for a parking lot and landscaping. The Midvale Avenue North right-of-way is 45 feet wide. If vacated, the City would require reversionary rights on the property in the event that the Seattle City Light right-of-way needs to shift east 15 feet to accommodate the future widening of Aurora Avenue North. A utility easement would also be required on this property for existing underground utilities.

Area 2: This area is the southern portion of Midvale Avenue North between the 170 feet of vacated property and North 183rd Street. This portion of the street would remain City right-of-way. The applicant would be required to build a street cross section of two, 12-foot minimum travel lanes subject to parking design, with curbs and landscaping. Parking may be allowed if adequate distance is given to allow safe parking movements on Midvale Avenue North. Any parking in the Seattle City Light right-of-way may be allowed, but may be moved to accommodate changes in their right-of-way and pole relocation. The requirement for sidewalks can be met with the Interurban Trail to the west and an 8-foot sidewalk on the east side of Midvale Avenue North or an unobstructed easement along the building front. Walkways from the Interurban Trail, across Midvale Avenue North and to the buildings will be required for pedestrian safety. He referred to Attachment C and reviewed the conceptual location of the proposed 8-foot sidewalk. He noted that while this might not be the exact configuration of the sidewalk, the City would require an 8-foot easement sidewalk going all the way through the sites, connecting points A and B.

Area 3: This area is from Midvale Avenue North through the project site to North 185th Street. A public access easement granted to the City would extend and complete the new alignment by connecting from Area 2 east between the proposed buildings and then north to align with the intersection of Midvale Avenue North on the north side of North 185th Street. The intent is that it look and function like a road all the way through.

Area 4: This area is a small section of North 183rd Street between Midvale Avenue North and Aurora Avenue North. The applicant is proposing direct access to the site from Aurora Avenue North approximately 250 feet north of this area. This short section of street between Aurora Avenue North and Midvale Avenue North will be closed to avoid traffic conflicts with the new main entry into the site. Later on, as called out in the Aurora Corridor Improvement Plan, 182nd Street is proposed as an access to Aurora Avenue North. The idea is to space out the major access points or intersections so that there are safe turning movements.

Area 5: This area will be the main entry to the site from Aurora Avenue North. This access location would allow for ample separation per the Aurora Corridor plans from both North 182nd and North 185th Street intersections. However, as conditioned by staff, it cannot be opened until North 183rd Street has been closed. The property owner would build the entry with approval from Seattle City Light.

Commissioner Piro clarified that the vacation includes Area 1, which the City would vacate. He questioned if the City would also vacate Area 4. Mr. Cohen answered negatively. He said the other areas are part of the conditions of the vacation. City ownership would be sustained, but they are necessary to have as a part of the vacation to make the realignment work. Area 2 would remain a City right-of-way. Area 3 would be an access easement for the City to have a road continue through, and Areas 4 and 5 are two different access points that the City wants to coordinate. Mr. Cohen advised that the applicant has proposed to use Area 5 as a main entry into the site. This would be in conflict with Area 4 and staff is proposing that access from Area 4 be closed to prevent traffic safety problems.

Commissioner MacCully inquired who would have control of Area 5. Mr. Cohen advised that this access would be through the Seattle City Light right-of-way. Seattle City Light would have to grant permission for the property owners to use it for an access point.

Commissioner Phisuthikul inquired if it is absolutely necessary for the proposal to have the trade between Area 5 and Area 4. Could Area 5 be used for access instead of Area 4? Does Area 5 have to provide direct access to the site? He noted that the present site does not have any direct access from Aurora Avenue North.

Mr. Cohen advised that when reviewing a street vacation application, the City is required to look at four criteria. He reviewed and commented on each of the criteria as follows:

- **Criterion 1 – The vacation will benefit the public interest:** Staff does not believe that Midvale Avenue North functions well today. It has poor access and is not used heavily. It also creates a poor intersection with North 185th Street in terms of proximity to Aurora Avenue North and turning movements in and out. The intent of the proposed vacation is that the traffic would be rerouted through the realignment of Midvale Avenue North as proposed in the area map. This would improve the circulation and turning movements and serve an area where the road might be used more to move traffic through. In addition, the proposed vacation would provide flexibility to realign the Seattle City Light right-of-way to accommodate future Aurora Avenue North improvements. Lastly, the street vacation and Midvale Avenue North realignment would facilitate economic redevelopment of the site.

- **Criterion 2 – The vacation will not be detrimental to traffic circulation, access, emergency services, utility facilities, or other similar right-of-way purposes:** Staff has reviewed the traffic impact analysis and determined that the alignment of Midvale Avenue North would work with circulation and improve it. It would also improve the circulation needs in the vicinity as conditioned. Also, redeveloping Midvale Avenue North would improve the standards, including curbs, gutters, sidewalks, landscaping, etc. Continued access to utilities would be present, as well. Staff believes the proposed vacation would not be detrimental to traffic circulation and utilities.
- **Criterion 3 – The street or alley is not a necessary part of a long-range circulation plan or pedestrian/bicycle plan:** At this time, Midvale Avenue North is not designated for bicycles or pedestrians. It is still considered to be used for vehicles, but there would be a realignment of the vehicular path. The Interurban Trail would be used to improve access for pedestrian and bicycles and is part of the City's long-range pedestrian and bicycle plan. Therefore, the vacation, as conditioned to construct a portion of the Interurban Trail from North 183rd to North 185th Streets, would fulfill the long-range circulation plan for this area.
- **Criterion 4 – The subject vacation is consistent with the adopted Comprehensive Plan and adopted street standards.** Staff has cited in the staff report a number of policies that they think might be applicable to the application. He summarized that the proposal would improve the street design and circulation for all streets, including Midvale Avenue North, North 183rd Street, North 185th Street, and Aurora Avenue North. It would also facilitate redevelopment.

Mr. Cohen advised that staff recommends approval of the street vacation with the proposed conditions because it presents an opportunity to improve traffic circulation through the site, especially on to and off of North 185th Street by shifting traffic to an intersection further east to align with Midvale Avenue North on the north side of North 185th Street. The vacation would allow for adjustments to the Seattle City Light right-of-way for future Aurora Avenue North improvements and would facilitate economic redevelopment by making an archaic land arrangement more flexible. Lastly, the proposal would meet the street vacation criteria as previously described. Mr. Cohen summarized that staff recommends approval with the proposed conditions.

The Commission discussed whether the project proponent should be allowed to make a presentation before the Board, since the City is the actual applicant for the vacation proposal. Mr. Sievers said it might be appropriate for the Commission to hear from the project proponent so that they can clearly understand the uses the right-of-way might be put to. One of the exercises the Commission will go through is to make sure the vacation meets the public interest. One way of doing this is to perhaps attach conditions for use by the private property owner who would receive the property. If the Planning Commission feels some conditions should be attached to better meet the public's interest, they might want to review what is being proposed by the property owners. Perhaps their comments could be accepted as part of the public comments after the Commission has completed their questions to staff.

Commissioner Phisuthikul said that, as proposed, the vacation would be on Area 1 only. However, there would be an impact to Areas 2, 3, 4 and 5, as well. But if the Commission were to recommend approval of the vacation of Area 1, they would not necessarily be approving Areas 2, 3, 4 and 5.

He expressed his concern about approving just one area since all of the areas are connected to the project. Mr. Sievers said the purpose of discussing the other areas is significant. In addition to setting appropriate conditions for Area 2, the Commission should also be very concerned about the developer's proposal to substitute the circulation pattern in Area 3.

Commissioner McClelland noted that the staff report does not address how Midvale Avenue North is linked to Aurora Avenue North and neighborhoods. It is used as an alternative route to stay off of Aurora Avenue North as much as possible. Midvale Avenue is a legitimate connection between 175th and North 185th Streets. There are residential, business, office, retail and multi-family residential uses located south of North 183rd Street that use the link with Midvale Avenue North on a daily basis. The staff report does not address how the vacation and realignment would impact the many cars that use Midvale Avenue North.

Commissioner McClelland clarified that the Central Shoreline Subarea Plan was never adopted by the City Council, yet the City finds it appropriate to reference an unadopted plan on a transportation issue and completely and absolutely ignore the land use issues that were addressed in the plan. She referred to Attachment A, Pages 10-12, which describe the kinds of uses the Central Shoreline Subarea Plan recommended. She said she is very troubled by what the Commission is being asked to do at this time. Therefore, she is going to have to excuse herself from participating in the review process. She feels incredibly biased on the subject, and she believes the procedure is flawed and the information in the staff report is too limited to allow the Commission to make the right decision. She said she is 100 percent supportive of the redevelopment of the property, but she is not comfortable with what the Commission is being asked to do.

Commissioner Hall noted that in their analysis of the public benefits, staff appears to focus on Areas 1, 2 and 3. He inquired if the staff has completed a similar analysis for traffic circulation, public benefit, and consistency with the Comprehensive Plan for the closure of Area 4. Ms. Marilley, City Engineer, clarified that the Aurora Corridor Plan calls for opening up 182nd Street, which is approximately where the current Les Schwab is located. She described the domino affect that would occur. When 182nd Street is opened up as the proposed Aurora Corridor development goes through, North 183rd (Area 4) would be closed and Area 5 would be opened up. She explained that Area 5 does not have to be opened up in order for the proposed redevelopment to function. There would be a benefit as a result of the direct access from Aurora Avenue North. However, there would be no increase in congestion or traffic as a result of this change because the entrance would be well in advance of the intersection. She concluded that the closure of Area 4 would provide a benefit to the local neighborhood because they get some pass through traffic. If it is less convenient for people to do this, they will find other, more appropriate routes. She explained that frequently traffic that is northbound on Aurora Avenue North, takes a right on North 183rd, heads east and takes a left turn to access North 185th Street. Instead, they would have to turn right at Area 5 and continue to use Midvale Avenue North through the development or go to the intersection and turn right at North 185th Street, which is a more appropriate access. There would be full access to the property and to the neighborhood, but traffic would be slowed down.

Commissioner Kuboi agreed with Commissioner McClelland's comments that there was not enough mention of the impacts to Stone Avenue North in the staff report. If he were coming north on Midvale Avenue North at North 183rd Street and knew he had to navigate through the parking lot of the development, he would probably turn right at North 183rd and cut over to Stone Avenue to get to North 185th Street. He inquired if consideration was given to the impacts of this type of traffic pattern.

Ms. Marilley answered affirmatively. A traffic circle was installed at North 183rd Street and Stone Avenue to discourage pass through traffic and to slow traffic down. Additionally, Section 3 of the development would be required to meet all City construction standards. It would look and function like a street. For all purposes, it would be a public street, and drivers would be drawn towards that direction. Ms. Marilley said the whole purpose of the realignment of Midvale Avenue North is the future intent that the City would be able to install a traffic signal. Midvale Avenue North would be realigned to what had always been planned. With the traffic signal at North 185th Street, there should be a greater draw for traffic.

Commissioner Kuboi expressed his belief that parking lots, in general, are hazardous places to drive through. He said it sounds as though no traffic count or analysis has been done to identify what the traffic impacts would be to Stone Avenue. Ms. Marilley answered that a traffic study has been performed to ensure that traffic stays on Midvale Avenue North rather than diverting to Stone Avenue. Additional measures will also be taken. Mr. Cohen added that if, when reviewing an application for redevelopment through the SEPA analysis, staff feels more should be done to mitigate impacts to the adjacent neighborhoods, there is potential to refine the overall traffic and circulation design to meet those needs.

Commissioner Hall inquired if the Aurora Corridor Plan called for the closure of North 183rd Street at Aurora Avenue North. Ms. Marilley answered affirmatively. Commissioner Hall inquired if the plan also called for opening up an additional access point north of North 183rd Street. Ms. Marilley said the Aurora Corridor Plan does not clearly state that there would be an additional opening. Commissioner Hall summarized that someone looking only at the Aurora Avenue North Plan would be under the assumption that the number of distinct access points from 182nd to North 185th Streets would decrease by one. Ms. Marilley answered affirmatively.

PUBLIC COMMENT

Kevin Grossman, 1521 NW 190th Street, said he finds it strange that the Commission is considering the vacation of Midvale Avenue North in the absence of a presentation by the developer. There would be no impetus for the City to vacate this street if there were no development project associated with it. He said he would like to hear from the developer, and he would like the Commission to consider the redevelopment plans and the vacation request as a whole. He said he shares Commissioner McClelland's concerns about Midvale Avenue. However, his observation is that trying to turn at Midvale Avenue North onto North 185th Street is dangerous because the traffic turning off of Aurora Avenue North at this intersection does not look to the right to see if anyone is coming out of Midvale Avenue North. In addition if the light eastbound is green, people will come over the hill where there is a significant grade change.

The ability to see someone coming off of Midvale Avenue North is very limited. Mr. Grossman expressed his belief that something has to happen with this site, since previous retailers have moved out. He said he would love to see mixed-use development on the property, but that is not what the market demands at this time. He felt the best solution for this site over the next decade would be a pleasant redevelopment for retail uses. He stated that he believes the vacation of Midvale Avenue North makes a lot of sense to him for a whole range of reasons.

Cindy Ryu, 15215 Aurora Ave North, agreed with Mr. Grossman that it is not appropriate to separate the development proposal from the vacation proposal. She said she attended the neighborhood meeting regarding this project. She also attended the Commission Meeting just following the neighborhood meeting, at which time Commissioner McClelland expressed her disappointment to hear that the project would be developed as another strip mall instead of what the Commission had been led to believe would be a high-density, mixed-use development.

Ms. Ryu referred to Commissioner Phisuthikul's letter dated July 9, 2004, and said she appreciates his efforts to lay the situation out. It is important that the City not look at vacating Midvale Avenue North as the only issue to be decided. The Commission must look at the character of the whole area and determine whether or not the proposed project would meet the goals and objectives of the Aurora Corridor and Interurban Trail projects. Ms. Ryu pointed out that once the street vacation is granted, it is a permanent decision. She urged the Commission to take sufficient time to make a correct decision. They should avoid the appearance of vacating a public street for a private good. She urged the Commission to be aware of the passions of their constituency.

Scott Thompson, 17203 Greenwood Place North, provided written comments to the staff on August 12, 2004, and they were included in the staff report. He also provided staff with some additional written comments prior to the meeting. He noted that the Midvale vacation proposal was advertised and posted on July 28th, so he objects to the inclusion in the staff report, and therefore the record, of any comments that were dated prior to that time. But so as not to preclude anyone's ability to comment, he asked that the record on the street vacation be held open until 5:00 p.m. on August 23rd.

Harley O'Neil, 18645 - 17th Ave NW, said he has been a member of the community since 1949. He said he taught school in Shoreline for a number of years. One thing he does for a living is look at properties that have either been owned by absentee owners or people who have let things go. His goal is to make them better places. For instance, he improved the Meadowbrook Apartments, the bowling alley, etc. They recently purchased the Echo Lake property and the Interurban Center. Anyone interested in these projects can contact him for more information. No one has asked him to provide additional information about the Gateway Project.

Mr. O'Neil clarified that, as per the vacation proposal, the property owners would give up 17,000 square feet of property to provide a better access through Midvale from North 183rd to North 185th Streets. They would also give up 12 feet along North 185th Street to provide sidewalks and planting strips on their property.

He said that when the Aurora Corridor is being developed and property owners express concern about losing two feet of frontage to accommodate a sidewalk, they should consider that this project would be required to give up 12 feet without compensation. They will also have to pay for the sidewalk and planting areas.

Mr. O'Neil said he believes in Shoreline, and he believes people in the City should have better retail businesses so that people do not have to go outside of the community to buy things. It is unfortunate that the property owners of single-family homes are paying too much money on property taxes. If the City can increase their retail opportunities, they will be able to improve this situation. The Gateway Project would be a real improvement for the community, and so would the redevelopment of Echo Lake.

Mr. O'Neil said few people understand what it takes to see a project like this through to completion. They have been working on the Gateway Project since 1997. He said he is still unclear as to why the Planning Commission decided that they wanted more residential density at this location.

In his vocation as a property manager, he manages about 550 units. There are a lot of vacancies in apartment buildings right now. To build apartments on Aurora Avenue North at this time would be a big mistake. Mr. O'Neil summarized that, even though it will cost the property owners 17,000 square feet of land, it is in the best interest of the community that the vacation proposal and realignment be approved to improve the safety in this area.

Ted Therriault, 16810 Shore Drive, Poulsbo, 98370, said he is a 25-year resident of the City of Shoreline, and has temporarily been located in Poulsbo. He said he is an owner of a small piece of the property involved in the Gateway Center project. He said he spent 20 years driving past the U & I Food Center property. He said he attended tonight's hearing to get an idea of how projects of this type get moved forward. He said he understands the difficulties the Commission is facing, but they must consider the safety issues and other issues raised by the staff. The Commission is also charged with the responsibility of creating a viable community. The proposed Gateway Project recognizes the viability of the community. He noted that the City has a lot of ideas about what they want to do, but it takes a solid tax base. They need to look forward and move on with projects such as the one being proposed.

Dan Mann, 17920 Stone Ave North, said he is a neighbor of the Gateway Project. He said that while he is not against the project, he cautioned that the City must take measures to protect the neighborhood from additional traffic. He suggested that the traffic analysis is one sided and failed to account for the fact that going from two lanes to four lanes has pushed traffic through the Meridian Park neighborhood. He suggested that closing North 183rd Street would prevent northbound traffic moving through the neighborhoods from accessing Aurora Avenue North, and the traffic would end up on North 180th Street. He said he would like the City to require a more detailed traffic analysis, particularly regarding the impact of closing North 183rd Street, leaving only one through street (North 180th Street) in that neighborhood.

Mr. Mann said he is disappointed that the project does not exemplify the type of mixed-use development that was so aggressively promoted by the Planning Department in all of the public meetings that were held. Nothing but mixed-use was ever proposed for that site, yet suddenly it is okay to have a glorified strip mall. He questioned why this change was warranted.

Mr. Mann said there is a clearly defined demarcation mid-block between Stone Avenue and Midvale Avenue North, and that is where the commercial development stops. This was done to protect the neighborhood. He said any planning that is done without respect for this clear demarcation and the need for commercial space in Shoreline does not do justice to the ultimate growth or development of commercial uses in the City. He said he is concerned about all of the businesses that would be forced out when the Aurora Corridor Project goes through. He wants to make sure there are sufficient provisions made for these businesses without having the City feel the necessity to push into residential neighborhoods for future growth. He said any plan that calls for a very underdeveloped use of the land, concerns him.

Mr. Mann said none of the residents of the Meridian Park Neighborhood have had much opportunity to provide input on the Gateway Project proposal. They haven't had a chance to review the plans, and they really don't know what the traffic impacts would be. They would like more information regarding the impacts before the project is approved.

Fran Lilleness, 17730 – 14th Avenue Northwest, said she is a property manager in the City, also, and she has noticed the decline in the rental market. She suggested that putting more apartments in Shoreline would be a mistake because there is no market demand. She suggested that bringing in more residential mixed-use development to this area would also increase the traffic in the neighborhood. The problem would be even more difficult given the change on North 185th Street from four lanes to two. Ms. Lilleness said she would like fewer apartments built on the subject property for the sake of the adjacent neighborhoods. The community needs retail businesses in the community to provide a tax base and provide services for the community. She questioned if providing greater residential density in the area to meet the Growth Management Act requirements would offset the benefits provided by increased tax revenue from businesses.

Dale Hanberg, 19916 – 18th Ave NW, said he has lived in the City since 1952. When they voted to become a City one of the enticements was that the city would have local control and actions would happen faster. Let's do it a little faster and keep moving on.

Robin McClelland, 104 NW 180th Street, said that because the application meets the terms of the land use code, it was never going to be reviewed by the Planning Commission. Therefore, the Commission really had no role in discussing the actual development application. That's why they wanted to be clear of their role in recommending the vacation to the City Council. She wished the Commission had had an opportunity to talk to the developers before it got to this stage in the process. She said she doesn't think any property owner or developer would give up 17,000 square feet without expecting to gain something in return. She reminded the community, the Commission and the audience what type of development previous existed on the site. There was a bank, a post office, a liquor store, a hobby shop, a grocery store, a full-complimentary drug store, a tavern, a taxi stand, and a restaurant. They lost a complete small town community, and she challenged the developers to recreate something near that for the benefit of the residential and working community in the area.

Commissioner McClelland said that while residential development may not work today, she can provide numerous examples of developments in the Puget Sound area where what didn't appear to be able to work today was required or forced. Within five or ten years, these developments were extremely viable and financially successful. They ended up being stepping stones to an improved community in every respect with regard to transit, housing, etc. Sometimes cities have to make hard choices, and that is her regret in this situation. The application appears to be taking the path of almost no resistance. As a professional planner and as a citizen of Shoreline, she said she is disappointed by that approach.

David Anderson, 1108 NE 200th Street, said his office used to be located where the current police station is located on North 185th Street. He observed the traffic at that location for five years and had not seen any safety issues at the intersection in question. He reminded the Commission that the issue before them is public interest regarding the vacation. He said he has not heard any public benefit that would result from the vacation, only private benefit. He reminded the Commission that the circulation of traffic through the site is the responsibility of the owner of the site, and has nothing to do with the operation of the City street. If they only took the curb off of the City street next to the property, it would allow 100 percent access to the site without changing any of the traffic patterns. He challenged the concept that if they block off any of the other streets they would improve circulation. He felt this would actually increase congestion and require a traffic light at a cost of \$35,000 to the citizens. He said he sees no justification or public benefit for the proposed vacation.

James Abbott, 16218 – 6th Ave NW, indicated that he is one of the owners of the subject property. He had originally prepared a presentation for the Commission, but was not given the opportunity to present it. He said he would, therefore, like to address some of the comments that have been made. He suggested the Commission should focus on the reality of the situation at North 185th Street and Midvale Avenue North where the grocery store was closed. They have tried for years to get a replacement grocery store on the site, but have received no interest because of the number of stores that are already located in the area.

Mr. Abbott pointed out that on the north end of the site, the water table is less than four feet, which makes it difficult, if not impossible, to go underground to try and get the density that was hoped for in the Central Shoreline Subarea Plan, which has been published by the City in 2002, but never adopted. He said another reality is that regardless of what the property owners do, the Interurban Trail will be located within the Seattle City Light right-of-way, and the businesses within this right-of-way will have to be moved. The property owners have a genuine interest in what happens in Shoreline and he said he takes issue with the comment that the development would be something that is unacceptable to the community.

Mr. Abbott pointed out that according to the Central Shoreline Subarea Plan, 182nd Street would be opened regardless of the proposed development. The State Department of Transportation wants the access points at least 150 feet apart. It would seem that the neighbors living on Stone Avenue would benefit from having traffic coming into the site instead of accessing to the north on North 183rd Street and Stone Avenue. In addition, if approved, there would only be two access points instead of four.

Mr. Abbott said the only use that makes sense for the property now is retail. He explained that the proposed development would include a full-service drugstore and a liquor store. The remainder of the site would be developed as office and retail uses that would benefit the community. The original plan that was proposed over a year ago was to run Midvale Avenue behind the site, but the City expressed opposition to that plan because it would bring traffic too close to the Meridian Park Neighborhood. The City suggested that the street should meander through the site.

Mr. Abbott reminded the Commission that the subject property is located in a retail area along a State route, and the Interurban Trail will also be constructed in the area. Studies do not indicate that anyone wants to live in this location, and the developers are doing the best type of development they can on the property. They have reluctantly agreed to vacate 17,000 square feet of space in return for an additional 17 parking stalls. He suggested that the additional parking spaces would benefit users of the trail, as well. He provided display boards for the Commission and public to review the current project plans.

Mr. Abbott reminded the Commission that their responsibility is to review the four criteria that must be met in order for the vacation application to be approved. He provided a packet of information that he wanted to become part of the official record. He closed by urging the Commission to recommend approval of the vacation application as proposed. He emphasized that the City reserves the right to take back a portion of this space to provide flexibility for the Aurora Corridor project. He summarized that he believes the proposed plan is the best alternative for the site.

Martin Kral, 1317 North 183rd Street, submitted his written comments to staff for inclusion in the official record. He said he lives right behind the proposed development. He said he is opposed to the proposed street vacation, since it would benefit only the redevelopment plan and does little to improve traffic flow parallel to Aurora Avenue North. Attempting to place a "street" within a parking area of that size is dangerous to both drivers and pedestrians. He reminded the Commission that Midvale Avenue North was planned as a relief route and as a bus and trail use in the Central Shoreline Subarea Plan, which was supported by the participating neighbors. Forcing Midvale Avenue North into a bizarre configuration would end up increasing traffic in the adjoining neighborhoods as drivers seek more direct routes. He suggested that the City should require the applicant to build within the property boundaries or at least widen or redesign Midvale Avenue North to prevent car/pedestrian conflict. In addition, the City should require compelling evidence that the vacation is beneficial to the citizens.

Peter Buck, Buck and Gordon, Attorney for the Gateway Project, said that after listening to the public, Commissioner McClelland and other Commissioners, it appears that many people are concerned that the proposed development would not meet the plan the City has worked so hard on. But he reminded the Commission that the Central Shoreline Subarea Plan has not been adopted to date, and therefore, it is inappropriate for the City to enforce this plan on any development proposal. The issue before the Commission for consideration is the criteria that must be met in order to approve the street vacation request. He referred to the staff report in which the City Engineer pointed out the dangerous intersection that exists in this location. The street vacation would address this situation. Rather than considering the merits of the plan that do not meet the Commission's vision, the Commission should focus on addressing the public safety issues related to Midvale Avenue North. The Commission should also think about what would happen to subject property if the vacation request is not granted. If the

Commission were to recommend denial of the vacation, they would not get the type of development they want for the property, either. If the Commission attempts to impose their design ideas through the street vacation process, the existing structure would likely be used as a thrift store or something of that nature and the property would not be redeveloped.

Commissioner Piro inquired if any proposal for realignment was proposed that would allow the north/south flow to access North 183rd. He requested information as to why the City recommended the cut through scheme as a preferred alternative. Mr. Cohen reviewed that in discussions with the applicant, a variety of alternatives were considered, including access on North 183rd. The City staff did not want the Midvale Avenue North realignment located towards the east side of the property. They preferred that the Midvale Avenue North realignment be along the front of the building in order to bring most of the traffic from Midvale Avenue North further away from Stone Avenue and the Meridian Park Neighborhood. In addition, the City staff wanted to bring street activity to the front of the building.

Mr. Cohen emphasized that one of the conditions would require that the vacated area would have to look like a road, with striping down the middle. The intersections at North 183rd and North 185th Streets would have to be at grade asphalt, whereas other entries to the site have to have curb apron and sidewalk. He said the comment that the vacated area would be a drive isle through a parking lot is inaccurate. The City would require that the parking spaces located off of the Midvale Avenue North realignment must be done at adequate depth to allow safe pull out. A drive isle would be far more narrow than the City would likely allow. Again, he said the vacated property must be developed to appear as a road all the way through the site, and it must be differentiated from the rest of the site.

Commissioner Piro said it is important for the Commission to make sure that the highest standards are being applied to their review of the application in order to protect the public's interest. If the applicant had gone with the east end alternative mentioned by the developer, Commissioner Piro inquired if City right-of-way would have been required. Mr. Cohen said there is no City right-of-way located in this area. If the street vacation is granted, Commissioner Piro asked if the property owner would have the ability to close down Area 3 for a special event. Mr. Sievers said his understanding is that Area 3 is included in the plan because it would guarantee the public's continued access. It is intended to be a public easement, and the developer would not be allowed to shut down this easement without obtaining a right-of-way use permit.

Commissioner Phisuthikul said it was mentioned that the City encouraged the developer to choose the westerly oriented Midvale Avenue North realignment to address urban design issues. The intent was to create street activities in front of the building. However, he noted that, as shown on the proposal, the building would be over 200 feet away from the street. He inquired regarding the interaction that would exist between the building and the street. Mr. Cohen said the situation would not be the same as a street that is directly in front of a building that has ample sidewalk between the building and street. The vacated property would function at a residential street speed, and the intent is that people use the street to be part of the activity. Others will use it as a cut through, and that is what a multi-purpose street is for. Some parking lot would be located between the Midvale Avenue North realignment and the front of the building, and that is why the staff has recommended the condition that a sidewalk easement be required across the front of the building. This privately owned sidewalk would provide public access.

Mr. Stewart said the anomaly of the site is its relationship to the Interurban Trail and the Seattle City Light right-of-way. In looking at the function of the site, the proposed design would provide a circle of pedestrian activity to 145th Street provided by the Interurban Trail and pedestrian access through the site. When arranging this pedestrian access with the abutting property and parking area, it is important to remember that there is a 100-foot wide strip of Seattle City Light right-of-way that cannot be built upon. Therefore, any development has to be set back at least this amount of space from Aurora Avenue North. The question is how to get people to the site and make it a safe pedestrian environment. He said he believes the proposal represents a compromised design that evolved through a number of meetings between the staff and the applicant. James Abbott clarified that the proposed development would not be located 200 feet from Midvale Avenue North. One end of the building sits right on the street. While it might be 200 feet to Aurora, they cannot do anything with the 100-foot wide utility right-of-way. Commissioner Phisuthikul said it appears that the proposed development would be 190 feet from Midvale Avenue North.

Commissioner Kuboi inquired if the access agreement would be recorded on the title for the property. Mr. Sievers said that is the intent. He explained that the distinction between a road and an easement area is that the maintenance and liability would remain with the property owner. Although the City would maintain Area 2, Area 3 would be maintained by the property owner. Commissioner Kuboi inquired if future owners of the property would be required to abide by all the terms of the agreements associated with the vacation approval. Mr. Sievers answered affirmatively.

Commissioner Kuboi inquired if there are any constraints as to the alignment of the Interurban Trail. Would the project be allowed to expand parking into the Seattle City Light right-of-way? Mr. Cohen said he is confident that there would be no conflict between the proposed project and the design of the Interurban Trail. Mr. Cohen emphasized that the proposed drawing is preliminary, and staff is still working with the applicant to make sure it meets all of the conditions that have been proposed. Mr. Cohen said the staff's goal is to allow for parking, but make sure there is ample safe movement, with as much curb and landscaping as possible. He said the plans do not emphasize the strong pedestrian connections that will be required between the trail and the site. Ten-foot sidewalks would be required from the trail to the site in two locations. He said that, at this time, the alignment of the trail has not been finalized.

Chair Harris inquired if, based on the current statutes and codes, the applicant would be able to submit an application for frontage improvements along Midvale Avenue. Mr. Cohen said they would have to revise their current application in order to do so. Chair Harris pointed out that, originally, the applicant preferred to develop the site without the vacation, and the current vacation and realignment proposal was corroborated with the City staff's input and help. Mr. Cohen answered affirmatively.

Mr. Abbott said that originally, the developer didn't want to give up any property, so they felt it would be better to design the access another way. But now they have spent over a year working on the City's preference, they would like to go forward with the proposed design. The City felt the proposed design of Midvale Avenue North would be more of an urban setting. He said the applicant is willing to sign the use and access easements as conditions of the street vacation. The thought of going back and redesigning would not be acceptable to them.

Commissioner MacCully said it appears that traffic would be forced onto Midvale Avenue North and through a parking lot. He pointed out that, from a transportation perspective, the proposed alignment would be consistent with the unadopted, but published Central Shoreline Subarea Plan. While there are other elements of the subarea plan that the development does not speak to, from a transportation perspective, which is all the Commission is supposed to be considering at this time, the realignment would be extremely consistent.

Commissioner Hall inquired if the published but not adopted Central Shoreline Subarea Plan indicates Area 4 being closed and Area 5 being opened. Mr. Cohen answered that it does not. Mr. Abbott pointed out that the subarea plan has always contemplated the closure of North 183rd Street and opening 182nd Street (Area 4).

Commissioner Hall requested clarification from the City Attorney regarding the difference between an easement and a dedication. He specifically questioned what would make an easement different than if the applicant traded land with the City and dedicated Area 3. Mr. Sievers answered that there may be different development standards if it were to be a dedicated street. He said that if the applicant were to give Area 3 to the City in exchange for Area 1, there would clearly be an excess amount of land area to benefit the City. Mr. Cohen added that, from staff's opinion, a dedicated street would cost more in terms of maintenance and would be less flexible in terms of design than would an easement.

Commissioner Hall said the head-in parking shown on the drawing makes the realignment feel more like a parking lot. If Area 3 is to have the nature of a street, he questioned if head-in parking would be consistent with the City's current street design standards. Ms. Marilley answered affirmatively. She said the City's preference is angle parking, but head-in parking can be made to work.

Commissioner Doering inquired if the intent of the proposed design is to have a character similar to that of University Village. Mr. Cohen said the street through University Village has slower speeds, more stop signs and pedestrian crossings than the proposed Midvale Avenue North realignment. The criteria for street design would prohibit stop signs, and the crosswalks would not be raised as speed bumps.

Commissioner Phisuthikul said that many references were made in the staff report about the road looking and functioning like a street. However, these types of conditions and standards were not included in the proposed conditions for approval of the vacation. Mr. Cohen said that while staff acknowledges a need to revise the descriptions for each of the different areas, Condition 4 states that an access agreement would be granted to the City for the area described in Area 3, with construction and maintenance completed by the property owner. He agreed that this condition should be expanded to make sure it reflects the standards identified for each of the areas. Again, Commissioner Phisuthikul suggested that a condition should be included related to the vacated area being developed to look and function like a street.

Commissioner Piro requested that staff provide an update on where the City is at on their design of this section of the Aurora Corridor. Kirk McKinley, Aurora Corridor Project Manager, advised that Phase I (145th to 165th Streets) has been fully funded at 90% design, and they are moving towards construction in 2005.

For the section related to the subject property, the City is currently relying on pre-design work that was adopted in 1999. Over the next several months, they will begin the environmental process for the area between 165th to 205th Streets, and they expect the process will take 12 to 18 months.

Commissioner Piro recalled that at one time some schemes for the central section had been presented to the Commission that looked at perhaps using Midvale Avenue North as a transit way of some sort. Mr. McKinley said that was one of the scenarios considered in the subarea plan process. However, Metro was not in support of that proposal because they felt it would slow the buses down and separate their northbound and southbound riderships. As the City has moved in to the environmental review for the corridor, the adopted policy direction has business access/transit lanes located on Aurora Avenue North. Mr. Stewart added that the decision was reinforced with the Comprehensive Plan amendment that designated an additional 24 feet on the east side of Aurora Avenue North in the Seattle City Light right-of-way in this area. This would eliminate the potential expansion on the west.

Commissioner Piro requested an update on the status of the Interurban Trail design. Mr. McKinley said a contract was signed just this week with a design firm to begin work on this section of the trail. Two of their first tasks will be determine what the cross section of the trail should look like and to work quickly with Seattle City Light to identify the alignment of the trail.

Commissioner Piro said it has been his understanding that from 175th to North 185th Streets, the Interurban Trail would be located within the Seattle City Light right-of-way. He questioned if the location of the trail on the other side of North 185th Street has been decided. Mr. McKinley said the preferred crossing would be at the intersection of North 185th Street and Aurora Avenue North. In some places along Aurora where the trail is located close to the street, perhaps a full-width sidewalk would not be necessary. He concluded that staff is anticipating the design work for this portion of the trail to take about 12 months.

Commissioner Piro inquired what is supposed to be happening in the Seattle City Light right-of-way between North 185th to 192nd Streets. Mr. McKinley said that the staff is working with Sky Nursery who is developing some preliminary plans for this area. Staff has met with them to talk about how the trail would work with their frontage. They have talked about having the trail parallel to Aurora Avenue North at least through to the future bus stop and then try and swing the trail in, closer to the building and away from Aurora Avenue North until the vehicles turning left of Aurora into the site can access safely. The trail would then swing back out towards Aurora Avenue North and along the west side of the Seattle City Light right-of-way. He said Sky Nursery has talked about putting parking between their building and Aurora Avenue North, but they are planning to locate most of their parking on the north side of their site.

Commissioner Piro inquired what is to happen to Midvale Avenue North beyond the two blocks the Commission received information on. Mr. McKinley said there are no plans for the other portions of this street.

Commissioner Kuboi inquired if speed limits would be posted for the realigned portion of Midvale Avenue. Ms. Marilley said speed limits would be posted on this site, and it is possible that the speed limit would be lower than what it otherwise would be. She said the City is also limiting the number of access points they can have onto the street. The City has not established a goal, to this point, regarding the appropriate speed limit for this section of Midvale Avenue North.

Commissioner Kuboi expressed his concern that if the speed limit on this section of the road is substantially lowered, people may try to find different ways to go. On the other hand, if they try to maintain it as it currently is, making it as easy as possible to get through, it will behave more like a street. He said he would feel more comfortable approving the vacation if the City's goal were to allow traffic to flow through as a street. Ms. Marilley said the goal is to strike a delicate balance between engineering and driver's comfort to make it convenient to drive through the site, but at the same time maintain appropriate speeds. If the realignment were approved, the City would have the ability to put in a signal at Midvale Avenue North and North 185th Street if necessary in the future.

Commissioner Hall reminded the Commission of a request from a citizen asking the Commission to keep the public hearing open until August 23rd. Commissioner Piro suggested another option would be for the Commission to close the verbal testimony and set a date for which the Commission would continue to take written testimony. However, Mr. Sievers indicated that this would require the Commission to defer action until after the written testimony period had expired. Commissioner Kuboi said another issue raised by a citizen was whether or not the Commission could take into account comments that were provided prior to the announcement of the public hearing. Mr. Sievers explained that the Commission could include in the record comments or information that was provided prior to the public hearing date being set.

Chair Harris closed the public portion of the hearing.

COMMISSIONER DOERING MOVED THAT THE COMMISSION APPROVE THE VACATION BASED ON THE FINDINGS AND APPROVED CONDITIONS WITH AN AMENDED CONDITION 4 AS STATED BY COMMISSIONER PHISUTHIKUL.

Commissioner Phisuthikul recalled that his comment was concerning the staff report's description of the realignment looking and functioning as a street, which is not indicated in any of the conditions that have been proposed. Condition 4 referred to the access agreement, but not the character or standard of a street design.

COMMISSIONER MACCULLY SECONDED THE MOTION, SUBJECT TO CLARIFICATION.

Ms. Marilley suggested that Condition 4 could be changed to read, "Access agreement is granted to the City for the area described in Area 3, with construction to City street standards and maintenance completed by property owner." The existing street standards could then be applied, which would include setback standards.

COMMISSIONERS DOERING AND MACCULLY ACCEPTED THE LANGUAGE PROPOSED BY MS. MARILLEY AND MOVED THAT IT BECOME PART OF THEIR MOTION.

Commissioner Hall said he finds the staff's analysis of the safety issue at Midvale Avenue North and North 185th Street to be fairly convincing. Moving the intersection from its current location to its proposed location would at least take a lot of the traffic away from that point, and reducing the number of curb cuts would also improve the situation. However, he questioned if the conditions that are being proposed ensure that the vacation is in the public interest and consistent with the adopted Comprehensive Plan and Street Standards. He noted that the Comprehensive Plan policies for the Aurora Corridor encourage residential uses. However, they are being told that the market conditions would not support this type of use. The Commission must consider what would happen in lieu of the vacation.

Commissioner Hall said he is much less convinced by the traffic circulation arguments for Areas 4 and 5. The Central Shoreline Subarea Plan calls for the closing of North 183rd Street and the opening of 182nd Street, but it does not contemplate a new driveway into a shopping center between 182nd and North 185th Streets. While they would solve a problem at Midvale Avenue North and North 185th, they would create another problem of people turning on and off of Aurora Avenue North. He referred to the staff's analysis of Conditions 1 through 4 and said he believes they address Areas 1, 2 and 3, but not Areas 4 and 5.

COMMISSIONER HALL MOVED THAT THE MOTION BE AMENDED TO REPLACE CONDITION 5 (OF THE APPROVAL CONDITIONS) WITH THE FOLLOWING LANGUAGE, "THAT THE ACCESS TO THE SITE WOULD BE LIMITED TO ACCESS POINTS FROM NORTH 183RD OR NORTH 185TH STREETS AND THAT THERE WOULD BE NO DIRECT ACCESS TO THE SITE FROM AURORA AVENUE NORTH. COMMISSIONER PIRO SECONDED THE AMENDED.

Commissioner Phisuthikul referred to the letter he wrote to the City Council regarding this issue. He said his main concern was not whether the property was developed as mixed-use or not. His concern was that the "main street" vision for Midvale Avenue North was missing from the proposal. Midvale Avenue provides through passage right now, and the "main street" would be consistent with the Comprehensive Plan, which calls for small city blocks, a park plaza, a transit center and large public areas for mixed City activities.

Chair Harris said his instinct is to support the amendment, but he doesn't feel comfortable second-guessing the planning that has been done by the staff and the applicant with so little analysis available. Commissioner Harris said he, too, is concerned that the staff analysis does not sufficiently address Areas 4 and 5. He is concerned that if the Commission acts on the vacation with the conditions as stated, they would be defacto vacating a portion of North 183rd Street for which there was no public notice. The City did not request that the Commission conduct a hearing on the vacation of a portion of North 183rd Street, yet they are considering the option of closing a portion of North 183rd Street as a condition of the vacation of Midvale Avenue North. He suggested that the two vacations be separated.

Commissioner MacCully inquired if a public hearing is required for any street vacation.

Mr. Sievers agreed with Commissioner Hall's concerns about setting the requirement for another street vacation as a condition of the Midvale Avenue North vacation. He felt that in order to include another vacation as a condition, the City would have to go back to the starting point and give appropriate notice. Mr. Sievers said he, too, is concerned about the City imposing another vacation as a condition without providing public notice to the public. He said Areas 4 and 5 could be seen as independent actions unless the Planning Staff feels it is somewhat necessary to be tied into the proposed vacation of Midvale Avenue North.

COMMISSIONER PIRO MOVED THAT THE MOTION BE AMENDED TO DELETE CONDITION FIVE FROM THE APPROVAL CONDITIONS. COMMISSIONER HALL SECONDED THE MOTION.

Commissioner MacCully confirmed that the Aurora Corridor Plan does identify the closure of North 183rd Street. He said he would probably support the motion as amended, but he felt there would be some public benefit from keeping North 183rd Street open.

Commissioner Piro said he would support the proposed amendment because it is a step towards resolving some of his concerns. He said he doesn't understand why the City would be willing to put in another connection from Aurora Avenue North to the subject property given the safety issues that exist at the intersection of Midvale Avenue North and North 185th Street. He suggested that perhaps the staff did not provide adequate information on this issue, and the amended motion would give the Commission the opportunity to focus on the key things they need to accomplish. Hopefully, the remaining issues can be brought forward as the process evolves.

Commissioner Doering said she uses the intersection of North 185th Street and Aurora Avenue North almost every day. Because of the driveway situation, cut through traffic is encouraged and the situation is dangerous. It does not function well, and she does not feel it is safe. She said she finds the safety problems at this intersection different than those associated with the North 183rd Street intersection. She disagreed with Commissioner McClelland that the existing development used to function as a safe place. She said she has used the shopping center for 32 years. It was viable as a functioning people place. She urged the citizens to contact the City Council and ask them to adopt the Central Shoreline Subarea Plan, which is key to getting the area redeveloped. She said she is upset that this plan has not been adopted yet because the area is important to her and to the community. She said she is asked every day when the City is going to do something. She said she believes developers when they say the market would not support residential development, and she feels strongly that while the proposed plan is not perfect, it is time to make a change.

Chair Harris said he supports the proposed street vacation, and he believes he represents the average Shoreline citizen. If the Commission were to conduct a poll, the majority of the citizens would support the development and the street vacation. He said he holds private property rights in the highest degree, and it appears that the property owners have followed the City's direction in every course of the design of the project.

He said he would support the amendment if it meant the vacation proposal would be approved by the Commission. He said that he, too, has a problem with closing a street without notifying the neighbors. However, it seems that if the goal is to block traffic going down North 183rd, closing the street would be the logical way to do it.

THE AMENDMENT TO THE MOTION WAS APPROVED 7-0.

Commissioner Piro said he doesn't feel he has all the information he needs to comfortably approve the vacation proposal. He said he is impressed with the enthusiasm displayed by the developers, and the City is fortunate to have them aggressively pursuing this project. He said he believes the statement that Midvale Avenue North doesn't function because it only services the back of businesses that are about to disappear is weak. It does not address other configurations that might have been considered and what other treatments could have occurred at the intersection of Midvale Avenue North and North 185th Street. He agreed that there may be issues of safety in play at this intersection, but he is not sure the vacation proposal would adequately address the situation. He said the staff did not provide sufficient information to illustrate how the vacation and new configuration would improve pedestrian, bicycle and transit safety. He concluded that he is concerned that the issue has been presented to the Commission in piecemeal. He would like to hear more about the plans for Midvale Avenue North in general.

Commissioner Piro referred to Criterion 2 and said that much better information should have been provided related to pedestrian flow. While vacation is the main focus of the Commission's consideration, it would help to get into some of the issues related to the site itself. Concerns have been raised about the parking configurations, and he is not convinced that the Commission is at the point where they have the best configuration possible. He said he is not concerned about the process somehow being deficient in the uses. They have heard from the proponents that there is a market for retail and office, and this would provide a good mixture of uses. However, there needs to be some sensitivity as to how to make the area a real central place for the community.

Commissioner Piro suggested that the Commission not approve the vacation proposal at this time, but have it come back to them with different configurations as quickly as possible to address some of the unanswered points of concerns that have been raised. If the proposal comes back before the Commission, it would be beneficial for the staff to provide a full interplay of all the different policies in the Central Shoreline Subarea Plan, and not just pluck out those that are supportive of the proposal. He would like the staff to point out the policies that are in conflict with the proposal and how the staff plans to mitigate.

Commissioner MacCully noted that 13 citizens spoke before the Commission during the hearing. Seven spoke strongly in favor, one spoke neutrally, and five spoke against the vacation. The vast majority of the written comments the Commission received were positive. He said he believes the criteria have been adequately addressed and he plans to vote in favor of the proposal.

Commissioner Hall applauded the extraordinary effort that has gone into trying to redevelop the site. The poignant remark that if the vacation is not granted it would be difficult to develop the property in an economical way is strong.

It is unfortunate that the City doesn't have an adopted vision because every indication is that if they had an adopted vision, the developers would have worked just as hard to meet that vision. But the Commission cannot use the vision contained in the unadopted Central Shoreline Subarea Plan. Therefore, the lack of "main street" feeling in the design is not something that would lead him to deny support the vacation.

Commissioner Hall said he is sad that the City, in trying to work with the unadopted Central Shoreline Subarea Plan, pushed the property owners into the "squiggly alignment" when it seems that vacating the entire length of Midvale Avenue North from North 183rd to North 185th Streets would have been a better option. The property owner wouldn't have had to give up as much land, and it would have moved Midvale Avenue North further from Aurora Avenue North, which would have allowed development on either side that would be much more consistent with the "main street" feeling. However, this is not something that would prevent him from supporting the proposal.

Commissioner Hall said he supports Commissioner Piro's concern that the Comprehensive Plan policies that are listed in the staff report might not be the full set the Commission would like the City Council to consider. He referred to Policy LU8, which requires that the changes in the Aurora Corridor be redirected from a commercial strip to distinct centers with variety, activity and interests. He suggested that this policy be flagged when the issue is brought before the City Council, and staff should provide an analysis. If the Commission wants to move the proposal along quickly, they should at least disclose to the City Council the fact that the Commission did not receive staff analysis on the consistency of the proposal with Policy LU8.

Commissioner Hall referred to Policy LU48, which is to ensure that street design and urban design, in general, is distinctive in the center part of the corridor from 175th to North 185th Streets. The proposal would slow down the street and bend it through a commercial development, and this should increase the number of people who stop and spend their money, and that is good. He said there are also policies that encourage a mixture of residential and commercial uses. Policy LU53 encourages a broad mix of uses in close proximity to create retail synergy and activity. The office and retail would accomplish this goal. He concluded that there is a series of land use policies that staff did not provide analysis on.

Commissioner Hall said that if the Commission decides to move forward with a recommendation of approval of the proposal, then in their findings of fact and conclusions, he would want to record that they did not receive sufficient analysis from staff to reach a conclusion on Criterion 4.

Commissioner Piro agreed with Commissioner Hall that a lot of policies needed to be addressed in the staff report, but they weren't. He said a lot has been mentioned about the market demand. He questioned why some developers are saying there is not a market for multi-family development when others say there is. He would like more information related to market analysis from the staff when proposals are presented to the Commission in the future.

COMMISSIONER HALL MOVED THAT THE MAIN MOTION BE AMENDED SO THAT ITEM 5.4 IN FINDINGS OF FACT NUMBER 5 OF ATTACHMENT D (PAGE 37 OF THE STAFF REPORT) IS REPLACED WITH THE FOLLOWING LANGUAGE, "THE PLANNING COMMISSION DID NOT RECEIVE IN THE STAFF REPORT OR IN THE PUBLIC TESTIMONY SUFFICIENT EVIDENCE TO DETERMINE WHETHER OR NOT THIS VACATION IS CONSISTENT WITH THE ADOPTED COMPREHENSIVE PLAN AND ADOPTED STREET STANDARDS." HE FURTHER MOVED THAT THE MAIN MOTION BE AMENDED TO READ, "BASED ON THE FINDINGS, THE PLANNING COMMISSION RECOMMENDS APPROVAL OF THE APPLICATION SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL IF THE CITY COUNCIL FINDS THAT IT IS CONSISTENT WITH THE ADOPTED COMPREHENSIVE PLAN AND ADOPTED STREET STANDARDS." COMMISSIONER PHISUTHIKUL SECONDED THE MOTION.

Chair Harris suggested that the Commission conduct a straw poll to find out where the Commissioners stand on the issue. Four of the Commissioners indicated that they would support the original motion to approve the proposal, without making the changes moved by Commissioner Hall. Commissioner Phisuthikul asked that the Commission consider the language suggested by Commissioner Hall. Commissioner MacCully said that while the language suggested by Commissioner Hall would indicate a strong concern on the Planning Commission's part to the City Council, it would not change the Commission's recommendation of approval. He suggested that a more unanimous vote would indicate more togetherness on the part of the Commission.

THE MOTION TO AMEND THE MAIN MOTION WAS APPROVED 5-2, WITH COMMISSIONER KUBOI AND CHAIR HARRIS VOTING IN OPPOSITION.

THE MAIN MOTION, AS AMENDED, WAS APPROVED 7-1, WITH COMMISSIONER PIRO VOTING IN OPPOSITION.

7. REPORTS OF COMMITTEES AND COMMISSIONERS

None of the Commissioners provided comments during this portion of the meeting.

8. UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

9. NEW BUSINESS

There was no new business scheduled on the agenda.

10. ANNOUNCEMENTS

No announcements were made during this portion of the meeting.

11. AGENDA FOR NEXT MEETING

Chair Harris reminded the Commission that a quasi-judicial public hearing on a formal plat at 19021 – 15th Ave NE is scheduled for the September 2nd agenda.

12. ADJOURNMENT

The meeting was adjourned at 10:50 p.m.

David Harris
Chair, Planning Commission

Lanie Curry
Clerk, Planning Commission

ATTACHMENT D

Findings and Determination of the City of Shoreline Planning Commission

Midvale Street Vacation, File #201341

Summary-

After holding the required public hearing for and reviewing and discussing the Midvale Street Vacation, on August 19, 2004 the Shoreline Planning Commission did find and determine that proposed street vacation was in compliance with City codes and not detrimental to the health, safety, or welfare of the City of Shoreline, and therefore recommended approval of such action as conditioned.

I. Findings of Fact

1. Project Description-

- 1.1 To make recommendations to the Shoreline City Council for their approval on the proposed street vacation with conditions.
- 1.2 The street vacation of the 170-foot portion of Midvale Avenue N. Right-of-Way (R-o-W) south of N. 185th Street.
- 1.3 The existing Midvale Avenue N. between the proposed vacation and N. 183rd and N. 185th streets to realign Midvale Avenue N, provide site access, parking, landscaping, and possible realignment of part of the Seattle City Light R-o-W if needed to accommodate the future Aurora Avenue improvements.

2. Procedural History-

Staff held a pre-application meeting with the applicant on December 18, 2003. The applicant held a neighborhood meeting February 19, 2004. The property owner submitted applications for building permits, demolition, site construction, and rights-of-way on May 4, 2004. All applications, other than demolition, were determined incomplete May 12, 2004 until supplemental information and development authorization was submitted for Midvale Ave. N. and Seattle City Light R-o-W. Since then only supplemental information has been submitted. City staff has agreed to begin review of these applications but will not issue permits until they are complete and Council grants vacation of Midvale Avenue N.

On June 28, 2004 the Council held a workshop to learn more about plans to redevelop the Gateway Plaza. At the July 19, 2004 meeting Council adopted a resolution to authorize the Planning Commission to hold a public hearing on a proposed vacation of a portion of Midvale Avenue N. A public hearing notice and request for written comments on the street vacation was advertised and posted on July 28, 2004. A total of six written comments were received.

PLANNING COMMISSION FINDINGS & DETERMINATION

3. Public Comment-

3.1 Written comments and public testimony were received during the public hearing held on August 19, 2004.

4. SEPA- SEPA review is not required as part of this proposal because per Section 197-11-800(2)(h) of the Washington Administrative Code (WAC) it specifically indicates that the vacation of streets or roads is exempt.

5. Consistency-

The criteria for approving Street Vacations is described in Shoreline Municipal Code 12.17.050, and the Planning Commission may recommend approval of the Street Vacation if the following criteria are met:

5.1. The vacation will benefit the public interest.

5.2. The proposed vacation will not be detrimental to traffic circulation, access, emergency services, utility facilities, or other similar right-of-way purposes.

5.3. The street or alley is not a necessary part of a long-range circulation plan or pedestrian/bicycle plan.

5.4. The Planning Commission did not receive in the staff report or in public testimony sufficient evidence to determine whether or not this vacation is consistent with the adopted Comprehensive Plan and adopted street standards.

II. Conclusions

5.1 Midvale does not function well in its current alignment because it only services the back of business in the Seattle City Light R-o-W and enters onto N 185th Street too close to Aurora Avenue N for city standards. With the proposed realignment of Midvale, the public health, safety and welfare will not be endangered and likely be improved.

The vacation is an opportunity to reroute traffic and eliminate unsafe turning movements on to and off of N. 185th Street by shifting traffic to an intersection further east to align with Midvale Avenue N. on the north side of N. 185th Street. The realignment will also provide the flexibility to realign the Seattle City Light R-o-W to accommodate future Aurora Avenue improvements. The street vacation and Midvale realignment would facilitate economic redevelopment of the former QFC site into a more flexible and usable site.

5.2 Based upon a proposed design, the redevelopment will include the creation of a realigned Midvale so that access and emergency services will not be affected. Utility facilities will be maintained in the current location with access rights remaining. The long-range circulation plan, ped/bike plan, and street improvement plan do not address

PLANNING COMMISSION FINDINGS & DETERMINATION

this street section and are unaffected by the realignment. A traffic impact study and street improvement plan will be reviewed as a part of the development applications.

5.3 The proposed vacation meets Criteria 3, in that the pedestrian/bicycle plan does not include Midvale Avenue N. as a part of its long-range plan. However, the construction of the Interurban Trail from 183rd to 185th is part of the City's long range pedestrian and bicycle plan. Therefore, the proposed vacation as conditioned to construct the portion of the Interurban Trail from 183rd to 185th fulfills the long-range circulation plan for this area.

5.4 There are no policies in the Comprehensive Plan that specifically address street vacations. The following comprehensive plan policies are met by the proposed street vacation because the vacation will facilitate improved street design and circulation for Midvale Avenue N., N. 185th Street and Aurora Avenue N., bring the area up to current City design and amenity standards, and will facilitate the assembly of land to encourage the redevelopment of a key, under-developed commercial area. The following policies do have application to the proposed vacation:

Goal TV: Protect the livability and safety of residential streets from the adverse impacts of the automobile. The intent of the street vacation is to realign Midvale, along with other adjustments in circulation and access, to improve circulation in and around the site.

LU39: Ensure vital and attractive commercial areas through public/private investments including pedestrian amenities, transportation services such as parking, bicycle and pedestrian routes. The zoning and land use is Regional Business. The Comprehensive Plan designates this property as Community Business.

LU50: Encourage the redevelopment of key, underused parcels through incentives and public/private partnerships.

LU51: Initiate opportunities to build a showcase development as an example and template for future development.

LU60: Assist with land assembly, redesign rights-of-way to improve intersections and assemble property for redevelopment.

III. Recommendation

Based on the Findings, the Planning Commission recommends approval of this application, subject to the following Conditions of Approval if the City Council finds that it is consistent with the adopted Comprehensive Plan and adopted street standards:

PLANNING COMMISSION FINDINGS & DETERMINATION

1. Any and all construction on adjacent parcels must meet City of Shoreline requirements such as development standards, engineering guidelines, and SEPA mitigating measures.
2. A total width of 45 feet of right-of-way and a length of 170 feet south of the N. 185th Street R-o-W is vacated with reversionary rights to allow Seattle City Light to move their R-o-W east and accommodate power poles and to retain a utility access easement for existing and future underground utilities. (Area 1 in Exhibit A).
3. Maintain Area 2 (Exhibit A) as City R-o-W and allow a use permit to redevelop per city street standards.
4. An access agreement is granted to the City for the area described in Area 3 (Exhibit A) with construction to City street standards and maintenance completed by property owner.
5. Allow with the permission of Seattle City Light the construction and use of the main entry to the site from Aurora Avenue N.
6. All existing encroachments in City of Shoreline right-of-way shall be removed.
7. Construction of the Interurban Trail must be completed between N. 183rd and N. 185th Streets.
8. Easements for each utility need to be recorded prior to the vacation taking effect. Utility easements must allow for extension of mains and allow for underground service.
9. All utilities have stated that any facility relocation or changes to service will be done at the cost of the applicant.
10. Seattle City Light requests that the vacation ordinance include language granting and reserving rights to Seattle City Light for the perpetual use, operation, and maintenance of its overhead and underground electrical system within the subject property.
11. Ronald Wastewater has indicated that a sewer line is located in the subject property, and a sewer easement agreement will need to be recorded prior to the street vacation taking effect.
12. Seattle Public Utility has indicated that a water line is located in the subject property, and an easement agreement will need to be recorded prior to the street vacation taking effect.

PLANNING COMMISSION FINDINGS & DETERMINATION

13. There is an existing 2-inch gas line 20 feet west of the centerline of Midvale Avenue N. This main currently serves customers at Monarch Appliances. If these businesses are demolished, PSE would need to be notified prior to the work in order to remove the gas meters to the existing building and to cut and cap the gas main in Midvale to clear the proposed development area. If new gas service is needed, the applicant should contact PSE.
14. AT&T Broadband would require a minimum four weeks, after payment is received, to remove and relocated any facilities.

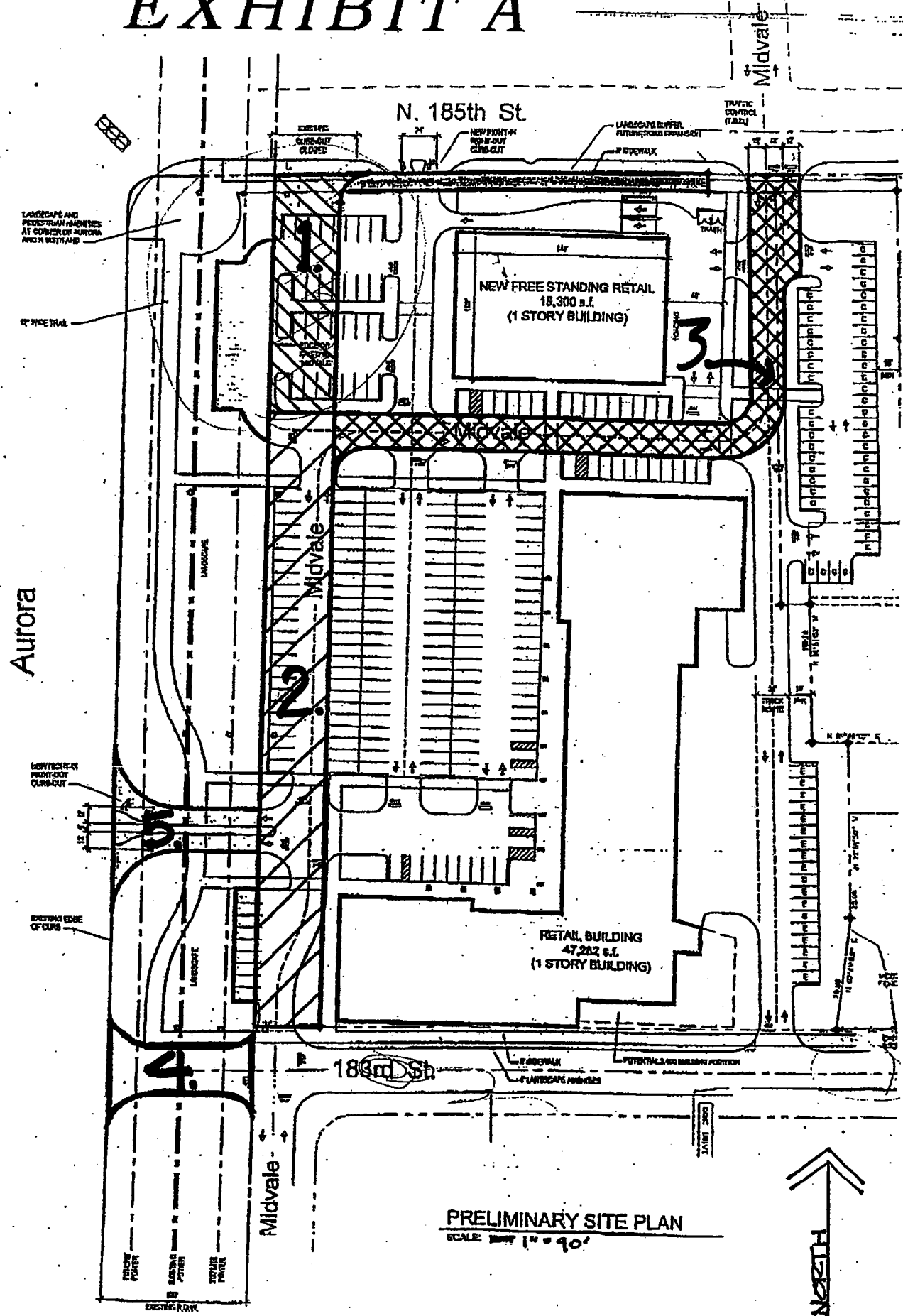
City of Shoreline Planning Commission



David Harris, Planning Commission Chair

Date: 8/23/04

EXHIBIT A



PRELIMINARY SITE PLAN
SCALE: 1" = 90'



ORDINANCE NO. 358

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON,
VACATING MIDVALE AVENUE N. APPROXIMATELY 170 FEET
SOUTH OF N. 185TH STREET.**

WHEREAS, the City of Shoreline initiated a street vacation for Midvale Avenue N. from N. 185th Street south 170 feet; and

WHEREAS, on August 19, 2004 the Planning Commission held a public hearing on the proposed street vacation and recommended approval of the vacation subject to conditions; and

WHEREAS, the City Council held a closed record meeting on September 13, 2004 to consider the recommendation of the Planning Commission to approve vacation; and

WHEREAS, the City Council has determined, following an engineering study, that the right-of-way subject to this initiative is surplus to the future transportation needs of the City; that vacation will relieve the City of liability and maintenance responsibility; that vacation will return the property to the tax roles; and that the public interest is best served by the vacation of the right-of way subject to payment of compensation and reservation of necessary utility easements;
NOW, THEREFORE,

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

Section 1. Findings. The City Council concurs with the findings and conclusions approved by the Planning Commission on August 19, 2004 and further finds that the vacation is consistent with Criteria 4 and the Shoreline Comprehensive Plan.

Section 2. Vacation. The right-of-way described below and depicted in Exhibit A attached hereto consisting of approximately 7,650 square feet is hereby vacated to the owner of property abutting the right-of-way on the east (Owner) subject to conditions set forth in Section 3:

Midvale Ave. North from a point 170 feet south of the southerly right-of-way line of N. 185th Street to said right-of-way line in the City of Shoreline, King County, Washington.

Section 3. Conditions. The vacation of the right-of-way described above shall be subject to the following conditions:

1. Any and all construction on adjacent parcels must meet City of Shoreline requirements such as development standards, engineering guidelines, and SEPA mitigating measures.
2. An option for five years will be granted to the City by the Owner for the City to purchase up to fifteen (15) feet of the vacated right-of-way measured from the westerly right-of-way line of the vacated portion of Midvale Ave. N, upon payment of fair market value, to allow Seattle City Light to move their transmission right-of-way east to accommodate realignment of Aurora Ave. N. by the City (See Exhibit A, Area 1).
3. Maintain Area 2 as City Right-of-Way and allow the developer a Use Permit to redevelop per city street standards.
4. Public vehicle and pedestrian access easements will be granted by the Owner to the City for the area depicted approximately in Exhibit A, Area 3 consisting of approximately 15,000 square feet and the sidewalk areas south and east of Area 3 as shown approximately on Exhibit A, all subject to adjustments through the City's site plan approval. The easements will be surveyed by the Owner and recorded prior to the vacation taking effect. The easements shall be improved with a road and sidewalk constructed and maintained by the Owner to City street standards of the Engineering Guide within 365 days (an extension may be applied for) of recording the vacation and a bond for completion shall be posted prior to recording the vacation.
5. Allow with the permission of Seattle City Light the construction and use of the main entry to the site from Aurora Avenue N.
6. All existing encroachments in City of Shoreline right-of-way shall be removed.
7. Construction of the Interurban Trail must be completed between N. 183rd and N. 185th Streets to City approved design.
8. Easements for each utility currently using the vacated right-of-way, including the City of Shoreline stormwater utility, shall be recorded in a form acceptable to the utility providers.
9. All utilities facility relocation or changes to service will be done at the cost of the applicant. There is an existing 2-inch gas line approximately 20 feet west of the centerline of Midvale Avenue N. The developer is required to coordinate with all surrounding and impacted property owners to insure utility service is maintained.

The conditions of vacation listed in this section shall be satisfied prior to recording of this ordinance with the King County Department of Records and Elections by the City Clerk. If conditions are not satisfied and the ordinance is not recorded by the City Clerk within ninety (90) days of passage, this ordinance shall become null and void.

Section 4. Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full

force 5 days from publication.

PASSED BY THE CITY COUNCIL ON SEPTEMBER 13, 2004.

Mayor Ronald B. Hansen

ATTEST:

APPROVED AS TO FORM:

Sharon Mattioli
City Clerk

Ian Sievers
City Attorney

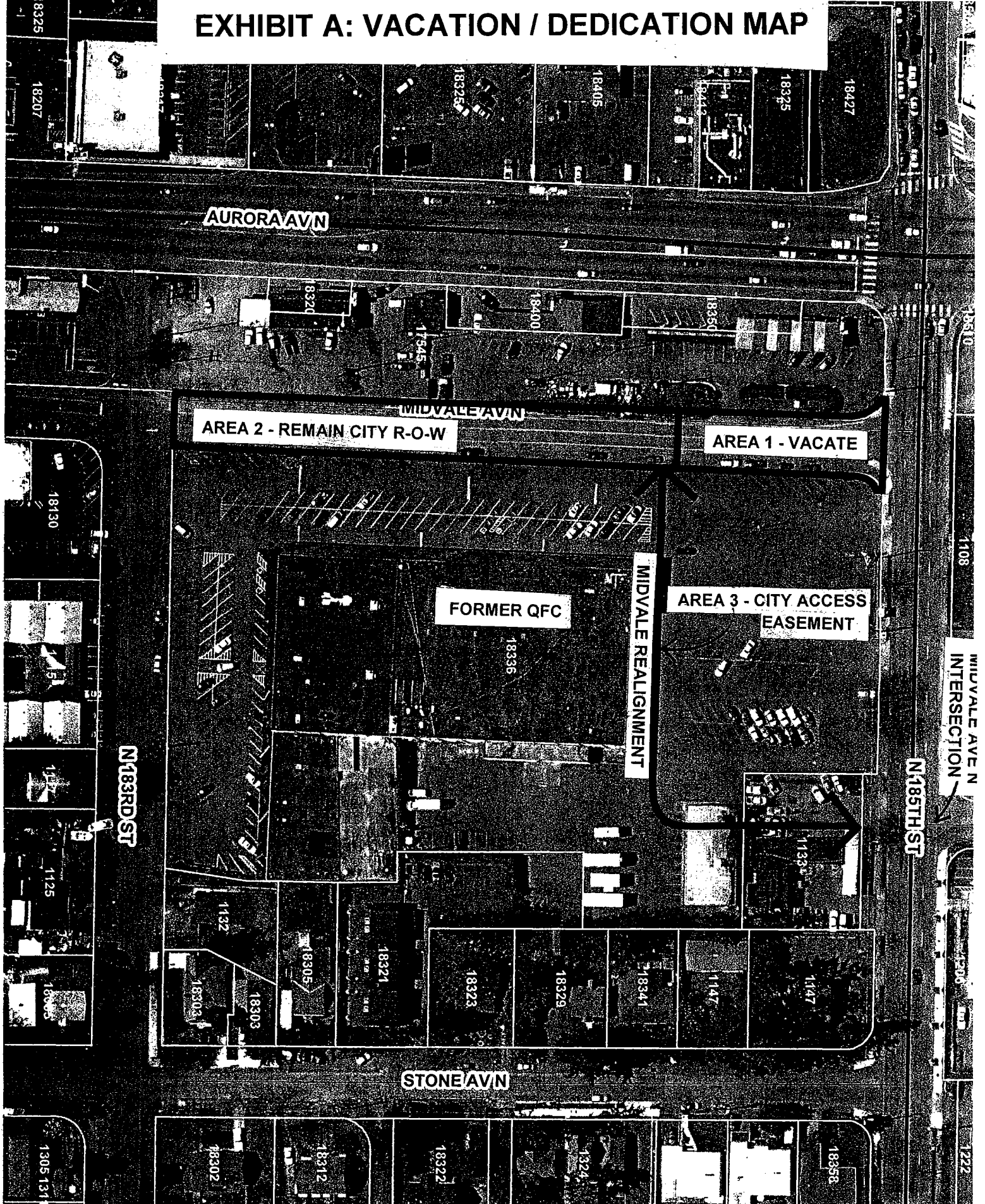
Exhibits:


A. Vacation/Dedication area map

Date of Publication: September 16, 2004

Effective Date: September 21, 2004

EXHIBIT A: VACATION / DEDICATION MAP



NORTH 152 
1 INCH = 100 FEET