

**CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON**

<p>AGENDA TITLE: Ordinance on the Ronald Place N. Street Vacation</p> <p>DEPARTMENT: Planning & Development Services</p> <p>PRESENTED BY: Tim Stewart, Director Paul Cohen, Planner III</p>
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PROBLEM/ISSUE STATEMENT:

On August 23, 2004, City staff presented a Street Vacation petition to the City Council to set a public hearing date with the Planning Commission on September 16, 2004. The right-of-way requested for vacation is located on Ronald Place N. from N. 175th Street to Aurora Avenue N. (1,208 feet long and 60-feet wide). Seattle City Light owns the abutting property to the east. There are seven individually owned properties to the west in the "Wedge". City staff has coordinated with affected utilities and analyzed future City plans for the area in question, and is recommending partial approval of this request. See Attachment A - Ordinance No. 363, Exhibit A: Vacation Map.

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 23, 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 September 16, 2004 (Attachment C: Planning Commission September 16th minutes). In the Planning Commission's Findings and Determinations (Attachment D) they recommend, per staff's recommendation, approval of vacating the south 423 feet of Ronald Place N. rather than the entire length with amended conditions. The Planning Commission conditions address issues regarding the Interurban Trail, Aurora Avenue N., the Red Brick Road, and the adjacent Midvale R-o-W.

In addition, the Commission discussed how the need for dedicated Aurora frontage and its future costs to the City can be exchanged with the payment for the vacated portions of Ronald Place N. Though no recommendation was made staff agreed with the Commission's intent and proposes Conditions 7 and 8 to address the issue.

The Commission also recommended denial of the staff's addendum (Attachment E) which recommended leaving the east 10 feet of Ronald Place in R-o-W for future trade for Seattle City Light's east 10 feet of R-o-W in order to effectively move Midvale entirely

into City R-o-W. This was requested by Seattle City Light (SCL) and supported by staff since Midvale currently encroaches on the SCL R-o-W by approximately 10 feet, and would enable SCL to shift their R-o-W 10 feet to the west. The Planning Commission's reason was that it was not relevant to the vacation, it was uncertain how the trade could occur, and that it would leave a 10 foot wide R-o-W in Ronald Place N. until the trade could be resolved. Staff believes that this addendum meets the four criteria to vacate streets explained in Attachment E and has recommended Condition 9 to address the Planning Commission's concerns.

To assist the Council in discerning between the staff and Commission's recommendations we have attached an amended Findings of Fact and Determination (Attachment F)

FINANCIAL IMPACT:

Approval of the street vacation ordinance by City Council would entitle the City to monetary or other consideration for the vacation compensation. Planning Commission and Staff recommends a Petitioner Dedication payment.

The amount of compensation shall be the full-appraised value of the area to be vacated if the vacated property has been part of the dedicated public right-of-way for 25 years or more, or if the property was acquired at public expense. The vacation ordinance shall appropriate the compensation received from the vacation, provided one-half of the proceeds shall be dedicated to the acquisition, improvement, development, and related maintenance of public open space or transportation capital projects within the City.

RECOMMENDATION

Planning Commission and Staff recommends that City Council adopt Ordinance No. 363 approving the vacation of Ronald Place N. as defined in Exhibit A located between N. 175th and Aurora Avenue N. subject to conditions.

ATTACHMENTS:

- Attachment A: Ordinance No. 363
Exhibit A: Vacation / Dedication Area Map
- Attachment B: Planning Commission Staff Report
- Attachment C: Planning Commission September 16, 2004 Minutes
- Attachment D: Planning Commission Findings and Determination
- Attachment E: Staff September 16, 2004 Addendum
- Attachment F: Staff Amended Findings and Determination

Approved By: City Manager  City Attorney 

ATTACHMENT A

ORDINANCE NO. 363

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, VACATING A PORTION OF RONALD PLACE N. APPROXIMATELY 421 FEET NORTH OF N. 175TH STREET.

WHEREAS, The City of Shoreline initiated a Street Vacation for Ronald Place N. from N. 175th Street north 421 feet; and

WHEREAS, on September 16, 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 October 11, 2004 and considered 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; vacation will relieve the City of liability and maintenance responsibility; vacation will return the property to the tax roles; and 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 September 16, 2004.

Section 2. Vacation. The right-of-way described below and depicted in Exhibit A attached hereto consisting of approximately 25,303 square feet is hereby vacated to the owners of property abutting the right-of-way on the west (Owner) subject to conditions set forth in Section 3.

A portion of the southwest quarter of the northeast quarter, and the southeast quarter of the northwest quarter of Section 7, Township 26 North, Range 4 East W.M., King County, Washington, described as follows:

The west fifty feet of that portion of the road known as Ronald Place North lying north of the north right-of-way line of North 175th Street and east of the east right-of-way line of Aurora Ave. North, the above described parcel being 60.00 feet in width with the easterly line being described as follows:

Commencing at the southwest corner of said northeast quarter; thence along the south line thereof south 89°05'45" east a distance of 237.82 feet; thence north 12°04'55" west a distance of 30.79 feet to the northerly right-of-way line of North 175th Street and the point of beginning; thence north 12°04'55" west a distance of 1320.99 feet to the easterly right-of-way line of Aurora Ave. North and the point ending.

Except that portion lying south of the following described line:

Beginning at a point on the easterly margin of State Road No. 1, known as Aurora Avenue, which point is north 03°46'33" west 102.10 feet from its intersection with the south line of the north half of the southwest quarter of the southwest quarter of the northeast quarter of said Section 7; thence north 86°13'27" east 145.58 feet to the point of ending.

Containing approximately 21,150 Square feet.

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

1. All uses currently in the Seattle City Light Rights-of-Way for the entire length of Ronald Place N. shall have the existing vehicular access or alternative access easement or agreement provided by the property owners of the vacated portions of Ronald Place N. until those uses are vacated by order of Seattle City Light.
2. Any redevelopment that proposes to reclaim the vacated land and thereby remove the red brick road shall coordinate with the City and the Shoreline Historic Museum to donate all bricks that can be salvaged, using reasonable care during the process of removal, to the City. The bricks are to be reused to commemorate the history of the red brick road in the vicinity between N. 175th St, Aurora Avenue N., Midvale Ave N. and N. 180th St..
3. All existing encroachments and environmental encumbrances in City of Shoreline Rights-of-Way shall be removed by the developer when properties are redeveloped.
4. Construction of the Interurban Trail must be completed from N. 175th approximately 421 feet north per City approved design and alignment. This work may be secured by bond, assignment of funds, or payment in lieu of construction in an amount equivalent to this trail construction for use on the Interurban Trail and related improvements.
5. Easements for each utility currently using the vacated Rights-of-Way, including the City of Shoreline stormwater utility, shall be recorded in a form acceptable to the utility providers prior to redevelopment.
6. Utility easements shall required that relocation or changes to service will be done at the cost of the developer. The developer is required to coordinate with all surrounding and impacted property owners to insure utility service is maintained.
7. The Owners shall compensate the City for the full value of the vacated Right-of-Way by granting to the City a ten-year option to purchase the easterly 31 feet 6 inches of Owners

property abutting Aurora Avenue N. The option shall include a requirement that Owners remove all structures prior to closing. There shall be no additional consideration in addition to this vacation to be paid by the City upon exercising the option to purchase. The Council finds that Owner's improved property subject to this option is clearly in excess of the street vacation, therefor appraisals for the properties are waived.

- 8. The east 10 feet of the Right-of-Way shall not be vacated but shall be retained by the City, pending resolution of the issues with Seattle City Light.

The conditions of vacation listed in this section except conditions 2 and 3 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 OCTOBER 11, 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: _____, 2004

Effective Date: _____, 2004

Attachment A Property Owner Map



TOTAL LINEAR FOOTAGE ABUTTING RONALD PLACE= 2,158' +/-
TOTAL NEEDED FOR APPLICATION= 1,446' (67%) +/-
TOTAL REPRESENTED IN SIGNED PETITION= 1,629' (75%) +/-

Car Dealership

Ronald Place
Proposed Vacation

Roofing Company/
Costume Shop

Seattle City Light
1,208' +/- Abutting

City Modified
Vacation

Aurora Cold Storage
17532 Aurora Ave N
108' +/- Abutting

Keith & Gail Tufnell
17526 Aurora Ave N
66' +/- Abutting

Naqueb G. Chapman
17524 Aurora Ave N
78' +/- Abutting

Dance Studio/2nd Hand
Alfred G. Chapman
17512 Aurora Ave N
87' +/- Abutting

Key Bank National Assoc.
17504 Aurora Ave N
82' +/- Abutting

Olympic Boat

City Modified Vacation
10' ROW Strip

0 75 150 300 Feet

9/24/04

ATTACHMENT B

Planning Commission Meeting Date: September 16, 2004

Agenda Item:

PLANNING COMMISSION AGENDA ITEM CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Quasi-Judicial Public Hearing to Vacate Ronald Place North between N 175th St and Aurora Ave N.

DEPARTMENT: Planning & Development Services

PRESENTED BY: Paul Cohen, Senior Planner

PROPOSAL

On August 23, 2004 staff presented to Council a private property owner petition for street vacation of a 1,208-foot by 60 feet wide portion of Ronald Place N. between N. 175th Street and Aurora Avenue N. (Attachment A). The Council passed Resolution 222 to initiate the street vacation process and fix a public hearing date before the Planning Commission.

The petitioners are the property owners along the first approximately 421 feet on the west side and Seattle City Light R-o-W along the entire east side. Their intent is to vacate Ronald Place N. in order to widen the redevelopment potential of the "Wedge", use the vacation area and some of Seattle City Light R-o-W as parking, and then to site the Interurban Trail to front along Midvale Ave N. The Council is required to act on a public street vacation upon a traffic investigation.

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 requires a resolution fixing the time for a public hearing on the vacation before the Planning Commission upon submittal of a petition with a majority of property owners abutting the street to be vacated. 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 of the proposal. The City Council will then utilize your recommendation when they take final action on the application October 11, 2004 in a closed record hearing.

RECOMMENDATION

Staff recommends that the Planning Commission enter Findings of Fact and Conclusions (Attachment B) to recommend approval of the vacation of Ronald Place N. from N. 175th Street approximately 421 feet to the north property line of Aurora Cold Storage at 17532 Aurora Ave N.

Conditions

1. All uses currently in the Seattle City Light R-o- W for the entire length of Ronald Place N. shall have the existing vehicular access or alternative access until those uses are vacated by order of Seattle City Light.
2. Any redevelop that proposes to remove the red brick road shall coordinate with the City and the Shoreline Historic Museum to reuse the brick to commemorate the history of the red brick road.
3. All existing encroachments in City of Shoreline right-of-way shall be removed.
4. Construction of the Interurban Trail must be completed from N. 175th approximately 421 feet north per City approved design.
5. 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 prior to redevelopment.
6. All utility facilities relocation or changes to service will be done at the cost of the developer. The developer is required to coordinate with all surrounding and impacted property owners to insure utility service is maintained.

DISCUSSION

Background

At the August 23, 2004 meeting Council adopted a resolution to authorize the Planning Commission to hold a public hearing on a proposed vacation of Ronald Place N. A public hearing notice and request for written comments on the street vacation was advertised and posted on September 2, 2004. The comment period closes on September 15, 2004. Any comments received after the publishing of this report will be forwarded to the Planning Commission the night of the public hearing.

Proposal Benefits

The petitioner is requesting that the City vacate a Ronald Place N. to allow private use within the Ronald Place N. R-o-W so that the properties in the "Wedge" increase the depth of their lots to create greater redevelopment potential. This is especially relevant in light of the future widening of Aurora Avenue N., which would decrease the lot dimension on their west sides. However, staff recommends modifying the vacation to leave the north 787-foot portion in R-o-W so that the future Aurora improvement plan for street widening can be accommodated and N. 178th Street to extend through. Once those improvements are decided upon the remaining portions of Ronald Place N can be vacated through a separate action. In addition, the property owners in the north portion have not signed the petition to vacate.

The vacation is also an opportunity to reduce cut-through traffic on Ronald Place N. to Aurora Avenue N. It is also an opportunity to reduce turning movement conflicts at Ronald Place N. / N. 175th Street, and shift northbound right turns at Aurora Avenue N./ Ronald Place N. to the signal at Aurora / N. 175th 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 "Wedge" is identified for redevelopment with a 5-year and 25-year vision. In either vision, the plan proposes a ped/bike trail in place of Ronald Place (Attachment C).

Shoreline's historic red brick road exists in the portion of Ronald Place N. that is proposed for vacation. Please see Attachment D for the complete history and response letters from the Shoreline Historical Museum regarding the brick road.

Traffic Analysis

On N. 175th Street the signalized intersection of Midvale Avenue N. and Aurora Avenue N. are only 200 feet apart. This close spacing makes it difficult to synchronize the two signals and therefore increases delay to traffic. The intersection of Ronald Place N. is located between these signals, which introduces more turning movements to N. 175th Street creating additional delay. Removal of this intersection would improve traffic flow on N. 175th Street.

At the intersection of Aurora Avenue N. and Ronald Place N, northbound right-turns from Aurora Avenue N. to Ronald Place N. are prohibited due to the sharp angle of the turn. Northbound vehicles on Ronald Place N. must turn right (northbound) onto Aurora Avenue N. because the angle that these streets intersect make it difficult to see gaps in oncoming, Aurora traffic. Reducing the volume of northbound traffic on Ronald Place N. will reduce the number of turning movements at Aurora Avenue N. and Ronald Place N.

Process

The process for reviewing street vacations is described in the Shoreline Municipal Code 12.17 and RCW Chapter 35.79. Part of the process includes a public hearing conducted by the Planning Commission.

The Council is scheduled to hold a closed record meeting on October 11, 2004 to consider the proposed street vacation of Ronald Place N. If the street vacation is approved, the necessary utility easements to be retained would be recorded concurrently with the vacation.

A street vacation would transfer the ownership and control of the right-of-way to those adjacent properties which originally dedicated the street, with continuing public needs, such as utility easements, reserved as a condition of vacation.

Per Section 197-11-800(2)(h) of the Washington Administrative Code (WAC), SEPA review is not required as part of this proposal. WAC Section 197-11-800(2)(h) 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.

The vacation of Ronald Place N. will benefit the public interest because of the confusion the street creates in the area and lack of use. Vacation will encourage redevelopment by increasing lot area and dimensions. However, it will not be beneficial to vacate the northern portion (787 feet) because of the future widening and improvement planned for Aurora Avenue N. and possible use of this area as a plaza using the red brick. With the amended vacation of Ronald Place N., the public health, safety and welfare will not be endangered and will likely be improved by clarifying the area circulation system and fostering economic development without jeopardizing future needs related to Aurora Avenue N.

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

- 1) The vacation is an opportunity to reroute traffic to reduce turning movements and improve safety and traffic circulation on and off N. 175th Street between Aurora Ave N. and Midvale Avenue N.
- 2) The street vacation would facilitate economic redevelopment of the "Wedge" properties, construct a section of the Interurban trail, and accommodate future improvements to Aurora Avenue N.

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 long-range circulation plan, ped/bike plan, and street improvement plan do not address this street section and are unaffected by the realignment.

Businesses in the Seattle City Light transmission corridor, such as Olympic Boat, the costume shop, wheel rim shop and roofing business use Ronald Place N. for access. Removal or hampering of access by the street vacation would be detrimental to traffic access for these businesses. Staff recommends the street vacation be conditioned so that these businesses can continue to have access until they are required to vacate their sites.

Further, the proposed vacation meets Criteria 2, as conditioned, by vacating Ronald Place N. with review and input of applicable utility and emergency service providers. 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 (SCL)

SCL owns a 100 foot wide R-o-W between the Ronald Place N and Midvale Avenue N. SCL primarily uses this property for power transmission lines. SCL allows for other uses to be permitted through their real property department.

The City has an agreement with SCL, which allows for the City use of SCL property. Based upon this agreement, the City is pursuing the development of the Interurban Trail

on the SCL right-of-way, which will be constructed by the adjacent property owners when the properties are redeveloped.

Seattle Water Department

There is no water main in Ronald Place N.

City of Shoreline Storm Water Utility

The existing public storm drainage shall be placed in a storm drainage easement. If during redevelopment of a site, the storm drainage needs to be relocated, a new public storm drainage easement shall be required. The easement shall be a minimum 10 feet wide with a 5-foot building setback line.

Sanitary Sewer

The existing Ronald Place N. includes an eight- (8) inch sewer main. This needs to remain to serve the adjacent properties and appropriate easements will need to be recorded. As conditioned, any relocation of the sewer main may occur with a 10-foot utility easement.

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 Ronald Place N. as a part of its long-range plan. However, the construction of the Interurban Trail is part of the City's long range pedestrian and bicycle plan. Therefore, the proposed vacation, as conditioned, to construct the adjacent portion of the Interurban Trail 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 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

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

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.

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

Analysis

Under Goal LU VIII, the proposed street vacation helps direct changes in the Aurora Corridor to other redevelopment potential by:

- encouraging businesses to thrive with greater lot sizes,
- improving its image and place by accommodating the Interurban Trail as well as Aurora Avenue improvements, and
- clarifying and reducing the clutter of unnecessary streets and visually undefined areas.

Under LU51, Increasing the “Wedge” land area will facilitate redevelopment and an opportunity for the City to implement new design and development standards.

Under Policy LU56, the proposed street vacation is conditioned to require the construction of the Interurban Trail between N. 175th and N. 178th streets.

Under Policy LU60, the proposed street vacation provides substantial land area and dimension to assist the narrow “Wedge” properties in their redevelopment and to remove the confusion of the intersections at N. 175th Street and Aurora Avenue N.

Since the entire width of the right-of-way is to be vacated there is no conflict with street standards.

CONCLUSION

1. The vacation is an opportunity to reduce unsafe turning movements on to and off of Ronald Place N. by shifting traffic to intersections and arterials designed for greater traffic volume.
2. The vacation will also provide the opportunity to construct the Interurban Trail.
3. The street vacation would widen the narrow “Wedge” properties and therefore facilitate economic redevelopment with more flexible and usable sites.
4. The street vacation meets the necessary criteria and therefore should be approved as conditioned.
5. The vacation will require the reuse of the red brick to commemorate its history.

PLANNING COMMISSION OPTIONS

1. Adopt the Draft Findings of Fact and Conclusions to recommend approval for the vacation of Ronald Place N. from N. 175th Street north approximately 421 feet, with the conditions contained within this report.
2. Adopt the Draft Findings of Fact and Conclusions to recommend approval for the vacation of Ronald Place N. from N. 175th Street north approximately 421 feet, as amended by Planning Commission.
3. Adopt the Draft Findings of Fact and Conclusions to recommend denial for the vacation of Ronald Place N. from N. 175th Street north approximately 421 feet.

RECOMMENDATION

Staff recommends that the Planning Commission enter Findings of Fact and Conclusions (Attachment B) to recommend approval of the vacation of Ronald Place N. from N. 175th Street approximately 421 feet to the north property line of Aurora Cold Storage at 17532 Aurora Ave N.

ATTACHMENTS

- Attachment A: Proposed Vacation Site Map
- Attachment B: Draft Findings of Fact and Conclusions
- Attachment C: Comment Letters
- Attachment D: Draft Central Shoreline Subarea Plan
- Attachment E: History of Red Brick Road

Attachment A Property Owner Map

N180TH ST

STONE AVN



Car Dealership

TOTAL LINEAR FOOTAGE ABUTTING RONALD PLACE= 2,158' +/-
TOTAL NEEDED FOR APPLICATION= 1,446' (67%) +/-
TOTAL REPRESENTED IN SIGNED PETITION= 1,629' (75%) +/-

Ronald Place
Proposed Vacation

Roofing Company/
Costume Shop

Seattle City Light
1,208' +/- Abutting

Aurora Cold Storage
17532 Aurora Ave N
108' +/- Abutting

Keith & Gail Tufnell
17526 Aurora Ave N
66' +/- Abutting

Naqueb G. Chapman
17524 Aurora Ave N
78' +/- Abutting

Dance Studio/2nd Hand
Alfred G. Chapman
17512 Aurora Ave N
87' +/- Abutting

Key Bank National Assoc.
17504 Aurora Ave N
82' +/- Abutting

Olympic Boat

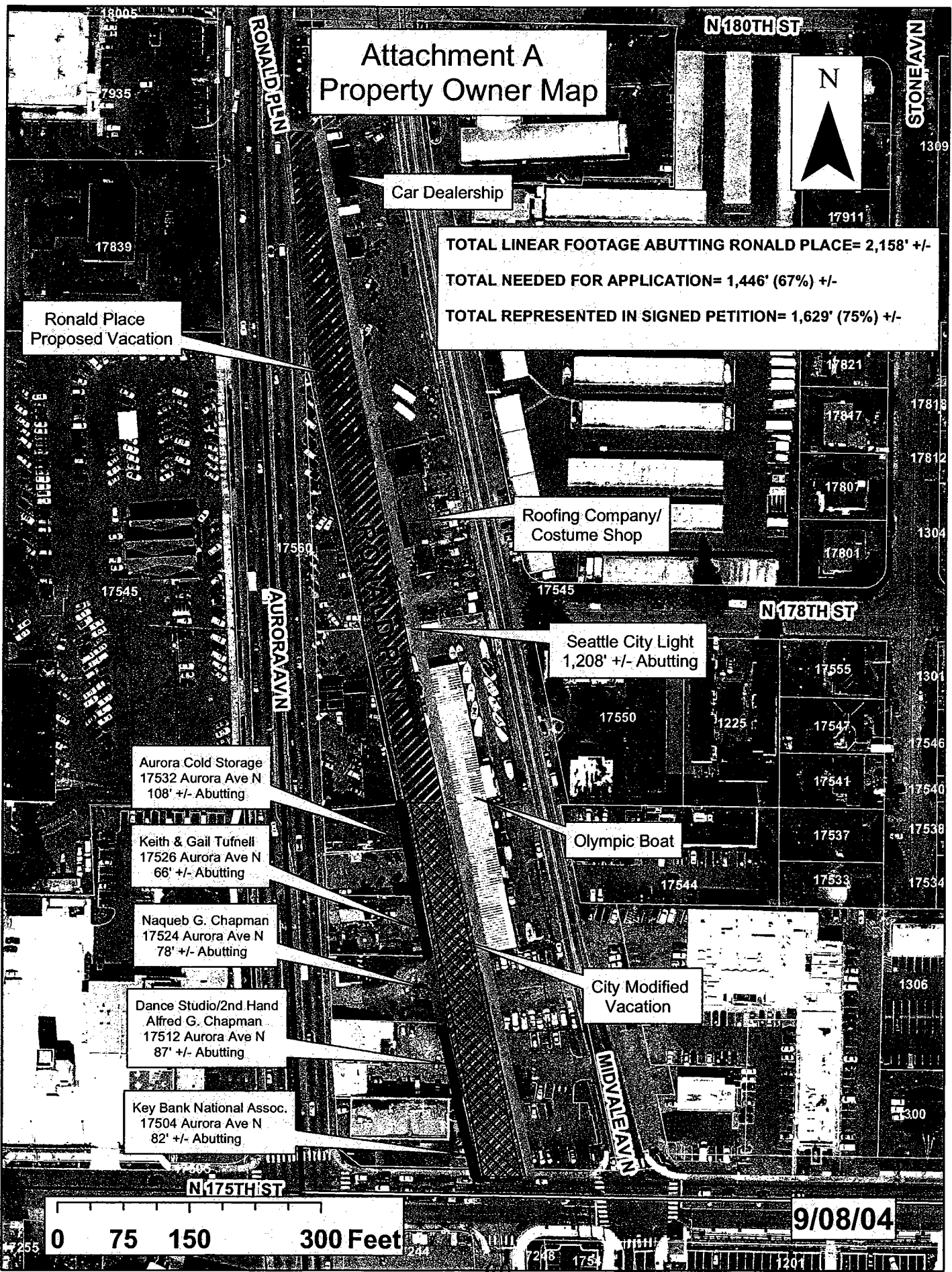
City Modified
Vacation

N175TH ST

MIDVALE AVN

0 75 150 300 Feet

9/08/04



ATTACHMENT B

DRAFT

Findings and Determination of the City of Shoreline Planning Commission

Ronald Place N Vacation, File #201332

Summary-

After holding the required public hearing for and reviewing and discussing the Ronald Place N. Vacation, on September 16, 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 421-foot portion of Ronald Place N. Right-of-Way (R-o-W) north of N. 175th Street.
 - 1.3 Their intent is to vacate Ronald Place N. in order to widen the redevelopment potential of the "Wedge", use the vacation area and some of Seattle City Light R-o-W as parking, and then to site the Interurban Trail to front along Midvale Ave N..

2. Procedural History-

On August 23, 2004 staff presented to Council a private property owner petition for street vacation of a 1,208-foot by 60 feet wide portion of Ronald Place N. between N. 175th Street and Aurora Avenue N. (Attachment A). The Council passed Resolution 222 to initiate the street vacation process and fix a public hearing date before the Planning Commission.

3. Public Comment-
 - 3.1 Written comments and public testimony were received during the public hearing held on September 16, 2004.
 - 3.2 A total of 2 written comments were submitted regarding the historic significance of the red brick road.

4. SEPA-

SEPA review is not required as part of this proposal per Section 197-11-800(2)(h) of the Washington Administrative Code (WAC) that specifically indicates a 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 subject vacation is consistent with the adopted comprehensive plan and adopted street standards.

II. Conclusions

5.1. The vacation of Ronald Place N. will benefit the public interest because of the confusion the street creates in the area and lack of use. Vacation will encourage redevelopment by increasing lot area and dimensions. However, it will not be beneficial to vacate the northern portion (787 feet) because of the future widening and improvement planned for Aurora Avenue N. and possible use of this area as a plaza using the red brick. With the amended vacation of Ronald Place N., the public health, safety and welfare will not be endangered and will likely be improved by clarifying the area circulation system and fostering economic development without jeopardizing future needs related to Aurora Avenue N.

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

- 1) The vacation is an opportunity to reroute traffic to reduce turning movements and improve safety and traffic circulation on and off N. 175th Street between Aurora Ave N. and Midvale Avenue N.
- 2) The street vacation would facilitate economic redevelopment of the "Wedge" properties, construct a section of the Interurban trail, and accommodate future improvements to Aurora Avenue N.

5.2. The long-range circulation plan, ped/bike plan, and street improvement plan do not address this street section and are unaffected by the realignment.

Businesses in the Seattle City Light transmission corridor, such as Olympic Boat, the costume shop, wheel rim shop and roofing business use Ronald Place N. for access.

Removal or hampering of access by the street vacation would be detrimental to traffic access for these businesses. Staff recommends the street vacation be conditioned so that these businesses can continue to have access until they are required to vacate their sites.

Further, the proposed vacation meets Criteria 2, as conditioned, by vacating Ronald Place N. with review and input of applicable utility and emergency service providers. 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.

5.3 The proposed vacation meets Criteria 3, in that the pedestrian/bicycle plan does not include Ronald Place N. as a part of its long-range plan. However, the construction of the Interurban Trail is part of the City's long range pedestrian and bicycle plan. Therefore, the proposed vacation, as conditioned, to construct the adjacent portion of the Interurban Trail 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 policies do have application to the proposed 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

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

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.

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

Analysis

Under Goal LU VIII, the proposed street vacation helps direct changes in the Aurora Corridor to other redevelopment potential by:

- encouraging businesses to thrive with greater lot sizes,
- improving its image and place by accommodating the Interurban Trail as well as Aurora Avenue improvements, and
- clarifying and reducing the clutter of unnecessary streets and visually undefined areas.

DRAFT PLANNING COMMISSION FINDINGS & DETERMINATION

Under LU51, Increasing the “Wedge” land area will facilitate redevelopment and an opportunity for the City to implement new design and development standards.

Under Policy LU56, the proposed street vacation is conditioned to require the construction of the Interurban Trail between N. 175th and N. 178th streets.

Under Policy LU60, the proposed street vacation provides substantial land area and dimension to assist the narrow “Wedge” properties in their redevelopment and to remove the confusion of the intersections at N. 175th Street and Aurora Avenue N.

Since the entire width of the right-of-way is to be vacated there is no conflict with street standards.

Conclusion

The vacation will also provide the opportunity to construct the Interurban Trail.

The street vacation would widen the narrow “Wedge” properties and therefore facilitate economic redevelopment with more flexible and usable sites.

The street vacation meets the necessary criteria and therefore should be approved as conditioned.

The vacation will require the reuse of the red brick to commemorate its history.

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:

1. All uses currently in the Seattle City Light R-o- W for the entire length of Ronald Place N. shall have the existing vehicular access or alternative access until those uses are vacated by order of Seattle City Light.
2. Any redevelopment that proposes to remove the red brick road shall coordinate with the City and the Shoreline Historic Museum to reuse the brick to commemorate the history of the red brick road.
3. All existing encroachments in City of Shoreline right-of-way shall be removed.
4. Construction of the Interurban Trail must be completed from N. 175th approximately 421 feet north per City approved design.
5. 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 prior to redevelopment.

DRAFT PLANNING COMMISSION FINDINGS & DETERMINATION

6. All utility facilities relocation or changes to service will be done at the cost of the developer. The developer is required to coordinate with all surrounding and impacted property owners to insure utility service is maintained.

City of Shoreline Planning Commission

David Harris, Planning Commission Chair

Date: _____

ATTACHMENT C



SHORELINE
CITY COUNCIL

Ron Hansen
Mayor

Scott Jepsen
Deputy Mayor

John Chang

Maggie Fimia

Paul Grace

Rich Gustafson

Robert Ransom

June 4, 2004

Stephen D. Brown, Jr., Vice President
Board of Trustees
The Shoreline Historical Museum
749 N 175th Street
Shoreline, WA 98133

Dear Mr. Brown:

Your passion for sharing our history with future generations is apparent in your letter of April 22. The Council and I are grateful for your interest in preserving the remaining historical underpinnings of Shoreline. Of specific interest to all of us is the preservation of Shoreline's historic Red Brick Road.

Our challenge is to balance the progress of our City with the preservation of its historic roots.

Action needs to be taken soon to preserve the Red Brick Road. The road is deteriorating rapidly under increasing use. Coming as it does at a time when a number of development possibilities are being discussed, this is an ideal time to explore new ways to protect and highlight the importance of this road for the community.

We are in the process now of discovering ways to protect and enhance the significance of the Red Brick Road; and, if possible, to create what you termed "a monument to the development of the community".

The City is mindful of the importance of giving its citizens a sense of place and meaning through preservation of history. We anticipate partnering with the Historical Museum to find ways to preserve this amenity and enhance community pride through showcasing this historic feature. We ask that you continue to be creative in your approach to assisting us in the preservation of the Red Brick Road.

Sincerely,

Ronald B. Hansen
Mayor

cc: Shoreline Councilmembers
Steven C. Burkett, City Manager
Tim Stewart, Director of Planning & Development Services

17544 Midvale Avenue North • Shoreline, Washington 98133-4921

Telephone: (206) 5

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w.cityofshoreline.com



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APR 27 2004

City Manager's Office

The Shoreline Historical Museum
Serving Northwest King County ♦ Shoreline ♦ Lake Forest Park ♦ North Seattle

April 22, 2004

Shoreline City Mayor Ron Hansen and Council Members
City of Shoreline
17544 - Midvale Ave. N.
Shoreline, Washington 98133

Dear Mayor Ron Hansen and Council Members:

This letter is to state the Shoreline Historical Museum's official position regarding the preservation of Shoreline's historic Red Brick Road, known today as Ronald Place. The Museum places a high priority on educating the public about historical sites and landmarks in the historic Shoreline area. The Board of Trustees is committed to the identification, preservation and protection of such landmarks, among which, Ronald Place is second only to the Ronald Elementary School in its historical significance.

Once a part of the original North Trunk Road, a section of our country's historic national highway system, Shoreline's Red Brick Road stands today as a proud centerpiece of our city, a monument to the development of the community. The Shoreline City Council Members have each received a notebook describing the importance and significance of Shoreline's celebrated brick highway, along with the memoir of Judge James T. Ronald, who was instrumental in both the placement of the road and the development of the community.

As plans are being made to improve the city's infrastructure, we hope that the city is also mindful of the importance of giving its citizens a sense of place and continuity through the preservation of such historic features as the Red Brick Road. Historic preservation nurtures community pride and raises the quality of the life. The brick road is a unique amenity in the heart of Shoreline which can be capitalized upon by the city. We urge the City Council to make every effort to preserve as much of this historic landmark as possible. Thank you for your attention to this important historic preservation issue.

Sincerely,

Stephen D. Brown, Jr., vice-president
Board of Trustees

cc: Steve Burkett, City Manager
Tim Stewart, Director, Planning and Development Services

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CENTRAL SHORELINE SUBAREA PLAN



DRAFT REPORT

PRELIMINARY
DRAFT

CONTEXT

BUSINESSES ON THE "WEDGE" BETWEEN AURORA AND THE BRICK ROAD

Businesses located in the area between Aurora Avenue North and Ronald Place - the brick road - provide a glimpse of Shoreline's history. When Aurora Avenue was widened and straightened in 1928, a wedge-shaped piece of land was created. The remaining piece of the Old Trunk Road - now Ronald Place - primarily became a northbound cut-through street and a way to access side and rear parking. The shallow depth of the lots in the "Wedge" is a challenge for redevelopment feasibility; access and parking are very constricted. Property consolidation or consolidation between owners will likely be a prerequisite for redevelopment.



Established businesses in the "Wedge".

BUSINESSES ON SEATTLE CITY LIGHT RIGHT-OF-WAY

Several businesses are within the 100-foot Seattle City Light right-of-way, the proposed future location for the Interurban Trail project. Most of these business tenants are on month-to-month City Light permits. They are primarily automobile or service-oriented businesses surrounded by parking lots. At some point in time, these businesses will need to relocate because of one or all of the following factors:

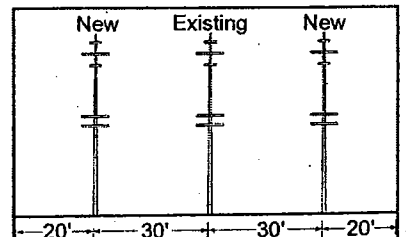
- New transmission infrastructure development within the utility corridor;
- Eventual construction of the Shoreline Interurban Trail;
- The widening and realignment of Aurora Avenue North into a portion of the Seattle City Light right-of-way (ROW).



Businesses within Seattle City Light ROW.

THE SEATTLE CITY LIGHT RIGHT-OF-WAY

Seattle City Light has future plans to expand the infrastructure on their right-of-way. While the exact timing is unknown, any plan for the use of Seattle City Light property has to take existing and future transmission pole location and their accessibility by large trucks into consideration. Any use of the right-of-way has to comply with Seattle City Light requirements and needs their approval. Any uses of the right-of-way proposed in this document as result of the subarea planning process have yet to be negotiated with Seattle City Light prior to implementation by the City of Shoreline. Currently, the commercial structures noted above as well as portions of Midvale Avenue are within the Seattle City Light right-of-way.



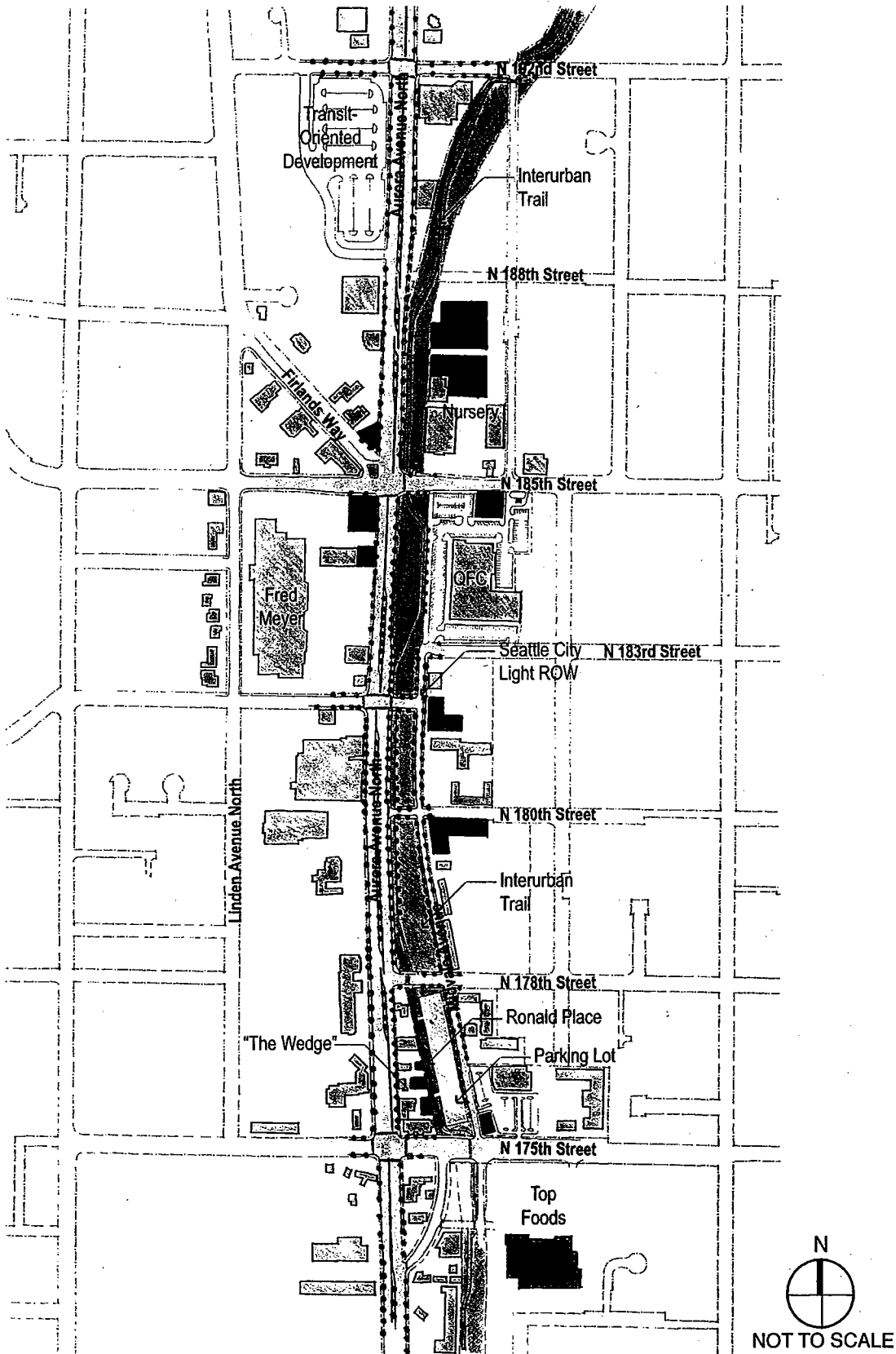
Typical overhead location of poles within 100 foot right-of-way.

Some of the key requirements for the use of the Seattle City Light right-of-way are:

- All vegetation is limited to 12 feet in height.
- A level area at least 28 feet wide adjacent to every pole is required for maintenance access.
- A minimum distance of 10 feet between poles or anchors and traveled surfaces is required.
- New buildings or structures are not allowed.

CENTRAL SHORELINE SUBAREA PLAN

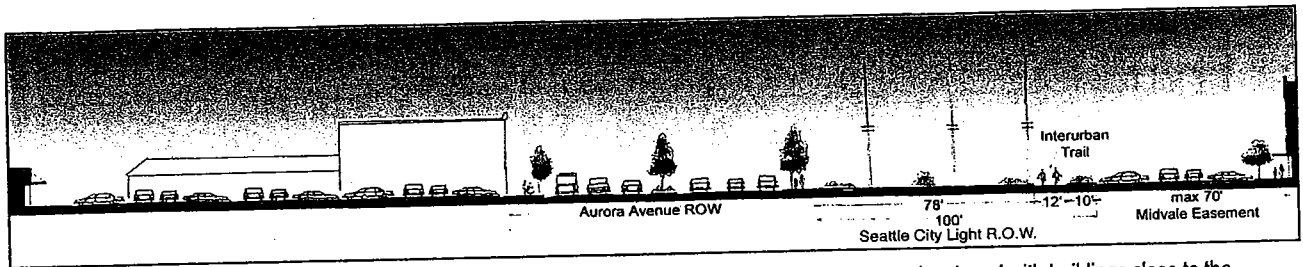
THE 5-YEAR VISION



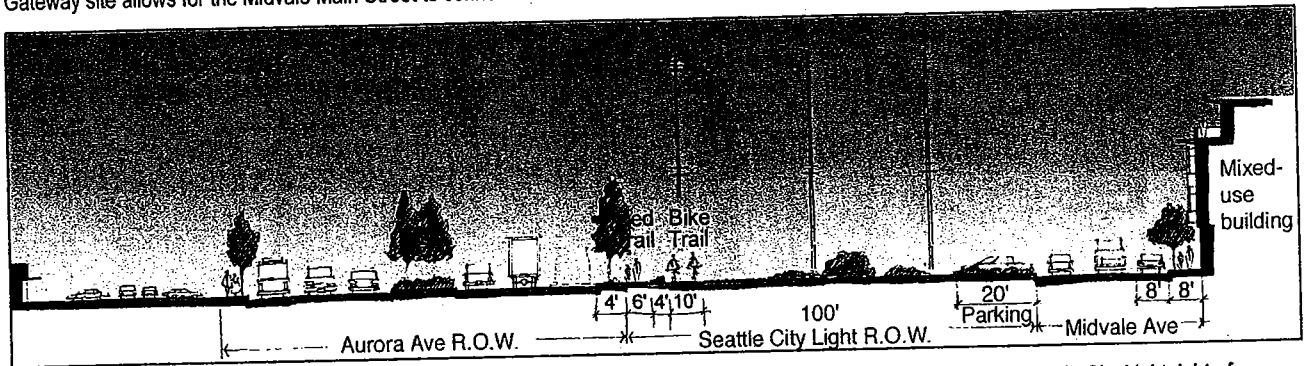
CENTRAL SHORELINE SUBAREA PLAN

THE 5-YEAR VISION

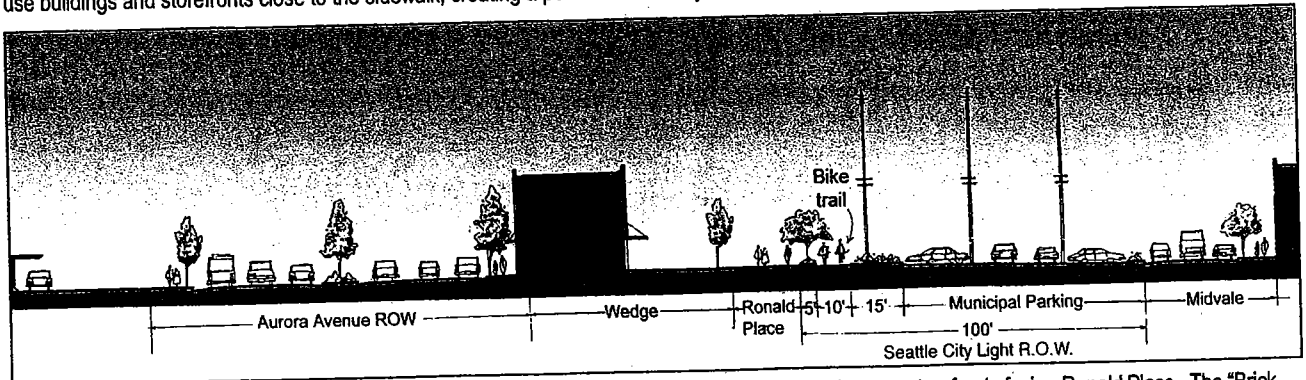
The following east-west cross sections through Aurora Avenue, the Seattle City Light right-of-way, and Midvale Avenue illustrate the 5-year vision. The sections show the Interurban Trail and the Aurora Corridor with adjacent sidewalks fully developed, creating an improved pedestrian environment. Some of the properties adjacent to Aurora Avenue and Midvale Avenue are shown redeveloped along Aurora to create a streetscape with more of a sense of place.



Typical cross section between N 183rd and 185th Street. Some of the sites on Aurora's west side are redeveloped with buildings close to the sidewalk. Midvale Avenue is vacated to allow the Seattle City Light right-of-way to shift eastward, thus creating enough width for the widened Aurora sidewalk. The Interurban Trail runs close to the eastern edge of the Seattle City Light right-of-way. An easement for Midvale Avenue through the Gateway site allows for the Midvale Main Street to connect to N 185th Street.



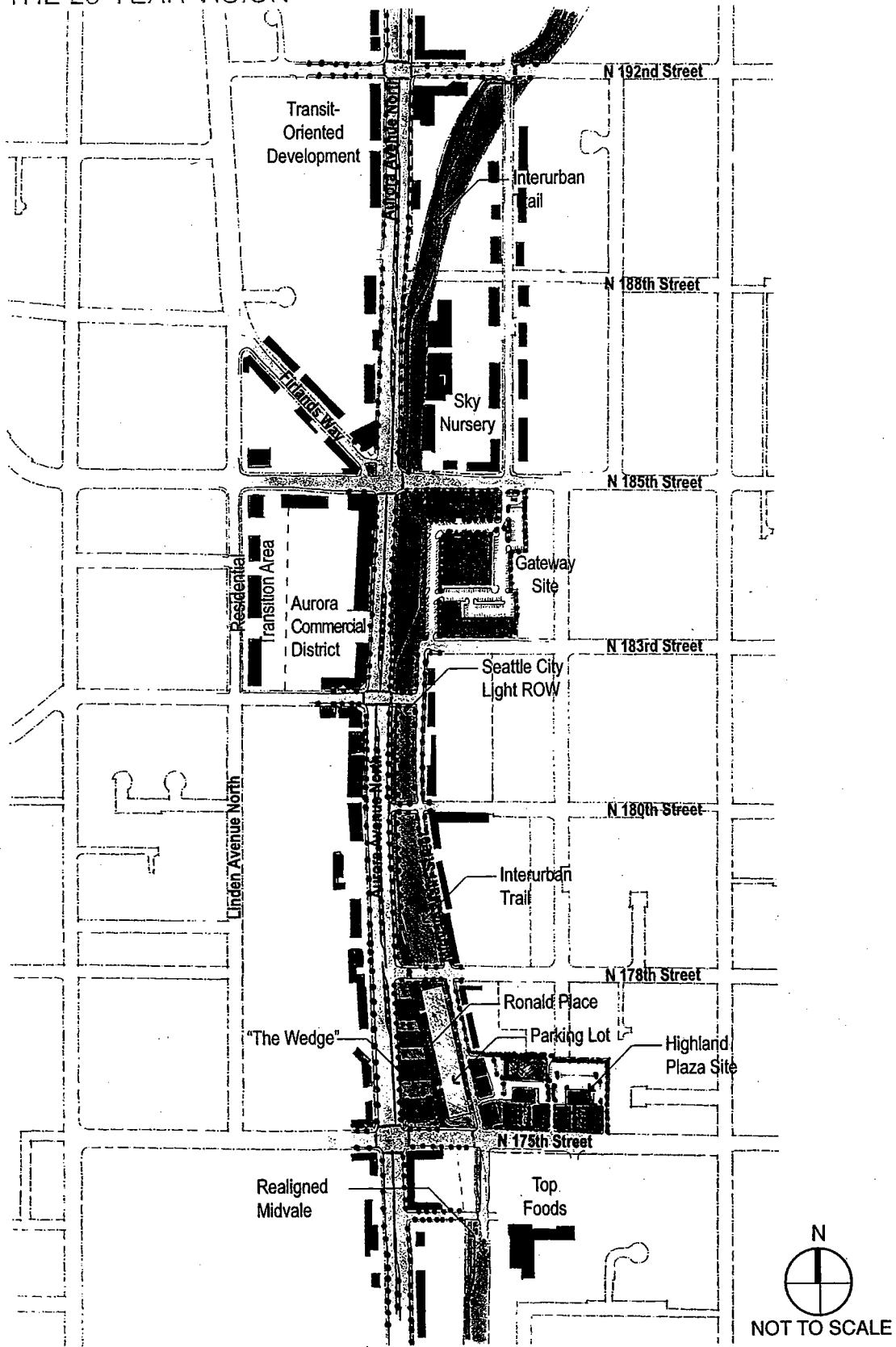
Typical cross section between N 177th and 183rd Street. The Interurban Trail runs close to the western edge of the Seattle City Light right-of-way. This eliminates the need for a sidewalk on Aurora's east side and helps reduce the right-of-way width. Midvale Avenue is redeveloped with mixed-use buildings and storefronts close to the sidewalk, creating a pedestrian-friendly Main Street.



Typical cross section between N 175th and 177th Street. The Wedge is partially redeveloped with some storefronts facing Ronald Place. The "Brick Road" is vacated for traffic but remains in place as part of the Interurban Trail. This allows for a narrower sidewalk on Aurora Avenue in the interim, mitigating the impact of that street's widening on existing businesses. A two-way bike trail runs next to Ronald Place within the Seattle City Light right-of-way. A municipal parking lot, subject to negotiations, is located within the Seattle City Light right-of-way and serves the Wedge businesses.

CENTRAL SHORELINE SUBAREA PLAN

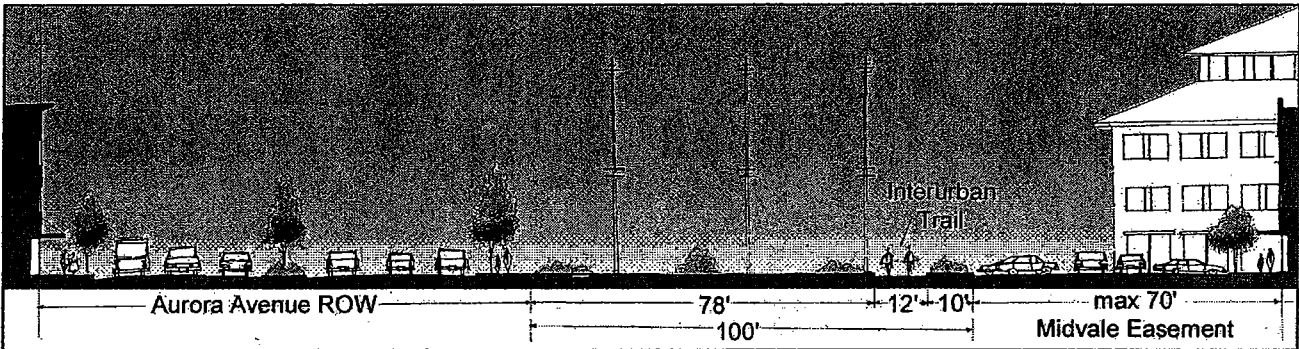
THE 25-YEAR VISION



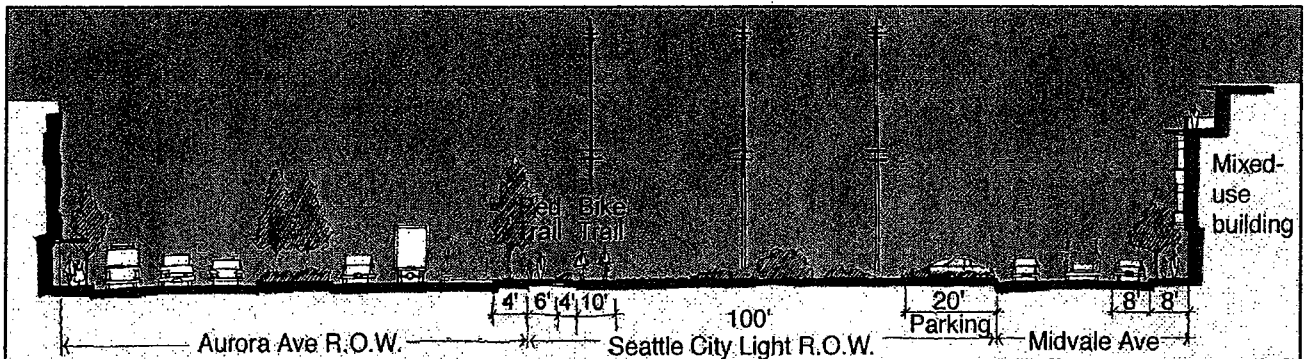
CENTRAL SHORELINE SUBAREA PLAN

THE 25-YEAR VISION

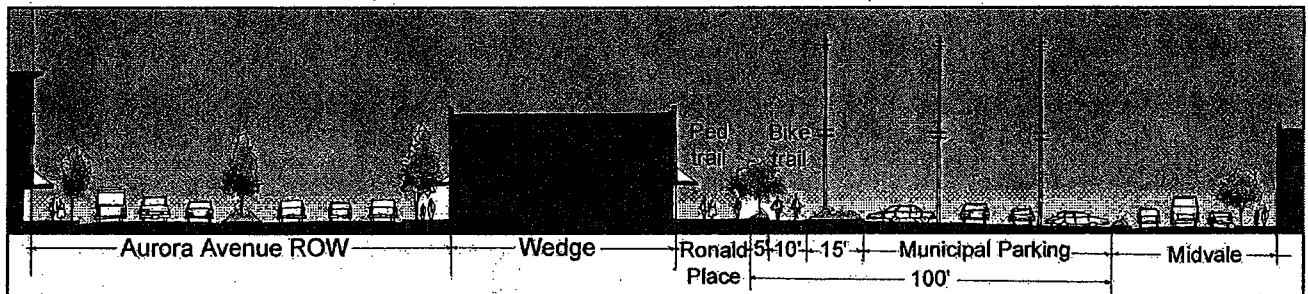
The following east-west cross sections through Aurora Avenue, the Seattle City Light right-of-way, and Midvale Avenue illustrate the 25-year vision. The building fronts along the redeveloped properties transform a commercial strip into a more coherent space. Within this wide space, there are three distinctly different zones: the auto-oriented Aurora Corridor, the recreational pedestrian and bike-oriented Interurban Trail with surrounding park, and the pedestrian-friendly Midvale Main Street. This design balances the needs of drivers, bicyclists and pedestrians, as well as the needs of commuters, shoppers and strollers.



Typical cross section between N 183rd and 185th Street. Buildings on Aurora's west side are built close to the sidewalk. The Interurban Trail runs close to the eastern edge of the Seattle City Light right-of-way. An easement for Midvale Avenue through the Gateway site allows for the Midvale Main Street to connect to N 185th Street.



Typical cross section between N 177th and 183rd Street. The Interurban Trail runs close to the western edge of the Seattle City Light right-of-way. This eliminates the need for a sidewalk on Aurora's east side and helps reduce the right-of-way width. Midvale Avenue is lined with mixed-use buildings and storefronts close to the sidewalk, creating a pedestrian-friendly Main Street.



Typical cross section between N 175th and 177th Street. The Wedge is redeveloped with storefronts facing Ronald Place. The "Brick Road" is vacated for traffic but remains in place as part of the Interurban Trail. A two-way bike trail runs next to it within the Seattle City Light right-of-way. A municipal parking lot, subject to negotiations, is located within the Seattle City Light right-of-way and serves the wedge businesses.

CENTRAL SHORELINE SUBAREA PLAN

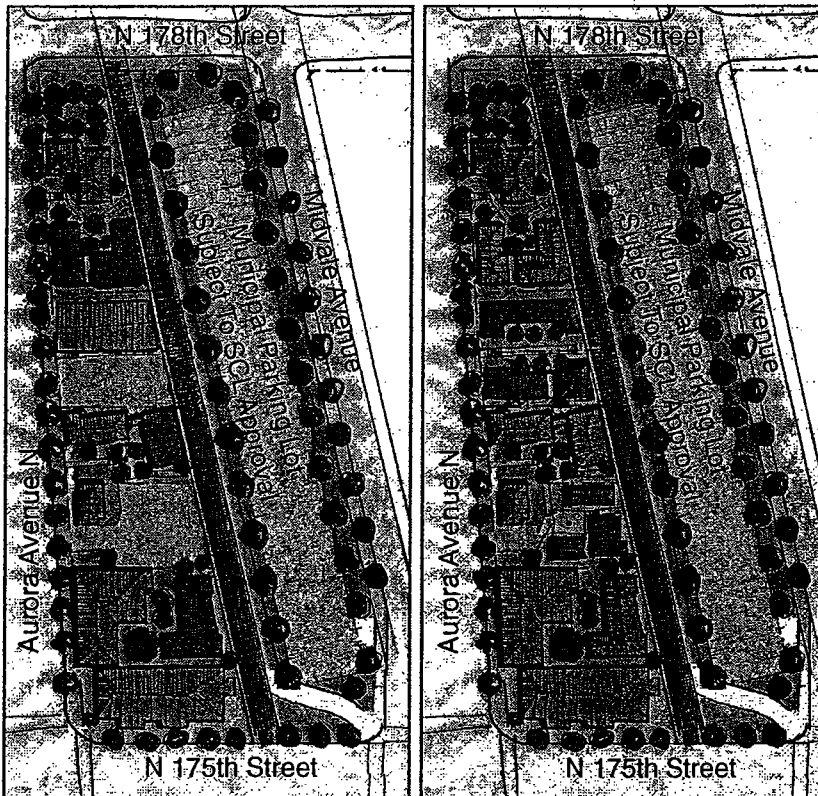
THE "WEDGE"

The "Wedge" is likely the most unique retail place in Shoreline. It is prominently located in the geographic center of town and tightly bounded by Aurora Avenue, N 175th Street and Ronald Place. The lack of parcel depth makes parking a challenge, especially in light of the widening of the Aurora right-of-way as part of the Aurora Corridor Project.

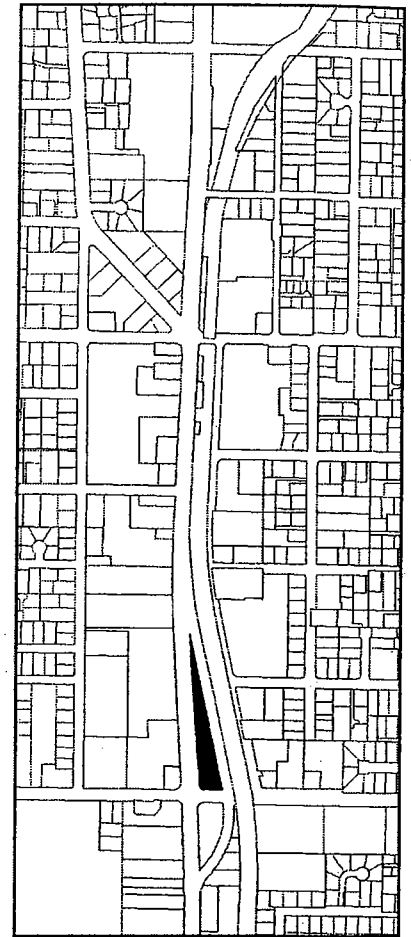
The LCA team proposed two alternative redevelopment scenarios:

1. The incremental addition or redevelopment of buildings on the existing properties.
2. The complete redevelopment of the "Wedge" as a cohesive group of buildings.

Both scenarios include a municipal parking lot within the Seattle City Light right-of-way that - given the approval of Seattle City Light - provides sufficient parking for the businesses on the "Wedge". The parking lot also functions as a centrally located site for a farmers market and seasonal fairs. In both scenarios Ronald Place has been vacated and is integrated into the Interurban Trail as a pedestrian route. This allows for a narrower sidewalk along Aurora Avenue, helping to preserve the existing buildings in the Wedge.



The incremental redevelopment scenario. The 5-year vision is shown on the left, the 25-year vision on the right.



Locator key

The incremental redevelopment scenario - pictured left - is informal in character. Existing buildings are complemented by new additions. The municipal parking lot in the Seattle City Light right-of-way allows for the infill of the surface parking between and behind the buildings. Due to the small size of the parcels, substantial redevelopment is not economically feasible without property consolidation. Thus, the incremental scenario is limited by the life span of the existing buildings.

Shoreline's Red Brick Road

Judge James T. Ronald was a pioneer and a prominent citizen of the area that is now called Shoreline. Because of his efforts to establish a fine community, many things came to be named for him, even after he was gone. The Evamor Interurban station, later renamed Ronald by the Interurban company, was built and painted by Judge Ronald himself and a neighbor, Mr. Clark. It was the beginning of the idea of a town. In his memoir, Judge Ronald confides, "if Ronald Station fulfills my dreams, realizes my hopes, it will one day be the ...most desirable, most attractive suburb of a city destined ...to become the metropolis of the Pacific Coast.." The memory of his legacy has been carried on through entities and places such as Ronald Voting Precinct, Ronald Bog, the Ronald Room at the Shoreline Center, and Ronald Sewer District. Even the Ronald neighborhood still endures within the more official Richmond Highlands neighborhood.

Although the Ronald Interurban Station itself no longer exists, there are still two prominent historic structures in Shoreline that not only bear Judge Ronald's name, but are the direct result of his influence and work. One of them is the Ronald School, preserved today as the Shoreline Historic Museum. It is the oldest public structure north of 85th, and stands on property donated to the community by Judge Ronald, in what would have been the backyard of his home, in his orchard of cherry trees. The building stands as a testament not only to Judge Ronald's vision of the future, but the wise vision of the whole community.

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The other prominent structure bearing Judge Ronald's name is Shoreline's Red Brick Road, today known as Ronald Place. Judge Ronald tells us: "I contributed my efforts in prevailing upon the County Commissioners to locate a highway through the community...I gave the right-of-way and cleared it through my property." This historic street, also known in its lifetime as The North Trunk Road, The North Trunk Highway, North Trunk Boulevard, The Pacific Highway, and Woodland Park Avenue, was the precursor to the Aurora Avenue and Highway 99 we know today. The piece of brick road that still exists follows the route that was cleared by Judge Ronald himself, and is the last existing piece of the original North Trunk Road, paved in 1913, a vital link in the original Pacific Highway, first proposed in 1904.

Following are photographs and historic excerpts that illustrate the significance of Shoreline's treasured Red Brick Road, so long preserved by our citizens and visionary city, a reflection of Judge Ronald's hopes and dreams for our prosperous future.

Shoreline's Brick Road - Regional, National and International Significance

In 1906, the Interurban Trolley, seen as the unifying transportation system between major northwest cities and gateway to civilization for the hinterlands of Seattle, had barely reached north of Bitter Lake. Few roads existed, and those that did were little more than cow paths and wagon trails. If one wanted to travel anywhere north of Green Lake without using the Interurban line, a horse or good walking shoes were required. Cars were just coming onto the scene in Seattle.

But the idea for a road reaching from Canada to Mexico, the Pacific Highway, began almost with the toot of a horn from the first automobile. It was immediately recognized by those on the forefront of the new car culture that roads - good ones and lots of them - were going to be needed. By May of 1910, when the Interurban Trolley line was officially completed from Seattle to Everett, there was already support for automobile roads, and several car-friendly associations had been started: The Pacific Highway Association which was a tri-state organization (Washington, Oregon and California), the Good Roads Association, and the Automobile Club of Seattle (est. 1904) were three such organizations. In 1910, the Everett Herald predicted "...virtually a continuous city from Seattle to Everett." (Herald April 30, 1910)

An article in *The Town Crier* October 1910, indicates that the movement toward an "international boulevard" was already taking hold:

"There will be no halting in the campaign of promotion from now on and Judge Ronald has been assured of the heartiest active support... Indeed, this general spirit of cooperation is practically unanimous among all who have personal or indirect use of wagon roads and this spontaneous spirit has induced the president to adopt the campaign slogan : *Everybody Helps Build the Pacific Highway*... There is already a passable wagon road from Canada to Mexico. This will probably be straightened and improved by grading, ditching and graveling. The initial international highway will not all be macadam, by any means."

In July of 1912, the Pacific Highway Association was already four years old, and the association president, Judge James T. Ronald, was preparing to drive from Seattle to its third annual convention in San Francisco. A newspaper article reports: "Interest in the...convention...continually grows and active preparations are being made by the delegates who will motor to this central meeting point for the purpose of devising ways and means for improving the 'Road of Three Nations.'" (Marysville Globe, July 13, 1912) By 1912, Judge Ronald had already made one car trip to San Francisco. The new, brick-paved North Trunk Road between the Seattle city limits at 85th and the north King county line, under construction at this time, would be a crucial piece of the plan for the international Pacific Highway.

Shoreline's Brick Road - Local Significance

Beyond the national and regional clamor for roads, though, was the local tempest. Firland Sanatarium (today's Crista Ministries), had just been built (1911) and doctors and their staff were required to travel back and forth between the tuberculosis hospital and downtown Seattle. The Highlands residential community had also been established, and a number of people were traveling by car to and from there as well. The only road from Seattle to the Richmond Highlands area was the dirt wagon road that was to become Country Club Road (Greenwood). In his memoir, Judge Ronald describes the condition of the road in 1899: "(Greenwood), just wide enough for a wagon - and as late as 1907 scarcely negotiable by my first automobile - wound and twisted conforming to the sinuosities in the topography of the country..."

King County Engineer's office records show that a petition was filed in November of 1909 for an automobile-accessible link through northwest King county to the Seattle city limits at 85th. By March of 1911 the road was approved by the County Commissioners and construction began in 1912.

This explanation is, of course, a simplified version. Two prominent citizens of the area, Judge James T. Ronald and Attorney John Whitham add some detail. First, Judge Ronald:

"...I moved (the) little house within my orchard, setting it down in what is now the center of the (new) North Trunk Highway (Aurora)...(When) the county later on established the (new) Highway, (they) moved that little house a few rods directly west of where I located it, and there it stands today."

I contributed my efforts in prevailing upon the County Commissioners to locate a highway through the community...I gave the right-of-way and cleared it through my property. The road which I gave, however, while it followed the present day North Trunk Road (Aurora), deviated from that line some 400 feet south of 175th and ran a little northeast toward the Interurban right-of-way. This was done to keep my house and barn and pump house west of the road. That little deviation is still shown there."
(Judge James T. Ronald, pp178-181)

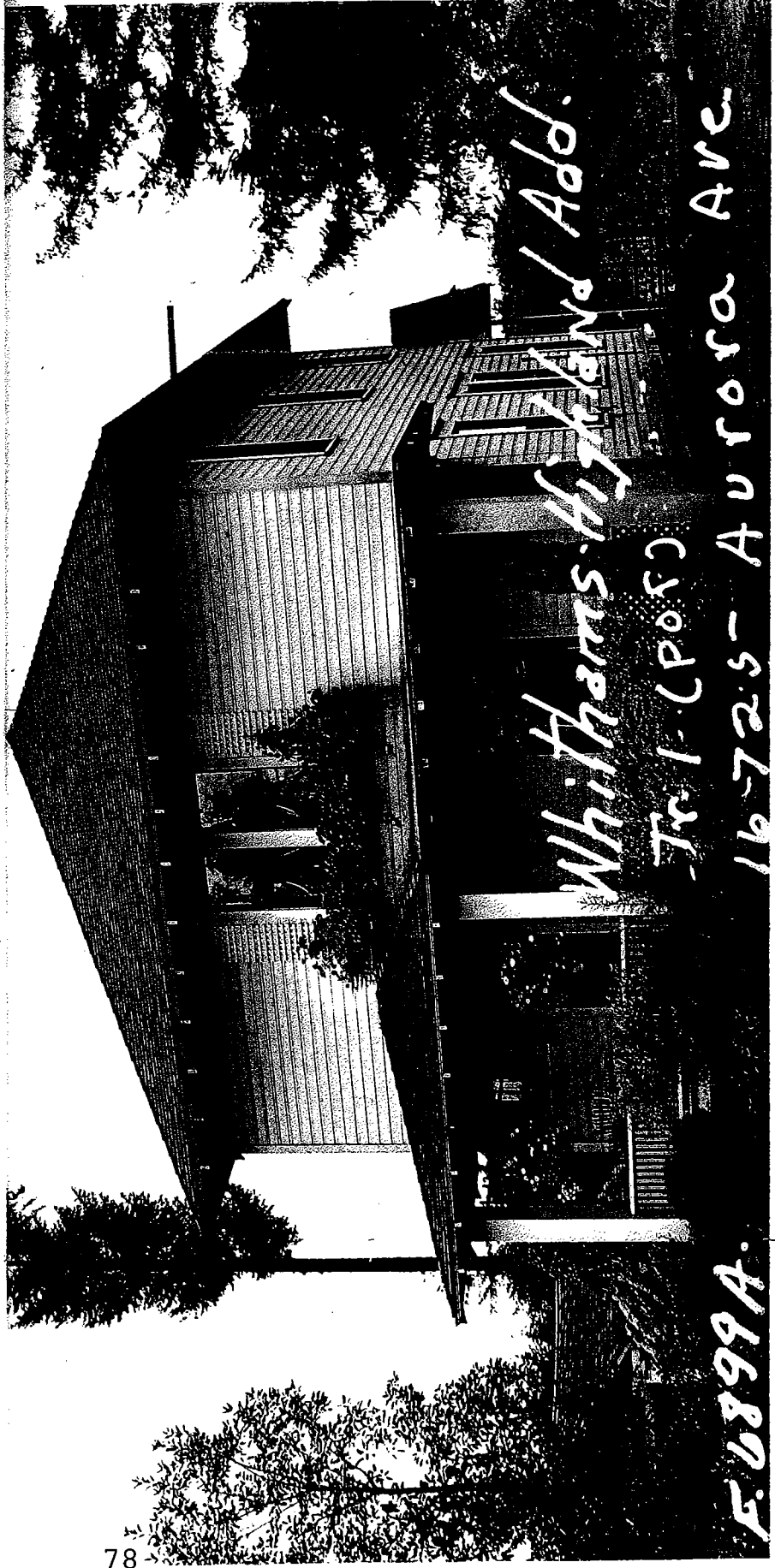
Today, the last, historic piece of the first North Trunk Road is called Ronald Place, appropriately named for its creator.

John Whitham, the one-time Ballard City attorney (who was no doubt a good acquaintance of Judge Ronald), also purchased property nearby and built a house that stands today (see photo). In a 1940 newspaper article, he recounts his initial contact with the area, and the fight for the construction of the North Trunk "Boulevard."

"My connection with this development began in 1906. At that time, Mr. E.B. Cox, a real estate agent of Ballard...procured a horse and buggy and we drove to Ronald - a long and tedious trip at that time...I then purchased the land and soon thereafter built the house where I now reside and have resided since 1907..."

The building of this highway, which has been know by sundry and diverse names...was opposed by Mr. Al Rutherford, then King County commissioner from our district. As Deputy Prosecuting Attorney (for King county) at that time, I had much to do with securing the right -of-way for this highway in King county...At that time, the proposition was to build the road from the city limits to the North King county line. In that regard I recall Mr. Rutherford in voicing his opposition to the road said: 'Why, it doesn't commence anywhere or end anywhere, and but a few would use it.' Observing the very heavy traffic now, one realizes how easy it is to be mistaken, however sincere."

Despite protests by some over the expense, many farsighted individuals realized that the North Trunk Road would be a vital connection in an expanse of highway that would take travelers from border to border.



ATTACHMENT C

DRAFT

These Minutes Subject to
October 7th Approval

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

September 16, 2004
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Harris
Vice Chair Piro (arrived at 7:20 p.m.)
Commissioner Doering
Commissioner Hall
Commissioner Kuboi
Commissioner McClelland
Commissioner Phisuthikul

STAFF PRESENT

Rachael Markle, Asst. Director, Planning & Development Services
Andrea Spencer, Senior Planner, Planning & Development Services
Paul Cohen, Senior Planner, Planning & Development Services
Kirk McKinley, Aurora Corridor Manager, Public Works
Doug van Gelder, Project Engineer, Public Works
Kim Lehmberg, Planner, Planning & Development Services
Lanie Curry, Planning Commission Clerk

ABSENT

Commissioner Sands
Commissioner MacCully

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, Commissioners Hall, Doering, Kuboi, McClelland and Phisuthikul. Commissioners Sands and MacCully were excused. Vice Chair Piro arrived at 7:20 p.m.

3. APPROVAL OF AGENDA

The Commission agreed to change the agenda so that the public hearing could be held prior to the development code update. The agenda was approved as amended.

4. APPROVAL OF MINUTES

The minutes of September 2, 2004 were approved as amended.

5. GENERAL PUBLIC COMMENT

Pat Crawford, 2326 North 155th Street, distributed documents to the Commission that were identified as Exhibits A, B, C and D related to the Gaston Appeal Case, which is currently at the Court of Appeals. She said she would still like the Commission to change the City's proposed definition for "reasonable use." She suggested that since this issue is currently before the court, the City should not consider the proposed changes to the reasonable use section of the Development Code. They need to just fix what is broken with the current reasonable use section. She questioned why the City is willing to consider the position of Attorney Phil Olbrecht, but they are unwilling to consider the position of her attorney. She said she is opposed to the proposed code changes being used in active court hearings.

Tim Crawford, 2326 North 155th Street, distributed the cover sheet that was attached to the City's Supplemental Reply Brief that was submitted by City Attorney Sievers related to the Gaston appeal. This document was labeled as Exhibit E. He said he highlighted certain elements of the document. He reminded the Commission that they have been told over and over again by the staff their section of Thornton Creek could not be part of the stream inventory because of the court actions that are pending related to the Aegis and Gaston Developments. However, the City Attorney indicated that he used political license to add this when staff was not paying attention, and he is now using this license at the appellant level. He urged the Commission to get a copy of the entire brief that was submitted by City Attorney Sievers. He suggested that the City Attorney is acting dishonestly, with no legislative intent. He emphasized that the citizens won't stand for this anymore, and they are going to see that the buildings that were constructed on the Gaston and Aegis Properties come down.

Les Nelson, 15340 Stone Ave North, recalled that the Safeway development expanded onto a parcel of property that was located behind their store. Before anyone knew what was going on, Safeway had purchased it and made it part of their property with out providing any notification to the surrounding neighbors. The neighbors complained to the City in 2002, and the Commission and City Council agreed to consider a change to the public notice requirements for commercial footprint additions. However, the staff's current recommendation is to place this on the docket for the 2005 Code amendments. He questioned why this issue is being postponed.

Mr. Nelson summarized that the neighbors believe that Safeway was allowed to do something that a separate owner of the property would not have been allowed to do. Because all of the property was under a single ownership, Safeway was not required to notify the public. The neighbors believe that some very simply language changes would address this issue. Chair Harris explained that the Commission's agenda is quite full for the remainder of 2004, and it has been recommended that the Commission take this issue up again as part of the 2005 docket for code amendments. He explained that the code cannot be changed without a public hearing and Commission and City Council discussion, and this process takes time. Mr. Nelson concluded his remarks by expressing his belief that the citizens have very little say about the commercial developments that are constructed in Shoreline.

He asked that the Commissioners each obtain a copy of the letter he sent to the City Council outlining some of the neighbor's design issues that were associated with the Safeway project. Chair Harris noted that the public would have ample opportunity to express their views to the Commission during the public hearing process in 2005.

6. STAFF REPORTS

Type C Quasi-Judicial Public Hearing on Ronald Place Street Vacation

Chair Harris reviewed the rules and procedures for the public hearing. He reminded the Commission of the Appearance of Fairness Law, and inquired if any of the Commissioners received ex-parte communications regarding the subject of the hearing outside of the hearing. None of the Commissioners disclosed any ex parte communications. No one in the audience expressed concern about any of the Commissioners participating in the public hearing.

Paul Cohen, Project Manager, reported that on August 23rd staff presented to the City Council a private property owner petition for street vacation of a 1,208-foot by 60-foot wide portion of Ronald Place North between North 175th Street and Aurora Avenue North. The City Council passed Resolution 222, to initiate the street vacation process and fix a public hearing date before the Planning Commission of September 16th. He advised that the petitioners are the property owners along the first approximately 421 feet on the west side and Seattle City Light right-of-way on the east side. The purpose of the vacation is to add square footage to the properties that are identified as the "wedge." The petitioners believe the vacation would allow the properties to be more usable for possible redevelopment. Mr. Cohen advised that the Planning Commission is required to hold an open record public hearing on the conclusions and findings, and forward a recommendation to the City Council. The City Council would conduct a closed-record hearing, review the Commission's recommendation, and take final action on October 11th.

Mr. Cohen said the vacation would increase the depth of the lots to create greater redevelopment opportunities. He pointed out that the future Aurora Avenue expansion would impact these properties, and staff recommends that the vacation request be modified to leave the north 787-foot portion as public right-of-way so that future Aurora Avenue improvement plans for widening could be accommodated and so that North 178th Street could be extended through. The Street vacation would afford an opportunity to reduce cut-through traffic on Ronald Place North to from North 175th Street too Aurora Avenue North. In addition, it would provide an opportunity to reduce turning movement conflicts at Ronald Place North and North 175th Street and shift northbound right turns at Aurora Avenue and Ronald Place to the signal at Aurora Avenue and North 175th Street.

Mr. Cohen pointed out that, although the Central Shoreline Subarea Plan has not been formally adopted, it has served as guidance for City Council and staff in planning for this section of Shoreline. In the subarea plan the "wedge" is identified for redevelopment with both a 5-year and 25-year vision. In either vision, the plan proposes that the Interurban Trail be placed in the Ronald Place right-of-way.

Mr. Cohen advised that Shoreline's historic red brick road exists in the portion of Ronald Place North that is proposed for vacation. The staff has proposed some conditions, as part of their recommendation, to address reuse of the bricks.

Mr. Cohen said that the street vacation process requires that a traffic analysis be done, and this was completed by staff. Staff found that on North 175th Street, the signalized intersections at Midvale Avenue North and Aurora Avenue North are only 200 feet apart. This close spacing makes it more difficult to synchronize the two signals, and therefore, increases traffic delays. The intersection of Ronald Place North is located between these signals, which introduces more turning movements to North 175th Street and creates additional delay. Removal of this intersection would improve the traffic flow on North 175th Street. He further pointed out that northbound vehicles on Ronald Place North must turn right onto Aurora Avenue North because the angle that these streets intersect makes it difficult to see gaps in oncoming Aurora Avenue traffic. Reducing the volume of northbound traffic on Ronald Place North would reduce the number of turning movements at Aurora Avenue North and Ronald Place North.

Mr. Cohen said that when reviewing street vacation applications, staff considers four criteria. He reviewed each of the criteria as follows:

- **Criteria 1 – The vacation will benefit the public interest.** Mr. Cohen advised that because of the confusion the street creates in the area and the lack of use, it would be in the public interest to use the property for something else. The vacation of the southern 421 feet would also encourage redevelopment by increasing lot area and dimensions. However, it would not be beneficial to vacate the northern portion (787 feet) because of the future widening and improvement planned for Aurora Avenue North and the possible use of this area as a plaza using the red brick. In addition, only the property owners from Aurora Cold Storage south requested the street vacation. The property owners to the north did not.
- **Criteria 2 – The proposed vacation will not be detrimental to traffic circulation, access, emergency services, utility services, or other similar right-of-way purposes.** Mr. Cohen explained that the long-range circulation plan, the pedestrian/bicycle plan, and street improvement plan do not address this street section and are unaffected by the realignment. In addition, the access to the businesses in the Seattle City Light transmission corridor (Olympic Boat, the costume shop, wheel rim shop and roofing business) use Ronald Place North for access. Removal or hampering of access by the street vacation would be detrimental to traffic access for these business. Staff has recommended a condition that would address this concern. He also explained that utility facilities would be maintained in the current location with access rights remaining.
- **Criteria 3 – The street or alley is not a necessary part of a long-range circulation plan or pedestrian/bicycle plan.** Mr. Cohen advised that the proposed vacation would meet Criteria 3 in that the pedestrian/bicycle plan does not include Ronald Place North as part of its long-range plan. However, the construction of the Interurban Trail in the vicinity of the proposed area of vacation is part of the City's long-range plan.

- **Criteria 4 – The subject vacation is consistent with the adopted Comprehensive Plan adopted street standards.** Mr. Cohen advised that there are no policies in the Comprehensive Plan that specifically address street vacations. However, there are policies that have application to the proposed vacation, many of them having to do with initiating opportunities for redevelopment, balancing pedestrian and vehicular uses, encouraging businesses to thrive, establishing easements to develop the Interurban Trail between 145th and 200th Street, assisting with the assembly of land and assembling property for redevelopment. All of these policies appear to support the vacation of Ronald Place North.

Mr. Cohen advised that staff is now proposing an addendum to the vacation application. He referred to the memorandum and aerial photograph that were provided by staff. He explained that since the staff recommendation was delivered to the Commission, they received a request from Seattle City Light to adjust the proposal. He explained that currently, Midvale Avenue North is partially in the Seattle City Light right-of-way on the east side. Seattle City Light would like the ability to exchange 10 feet of right-of-way to the City for 10 feet of the Ronald Place North right-of-way when the City needs to make improvements to Midvale Avenue North and the Interurban Trail in the future. Seattle City Light has indicated that they need a 100-foot wide right-of-way. He briefly reviewed how the four criteria would support the proposed adjustment as follows:

- **Criteria 1 – The vacation will benefit the public interest.** Mr. Cohen advised that placing Midvale Avenue North entirely in the City’s public right-of-way would benefit the public to insure that the use and future improvements stay within the control of the City.
- **Criteria 2 – The proposed vacation will not be detrimental to traffic circulation, access, emergency services, utility services, or other similar right-of-way purposes.** Mr. Cohen pointed out that the proposed amendment would improve traffic circulation, access, emergency services, utility facilities or other similar right-of-way purposes.
- **Criteria 3 – The street or alley is not a necessary part of a long-range circulation plan or pedestrian/bicycle plan.** Mr. Cohen said the proposed amendment would maintain, clarify and strengthen Midvale Avenue North as a part of the City’s circulation plan. It would have no effect on the pedestrian/bicycle plan.
- **Criteria 4 – The subject vacation is consistent with the adopted Comprehensive Plan adopted street standards.** Mr. Cohen, again, advised that there are no policies in the Comprehensive Plan that specifically address the amendment of adjusting the right-of-way to include existing streets.

In conclusion, Mr. Cohen summarized that the overall street vacation, as amended, would provide an opportunity to reduce unsafe turning movements onto and off of Ronald Place North by shifting traffic to intersections and arterials that are designed for greater traffic volume. In addition, the vacation would provide the opportunity to construct the Interurban Trail and widen the narrow wedge properties and facilitate economic redevelopment with more flexible and usable sites. He said staff believes the street vacation would meet the necessary criteria as previously mentioned.

Therefore, they are recommending approval of the street vacation as amended and conditioned. He pointed out that a condition of the vacation would require the reuse of the red brick road to commemorate its history. Lastly, he said the street vacation, as amended, would sort out the ownership and control of Midvale Avenue North.

Mr. Cohen said staff recommends that the Planning Commission enter findings of fact and conclusions to recommend approval of the vacation of Ronald Place North from North 175th Street approximately 421 feet to the north property line of Aurora Cold Storage at 17532 Aurora Avenue North and the west 50 feet of the 60-foot width of Ronald Place North.

Mr. Cohen reviewed the conditions proposed by staff as follows:

1. **All uses currently in the Seattle City Light right-of-way for the entire length of Ronald Place North shall have the existing vehicular access or alternative access until those uses are vacated by order of Seattle City Light.** Mr. Cohen explained that this condition would require that access be allowed into the right-of-way until those uses are vacated from the Seattle City Light right-of-way. Another option would be to identify some alternative access to these properties off of Midvale Avenue North.
2. **Any redevelopment that proposes to remove the red brick road shall coordinate with the City and the Shoreline Historic Museum to reuse the brick to commemorate the history of the red brick road.** Mr. Cohen reported that there has been a lot of discussion about this issue, and staff wants to make sure the City has negotiation power as to the use of the red brick in some commemorative way.
3. **All existing encroachments in City of Shoreline right-of-way shall be removed.** Mr. Cohen advised that this is standard language.
4. **Construction of the Interurban Trail must be completed from North 175th Street approximately 421 feet north per City approved design.** Mr. Cohen pointed out that this portion of the Interurban Trail is currently being in design phase at the City.
5. **Easements for each utility currently using vacated right-of-way, including the City of Shoreline stormwater utility, shall be recorded in a form acceptable to the utility providers prior to redevelopment.**
6. **All utility facilities relocation or changes to service will be done at the cost of the developer. The developer is required to coordinate with all surrounding and impacted property owners to insure utility service is maintained.**

Commissioner Hall questioned if the petitioners have all agreed to the proposed amendment. Mr. Cohen said the petitioners have not seen the amendment. Nor have they seen the staff recommendation that the street vacation be modified to be only 421 feet and not the remaining 787.

If the City were to grant Seattle City Light's request that the vacation be adjusted by 10-feet, Vice Chair Piro questioned if the City would have to go through another vacation action when this property is no longer needed for potential access. Mr. Cohen answered affirmatively.

Commissioner Phisuthikul said he does not fully understand why the City would not consider including the northern sections of Ronald Place North. Even though the property owners have not initiated a vacation for this portion, it appears that will be the fate of this entire right-of-way. He suggested that they should do the whole vacation now.

Commissioner Kuboi questioned how the Aurora Avenue properties that front along Ronald Place north would be dealt with.

Kirk McKinley, Public Works Department, Aurora Corridor and Interurban Trail Project Manager, explained that the Aurora Corridor Project has not gone through the environmental process for this segment of Aurora. What they are working from is the result of Commission and City Council action that was taken last fall to amend the Comprehensive Plan Map to indicate that all the future widening of Aurora in this section would occur on the east side, therefore, preserving impacts to properties on the west side. He recalled that last fall the Commission reviewed a document identifying the "worst case cross section." He emphasized that the actual adoption of a design for this project has not occurred. However, when the pre-design study was adopted by the City Council in 1999, they adopted a design concept. The Comprehensive Plan Map is reflective of that design concept.

Mr. McKinley advised that as a development proposal for this site goes through the SEPA or code review process, there would be some discussion about right-of-way and whether the City would seek compensation or not. As part of Phase I of the Aurora Corridor Project, the City is in the process of acquiring right-of-way with federal funding that has been obtained for the project. Commissioner Kuboi clarified that it is possible that should this proposal be approved by the City Council, the City would have to come up with more money to purchase a few feet more of the Aurora Avenue North right-of-way. Mr. McKinley answered that the site plan the developer has shared with staff accounts for the right-of-way the City needs.

Commissioner McClelland requested that staff provide insight as to how the land swaps are made equitable between all parties. She questioned how the City would measure to ensure that the trade is equitable for the citizens of Shoreline. She also questioned how the businesses located on the northern sliver of the wedge would be able to continue to operate. Mr. McKinley said that if Phase I of the Aurora Corridor Project moves forward as proposed, the City could end up purchasing those small properties if they become undevelopable.

Commissioner McClelland pointed out that the proposed vacation would provide right-of-way for Aurora Avenue frontage. Commissioner Kuboi noted that is not made clear in the staff report. Commissioner McClelland pointed out that the staff has not provided any information regarding a cost/benefit analysis. Mr. Cohen clarified that in vacating a portion of Ronald Place North, the City would sell the land to the petitioners. The City would benefit from the sale and from the additional land area that would be available for redevelopment.

Mr. Cohen emphasized that the street vacation, itself, would be an exchange no matter what happens with the Aurora Corridor Project. Commissioner McClelland clarified that the purpose of the vacation is to say that this strip of land would no longer be a public right-of-way. The City would then sell the property to the petitioners at whatever market value is established. Mr. Cohen said the Aurora Corridor expansion is related to the street vacation proposal, but the actions are separate.

Commissioner McClelland agreed, but she suggested that if the City is going to vacate Ronald Place North, there should be a sequence of events whereby the City knows that the opportunity to widen Aurora Avenue would always be available. Until the City has a handle on this, it would appear as though the City has sold private property owners a piece of property that is double the size of their parcels, and they can do whatever they want. Mr. Cohen explained that when someone comes in for a proposal to assemble property and potentially use Ronald Place if it is vacated, the staff would work with the developer to anticipate the City's plans for Aurora Avenue. Mr. McKinley suggested that perhaps the Commission, in their recommendation to the City Council, could make a link between relinquishing 50 or 60 feet on one side to obtain additional right-of-way on the Aurora Avenue side.

Tim Morris, Applicant, 11317 – 238th Street SW, clarified that the statute governing vacations requires that the property revert back to the property owners it was taken from. The property was taken from the residents on the east side of Aurora to create the right-of-way, so the property would go back to these property owners at 50 percent of the appraised value. In his conversations with City staff, they have requested a maximum of 31½ feet for the right-of-way along Aurora Avenue for future development. The full market value of the 31½ feet would be approximately equal to a 50 percent value for the vacated portion of 60 feet in width of Ronald Place North. Therefore, the trade would be a wash.

Commissioner McClelland inquired if Mr. Morris owns property in the subject area. Mr. Morris said he has options to purchase many of the properties pending the street vacation.

Mr. Morris shared a video presentation of his proposed project. He said they are proposing to develop a Walgreen's Drug Store on the property and then lease the remaining portion to the east of Seattle City Light's property. He referred to the brick road and noted that while it has historical value, it has been deteriorating over the years and is not a real attraction for the community. He has thought about how he could incorporate the historic element of the road into his project for the community's enjoyment by removing some of the old functionally uneconomic buildings and 400 feet of the brick. The Walgreen's would be established, and the remainder of the road could be enjoyed as a public open area.

Mr. Morris pointed out that if the City approves the vacation of Ronald Place North, they would be able to avoid condemnation of the parcels along Aurora Avenue. He noted that a 31½-foot right-of-way would go through all of the business buildings. This would cost the City a lot in condemnation costs, and could result in lawsuits. He advised that the vacation would upgrade aesthetic improvements to the high-traffic corridor in the City. The bicycle trail would be continued on the right-of-way, and pedestrian amenities (curb, gutter, sidewalks, bus stops) would be established.

Mr. Morris advised that Ronald Place North has not been adequately maintained. If it were to be redeveloped it could be better maintained.

The proposal would not be detrimental to traffic, and in fact, would eliminate curb cuts to improve traffic flow and circulation. It would also accomplish Seattle City Light's desire to remove structures from the right-of-way.

Mr. Morris pointed out that the proposed vacation is consistent with the City's long-range circulation plan. He added that the vacation would decrease the hazards and increase the availability of the public right-of-way to use the bicycle trail. It would accomplish the promotion of quality buildings as identified in both the Comprehensive Plan and the Central Shoreline Subarea Plan. Amenities would also be incorporated into the development. The proposal would enhance the overall street performance, and the City would be able to avoid the costly effort of condemning the buildings along Aurora Avenue.

Mr. Morris said he would like staff to provide a hard copy of their proposed conditions so that he could determine how they would impact his proposed development. He said the additional ten feet, as requested by Seattle City Light would have an impact on his development, since this would eliminate part of his proposed structure. However, perhaps it would be possible to have a condition that would allow him to have an overhang or something else that would address his concerns. He felt that the staff, the developer and Seattle City Light would be able to work out the details of this issue.

Mr. Morris said he has been successfully working with the staff to accomplish redevelopment, taking into account the historic road and bricks. The proposed condition related to the bricks is a great compromise. The development they are trying to construct would improve the image of Shoreline, especially along the corridor. He felt it would be a great improvement to the area.

Commissioner Kuboi inquired if it is Mr. Morris' intent to deed the property along Aurora Avenue to the City. Mr. Morris said he would like to work out a trade to where they trade the frontage of Aurora Avenue for the back of Ronald Place North.

Commissioner Phisuthikul inquired if any of the historic brick road would be preserved. Mr. Morris said that the red brick that is located in the 422-foot area would have to be removed to allow for fill and leveling. The remaining brick road could stay intact. He noted that the roughly five pallets of bricks that would be removed from the 422-foot section could be donated to the City for use in a public area.

Commissioner Kuboi referred to Condition 4, which speaks to construction of the Interurban Trail from 175th to 178th Streets. He inquired if the applicant expects to do this construction. Mr. Morris said that in discussions with City staff, he has committed to do the improvements for the Interurban Trail through the vacated portion of their property. This would be in addition to deeding property for the Aurora Corridor right-of-way. Mr. Cohen added that the Interurban Trail would be a part of any redevelopment in this area, and it would be located in the Seattle City Light right-of-way, most likely towards Midvale Avenue North. The Interurban Trail would not actually be located on the redeveloped property or on the Ronald Place North vacation area. In this case, it would be developed by the adjacent property owners. Mr. Morris said there would be a direct continuation of the Interurban Trail from where it ends now at Top Foods. Commissioner McClelland inquired if the Interurban Trail would be built to the City's specifications. Mr. Cohen answered affirmatively.

Vice Chair Piro inquired regarding the proposed adjustment of the vacation as requested by Seattle City Light. He questioned if Mr. Morris would prefer that the adjustment not be made. If so, he questioned how an access route could be provided to the Olympic Boat building. Mr. Morris pointed out that Olympic Boat Center would be removed as part of the proposed development, and he would be the new tenant leasing this property from Seattle City Light. As part of the development, this building would be replaced with pavement and landscaping. He said that if Seattle City Light doesn't need the extra 10-feet the best scenario for him would be not to give that up.

Vice Chair Piro requested that staff explain what Seattle City Light is trying to accomplish by retaining ten additional feet of right-of-way. Mr. Cohen said that Seattle City Light currently has a 100-foot right-of-way, which overlaps onto Midvale Avenue by at least ten feet. Seattle City Light would like to move off of that ten feet of Midvale Avenue, and the City would also like this to happen. In order for them to maintain their 100 foot total, they would have to go west ten feet. Mr. McKinley further explained that Seattle City Light has a requirement that they maintain a 100-foot right-of-way for the use of transmission poles. As the Interurban Trail has been designed, they have continued to reinforce their need to have ownership of a 100-foot wide cross section. Their long-range plans are to eventually have three sets of transmission poles running north and south within the 100-foot right-of-way. As the City works with them to design the Interurban Trail, they not only have to design the trail around existing poles but also take into account their future pole locations.

Vice Chair Piro said it seems that the City is still dealing with Midvale Avenue North piece by piece, without an overall scheme or design, and he finds this disconcerting. Mr. McKinley said the City has recently signed a contract with a company to design the last section of the Interurban Trail, which would run from 175th to 192nd Streets. The contract includes several things besides the trail, one of which is to look at the rights-of-way to see how they would work in the future. They will also research how the trail would interact with the land uses, etc. The study should be completed in about one year. They have asked the consultant to provide two early products that will work with both the Gateway Project and Mr. Morris' projects. One is what the Interurban Trail cross section would look like. Staff sees the trail in this area being different than the rest of the trail within the City. It might be more urban looking, have a different surface type, be wider, or two separate trails for bicycles and pedestrians. Potentially, they could even incorporate some of the red bricks. The second project would be to determine early on the alignment of the trail within the Seattle City Light right-of-way. The alignment that Mr. Morris has proposed would work with the concepts staff has been considering. Bicyclists and pedestrians currently coming from Top Foods would cross on the west side of Midvale Avenue at North 175th Street, and it would make sense to continue further north before swinging back deeper into Seattle City Light's right-of-way.

Commissioner Phisuthikul inquired where the Interurban Trail would be located in relation to the proposed vacation. Mr. Morris distributed a site plan that was identified as Exhibit 1. It shows an 18-foot wide section along Midvale Avenue for the Interurban Trail. Next, there would be a landscaped setback and then the parking lot. Ms. Curry noted that the Commissioners each received a copy of Exhibit 1.

Commissioner McClelland inquired if the City still has an intention to vacate Ronald Place on the south side of North 175th Street. Mr. McKinley answered that the Planning Department has contracted with a real estate expert to work with Aurora Rents, Top Foods, Skyline Windows and the Print Shop to see if they can work out a similar proposal as the one submitted by Mr. Morris.

In closing, Mr. Morris said he visited the site just yesterday to observe the situation and talk to the public. As he reviewed the development ideas he received positive feedback, and just yesterday, he received 50 signatures from people who felt this project would be a great asset to the Shoreline Community. The signed petition was entered into the record as Exhibit 2.

Mark Cohen, 17545 Midvale Ave North, Olympic Boat Center, said that when he arrived at the public hearing, he thought he had a good understanding of what was being proposed by the City, but he found himself becoming very confused as the staff made their presentation. He suggested that everything is happening quite quickly and any action on this issue is premature based upon the latest recommendation of the vacation of Ronald Place. He advised that Olympic Boat Center has operated a business in this location for over 30 years, and their concern with the vacation proposal is understanding what their access to their facility would be. Because they depend upon the access from Ronald Place, he said he appreciates the condition that would require access for their business. However, he said it is unclear exactly what this access would be since it is not spelled out in the proposal. This makes it difficult for them to determine whether or not their access would be adequate.

Mr. Cohen said that, generally, Olympic Boat Center supports the vacation of Ronald Place, only because it is used as a thoroughfare and shortcut, and they have seen a lot of illegal and unsafe activity on the street. However, he said they also have a concern related to the long-range plan for the street. He said they have been told for years that their business would have to move, and it has been stated again tonight that the building must be removed. However, they don't know when this change will take place, and this makes it impossible for them to make any long-term commitment or capital improvements to their facility. He said the sooner they know what the long-range plans are, the better for them.

Vice Chair Piro inquired if Olympic Boat Center has communicated with the City staff regarding options for relocation elsewhere in Shoreline. Mr. Cohen answered that they have not, since they have not been given notice that they will have to relocate or vacate at any specific time.

Helen Cox-Oltman, 18533 Meridian Ave North, said she has lived in the City since 1931, and her family's home was on one section of the brick road now known as Firlands Way. In 1937 her parents built a business, the Cox Garage, at the north side of 175th Avenue North on what has been known as Judge Ronald's property. It faced the brand new Highway 99 and backed onto the old Highway, which is the other section of the red brick road that is now known as Ronald Place. She said she grew up knowing that the Old North Trunk Highway had created the neighborhood and business district. The new Highway 99 that replaced this old highway was glorious, but the brick road was the foundation upon which the area was built. Today Ronald Place is all that is left of that early vision for suburban development and the freedom of automobile traffic. She said it remains as a testament to the founding pioneers and the concept they had for the community. The brick road was a part of her growing up, and a part of her children's growing up, and even a part of her grandchildren's growing up. To have living

historic places in the community is a good and honorable thing. They serve as points of reference for everyone. She asked that the City please preserve the brick road.

Linda Averill, 17737 – 14th Ave NW, pointed out that there are very few historic and aesthetically pleasing and beautiful places in Shoreline. She noted that the red brick road was paved in 1913 as the historic North Trunk Road, the very first section of what was to become the international highway from Canada to Patagonia. Its role in the development of the community is paralleled only by that of the Interurban Trolley. Together they caused a population boom along the corridor and hopeful citizens started businesses that relied on brick road travelers. However, over the years, the road was whittled away as curves were straitened and sections were asphalted. The thousands of people throughout the community who are familiar with this last enduring piece of history expect this last small section to continue to be available to them. None of them imagine that it might be removed without them even having known that is a possibility. She urged the Commission to leave a real legacy to the future of the community by saving as much of the road as they can.

Victoria Stiles, Director, Shoreline Historical Museum, 749 North 175th Ave, noted that the Commissioners each received a short history regarding the red brick road, as well as a letter from the Shoreline Historical Museum Board of Trustees. She briefly addressed the important history of this significant remnant of the original North Trunk Road, which in 1913 was the first paved road in the area. She reviewed that in the early 1900's people were already thinking about the possibilities of traveling from Canada to Mexico on paved roadways. At that time, Judge James T. Ronald was president of the Pacific Highway Association, and he was already a well-known local and Seattle figure. He was the person for whom there was already a school, a church, an interurban station and a neighborhood named after him. He was also the owner of several acres of property that was bordered on the east side by the Interurban Trolley tracks and bisected by 175th Avenue. It was through his effort, along with a number of other members of the Pacific Highway Association and prominent local citizen, John Whim, whose house still stands on Aurora Avenue, that the first section of the envisioned Pacific Highway was paved through the area. When the paving of the road was approved, Judge Ronald granted the right-of-way for the road along the east side of his property. He cleared the path for the road with his own hands, and that is the section of the highway that currently remains. When it was finally completed, it was the first in the United States to stretch from Canada to Mexico, and this last piece of road that remains has great local, national and international significance. Ms. Stiles summarized that the Shoreline Historic Museum asks the Commission to consider not vacating this road. If this request does not seem reasonable, they urge them to preserve as much of the road as possible.

Harley O'Neil, 18645 – 17th Ave NW, said he is in favor of vacating the portion of Ronald Place North as proposed. While he agrees that Judge Ronald has provided a legacy for the citizens of Shoreline, perhaps the City should approach this issue from a different standpoint. He noted that the traffic that takes place along this roadway has caused a lot of deterioration. He said he would hope the City would use some of the brick from the portion of the road that will be removed to improve the remaining portion. Car traffic could be kept off of this section, and it could have pedestrian access only. He agreed that it is important to commemorate the actions of the early citizens that allowed the road to be built in the first place.

However, he noted that it is also important to understand the history of what early citizens gave up to accommodate the construction of Aurora Avenue, as well. These early citizens all gave up pieces of their property.

Matt Cowden, Key Bank, 8709 – 35th Street SW, referred to the 10-foot change that was made to the proposed vacation, and indicated that he would have to speak with his supervisors to determine if this change would have an impact to their business. It could have an impact on their drive through. He said Key Bank hopes to continue doing business in their current location, and that the City would continue to look after their business needs as they plan the project, in general.

Keith Tufnell, 17312 Ashworth Ave North, said he owns one of the properties that is located on the brick road (Cobblers Cottage). He said he is in favor of the vacation, and he likes the concept of trying to preserve the brick road to the north and developing some type of plaza that would allow people to enjoy and appreciate the history of how the brick road contributed to the development of Shoreline. He said he also likes the concept of locating an old trolley car in this plaza. Perhaps the City could construct a “transportation” park that would allow the public to learn about how transportation has changed over the years.

Ken Anderson, Olympic Boat Center, 9009 – 232nd Place SW, Edmonds, WA 98026, said that over the past 14 years that he has worked at Olympic Boat Center, he has observed that the brick road has been a very dangerous road for people who are using it as a shortcut. He said the road is very slippery when wet, and it is not wide enough for two big cars to pass side by side. He said he would like the road to be closed off so that the situation is safer for the employees of Olympic Boat Center. It should be dead-ended at one end or the other to stop the through traffic. He invited the Commissioners to visit the site and observe the existing situation.

Russell J. McCurdy, 17532 Aurora Ave North, Owner of Exotic Meats and Aurora Cold Storage, said he is in support of the proposed street vacation. He advised that he has been involved for a number of years in looking at the wedge and future redevelopment for the City. One of the charettes that was held a few years ago centered on the development of a number of the properties that are petitioning for the vacation. Mr. Morris has taken it upon himself to see that development takes place. He said the property owners are concerned about the preservation of the red brick to the north. He agreed that it is important for the public to be able to learn about the significance of the red brick road. He said the property owners believe that the proposed change would enhance economic development for the City. In addition, the safety situation would be improved. He concluded by stating that the property owners in the area very much favor the vacation of Ronald Place as proposed.

Naqueb Rahman, 17524 Aurora Ave North, said he has been an owner of property in the area of the proposed street vacation for more than 20 years, and he is in favor of the proposal so that traffic safety can be improved. He explained how people use Ronald Place North and cut through private property to avoid traffic. He said that vacating the road would prevent this dangerous situation. It also would fit in with the long-term plans of the City for this area. He felt that the early citizens would appreciate that the current property owners are trying to bring about progress.

El Chapman, Owner of Property at 17510 through 17506 Aurora Ave North, also expressed his concern about the safety of the existing roadway. He said he purchased his property from Mrs. Cox's mother, who has lived there for 63 years. This is a well-built building, but if the City is going to take 13 feet of the property, the building would have to be removed. He felt the street vacation, as proposed, would be an easy solution and an even exchange for the properties. Therefore, he said he is in favor of the street vacation.

William Vincent, 800 NW 195th Street, said he has been a resident of Shoreline for 31 years. He recalled that as he and his wife went back and forth on Interstate 80 to the Midwest after moving to the area, he often thought about those who came west in the early days of the United States. He said he is in support of the proposed street vacation, but he would like the City to preserve the historical value of the red brick in whatever fashion it can be accomplished. He suggested that this would be an appropriate location for a City park. He also suggested that momentum is not a good thing in issues such as this, especially since there are questions about Seattle Light wanting an additional ten feet from one street in exchange for another. He inquired if this additional ten-feet would be vacated, as well. Besides using the property as a City park, he suggested that perhaps this would even be a good location for City Hall since North 175th Street and Aurora Avenue is in the very center of the community. Once a street vacation has been approved, the property would no longer be an option for City development.

Chair Harris clarified that the Planning Commission is an advisory body. They are responsible for sending a recommendation to the City Council, but the City Council would make the final decision on the street vacation proposal.

Mr. Vincent urged the Commission to slow down the process, and postpone any decisions while the City explores other options for the properties in the area. They should at least wait until Seattle City Light moves forward with their plans. He concluded that, however the property is redeveloped, it would be an improvement over what exists today.

Tim Morris responded to some of the comments made by the public regarding the vacation proposal. He said that while he sympathizes with the concerns expressed by employees of Olympic Boat Center, it is important to note that they are on a month-to-month lease with Seattle City Light. Seattle City Light has indicated that they would provide as much notice as necessary to accommodate their need.

Mr. Morris said he sees the street vacation proposal as a great compromise. The historical aspect could be retained and restored to an aesthetically pleasing place for the public to visit. In the past, this area has deteriorated because it hasn't been kept up.

Mr. Morris said that while he appreciates the suggestion that the City postpone a decision on the proposed street vacation, he would like the staff to move forward as soon as possible. He said he can't wait an extended amount of time before he moves forward with his project. He felt that the proposed offer would be a great compromise since the City would obtain the frontage they need on Aurora Avenue by vacating a road that is identified for vacation in their long-term plans. This would be a fair exchange between the property owners and the City.

Mr. Morris suggested that a partial vacation of 422 would be appropriate since it would accomplish redevelopment and give property to the City in exchange for the vacated portion. He referred to the additional 10-foot identified by Seattle City Light, and said he is unclear how this would work since the law would require that the property revert back to the property owners. It could never be given to Seattle City Light. He urged the Commission to go forward with a recommendation of approval for the partial vacation of the 422 feet. This would accomplish many of the long-range goals in the City's Comprehensive Plan.

Vice Chair Piro referred to the right-of-way section at 178th Street, and questioned what would transpire if Ronald Place were vacated in this location and then the City wanted to do an east/west connection through the property at some point in the future. He said it appears that this option has been factored into the proposal, but he is not clear about the mechanics of the process. Mr. McKinley responded that the connection at 178th Street is a remnant from the old pre-design study done in 1999. It was not placed with any specificity other than to say the City might look at options to access Midvale Avenue North from Aurora Avenue North. Vice Chair Piro clarified that if the City vacates this property, any future connection between Midvale and Aurora Avenues at 178th Street would require the City to negotiate with the property owners to reacquire the property. Mr. McKinley agreed.

Commissioner McClelland inquired if it would be possible to move the Midvale Avenue North right-of-way 10 feet to the east. This would give Seattle City Light the southbound lane, and the City would have the right-of-way on the east. That way, none of the issues with Seattle City Light would impinge on the vacation. Mr. McKinley referred to the right-of-way map of Midvale Avenue North and pointed out that the eastern edge of Midvale Avenue North right-of-way zigzags. He said his understanding is that the right-of-way of Midvale Avenue North that is located to the north of the subject property is down to 20 to 25 feet in width. Midvale has had right-of-way dedicated to it over the years as redevelopment has occurred. However, Midvale Avenue North got developed partially on Seattle City Light right-of-way. In the long run, as properties on the east side of Midvale Avenue North are redeveloped, the City could start acquiring right-of-way to get enough space.

Commissioner McClelland questioned if the City staff has researched other ways to maintain Seattle City Light's 100-foot right-of-way without going further to the west. Mr. McKinley said that perhaps the Commission's recommendation could layout whether Seattle City Light's right-of-way should be vacated right-of-way or a future easement, and they could include some type of reversionary language. Mr. McKinley explained that City staff has worked hard with the Seattle City Light staff to get them to accept the idea of the City building a trail within the property they own. Over the years Seattle City Light has expressed their desire to have Midvale Avenue North off of their right-of-way. Both sides realize that this is an opportunity to accomplish that goal by Seattle City Light giving up some other right-of-way as a replacement.

Chair Harris pointed out that if Ronald Place North is not vacated and the City is required to purchase 30 feet of right-of-way and the buildings that are located within this space, the Aurora Project could cost a substantial amount more. Mr. McKinley agreed that there would be significant costs associated with property appraisals, building appraisals, relocation of tenants, etc.

Commissioner Doering pointed out all of the homes that are located around the periphery of the subject property and suggested that these residents are totally unaware that a Walgreen Store is being considered for the site. She recalled that the biggest issues the Planning Commission hears from the public is that they were not made aware of a change in advance. Mr. Cohen explained that the City sent notice of the public hearing to owners of property within 500 feet of Ronald Place. When a proposal for redevelopment of this area is submitted, the City would put out another notice of the development proposal to these residents. In addition, a notice would be placed in the newspaper and posted on the site.

Commissioner Hall expressed his concern about approving a staff recommendation that does not match what the petitioners presented. Seattle City Light's letter suggests that they no longer support the vacation as they signed in the application. While he believes that redevelopment of the area would be great and would improve safety, he would support the compelling argument by some of the citizens that the City needs to slow down this process and get it right. He suggested that the Commission consider not recommending approval of the vacation as presented, and ask the petitioners to come back with a resolution for the Seattle City Light issue so that the Commission has a clear picture of what the City would be vacating and what they would receive in return.

Vice Chair Piro referred to the concept of allowing a developer to provide in-lieu-of money that could be used to construct portions of the interurban trail, and he questioned how this relates to the City's ability to receive grant funding. Mr. McKinley clarified that the City does not have the money to construct the Interurban Trail at this time. They only have a budget to complete the design for the trail project from 175th to 192nd. While the City's project is rated fourth in the State overall for grant funding from the Interagency Committee for Outdoor Recreation, the City will not know if they will receive the grant until the Legislature adopts the 2005 budget. There is also an opportunity to obtain Federal money for the project. If the City does not use all the money from the grants they receive, they could either give the money back to the agency or attempt to transfer it to other Interurban Trail Projects.

Vice Chair Piro suggested that since the City already has a funding mechanism for the Interurban Trail, perhaps the developer contribution should be diverted to the public plaza project instead. Mr. McKinley said that these options would be considered as they develop plans for the trail and the plaza. Vice Chair Piro questioned if there would be any negative aspects associated with getting money from the developer as opposed to getting construction in-lieu-of funds. He felt this option would provide more flexibility since the City might be able to obtain all of the funding for the Interurban Trail Construction through grants. Mr. McKinley said the City staff would prefer, if possible, for the developers to construct the trail based on the City's design. They would likely have the ability to build the trail faster.

Commissioner Hall asked staff to identify approximately what share of the right-of-way acquisition costs for the Aurora Avenue Project has been the City's responsibility versus Federal and State Grant funding. Mr. McKinley said the funding for the Aurora Avenue Project between 145th and 165th is made up of approximately 89 percent State, Federal and County grants, and the City paid about 11 percent of these costs.

Commissioner McClelland inquired as to how the various sections of the trail built by the developers would be connected. Mr. McKinley said staff believes the construction timing for the various sections should work out well. Staff expects that funding from the Interagency Committee for Outdoor Recreation would come through. There is a good chance that within a year or so, the trail sections could be constructed at about the same time.

Commissioner Phisuthikul noted that the proposed site plan shows a parking lot where the Seattle City Light right-of-way is located. He inquired if staff has contacted Seattle City Light concerning the use of this right-of-way. Mr. Morris answered that he has discussed this issue with Charlie Hampton from Seattle City Light, and they are in favor of having this developed as a parking lot because it improves their access to service the poles. They would also receive rent for the use of the space.

Commissioner Kuboi inquired if the City is required to consult with the State Historic Preservation Office regarding the historic significance of Ronald Place. Mr. Cohen pointed out that since this property has not been placed on the State's Register of Historic Places, there is likely no requirement that the City address the historic significance of Ronald Place.

Commissioner Kuboi inquired what would happen to an approved vacation if the developer is unable to reach an agreement with Seattle City Light and the development does not take place. Mr. Cohen answered that the street could be used as it is today if there is no move or impetus to redevelop the site. Seattle City Light is an important partner for redevelopment to occur. If they do not agree to work with the property owners, the redevelopment would not be successful. He pointed out that one of the conditions in the staff's recommendation is that access be provided to the existing businesses one of two ways.

Commissioner Kuboi said he is leaning towards wanting to go forward with the vacation of Ronald Place. It appears that the scenario would be relatively the same regardless of whether or not Seattle City Light's request for 10 additional feet is part of the agreement. He said he feels comfortable that if the City, the developer and Seattle City Light can work out an agreement, the vacation could go forward. Mr. Morris suggested that the Commission could place a condition on the vacation approval that would require the issues with Seattle City Light to be resolved. This would allow the Commission to forward a recommendation now.

Mr. Vincent pointed out that Midvale Avenue has been a street for quite some time, and Seattle City Light has known that 10 feet of their property was part of the street. The City could resolve this by trading 10 feet for a portion of Ronald Place, but that would not address all of Seattle City Light's issues. There is still a piece about a quarter mile up the road that must be resolved. He said he doesn't understand why Seattle City Light needs the additional ten feet, since their poles are placed dead center in their right-of-way now.

THE PUBLIC COMMENT PORTION OF THE HEARING WAS CLOSED.

COMMISSIONER HALL MOVED THAT THE COMMISSION FORWARD A RECOMMENDATION OF DENIAL TO THE CITY COUNCIL FOR THE PROPOSED STREET VACATION FOR RONALD PLACE NORTH. THE MOTION DIED FOR LACK OF A SECOND.

COMMISSIONER KUBOI MOVED THAT THE COMMISSION FORWARD TO THE CITY COUNCIL A RECOMMENDATION OF APPROVAL OF THE RONALD PLACE STREET VACATION AS PRESENTED WITH CONDITIONS. COMMISSIONER PHISUTHIKUL SECONDED THE MOTION.

Commissioner Kuboi said he understands Commissioner Hall's concern that the proposal is different from the one that was initiated by the City Council. However, he said that unless there are procedural issues that would prevent the Commission from moving forward with a recommendation for approval, he would like to debate the merits of the amended scenario.

Commissioner Doering expressed her concern that this issue is directly related to the Central Shoreline Subarea Plan. She pointed out that the City Council has still not adopted this plan, but by approving all of the vacations and projects, they are actually creating the Central Shoreline Subarea. She said she does not believe this is an appropriate course of action. They appear to be working piecemeal towards accomplishing the goals of a plan that has been presented to the public but never approved by the City Council.

Vice Chair Piro said he, too, feels uneasy about going forward with approval of the proposed street vacation. He also felt that approval of the street vacation for Midvale Avenue North, which was considered by the Commission at their last meeting, was premature, fragmented and piecemeal. He said he is concerned that while the City knows what they want to happen with the Aurora Avenue Project and the Interurban trail, they still do not have a clear plan for Midvale Avenue North. He said he is more comfortable moving forward with this particular vacation since there does not appear to be a lot of other scenarios. However, he finds the last minute, 10-foot exception that was proposed by Seattle City Light to be odd. He suggested that the Commission move forward with the original vacation proposal and not allow the 10-foot adjustment. The Commission should give a charge to the City Council that this issue be worked out with the developer, the City and Seattle City Light. He said he would also like to discuss and perhaps propose an amendment regarding reclamation of the right-of-way at 178th Street if necessary in the future.

Vice Chair Piro said he feels that the property at 175th and Ronald Place is "ground zero" for Shoreline, and the City has missed a lot of opportunities for developing some type of civic presence in this location. He felt that when development plans are considered for this property, this concept should be part of the consideration.

Commissioner Kuboi referred to his previous suggestion that instead of funding the Interurban Trail, the developer could divert this compensation to the City for some type of restorative project for the bricks. He questioned why the City would want the potential developer to pay for the Interurban Trail if the City is already expecting to receive money for the Interurban Trail from another source.

AS AN AMENDMENT TO THE MAIN MOTION, VICE CHAIR PIRO MOVED THAT THE FOLLOWING LANGUAGE BE ADDED AT THE END OF CONDITION 2: "AT THIS SITE WITH THE AURORA AVENUE NORTH AND INTERURBAN TRAIL PROJECTS TO THE EXTENT POSSIBLE." COMMISSIONER PHISUTHIKUL SECONDED THE MOTION.

Commissioner McClelland suggested that before the vacation takes place, while the brick road is still on public right-of-way, the City should take up the brick and retain ownership of it. The City Parks and Recreation Department and the Shoreline Historical Museum should be in charge of deciding how to reuse the brick. The community has a vested interest in the brick, and it should belong to the community.

Commissioner McClelland suggested that, from this moment forward, the Commission should not reference the Central Shoreline Subarea Plan. It has not been approved, and it is unfair to refer to this document as supporting the proposed vacations. The Commission should discuss the merits of the proposed vacation based on the City's long-range plan for the redevelopment of Aurora Avenue and Central Shoreline, with or without a plan. The proposed vacation makes good sense to her, and she would feel comfortable sending it forward to the City Council now.

Commissioner McClelland agreed with Commissioner Kuboi's concern about what would happen if the City approves the vacation and the redevelopment is never done. Because the vacation is not tied to a development application, the end result could be the creation of private property that sits indefinitely. Mr. McKinley agreed this is possible.

Commissioner Doering agreed that the City should take control of the red brick. She suggested that it could be used as an incentive for people to purchase and use in commemoration of something.

Mr. Cohen said the intent of Condition 2 was to address the concerns that have been raised by both the public and the Commission regarding the red brick. He suggested that Condition 2 be amended to read: "Any redevelopment that proposes to remove the red brick road shall coordinate with the City and the Shoreline Historic Museum to donate the brick to the City to be reused in a commemorative way to commemorate the history of the red brick road in the area between North 175th Street, Aurora Avenue North and Midvale Avenue North."

Vice Chair Piro inquired if the City could legally place a condition on the property owner that would allow the City to retain ownership of a material on a vacated property. He suggested that legality of this type of condition be considered before the Commission's recommendation goes before the City Council for approval.

Commissioner McClelland suggested that Mr. Cohen's recommended language be changed to read: "Any redevelopment that proposes to reclaim the vacated land, and thereby remove the red brick road, shall coordinate with the City . . ." The Commission agreed this would be appropriate.

VICE CHAIR PIRO MOVED THAT HIS AMENDMENT BE CHANGED SO THAT CONDITION 2 WOULD READ AS FOLLOWS: "ANY REDEVELOPMENT THAT PROPOSES TO RECLAIM VACATED LAND TO THEREBY REMOVE THE RED BRICK ROAD, SHALL COORDINATE WITH THE CITY AND THE SHORELINE HISTORIC MUSEUM TO DONATE THE BRICK IN GOOD CONDITION TO THE CITY TO COMMEMORATE THE HISTORY OF THE RED BRICK ROAD IN THE VICINITY BETWEEN AURORA AVENUE NORTH, MIDVALE AVENUE NORTH AND NORTH 175TH STREET AND NORTH 180TH STREET. COMMISSIONER PHISUTHIKUL SECONDED THE MOTION.

Commissioner Kuboi inquired how the commemorative site would be funded. He questioned if Condition 4 would be changed to de-emphasize the Interurban Trail. If the City already has a funding stream to pay for that part of the trail, he suggested that the developer be asked to pay for something else. This dollar value could be equivalent to what the developer would spend to construct the trail. Mr. Cohen explained that the City has a mechanism where, if they don't want the Interurban Trail to be constructed as part of the redevelopment, they could recommend that the money be paid into the fee-in-lieu-of program to either build the trail or fund some other improvement in the area. But it is difficult to earmark this money for a commemorative park when there is no design or plan for this type of project. The fee-in-lieu-of program would allow the City TO hold the money until they are ready to use it. He suggested that perhaps Condition 4 could be more specific by adding the following language: "or use the fee-in-lieu-of program if the City finds it advantageous to wait to build the Interurban Trail or to build some other improvement in that vicinity."

Mr. McKinley clarified that the fee-in-lieu-of fund is more related to residential properties and would probably not apply to this situation. Condition 4 could state that if it works out the developer cannot build the Interurban Trail, the developer would give the City the cash value. Commissioner Kuboi inquired if this funding would still have to be used for the Interurban Trail only, or if it could be used for a commemorative site. Mr. McKinley emphasized that staff is recommending that the funding from the developer be used to develop the Interurban Trail, if possible. Commissioner Kuboi said he is proposing that the Commission not support that portion of the staff's recommendation. He felt a better condition would be for the City to receive the dollar value for constructing that part of the Interurban Trail, but allow the money to be used either for the trail or for a commemorative site. Mr. McKinley explained that, in the past, as development proposals have come to the City, they have conditioned approval of the development on the developer building a portion of the trail. He said it is to the City's advantage to leverage developers to construct the community-wide trail for the City. Commissioner Kuboi said he does not disagree that the developers should provide funding to construct the trail, but if the City already has money from grant funding for the construction of the trail, it would be appropriate to use the developer's funding elsewhere.

THE AMENDMENT TO THE MAIN MOTION, AS CHANGED, WAS APPROVED BY THE COMMISSION UNANIMOUSLY.

AS AN AMENDMENT TO THE MAIN MOTION, COMMISSIONER HALL MOVED THAT THE COMMISSION CONTINUE THEIR DELIBERATIONS ON THE RONALD PLACE VACATION PROPOSAL TO A FUTURE DATE. THE MOTION FAILED FOR LACK OF A SECOND.

Mr. Cohen suggested that Condition 4 could be changed by adding the following language to the end: "or the value is given to the City to be used at a later date for either the Interurban Trail or a historic amenity."

Commissioner McClelland said she trusts the staff in regards to the requirement that a developer construct a portion of the Interurban Trail. If the City is being consistent about having some leverage to require developers to build segments of the trail at a cost savings to the City, they should continue with this policy.

Ms. Markle said staff has discussed this issue as they have tried to negotiate conditions such as this. The City Attorney has cautioned the staff against this approach. If the Commission decides to make a change to the condition, staff might have to recommend something different after the City Attorney has reviewed the Commission's proposed change.

AS AN AMENDMENT TO THE MAIN MOTION, COMMISSIONER KUBOI MOVED THAT CONDITION 4 BE AMENDED TO READ: "CONSTRUCTION OF THE INTERURBAN TRAIL MUST BE COMPLETED FROM NORTH 175TH STREET APPROXIMATELY 421 FEET NORTH PER CITY APPROVED DESIGN OR VALUE GIVEN TO THE CITY TO USE FOR INTERURBAN TRAIL OR TRAIL RELATED IMPROVEMENTS." HE FURTHER MOVED THAT STAFF BE GIVEN FLEXIBILITY TO AMEND CONDITION 4 BASED ON THE CITY ATTORNEY'S RECOMMENDATION. COMMISSIONER PHISUTHIKUL SECONDED THE MOTION.

Commissioner Hall agreed with Commissioner McClelland and said he would not support the proposed amendment. He pointed out that the City genuinely wants the trail built in this area whether the City pays for it or not. The best time to do this is during the redevelopment phase. He agreed that the funding issue is important, but if he understands staff correctly, not all aspects of the trail are fully funded at this point. Having worked with IAC grants quite a bit, the grant manager is likely to allow grant money to shift a little bit. He said he is confident that the City would be able to spend the entire grant from IAC on trail related projects. Commissioner Hall said he is also concerned about the nexus for requiring a fee for something off site. He said that since there are no plans for a commemorative site, he would rather use the money for a planned project. Commissioner Phisuthikul pointed out that the proposed amendment would still allow construction of the Interurban Trail as an option for the developer. Commissioner Kuboi agreed that this would allow the City to use the money for another project, if appropriate, and if the City receives full grant funding for the Interurban Trail project. He said he is also concerned about building the trail in pieces.

THE AMENDMENT TO THE MAIN MOTION WAS APPROVED 4-3, WITH CHAIR HARRIS, VICE CHAIR PIRO, COMMISSIONER PHISUTHIKUL AND COMMISSIONER KUBOI VOTING IN FAVOR AND COMMISSIONER DOERING, COMMISSIONER HALL AND COMMISSIONER MCCLELLAND VOTING IN OPPOSITION.

Commissioner Piro pointed out, and the remainder of the Commission agreed, that the last paragraph on Page 43 of the staff report (just prior to the listed conditions) should be changed to read: "Based on the findings, the Planning Commission recommends approval of the application following the subject conditions of approval.

AS AN AMENDMENT TO THE MAIN MOTION, VICE CHAIR PIRO MOVED THAT THE COMMISSION WORK WITH THE ORIGINAL STAFF RECOMMENDATION FOR THE ENTIRE 60-FOOT WIDE SECTION AND NOT CONSIDER THE 10-FOOT ADJUSTMENT REQUESTED BY SEATTLE CITY LIGHT. COMMISSIONER DOERING SECONDED THE MOTION.

Commissioner Phisuthikul pointed out that Seattle City Light requires a 100-foot right-of-way in order to perform their necessary functions. In theory, they would be able to condemn part of Midvale Avenue North for their use. He would rather allow flexibility for the City, the developers, and Seattle City Light to find some resolution. Vice Chair Piro said the intent of his motion is to encourage the three parties to work out the issue. Commissioner McClelland agreed that the three parties should work the issue out, and the proposed motion would ensure that this is done.

Chair Harris said he sees the Commission's role as a judge. He said he does not believe it is the Commission's job to design and make changes. He was disturbed that the application was brought to the Commission with the unannounced change. The applicant is not even sure that the change would work. He said he would support Commissioner Piro's amendment.

Commissioner Hall agreed that he would rather see the vacation move forward with the full 60-foot width as previously proposed. Leaving a 10-foot strip of Ronald Place North seems ridiculous. However, he is not confident that this issue could be worked out. If it is really important, the Commission should resolve this issue first by doing an equal area for equal area swap for the whole length prior to the vacation. Vice Chair Piro agreed. He suggested that the Commission forward a recommendation to the City Council that would encourage them to oversee this reconciliation. The City Council could then make the judgment of whether or not approval of the vacation is premature before the issue has been resolved. Commissioner Hall said he would be unable to support a vacation if the petitioner who owns half of the frontage does not support it as proposed.

Vice Chair Piro agreed with Commissioner Hall's concern. However, he would be comfortable with the Commission attaching a condition to their recommendation that would require a uniform resolution for the Seattle City Light right-of-way throughout the entire corridor. Commissioner McClelland said her interpretation of the situation is that Seattle City Light has requested the additional 10 feet of right-of-way, and they would like the City to determine if the trade is possible. She said she believes the Commission has the ability to stay with the 60-foot width, and let the City and the petitioners work out the issues with Seattle City Light. She suggested that the Commission recommend approval of the vacation as presented, and then send a message that the issue with Seattle City Light needs to be worked out before a final decision is made by the City Council. Mr. McKinley suggested that rather than tie this issue up with the City Council's action on the vacation application, it could be worked out between the parties at the time a permit application is submitted for redevelopment of the site.

VICE CHAIR PIRO PROPOSED A FRIENDLY AMENDMENT TO HIS MOTION TO AMEND THE MAIN MOTION THAT WOULD ADD A CONDITION 7 TO READ AS FOLLOWS: "WHEN A DEVELOPMENT PROJECT IS SUBMITTED, THE APPLICANT, THE CITY OF SHORELINE AND SEATTLE CITY LIGHT WILL NEGOTIATE RIGHTS-OF-WAY NEEDS FOR MIDVALE AVENUE NORTH." COMMISSIONER DOERING AGREED TO THE AMENDMENT. THE MOTION TO AMEND THE MAIN MOTION CARRIED UNANIMOUSLY.

Vice Chair Piro inquired if it is possible that at some time in the future the City would want to use 178th Street to connect Midvale Avenue North and Aurora Avenue North. Mr. McKinley pointed out that 178th Street is not part of the vacation application.

AS AN AMENDMENT TO THE MAIN MOTION, COMMISSIONER KUBOI MOVED THAT A CONDITION 8 BE ADDED TO THE VACATION APPROVAL TO READ AS FOLLOWS: "DEVELOPMENT APPLICANTS SHALL DEED 31.5 FEET OF CONTIGUOUS AURORA AVENUE NORTH FRONTAGE TO ACCOMPLISH THE MAXIMUM RIGHTS-OF-WAY DEVELOPMENT BOUNDARIES AS NOTED IN THE COMPREHENSIVE PLAN. VICE CHAIR PIRO SECONDED THE MOTION.

Chair Harris said his goal would be that the City take as little of Aurora Avenue as they need and receive as much money as they can get for the back side. Commissioner Kuboi inquired if any money would actually change hands in this transaction. If so, it is important that the public receive full value for the property they are giving up, either in terms of the Aurora frontage right-of-way or bricks being constructed in some sort of a commemorative park. The aggregate value of all of that should be equal to or greater than the value of Ronald Place. The remainder of the Commission agreed.

Mr. Cohen recalled that Mr. McKinley suggested a condition of this type, as did the developer. It is possible that a condition could be added that would read, "The City shall seek dedication of Aurora per the Comprehensive Plan as total or partial trade-in value to the Ronald Place vacation." This would allow the City to seek parity in the trade. Commissioner McClelland reminded the Commission that the intent of their consideration of the vacation application should be that in exchange for vacating Ronald Place, the City is gaining Aurora Avenue right-of-way.

Commissioner Hall said that at one point, he thought the two issues should be tied together, but now he is not sure. Going back to the criteria the Commission must consider, everything they have heard has suggested that closing the street would be in the public benefit. Even if they ignore the Aurora Avenue North right-of-way issue, the facilitation of redevelopment and elimination of confusing traffic would be good public benefits. There is no information available, at this time, that would indicate whether or not this would be a fair trade. Therefore, he cautioned the Commission about how tight they condition the vacation since they could end up making things more difficult than necessary for both the staff and developer.

THE MOTION TO AMEND THE MAIN MOTION WAS APPROVED UNANIMOUSLY.

AS AN AMENDMENT TO THE MAIN MOTION, COMMISSIONER KUBOI MOVED THAT A CONDITION 9 BE ADDED TO READ AS FOLLOWS: "THE APPLICANT IS RESPONSIBLE FOR ANY ENVIRONMENTAL REMEDIATION OF THE VACATED RIGHT-OF-WAY.

Commissioner Kuboi pointed out that oftentimes with environmental issue, the responsible party is the previous property owner. Mr. Cohen explained that if the vacation were approved, the property owner would have to deal with whatever is on the land, in general. The City has used a separate process to address properties that have had gas stations located on them because of concerns related to soil contamination. But in general, the responsibility of what has to be done goes with the property. In addition, proposed Condition 3 would require the new owner to remove all existing encroachments.

RATHER THAN ADDING A NEW CONDITION, COMMISSIONER KUBOI REVISED HIS AMENDMENT TO CHANGE CONDITION 3 TO READ: "ALL EXISTING ENCROACHMENTS AND ENVIRONMENTAL ENCUMBRANCES IN THE CITY OF SHORELINE RIGHTS-OF-WAY SHALL BE REMOVED BY THE DEVELOPER." VICE CHAIR PIRO SECONDED THE AMENDED MOTION. THE AMENDED MOTION TO CHANGE THE MAIN MOTION WAS APPROVED 6-1, WITH COMMISSIONER PHISUTHIKUL VOTING IN OPPOSITION.

Commissioner Hall said that while he believes the approved amendments would improve the vacation application dramatically and he is in favor of developing the trail and redeveloping the property in the area, he is concerned that the Commission is acting on an application that is different than the original petition that was presented to the City Council. Therefore, he said he would vote against the main motion to approve the street vacation.

Commissioner Kuboi inquired if notification would have been any different had it been originally proposed to be what the Commission is now considering. He said it would seem that the notification requirements would have been less. He said that if he thought people who should be present were not because they were ignorant of what was going on, he would agree with Commissioner Hall. However, the staff has followed the process for notification. He said he does not want the stakeholders, who are risking a lot of their time and money to better the community, to get their project derailed based on what could be perceived as a bureaucratic technicality. He said he would like to go forward with the application now.

Commissioner McClelland questioned what happened to cause the change in the requested vacation from 12,000 feet to 421 feet. Mr. Cohen clarified that the original petition was for the whole length of the wedge, and the staff is recommending that the vacation be for only the northernmost 421 feet. He noted that the owners of the last two properties in the wedge did not sign the petition. Commissioner McClelland noted that Ronald Place north of the proposed vacation would continue to exist, but it would not be used as a road. The City could use this property for something else. Commissioner McClelland agreed that there has not been actual misrepresentation. Therefore, she would be in favor of forwarding a recommendation to the City Council now. Commissioner Piro concurred. He said he believes it is within the staff's administrative responsibility to come up with a sound recommendation for the Commission to consider, including any modifications they feel are appropriate.

Commissioner Hall pointed out that the only access to the remaining businesses on the northern half of Ronald Place would be from the north, turning left onto Ronald Place. Mr. Cohen said the staff anticipated this concern when they recommended Condition 1, which would require all uses currently in the Seattle City Light right-of-way for the entire length of Ronald Place to have the existing vehicular access or an alternative access until those uses are vacated by order of Seattle City Light. This condition would require the private property owners to the south to provide access for the businesses to the north until they no longer exist. Commissioner Hall said that unless an easement is recorded, he would not feel comfortable that access for these properties would be satisfactorily maintained. Chair Harris cautioned that it is not the role of the Commission to design a project. The proposed condition would require any redevelopment to maintain this access. Commissioner McClelland pointed out that Condition 1 does not identify who would be responsible for providing the access to the northern properties. Chair Harris noted that Seattle City Light owns the northern properties, and they are one of the petitioners for the street vacation. Therefore, they have the responsibility of making sure there is access to these businesses. The remainder of the Commission concurred.

THE MOTION TO FORWARD TO THE CITY COUNCIL A RECOMMENDATION OF APPROVAL OF THE RONALD PLACE STREET VACATION AS AMENDED BY THE COMMISSION WAS APPROVED 6-1, WITH COMMISSIONER HALL VOTING IN OPPOSITION.

Vice Chair Piro said he is very disappointed, if what the Commission heard from Olympic Boat Center is correct, that there hasn't been any discussion between them and City staff regarding relocation. Everyone knows that this business is located within the Seattle City Light right-of-way, which is a very temporary situation. He strongly encouraged the staff to be more aggressive in working with businesses that will be dislocated as a result of the Aurora Avenue Project to find opportunities for them to relocate in the City.

Secondly, Vice Chair Piro noted the strong interest expressed by the public regarding the historic remnants of North Trunk Road. He encouraged the staff to incorporate these historic materials into some unique, identifying feature in the final design around 175th Avenue. They should work with the Shoreline Historical Museum in this effort.

Finally, Vice Chair Piro said it seems curious that the Commission is hearing a proposal for the development of a fourth drugstore between 185th and 175th Streets. He questioned what type of market analysis took place to double check the viability of so many of this same type of use. He said he would like to know that these types of projects would be scrutinized more carefully, particularly along significant areas of the City, such as the Central Aurora Avenue Corridor and North City.

Chair Harris pointed out that the street vacation proposal that was brought before the Commission for consideration was not very clean, and they would like the staff to do a better job of identifying the changes that have been made by the staff.

Update on Development Code Amendments

Ms. Lehmborg provided a brief update of what is going on with the Development Code amendments. She reported that the City Council accepted the Commission's recommendation and passed Ordinance 352. The only change they made was to remand a few of the code amendments back to the Commission for further consideration. The City Council had directed the staff to work on the public notice requirements for commercial footprint additions. However, because staff was never able to develop amendment language, they are recommend this item be deferred until 2005. The City Council chose to remand the issue back to the Commission. In addition, at the request of the Commission, the City Council remanded the issue of tent city back to the Commission for review. The high security fencing issue was also remanded back to the Commission for further study.

Ms. Lehmborg said staff has recommended pulling the zoning variance change off the docket for future study. While the Commission did not receive any public testimony regarding this amendment, there were public comments at the City Council level.

Ms. Lehmborg reported that since the City Council action, staff has come up with an additional amendment that was proposed by the Planning and Development Services Director concerning the prohibition of off-site signage. This issue is mainly related to the Aurora Avenue Project, and the proposal would allow off-site signage for adjacent or adjoining businesses along Aurora Avenue that do not actually have frontage.

Ms. Lehmborg said staff is recommending that the Commission review the tent city issue and the sign amendment at this time, and pull the zoning variance criteria off the docket. They recommend that the amendments related to public notice requirements for commercial additions and high security fencing be placed on the 2005 docket.

Commissioner Hall said he would like the Commission to review the entire sign ordinance in 2005. He expressed his concern that the City staff is exempting things that would otherwise appear to be prohibited in some cases and not in others at the discretion of the City Manager. He suggested that the code should be clarified so the community has a clear understanding of what is and is not allowed, and so that the code is applied consistently throughout the City.

7. REPORTS OF COMMITTEES AND COMMISSIONERS

Commissioner Doering reported that this was her last meeting on the Commission, and she would miss working with her fellow Commissioners.

Vice Chair Piro recognized and thanked Commissioner Doering for her service on the Commission. Ms. Markle advised that the City Council would recognize Commissioner Doering at one of their future meetings.

Chair Harris announced that the City Council approved the Gateway Project at their last meeting. At the last minute, the City Attorney came up with a new Ordinance 358, which was approved by the City Council. He briefly reviewed the changes that were made from the original ordinance for clarification. The Commissioners asked that staff e-mail each of them a copy of the approved ordinance. Vice Chair Piro suggested that there is a cleaner way for the Commission's recommendation to be forwarded to the City Council. If the staff makes adjustments to the Commission's recommendation, they should communicate these changes to the City Council.

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

There were no additional announcements provided during this portion of the meeting.

11. AGENDA FOR NEXT MEETING

The Commissioners had no additional comments to make regarding the agenda for the next meeting.

12. ADJOURNMENT

The meeting was adjourned at 11:30 p.m.

David Harris
Chair, Planning Commission

Lanie Curry
Clerk, Planning Commission

ATTACHMENT D

Findings and Determination of the City of Shoreline Planning Commission

Ronald Place N Vacation, File #201332

Summary-

After holding the required public hearing for and reviewing and discussing the Ronald Place N. Vacation, on September 16, 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 421-foot portion of Ronald Place N. Rights-of-Way (Rights-of-Way) north of N. 175th Street.
- 1.3 Their intent is to vacate Ronald Place N. in order to widen the redevelopment potential of the "Wedge", use the vacation area and some of Seattle City Light Rights-of-Way as parking, and then to site the Interurban Trail to front along Midvale Ave N.

2. Procedural History-

On August 23, 2004 staff presented to Council a private property owner petition for street vacation of a 1,208-foot by 60 feet wide portion of Ronald Place N. between N. 175th Street and Aurora Avenue N. (Attachment A). The Council passed Resolution 222 to initiate the street vacation process and fix a public hearing date before the Planning Commission.

3. Public Comment-

- 3.1 Written comments and public testimony were received during the public hearing held on September 16, 2004.
- 3.2 A total of 3 written comments were submitted regarding the historic significance of the red brick road and Seattle City Light's request to retain 10 feet of Ronald Place N so that they could move their Rights-of-Way 10 feet west off of Midvale Ave N.

FINAL PLANNING COMMISSION FINDINGS & DETERMINATION

4. SEPA-

SEPA review is not required as part of this proposal per Section 197-11-800(2)(h) of the Washington Administrative Code (WAC) that specifically indicates a 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 Rights-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 subject vacation is consistent with the adopted comprehensive plan and adopted street standards.

II. Conclusions

5.1. The vacation of Ronald Place N. will benefit the public interest because of the confusion the street creates in the area and lack of use. Vacation will encourage redevelopment by increasing lot area and dimensions. However, it will not be beneficial to vacate the northern portion (787 feet) because of the future widening and improvement planned for Aurora Avenue N. and possible use of this area as a plaza using the red brick. With the amended vacation of Ronald Place N., the public health, safety and welfare will not be endangered and will likely be improved by clarifying the area circulation system and fostering economic development without jeopardizing future needs related to Aurora Avenue N.

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

- 1) The vacation is an opportunity to reroute traffic to reduce turning movements and improve safety and traffic circulation on and off N. 175th Street between Aurora Ave N. and Midvale Avenue N.
- 2) The street vacation would facilitate economic redevelopment of the "Wedge" properties, construct a section of the Interurban trail, and accommodate future improvements to Aurora Avenue N.

5.2. The long-range circulation plan, ped/bike plan, and street improvement plan do not address this street section and are unaffected by the realignment.

FINAL PLANNING COMMISSION FINDINGS & DETERMINATION

Businesses in the Seattle City Light transmission corridor, such as Olympic Boat, the costume shop, wheel rim shop and roofing business use Ronald Place N. for access. Removal or hampering of access by the street vacation would be detrimental to traffic access for these businesses. Staff recommends the street vacation be conditioned so that these businesses can continue to have access until they are required to vacate their sites.

Further, the proposed vacation meets Criteria 2, as conditioned, by vacating Ronald Place N. with review and input of applicable utility and emergency service providers. 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.

5.3 The proposed vacation meets Criteria 3, in that the pedestrian/bicycle plan does not include Ronald Place N. as a part of its long-range plan. However, the construction of the Interurban Trail is part of the City's long range pedestrian and bicycle plan. Therefore, the proposed vacation, as conditioned, to construct the adjacent portion of the Interurban Trail 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 policies do have application to the proposed 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

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

LU56: Negotiate with Seattle City Light and work with City Light Rights-of-Way leaseholders to obtain an easement to develop a non-motorized Interurban Trail and other public amenities from N. 145th to N. 200th streets.

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

Analysis

Under Goal LU VIII, the proposed street vacation helps direct changes in the Aurora Corridor to other redevelopment potential by:

- encouraging businesses to thrive with greater lot sizes,
- improving its image and place by accommodating the Interurban Trail as well as Aurora Avenue improvements, and

FINAL PLANNING COMMISSION FINDINGS & DETERMINATION

- clarifying and reducing the clutter of unnecessary streets and visually undefined areas.

Under LU51, Increasing the “Wedge” land area will facilitate redevelopment and an opportunity for the City to implement new design and development standards.

Under Policy LU56, the proposed street vacation is conditioned to require the construction of the Interurban Trail between N. 175th and N. 178th streets.

Under Policy LU60, the proposed street vacation provides substantial land area and dimension to assist the narrow “Wedge” properties in their redevelopment and to remove the confusion of the intersections at N. 175th Street and Aurora Avenue N.

Since the entire width of the Rights-of-Way is to be vacated there is no conflict with street standards.

Addendum

Staff supported Seattle City Light’s request to leave the east 10 feet of Ronald Place N unvacated in order to trade in the future in order to give 10 feet of their Midvale Avenue N. Rights-of-Way to the City. The purpose was to eventually bring Midvale Avenue N. fully within the control of the City for future use and improvements because Seattle City Light’s Rights-of-Way laps 10 feet over onto the roadbed. Staff supported this proposal with an addendum memorandum presented at the public hearing.

The Planning Commission listened to testimony regarding this addendum, deliberated, and voted to recommend denial of this portion of staff’s recommendation because of the uncertainty of how the trade of Rights-of-Way would actually occur.

Conclusion

The vacation will also provide the opportunity to construct the Interurban Trail.

The street vacation would widen the narrow “Wedge” properties and therefore facilitate economic redevelopment with more flexible and usable sites.

The street vacation meets the necessary criteria and therefore should be approved as conditioned.

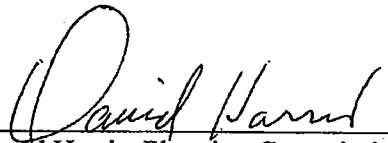
The vacation will require the reuse of the red brick to commemorate its history.

FINAL PLANNING COMMISSION FINDINGS & DETERMINATION

Based on the Findings, the Planning Commission recommended 6 to 1 to approve 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:

1. All uses currently in the Seattle City Light Rights-of-Way for the entire length of Ronald Place N. shall have the existing vehicular access or alternative access until those uses are vacated by order of Seattle City Light.
2. Any redevelopment that proposes to reclaim the vacated land to thereby remove the red brick road shall coordinate with the City and the Shoreline Historic Museum to donate the bricks in good condition to the City to be reused to commemorate the history of the red brick road in the vicinity between N. 175th St, Aurora Avenue N., Midvale Ave N. and N. 180th St..
3. All existing encroachments and environmental encumbrances in City of Shoreline Rights-of-Way shall be removed by the developer.
4. Construction of the Interurban Trail must be completed from N. 175th approximately 421 feet north per City approved design or value given to the City to use for the Interurban Trail or related improvements.
5. Easements for each utility currently using the vacated Rights-of-Way, including the City of Shoreline stormwater utility, shall be recorded in a form acceptable to the utility providers prior to redevelopment.
6. All utility facilities relocation or changes to service will be done at the cost of the developer. The developer is required to coordinate with all surrounding and impacted property owners to insure utility service is maintained.
7. When development project is submitted the applicant, City of Shoreline, and Seattle City Light will negotiate Rights-of-Way needs for Midvale Ave N.
8. Development applicant shall deed 31 feet 6 inches of contiguous Aurora Avenue N. frontage to accomplish the maximum Rights-of-Way development boundaries as noted in the Comprehensive Plan.

City of Shoreline Planning Commission



David Harris, Planning Commission Chair

Dated: September 23, 2004



ATTACHMENT E

Memorandum

DATE: September 16, 2004

TO: Shoreline Planning Commission

FROM: Paul Cohen, Planning and Development Services

RE: Amended Staff Recommendation for Ronald Place N. Street Vacation

Since the delivery of your staff report regarding the street vacation for Ronald Place N, staff has received comments from Seattle City Light (SCL) requesting an adjustment in the proposal. Currently, Midvale Avenue N. on the east side of the SCL R-o-W is partially in their R-o-W by 10 feet. SCL would like the ability to exchange 10 feet of R-o-W to the City for 10 feet of the Ronald Place N R-o-W when the City needs to make improvements to Midvale Avenue N and the Interurban Trail in the future. The City is supportive of this exchange because it will mean that the City will not need permission from SCL to make future improvements on Midvale Ave N.

This adjustment is supported by the criteria below for street vacation:

Criteria 1: The vacation will benefit the public.

Placing Midvale Avenue N. entirely in the City's public R-o-W will benefit the public to insure that the use and future improvements stay within the control of the City.

Criteria 2: The proposed vacation will not be detrimental to traffic circulation, access, emergency services, utility facilities, or other similar r-o-w purposes.

The proposed amendment will improve traffic circulation, access, emergency services, utility facilities, or other similar R-o-W purposes

Criteria 3: The street or alley vacation is not a necessary part of a long range circulation plan or pedestrian / bicycle plan.

The proposed amendment maintains, clarifies, and strengthens Midvale Avenue N. as a part of the City's circulation plan. The proposed amendment has no effect on the pedestrian / bicycle plan.

Criteria 4: The subject vacation is consistent with the adopted comprehensive plan and adopted street vacation.

There are no policies in the Comprehensive Plan that specifically address the amendment of adjusting R-o-W to include existing streets.

Staff recommends that the Planning Commission enter Findings of Fact and Conclusions to recommend approval of the vacation of Ronald Place N from N. 175th Street approximately 421 feet to the north property line of Aurora Cold Storage at 17532 Aurora Avenue N. and the west 50 feet of the 60 foot width of Ronald Place N.

Paul Cohen

From: Charlie Hampton [charlie.hampton@Seattle.Gov]
Sent: Thursday, September 16, 2004 12:17 PM
To: Paul Cohen
Cc: Kirk McKinley
Subject: Re: Ronald Street Vacation

Paul Cohen, Sr Planner
Planning and Development Services
17544 Midvale Avenue N
Shoreline, WA 98133

Re: Quasi-Judicial Public Hearing to Vacate Ronald Place North between N 175th St and Aurora Ave N.

In reference to the above proposed street vacation, the City of Seattle would like to request the City of Shoreline retain at least 10 feet of the eastern margin of this proposed vacation for potential future use by Seattle City Light. Currently, Midvale Avenue North has a southbound travel lane within the 100 foot wide Seattle City Light transmission right of way. By retaining the 10 feet on the east edge of Ronald right-of-way, it may be possible for Shoreline in the future to trade the 10 feet of Ronald for the 10 feet of Seattle City Light right-of-way on which Midvale is currently located. This will enable Midvale travel lanes to be completely within Shoreline right-of-way and eliminate possible future conflicts. It is essential that Seattle City Light maintain a 100 foot right-of-way for safe and adequate maintenance of existing and future transmission systems. This proposed street vacation provides an unique opportunity for City Light and Shoreline to determine if a trade is possible.

We have discussed with the developer his proposal to utilize our right-of-way for parking as part of his proposed development. We will work with the them to design a solution, if possible, that will balance their needs with ours, while retaining the 100 feet needed for a safe transmission corridor.

ATTACHMENT F

Findings and Determination of the City of Shoreline Planning Commission

As Further Amended by Staff 09-23-04

Ronald Place N Vacation, File #201332

Summary-

After holding the required public hearing for and reviewing and discussing the Ronald Place N. Vacation, on September 16, 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. In response to questions and concerns raised during the Planning Commission process, staff has further amended the Finding and Determinations as recommended by the Planning Commission. The staff recommendations have been incorporated into Draft Ordinance # 381. (Note: this document shows the changes to the Planning Commission in legislative form) .

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 421-foot portion of Ronald Place N. Rights-of-Way (Rights-of-Way) north of N. 175th Street.
- 1.3 Their intent is to vacate Ronald Place N. in order to widen the redevelopment potential of the "Wedge", use the vacation area and some of Seattle City Light Rights-of-Way as parking, and then to site the Interurban Trail to front along Midvale Ave N.
- 1.4 In response to comments from Seattle City Light, the project has been further amended to only vacate 50 feet and to retain the easterly 10 feet until the issues with Seattle City Light are resolved.

2. Procedural History-

On August 23, 2004 staff presented to Council a private property owner petition for street vacation of a 1,208-foot by 60 feet wide portion of Ronald Place N. between N. 175th Street and Aurora Avenue N. (Attachment A). The Council passed Resolution 222 to initiate the street vacation process and fix a public hearing date before the Planning Commission.

3. Public Comment-

3.1 Written comments and public testimony were received during the public hearing held on September 16, 2004.

3.2 A total of 3 written comments were submitted regarding the historic significance of the red brick road and Seattle City Light's request to retain 10 feet of Ronald Place N so that they could move their Rights-of-Way 10 feet west off of Midvale Ave N.

4. SEPA-

SEPA review is not required as part of this proposal per Section 197-11-800(2)(h) of the Washington Administrative Code (WAC) that specifically indicates a 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 Rights-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 subject vacation is consistent with the adopted comprehensive plan and adopted street standards.

II. Conclusions

5.1. The vacation of Ronald Place N. will benefit the public interest because of the confusion the street creates in the area and lack of use. Vacation will encourage redevelopment by increasing lot area and dimensions. However, it will not be beneficial to vacate the northern portion (787 feet) because of the future widening and improvement planned for Aurora Avenue N. and possible use of this area as a plaza using the red brick. With the amended vacation of Ronald Place N., the public health, safety and welfare will not be endangered and will likely be improved by clarifying the area circulation system and fostering economic development without jeopardizing future needs related to Aurora Avenue N.

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

- 1) The vacation is an opportunity to reroute traffic to reduce turning movements and improve safety and traffic circulation on and off N. 175th Street between Aurora Ave N. and Midvale Avenue N.

2) The street vacation would facilitate economic redevelopment of the “Wedge” properties, construct a section of the Interurban trail, and accommodate future improvements to Aurora Avenue N.

5.2. The long-range circulation plan, ped/bike plan, and street improvement plan do not address this street section and are unaffected by the realignment.

Businesses in the Seattle City Light transmission corridor, such as Olympic Boat, the costume shop, wheel rim shop and roofing business use Ronald Place N. for access. Removal or hampering of access by the street vacation would be detrimental to traffic access for these businesses. Staff recommends the street vacation be conditioned so that these businesses can continue to have access until they are required to vacate their sites.

Further, the proposed vacation meets Criteria 2, as conditioned, by vacating Ronald Place N. with review and input of applicable utility and emergency service providers. 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.

5.3 The proposed vacation meets Criteria 3, in that the pedestrian/bicycle plan does not include Ronald Place N. as a part of its long-range plan. However, the construction of the Interurban Trail is part of the City’s long range pedestrian and bicycle plan. Therefore, the proposed vacation, as conditioned, to construct the adjacent portion of the Interurban Trail 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 policies do have application to the proposed 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

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

LU56: Negotiate with Seattle City Light and work with City Light Rights-of-Way leaseholders to obtain an easement to develop a non-motorized Interurban Trail and other public amenities from N. 145th to N. 200th streets.

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

Analysis

Under Goal LU VIII, the proposed street vacation helps direct changes in the Aurora Corridor to other redevelopment potential by:

- encouraging businesses to thrive with greater lot sizes,
- improving its image and place by accommodating the Interurban Trail as well as Aurora Avenue improvements, and
- clarifying and reducing the clutter of unnecessary streets and visually undefined areas.

Under LU51, Increasing the “Wedge” land area will facilitate redevelopment and an opportunity for the City to implement new design and development standards.

Under Policy LU56, the proposed street vacation is conditioned to require the construction of the Interurban Trail between N. 175th and N. 178th streets.

Under Policy LU60, the proposed street vacation provides substantial land area and dimension to assist the narrow “Wedge” properties in their redevelopment and to remove the confusion of the intersections at N. 175th Street and Aurora Avenue N.

Since the entire width of the Rights-of-Way is to be vacated there is no conflict with street standards.

Addendum

Staff supported Seattle City Light’s request to leave the east 10 feet of Ronald Place N unvacated in order to trade in the future in order to give 10 feet of their Midvale Avenue N. Rights-of-Way to the City. The purpose was to eventually bring Midvale Avenue N. fully within the control of the City for future use and improvements because Seattle City Light’s Rights-of-Way laps 10 feet over onto the roadbed. Staff supported this proposal with an addendum memorandum presented at the public hearing.

The Planning Commission listened to testimony regarding this addendum, deliberated, and voted to recommend denial of this portion of staff’s recommendation because of the uncertainty of how the trade of Rights-of-Way would actually occur. The staff has further clarified how this trade would actually occur.

Conclusion

The vacation will also provide the opportunity to construct the Interurban Trail.

The street vacation would widen the narrow “Wedge” properties and therefore facilitate economic redevelopment with more flexible and usable sites.

The street vacation meets the necessary criteria and therefore should be approved as conditioned.

The vacation will require the reuse of the red brick to commemorate its history.

Based on the Findings, the Planning Commission recommended 6 to 1 to approve 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, and as further amended by staff:

1. All uses currently in the Seattle City Light Rights-of-Way for the entire length of Ronald Place N. shall have the existing vehicular access or alternative access easement or agreement provided by the property owners until those uses are vacated by order of Seattle City Light.
2. Any redevelopment that proposes to reclaim the vacated land to thereby remove the red brick road shall coordinate with the City and the Shoreline Historic Museum to donate the bricks in good condition to the City all bricks that can be salvaged, using reasonable care during the process of removal, to the City. The bricks are to be reused to commemorate the history of the red brick road in the vicinity between N. 175th St, Aurora Avenue N., Midvale Ave N. and N. 180th St..
3. All existing encroachments and environmental encumbrances in City of Shoreline Rights-of-Way shall be removed by the developer.
4. Construction of the Interurban Trail must be completed from N. 175th approximately 421 feet north per City approved design and alignment or value given to the City to use for the Interurban Trail or related improvements.
5. Easements for each utility currently using the vacated Rights-of-Way, including the City of Shoreline stormwater utility, shall be recorded in a form acceptable to the utility providers prior to redevelopment.
6. All utility facilities relocation or changes to service will be done at the cost of the developer. The developer is required to coordinate with all surrounding and impacted property owners to insure utility service is maintained.
7. When development project is submitted the applicant, City of Shoreline, and Seattle City Light will negotiate Rights-of-Way needs for Midvale Ave N.
8. The property owners shall compensate the City for the full value of the vacated Right of Way (minus the credit described in #9 below).
- ~~8.9.~~ Development applicant shall deed 31 feet 6 inches of contiguous Aurora Avenue N. frontage to accomplish the maximum Rights-of-Way development boundaries as noted in the Comprehensive Plan. A credit for the full value of this property (both

FINAL PLANNING COMMISSION FINDINGS & DETERMINATION

land and structures) shall be deducted from the full value of the Right of Way, provided that the credit shall not exceed the value of the Ronald Place N. right of way.

10. The east 10 feet of the Right of Way shall not be vacated but shall be retained by the City, pending resolution of the issues with Seattle City Light.

City of Shoreline Planning Commission

Not signed, this is a staff alternative

David Harris, Planning Commission Chair

Dated: September 23, 2004

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