


CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Consideration of a Special Use Permit (File # 2002-201148) to Expand a Gambling Use to Construct a 19,359 sq. ft. Casino at 16716 Aurora Avenue North
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Tim Stewart, Director of Planning and Development Services Rachael Markle, Planning Manager 

PROBLEM/ISSUE STATEMENT:

Gambling uses are prohibited in the City of Shoreline. However, gambling uses that were legally established prior to the City's moratorium on gambling are allowed to continue as a nonconforming use. A nonconforming use may be expanded subject to approval of a Special Use permit. The owners of Club Hollywood, a legal nonconforming gambling use, have applied for a Special Use Permit to expand the use. A Special Use Permit is quasi-judicial and the City Council is the decision-making authority. The target time limit for a decision on a Special Use Permit is 120 days as defined in the Development Code. The 120-day time period will expire in November.

ALTERNATIVES ANALYZED:

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

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

RECOMMENDATION

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

Approved By:

City Manager 

City Attorney 

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INTRODUCTION

In 1999, the Council adopted regulations to prohibit gambling uses in the City of Shoreline. Gambling uses are defined in the Development Code as:

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

Although gambling uses are prohibited, those gambling uses that were legally established prior to the City's moratorium on gambling and subsequent Development Code regulations prohibiting gambling are allowed to continue as a nonconforming use. A nonconforming use may be expanded subject to approval of a Special Use permit provided a nonconformance with the Code standards is not created or increased. An applicant must therefore prove that the proposed expansion of the gambling use meets or exceeds the Special Use Permit criteria. In addition to the Special Use Permit criteria, the Code contains supplemental index criteria for gambling uses. The supplemental criteria applies parking requirements specific to gambling uses in addition to the standard parking requirements found in the General Development Standards chapter of the Code.

The owners of Club Hollywood, a legal nonconforming gambling use, have requested a Special Use Permit to expand the use. The City Council is the decision-making authority on this type of permit.

BACKGROUND

Project Description

The Special Use Permit Application before the City Council is a request to allow the expansion of a legal nonconforming gambling use at Club Hollywood located at 16716 Aurora Avenue North. Until recently, the project site included five buildings and associated accessory structures in poor condition located on a total of five parcels. The project details include the following:

- Demolition of all structures on five parcels including the existing Club Hollywood
- Construction of a new Club Hollywood that will be two stories with 19,359 sq. ft. +/- of restaurant, banquet room, bar and a fifteen (15) table card room
- A gallery inside to display a large collection of Hollywood memorabilia
- The structure will have a pitched metal roof and a stucco exterior finish
- The proposed height of the structure is 33.7 feet facing west on Aurora Avenue North and 46 feet on the east side
- Construction of a low wall and trellis on the north side of the building to shield the parking area from the Aurora Avenue street frontage
- Pedestrian entry plaza facing Aurora Avenue North
- Public art displayed in the arches of the trellis located in front of the parking area
- Other architectural features include a clock tower, cornices, arches, large glass entry on Aurora Avenue North, glass elevator, and use of glass blocks
- Two existing driveways on Aurora Avenue North will be combined into one new driveway

- Club Hollywood and Debby's Drift On Inn will share access drives on Aurora Avenue North and North 167th Street
- Construction of 122 parking spaces on site with the capability through valet parking to accommodate up to 148 cars and 66 off-site parking spaces secured through a lease with Seattle City Light adjacent to the proposed project site (188 spaces)
- Construction of curb, gutter, sidewalk and amenity zone on Aurora Avenue North and North 167th Street including street lighting
- Construction of Interurban trail crossing at 167th Street
- Employment of 200 people

Please refer to Attachment A: Applicable Plan Sheets for a more detailed look at the project as proposed.

Site

The subject property is 1.6 acres in area, with less than 80% of the area being impervious surfaces (Note: 90% is the maximum allowable impervious surface). The site contained five (5) buildings, associated accessory structures including signage, broken pavement, junk cars, and debris that are in the process of being demolished and removed from the site. The site slopes on average about 8% with the steepest slope being 14%. The site is now comprised of five separate lots; however the property owner will be required to merge these lots. There is only one tree on the site and the property owner is trying to save it.

Current status of site

The property owner completed the removal of asbestos from the affected structures. As a result, many of the structures were rendered insecure and were subsequently vandalized (i.e. large holes in exterior walls, windows and doors removed). The property owner applied for a demolition permit to remove the structures. The demolition permit was approved on September 20, 2002. The structures have been demolished. However, demolition of these structures **DOES NOT constitute approval of the Special Use Permit.**

Neighborhood

The subject property is located adjacent to Aurora Avenue North. A variety of land uses surround the site. Regional businesses such as Debby's Drift On Inn restaurant, bar and casino are located to the south; the Seattle City Light property and future home of the Interurban Trail are located on the eastern boundary; the Maytag appliance store (currently for sale) is to the north; and a car dealer, tobacco store, and Sugar's Adult Entertainment Club are located across Aurora Avenue North to the west. Please see Attachment A – Sheet A1.3. The Shoreline Neighborhood in which the proposed project would be located is Meridian Park. The properties to the east just beyond the Seattle City Light Right of Way are low to medium density residential dwellings. A cemetery that separates the proposed project from residential uses is located directly behind the proposed project site beyond the Seattle City Light Right of Way.

Procedural History

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

REQUIRED ACTION	DATE COMPLETED
Pre-Application Meetings Held	July 25, 2001 February 26, 2001 May 25, 2001
Neighborhood Meeting Held	March 15, 2002
Application Date	April 12, 2002
Complete Application	July 11, 2002
Public Notice of Complete Application and optional SEPA determination <ul style="list-style-type: none"> • Notices Mailed • Signs Posted at Site • Advertisements In Paper 	August 1, 2002
End of Public Comment Period	August 16, 2002
SEPA Mitigated Determination of Nonsignificance issued	August 29, 2002
SEPA Appeal period expires	September 12, 2002
Notice of Public Hearing <ul style="list-style-type: none"> • Notices Mailed • Signs Posted at Site • Advertisements In Paper 	August 29, 2002
Planning Commission Public Hearing: Planning Commission voted 7-0 to recommend approval of the project as conditioned. Nine people including the applicants provided testimony at the Public Hearing.	September 19, 2002
City Council Public Meeting: Project approval or denial.	October 28, 2002

Public Comment

A total of five comment letters were received in response to the proposed project. To view the comment letters, please refer to Attachment B: Comment Letters. The Public Hearing was held on September 19, 2002. Nine people including the applicants provided testimony at the Public Hearing. Four written comments were also received at the hearing. Since a Special Use Permit is quasi-judicial, only one open record public hearing may be held. Therefore, the record is closed and no additional public comment may be taken. The Council must rely upon the record as established at the open record hearing to make its decision on this permit. Please see Attachment C: Planning Commission Minutes from 9/19/02 Public Hearing. Included in Attachment C are the written public comments and exhibits received at the Public Hearing.

DISCUSSION

Several issues were raised by the public and staff during the review of this project. Staff worked with the property owner to develop SEPA mitigation and conditions for the Special Use Permit to address these issues. The main issues and possible solutions are discussed below. These solutions are reflected in the SEPA Conditions and the recommended Special Use Permit conditions found in Attachment D, Exhibit A.

Traffic and Pedestrian Safety

Through site analysis, review of the traffic study submitted by the applicant, and public comments it was determined that the construction of proposed project would likely result in an increase of traffic on North 167th Street. Club Hollywood has proposed shared access and parking with the neighboring Debby's Drift on Inn. Currently, there are two access drives from Debby's to North 167th Street. The traffic study prepared by Transportation Planning and Engineering, Inc. states that Club Hollywood can be expected to generate the same level of traffic as the neighboring Debby's Drift On Inn. Based on this assumption, the estimated p.m. peak hour trips would be 86 (49 entering and 37 exiting) for Club Hollywood and 86 (49 entering and exiting) for Debby's for a total on 172 trips in and out of both sites including all access points. About 46% of these trips are expected to be made using the two driveways on North 167th Street.

It is also difficult to make a left turn from the site to Aurora Avenue to go southbound and from Aurora Avenue to the site. It is assumed that many persons entering and exiting the existing Debby's Drift On Inn and the proposed Club Hollywood will use the North 167th exit/entrance to avoid making left turns to and from Aurora Avenue North. Therefore, the increased traffic on North 167th Street that is anticipated to impact the neighborhood to the east of the proposed project site must be mitigated in order to meet the State Environmental Protection Act and the City's criteria for a Special Use Permit. The Planning Commission also stressed the importance of mitigating measures to reduce the impacts of development on the City's neighborhoods.

To mitigate traffic impacts on North 167th Street conditions were required as part of the SEPA MDNS. In brief, these conditions require the property owner to fund a portion of the Neighborhood Traffic Safety Program (NTSP) of Phase I (\$3,000) and Phase II (up to \$10,000). The NTSP was developed by the City to respond to residents' concerns about speeding, cut-through traffic, accidents and pedestrian safety on residential (non-arterial) streets.

The NTSP consists of a two-phase approach. The first phase uses "Education" and traffic "Enforcement" to encourage behavior changes that lead to safer streets. The second phase uses "Engineering" solutions such as traffic circles, speed bumps and narrowed lanes for traffic calming. The participation of volunteers is vital to the success of the NTSP.

The North 167th Street neighborhood from Aurora Avenue North to Meridian Avenue have qualified for the NTSP program and have recruited the necessary volunteers to begin the process. The purpose of these conditions is to gather baseline data on speeding, traffic volume, and safety on North 167th Street before and after the opening of the proposed Club Hollywood. This information will be used to determine the impacts associated with the use and in turn require the property owner to fund a proportionate amount of the engineering solutions as determined by the NTSP. At the public hearing,

a/ volunteer from the North 167th Street NTSP submitted data collected. Please see Attachment C.

In addition, a SEPA condition was imposed to further address pedestrian safety on North 167th Street. Due to the anticipated increase in traffic associated with the two restaurant/bars with card rooms taking access on North 167th Street, the property owner will be required to construct curb, gutter, sidewalk, and the amenity zone on the north side of North 167th Street from Aurora Avenue North to the Seattle City Light west property line (area adjacent to Debby's Drift On Inn).

Currently there is no sidewalk along Aurora Avenue North in front of the project site. The property owner will be required to construct curb, gutter, sidewalk and amenity zone along the property's Aurora Avenue North frontage. This pedestrian facility will connect to the existing sidewalk in front of Debby's Drift On Inn.

The Planning Commission also added a condition to address existing and future traffic generated by the casinos on North 167th Street. The condition is to install "Right Turn Only" signs at the shared access drive on North 167th Street. In addition, the Commission discussed the idea of adding a condition to vacate North 167th Street from Aurora Avenue to the Seattle City Light Right of Way. Staff suggested that this is not within the applicant's control. The City has control of the street and is not prepared to address its vacation at this time. Staff suggested that this solution might be addressed as part of the NTSP. This would be a more appropriate forum to discuss this type of mitigation. One of the tenants of the NTSP is to ensure that the solution for one neighborhood's traffic problem does not create a traffic problem in another neighborhood. More analysis would definitely be required to determine the feasibility of vacating even a portion of North 167th Street.

A written comment was received regarding the need to have a loading zone for Club Hollywood based on issues the neighborhood is currently having with delivery trucks for Debby's Drift On Inn. The neighbor stated that delivery trucks are parking on North 167th at the intersection with Aurora Avenue North often partially blocking the lane of travel creating a hazardous condition. In response, a SEPA condition will require delivery trucks to access Club Hollywood from Aurora Avenue North and a loading space will be incorporated into the site design.

Parking

The site plan as submitted does not include enough parking spaces.

The current plans denote 122 on-site parking spaces. Based on the application of the Development Code standards for parking for the square footage of each type of use shown in the proposed structure, a minimum of 176 parking spaces are required. Staff also asked the applicant to submit a parking demand study as part of the application submittal. The study determined that the peak parking demand could be as high as 187 parking spaces. It is important to note that staff has only found parking standards for tribal or resort style casinos such as found in Las Vegas or Reno, Nevada which are a more intensive use than a fifteen table card room, restaurant and bar. Therefore, staff recommended a few conditions to insure enough parking is available:

- The property owner must at a minimum provide 176 parking spaces for Club Hollywood.
- A parking demand study will be performed by the City at the property owner's expense following the opening of Club Hollywood to determine if the 176 parking

spaces are adequate. If the parking demand study reveals that 176 parking spaces are not adequate, the property owner will have to secure the additional parking as determined through the parking demand study within 120 days. (Note: this parking would be above the required number of spaces, which are 176 spaces).

- Findings and recommendations may also come out of the NTSP that will be implemented as part of Phase II of the NTSP to mitigate parking spill over into the neighborhood from both the existing uses and the proposed Club Hollywood.
- The applicant has secured a lease to park on the Seattle City Light property located behind the proposed Club Hollywood. This area is proposed to provide an additional 66 parking spaces for Club Hollywood. Staff recommends accepting these spaces as part of the 176 required spaces – provided that if the lease is revoked, the property owner must secure 66 parking spaces that meet the parking standards in effect at the time the revocation occurs or be subject to penalties and fines associated with a Code Enforcement action. This would bring the total new parking spaces available to 214 including the 26 valet spaces.
- In addition to the 122 on site parking spaces and 66 leased spaces, Club Hollywood proposes to utilize valet parking during the peak business hours. The property owner has proposed to accommodate an additional 26 parking spaces with valet parking. The Shoreline Fire Inspector reviewed the valet parking proposal and determined that the emergency access as conditioned will be adequate to serve the proposed project with or without the valet parking. Valet parking can be used to meet the required parking standards.

Fire Safety

In order to maximize the space for on site parking and to provide connectivity between two commercial uses the property owner has requested that access for emergency vehicles be accommodated by a shared access with Debby's Drift On Inn. The Shoreline Fire Department Inspector has considered this request and determined that adequate emergency access to the proposed structure and turn around space for emergency vehicles can be accommodated by the shared access if the lots are merged or a permanent access easement is recorded. In addition, an additional fire hydrant may be required as part of the building permit depending on the final approved design of the structure and associated parking.

Light Pollution

The effect of glare and light pollution from the proposed project on the residential neighborhood to the east was raised as an issue. In response a SEPA condition will require the property owner to full cut off (shielded) outdoor lighting fixtures.

SPECIAL USE PERMIT CRITERIA

Section 20.30.330.B of the Shoreline Municipal Code outlines the criteria by which SUP applications are reviewed. The City shall grant a special use permit, only if the applicant demonstrates that it meets each of the Special Use criteria. The City Council decision should be based on the findings of fact and conclusions regarding whether or not the proposed project or project as conditioned meets the Special Use Permit Criteria. Below each criterion, staff has described how the project as proposed or as conditioned has met the Special Use Criterion.

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

The proposed project will demolish five structures and associated accessory structures and signage that are in poor condition. Many of these structures have been vacant or sporadically occupied for years. In addition, the proposed use, restaurant with bar and card room, replaces such uses as the Nordic 24 Hour Spa and the Your Choice Adult Video store.

The proposed project will redevelop 333 linear feet on Aurora Avenue North including the installation of sidewalk, curb, gutter and the amenity zone on both Aurora Avenue North and North 167th Street. The property owner has agreed to construct or fund the construction of the portion of the Interurban Trail project, specifically the curb, gutter, sidewalk, amenity zone and curb cut for the trail's crossing at North 167th Street (See Attachment D, Exhibit A: Condition #6). The property owner has also offered to add public art consistent with the "Hollywood" theme to the arched trellis used to shield the parking lot from Aurora Avenue North. These components of the proposed project as conditioned provide public benefits and satisfy public needs by reducing blight, constructing pedestrian facilities, assisting in the implementation of the Interurban Trail and creating public art.

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

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

Uses to the North

- Maytag Appliance store – currently vacant

Uses to the South

- Debby's Drift On Inn (restaurant, bar, and card room)
- Honest Auto Repair

Uses to the East

- Seattle City Light property – 100 feet wide and runs entire length of proposed project
- Sephardic Cemetery
- Note: Beyond the cemetery there are low to medium density residential units

Uses to the West

- Used Car lot
- Sugar's Adult Entertainment Club
- Tobacco Store
- Office Building

Based on the above list of surrounding uses, the characteristics of the proposed use of a restaurant and bar with a card room are compatible. The Planning Commission inquired about the applicant's plan for signage on the site. No plans for signage have been submitted to the City at this time. The Commission expressed concern for the type, size and location of signage. Staff stated that the applicant will have to apply for a sign permit and the signage for Club Hollywood will have to meet the Development Code standards for signage in the Regional Business zone. Staff asked the Commission if there were any conditions beyond the regulations in the Code that needed to be applied

to ensure that the signage would be compatible with the neighborhood. The Commission did not add conditions for the signage.

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

The SEPA MDNS and proposed Special Use conditions assist the project as proposed to meet this criterion. The project as conditioned will address issues raised concerning vehicular and pedestrian safety. Please see Attachment D, Exhibit A: Conditions. In addition, a Planning Commissioner commented on the value of having both day and night uses on the Aurora Corridor to promote safety.

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

Although the proposed use of a restaurant and bar with a card room would be located adjacent to Debby's Drift On Inn and across the street from Parker's Casino staff does not feel that this meets the definition of a detrimental over concentration of a particular use. If allowing the particular use would exceed the capacity of the city's infrastructure or public services such as police, fire, schools, then the use would be considered a detrimental overconcentration. The SEPA MDNS and proposed Special Use conditions assist the project as proposed to meet this criterion. The project as conditioned will not cause a detrimental over concentration of the use. Please see Attachment D, Exhibit A: Conditions.

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

Through site analysis, review of the traffic study, and public comments it was determined that the project as proposed could be hazardous or conflict with existing and anticipated traffic in the neighborhood. However, the project as conditioned through SEPA and the recommended conditions for the Special Use Permit will address and reduce these hazards and conflicts. Through the completion of frontage improvements on North 167th Street and Aurora Avenue North; financial support to implement the NTSP on North 167th Street; the consolidation of access drives on Aurora Avenue North; and the construction of the Interurban Trail existing and anticipated hazards and conflicts with traffic in the neighborhood will be reduced.

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

The property owner has obtained proof that adequate sewer and water services are available. The Shoreline Fire Inspector has been involved with the review of this project and recommended conditions to ensure that this criterion is met. The property owner has submitted a preliminary drainage plan for the project that meets the City's requirements. Anticipated impacts on transportation facilities including pedestrian facilities, are mitigated by the SEPA conditions and the recommended Special Use Permit conditions. Please see Attachment D. Exhibit A: Conditions.

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

The proposed project is subject to the Commercial Development design standards denoted in the Development Code. The applicant has also submitted a detailed site plan and elevations. Staff has recommended a Special Use Permit condition that will require the property owner to implement the construction of the project as submitted. This will ensure that the project as proposed will be constructed eliminating the risk of a completely new or substantially changed design from being constructed. The location, size and height of the proposed project do not hinder the development or use of neighboring properties. In fact, as part of the proposed project, the property owner will be financially assisting in the development of the Interurban Trail on the neighboring Seattle City Light property.

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

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

- ED20: Encourage land uses, which increase the city's tax base.
- LU1: Preserve environmental quality by taking into account the land's suitability for development and directing intense development away from natural hazards and important natural resources.
- LU39: Ensure vital and attractive commercial areas through public/private investments including: pedestrian amenities and street aesthetics, such as trees, benches, etc.; adequate transportation services such as bus routes, parking, roads, loading and delivery zones, bicycle and pedestrian routes; public spaces such as plazas, pocket parks, intersection treatments and amenities, and public squares; appropriate signage excluding billboards; transportation demand management programs such as carpooling and bus usage; and gateway treatments and public art.
- T39: Aggressively pursue construction of the Interurban Trail.

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

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

Supplemental Index Criteria for Gambling

Minimum off street parking for gambling establishments shall be at a minimum one parking space per 75 square feet of net usable area (excludes walls, corridors, lobbies, and bathrooms), plus five parking spaces per card table, plus one parking space per every three seats (not associated with a gaming/card table) available for gambling or viewing of gambling activities.

The project as proposed and conditioned to provide 176 off street parking spaces meets this supplemental index criteria.

SUMMARY

The proposed project to expand the existing Club Hollywood restaurant, bar, and card room as conditioned by SEPA and the Planning Commission and staff recommended conditions of approval, meets the Special Use Permit Criteria and the Supplemental Index Criteria for gambling uses. In conclusion, the Planning Commission wanted to clearly express the importance of supporting economic development, but that it is equally as important to protect existing neighborhoods.

RECOMMENDATION

The Planning Commission and staff recommend that the Special Use Permit be approved subject to conditions based on the findings of fact and conclusions contained in this report (See Attachments D).

ATTACHMENTS

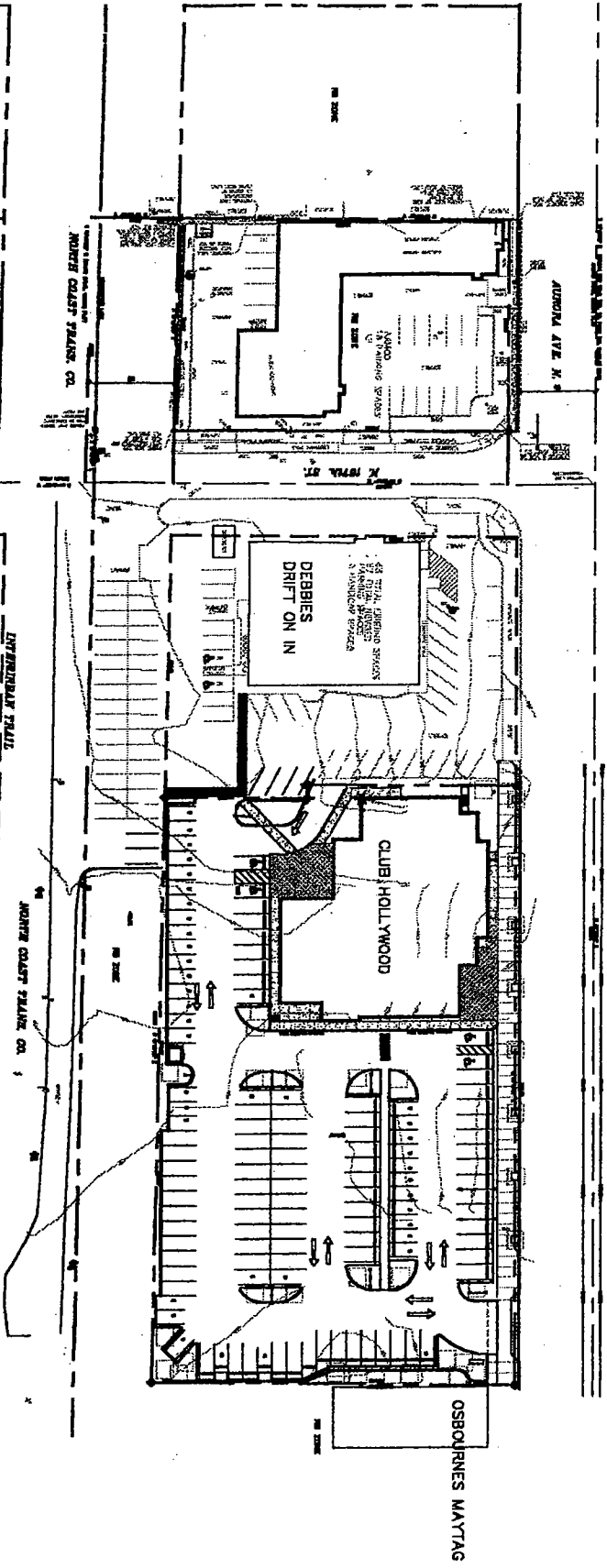
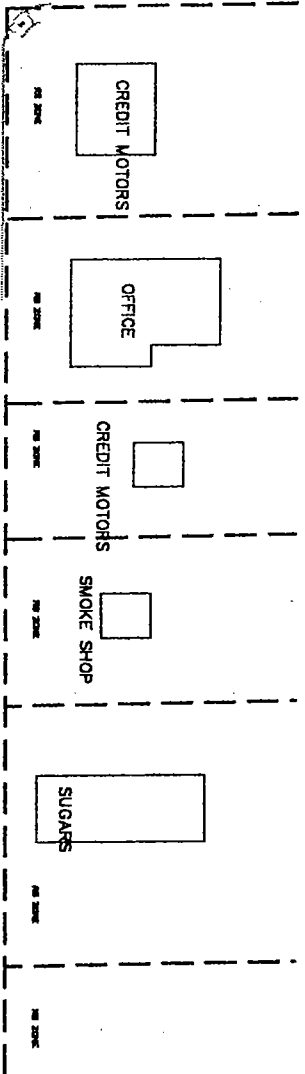
Attachment A	Applicable Plan Sheets (Note: Due to the conditions imposed by SEPA and conditions that are likely to be imposed as part of the Special Use Permit – some information on the plan sheets may already be outdated)
Attachment B	Public Comment Letters
Attachment C	Planning Commission Minutes from Public Hearing held on September 19 th and written public comments submitted
Attachment D	Proposed Findings, Conclusions and Decision Exhibit A: Special Use Permit Conditions including SEPA Threshold Determination (MDNS)

ATTACHMENT A:

**APPLICABLE PLAN
SHEETS**

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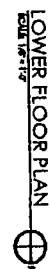


EXPANDED SITE PLAN

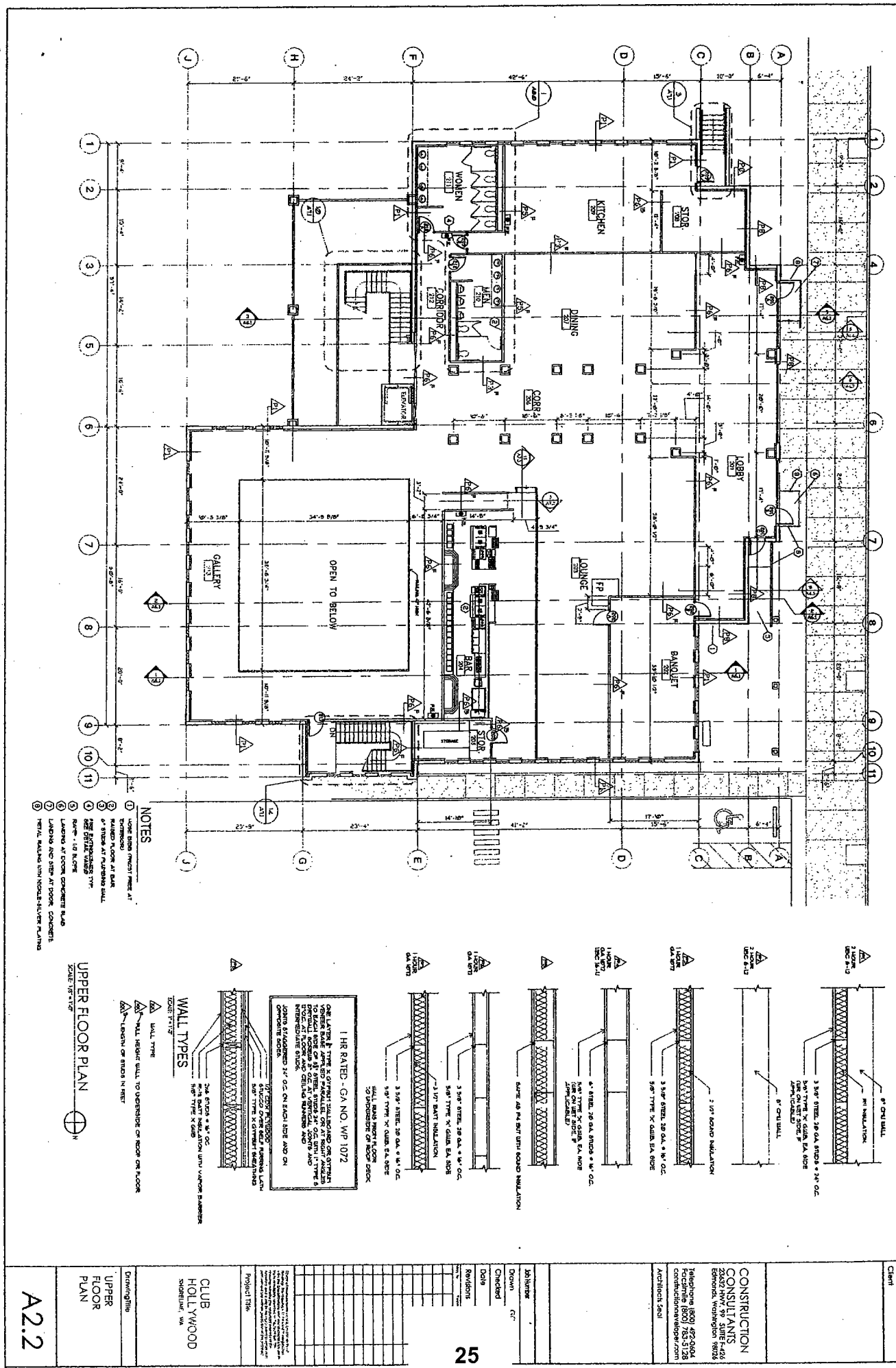
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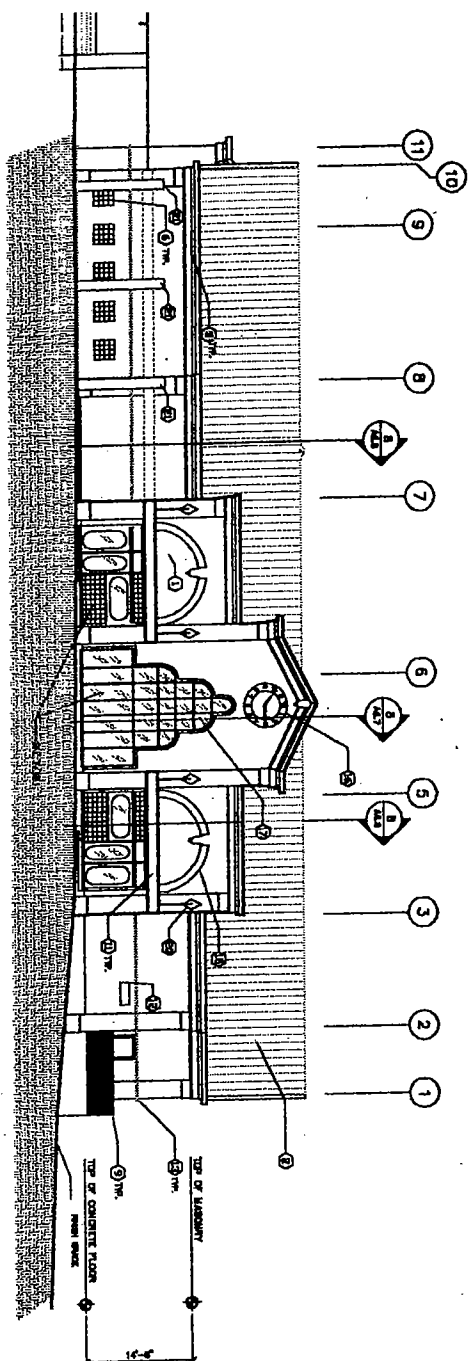


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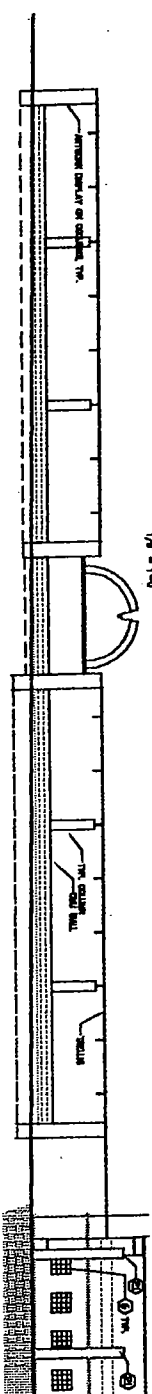
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EXTERIOR ELEVATIONS KEYED NOTES

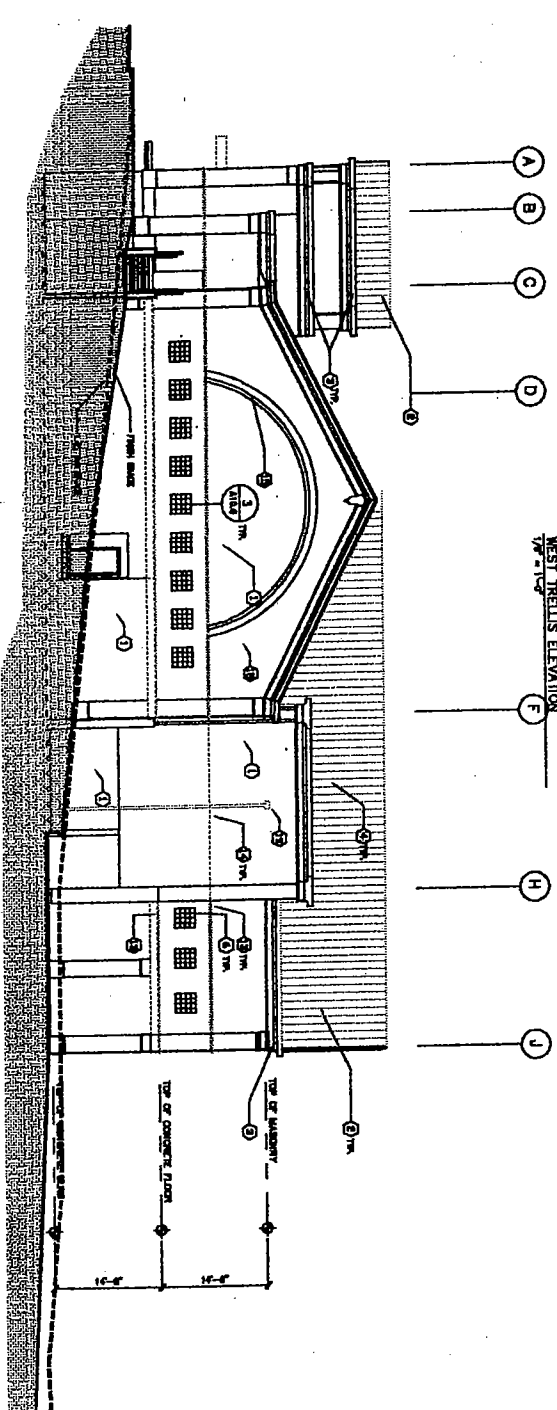
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4. FINGERPRINTS
5. RECENTLY ISSUED SOCIAL SECURITY CARD
6. NEW, UNLACED SHOES (ONE SIZE 10, OTHER SIZE 11)
7. CLOTHING: SHIRT OF BROWN FAUX CASHMERE, TROUSERS OF BROWN FAUX CASHMERE
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WEST EXTERIOR ELEVATION
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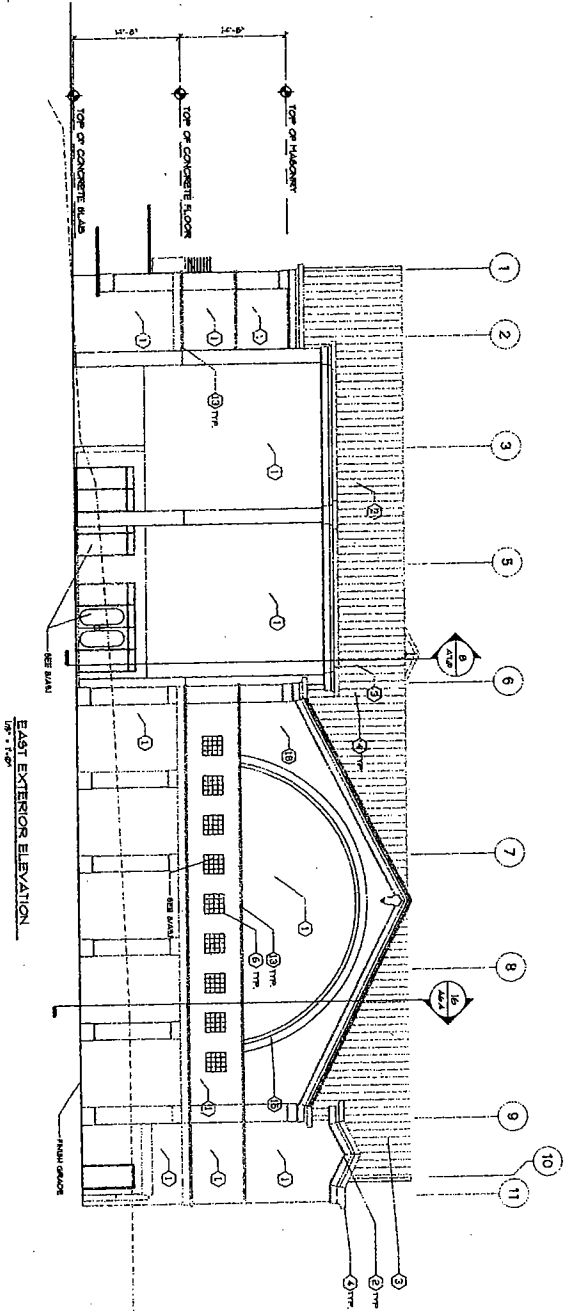
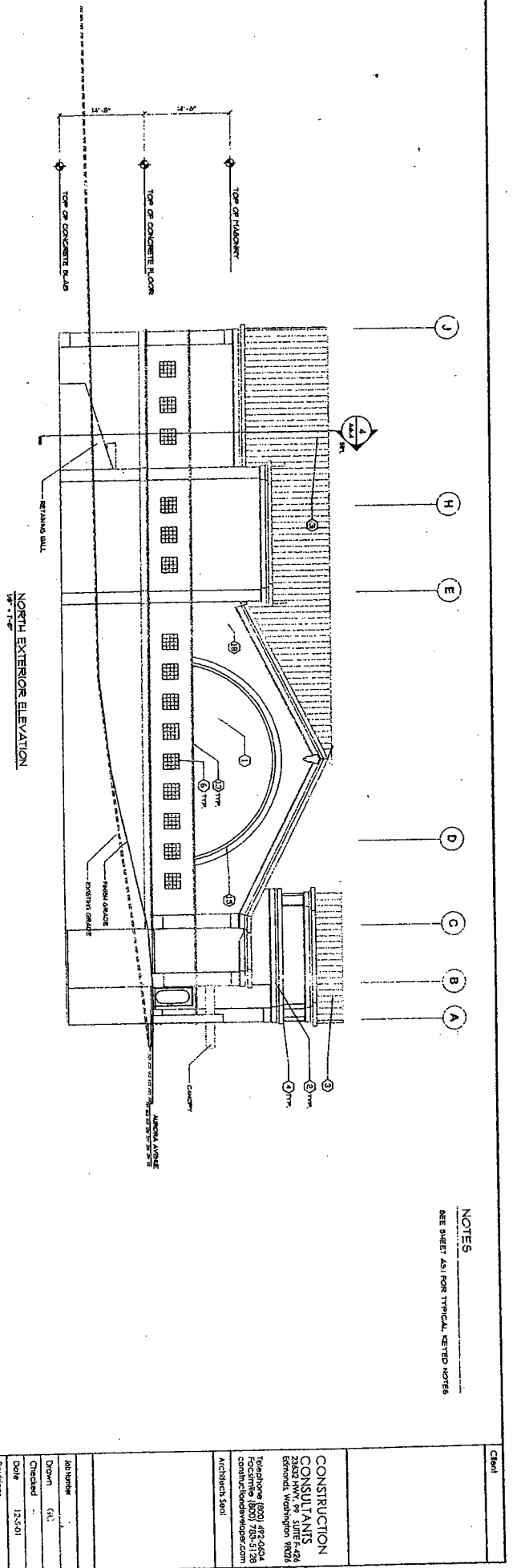
WEST TRELLIS ELEVATION
1/8" = 1'-0"



SOUTH EXTERIOR ELEVATION
1/8" = 1'-0"

[illegible]

NOTES
SEE SHEET A5.1 FOR TYPICAL REINFORCED NOTES



Client	CONSTRUCTION CONSULTANTS
Address	23452 HWY. 99, SUITE F-424 Edmonds, Washington 98026
Telephone	(206) 472-0024
Fax	(206) 472-1526
Website	www.construction.com
Architect's Seal	
Job Number	04
Drawn	GA
Checked	
Date	12-5-01
Revisions	
Project Title	CLUB HOLLYWOOD SHREVEPORT, LA
Drawing Title	NORTH & WEST EXTERIOR ELEVATIONS
Sheet Number	A5.2

ATTACHMENT B:

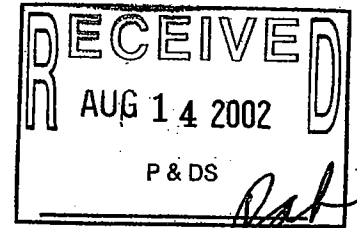
PUBLIC COMMENT
LETTERS

Written Public Comment Table

<u>Name</u>	<u>Address</u>	<u>Comment Summary</u>
Robert Jenkins	1315 N 167th St	<ol style="list-style-type: none"> 1. Traffic will increase w/ an additional casino on N. 167th St 2. Neighborhood participating in the Neighborhood Traffic Safety Program to identify traffic issues on the street - do not believe their residential street should be used for the purpose of accessing these casinos 3. Concerned about speeding on N. 167th St - feel the casino is a contributor 4. Attached photos of N. 167th showing the amount of cars parked on the street during an event at Debbie's Casino 5. There will be almost 24 hour gambling available 6. Guidelines for garbage bins needs to be enforced as Debbie's leaves their bins open 7. Needs to be an off street area for delivery at both casinos
Celia Kerr (2 nd letter)	1300 N. 167th St	<ol style="list-style-type: none"> 1. Protest SEPA Checklist as it is not impartial or accurate 2. Mr. Gabbert must remove himself from these decisions 3. Do not believe the spraying of water before buildings demolished will help the air quality 4. Noise pollution will continue after construction because of all the traffic, etc from the second casino 5. Noise, air and headlight glare impacts not adequately addressed in SEPA checklist 6. Want city to provide a physical barrier and protection to keep additional traffic off N. 167th 7. Not enough parking is provided - already have overflow parking from Debbie's on N. 167th 8. Another casino is an over concentration of such uses in the city
Celia & Christopher Kerr (1 st letter)	1300 N. 167th St	<ol style="list-style-type: none"> 1. Second casino would cause an over concentration of gambling in Shoreline 2. Addition of a "family entertainment center" is not needed or desired by this community 3. N. 167th already over utilized by Debbie's Drift on Inn 4. Need traffic mitigation to address speeding, traffic & noise 5. Question how they can fit the required parking on their site
Alton Dann	Ronald Wastewater District 17505 Linden Ave N PO Box 33490	<ol style="list-style-type: none"> 1. Side sewers serving the buildings to be torn down need to be capped off at the time of demolition 2. Property owners have been in contact with the District and are aware of requirements for cap off.
Greg Nielsen - Verizon Northwest	Verizon Northwest OSP Engineering 2312-C West	<ol style="list-style-type: none"> 1. Reviewed documents and have no concerns or conflicts 2. Verizon is aerial along the west side of Aurora Ave N and would not have to perform any road crossings in order to provide telephone service to this address unless existing poles on east side of Aurora Ave N cannot be utilized

1315 N 167th Street
Shoreline, Washington

August 12, 2002



Department of Planning and Development Services
17544 Midvale Avenue North
Shoreline, Washington 98133-4921

Dear Sir:

RE: Project Number 2002-201148

I am submitting my comments on the proposed facility to be built on the 16700 block on the east side of Aurora Avenue North. I am concerned about the impact of the following issues on our neighborhood and homes:

TRAFFIC

Volumes Currently North 167th Street is used by traffic to access Drift on Inn Roadhouse Casino. North 167th Street is a bypass for access to and from parking of the existing Drift on Inn Roadhouse Casino. Traffic uses North 167th from both the N. 145th Street interchange and N. 175th Street interchange with Interstate 5. If access to parking at the proposed Casino is not limited to Aurora Avenue North, traffic volumes accessing the Casinos on North 167th Street will double. I would like to see traffic bound for the Casinos restricted off of North 167th Street.

In the traffic report submitted with the application, the traffic counts into the Roadhouse Casino had three traffic counts of over 10 cars per 15 minute period using the existing Casino parking from North 167th street (using North 167th east of the Casino). That is a high volume for our residential street and the volume will double with the new Casino..

Currently my neighbors are participating in a "Neighborhood Traffic Safety Program" to identify the traffic issues on our street. By observation on a weekend evening over 60% of the traffic on our street neighborhood street is going to or from the existing Casino. We do not believe our street should be used for this purpose and we do not want more traffic with the construction of the Club Hollywood Casino.

Speed

The neighbors have been trying to do something about the traffic speed on our street. We expect to identify the speed problems in the "Neighborhood Traffic Safety Program".. In the evening after midnight on the weekend there are patrons of the Casino using North 167th Street to stay off the main road of the area. Again, if the parking area to the Casinos do not have access to North 167th Street the speeding would be reduced. Speeding is a continuing problem on our street and traffic to the casino is a contributor.

Street Parking Attached to this letter are a copies of two photos. The first photo taken the evening of June 8th, 2002 shows the parking on North 167th Street for an event at the Roadhouse Casino. The second photo was taken the next morning on June 9th, 2002 when the Casino event was over. As you can see the street to totally consumed by parking for the Roadhouse Casino in the first photo. The neighborhood would like to stop the parking on our street by the people using the Casinos.

Doubling the volume of patrons for the two Casinos will obviously have a major impact on this neighborhood.

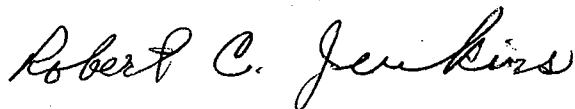
FACILITY USE At the meeting about the Casino, it was clear that one reason for the new Casino was to allow 24 hour gambling at this location which includes the Drift on Inn Roadhouse Casino and the Club Hollywood Casino. When one Casino is required to be closed the other Casino will be open. In effect our neighborhood will have a 24-hour gambling facility in our back yard. We are oppose to this. If the new Casino is allowed both facilities should have the same hours of operation to give the neighborhood a rest. Even though, the state law requires Casinos to be closed for four hours in a 24 hour period. I would like to see the City of Shoreline regulate longer periods of closure for Casinos that impact a residential area.

SANITATION AND GARBAGE One issue with the Drift On Inn Roadhouse Casino remodel was the garbage bins adjacent to North 167th Street. It was our understanding the lids on top of the bins were to remain closed and not left open. As I write this letter the garbage bins are open. I understand the same people will be operating the new facility and the better guide lines for the garbage needs to be enforced. Birds spread the garbage around the area of the bins and the smell needs to be contained in the bins.

DELIVERY Trucks delivering goods to the Drift on Inn Roadhouse Casino park on North 167th Street and cause traffic blockage at the Aurora Avenue North intersection. I don't identify any delivery areas for the Club Hollywood facility. There needs to be an off street area for delivery at both casinos.

I hope the traffic using the two Casinos will be regulated better than the existing use. Doubling the traffic with the new Casino will make an unacceptable situation on North 167th Street.

Thank you for allowing me to submit my comments.



Robert C. Jenkins

(206) 546 13333

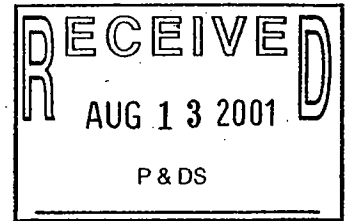
N 167TH STREET LOOKING WEST TO AUBURN AVENUE
PHOTOS TAKEN ON 1300 BLOCK



JUNE 8TH 2002 P.M. PARKING FOR
CASINO EVENT



JUNE 9, 2002 A.M.



August 13, 2001

Ms. Rachael Markle, Project Manager
Planning Department, City of Shoreline
17544 Midvale Ave N
Shoreline WA 98133-4921

RE: Proposed Hollywood Casino

Dear Ms. Markle:

My husband and I wish to go on record as being strongly opposed to the construction of another casino in our neighborhood.

> A second casino would not be of benefit to our community. It would cause an over-concentration of gambling in Shoreline.

>The addition of a "Family Entertainment Center" is not needed nor is it desired by our community and does not ring true to us. What children could go to a bar and casino? What parents would want them there or even take them there? Once this "Center" has been included to meet permit requirements, we feel that it would quickly revert to other uses. We do not need more adult entertainment.

>Our street- North 167th- is already overutilized and abused by the employees and patrons of the current Drift On Inn Casino. A second casino would overwhelm this street in our "single-family-zoned" neighborhood.

>We are already in immediate need of traffic mitigation to stem the ever increasing tide of speeding traffic, automobile and motorcycle noise and exhaust pollution at all hours of the day and night.

>We question how adequate parking spaces can be fit into the plans for this project, especially given the other plans for the Interurban Trail adjoining this site as well as the W.S.D.O.T. Pedestrian Safety Project on Aurora Avenue North.

>We are opposed to the increased dumping of trash, vandalism, DWI's and all manner of other illegal activity that already occur and would only increase.

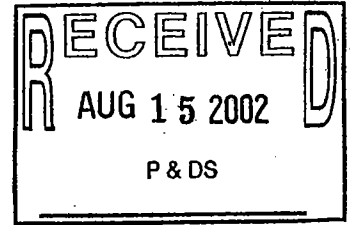
In conclusion, it is clear to us that this second casino will be a detriment to our community in every way. This permit should be denied by the City of Shoreline.

Sincerely,

A handwritten signature in black ink, appearing to read "Celia and Christopher Kerr", written over a horizontal line.

Celia and Christopher Kerr
1300 N 167th Street
Shoreline Wa 98133

To: Rachael Markle, Senior Planner
City of Shoreline



From: Celis Kerr
1300 N. 167th St.
Shoreline, WA 98133

Re: Notice of Application, Project Number 201148
Proposed Hollywood Casino

I apologize for this handwritten letter - all my life will permit before the deadline.

I protest the "NEPA Checklist" filled out by the applicant, concerning environmental impacts of the proposed project. It is not impartial or accurate!

First, this checklist was prepared by Martin Gabbert of Gabbert Architects/Planners. Mr. Gabbert is on the Shoreline Planning Commission! This is a clear conflict of interest as the planning commission will decide on this project and make a recommendation ^{to} the City Council! Mr. Gabbert has been paid by the Casino people - he must remove himself from the Commission on this application - ~~and the very same~~ and another impartial evaluation must be made!

I do not agree with the environmental impact statement that Mr. Gabbert has made.

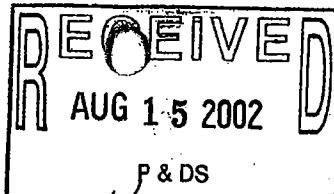
Air: Yes, the air quality of the "immediate" area will be negatively affected by exhaust from →

Construction ~~to the~~ machines are the dust and dirt of the demolition and then construction. I do not accept that the spraying of water will help the air quality much. Also, the air quality of the area will continue to be negatively affected after the construction phase, once the business is opened. This will happen because of the huge increase of exhaust fumes from double (or more) the number of vehicles going to and from the casino, ~~at all hours!~~ ~~How can~~ it be claimed then, that this project will improve the health of the area?!

Noise - once again, Mr. Gabbert's environmental checklist claims that there will be noise pollution that is increased, but only during the construction phase. Not true. The noise pollution will continue at a greatly increased level, once the business is open. Our neighborhood, which is in the immediate area, already suffers greatly from the ~~noise~~ ^{noise} of all the cars and trucks that travel to and from the existing Shift on Inn Casino - at all hours. This noise pollution will be doubled, at least, on the addition of the second casino.

Glow from the headlights of all these vehicles and the lights on the two buildings will ~~also~~ also increase the environmental annoyance already done to our neighborhood. These three areas are not accurate or fully

To: Michael Markle
From: Celia Kan
Re: Project # 201148



pp 2.

Some further comments ~~on this proposal~~:


We people who live in the immediate area are a neighborhood, zoned R-4 by the City of Shoreline. We deserve equal consideration and protection from the City! We have joined the City's Neighborhood Traffic Safety Project to get traffic mitigation for our neighborhood for the already existing overuse and abuse of our street.* Much of this abuse is by the customers, employees and suppliers of the Dist on Inn Casino. How can you say that our environment will not be further impacted by a second casino?! We want the City to ~~give~~ ^{give} us physical barriers and protection that will keep all the additional traffic off our street (N. 127th), and will give us environmental ~~to~~ protection from increased air, noise and glare pollution! This is not like the situation in the immediate area of the Silver Dollar Casino on 220th in Edmonds. We have a neighborhood here!

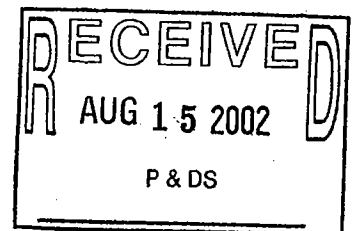
~~The proposed plan~~ The proposed plan will never not provide enough parking for an additional casino. We already suffer from overflow casino parking on our street. We do not want more. We want the current situation improved!

Finally, I do not ~~to~~ think it is of benefit to the city of Shoreline to allow another casino here. I still think it will be an over-concentration
37

and activities that occur around this kind of business are detrimental to our city. How can a 99 miles with Casino and strip joint and "Adult Bookstore" (Pornography) be made into a "Main Street" for the City of Shoreline? This is a community that values school and families. The two interests are in conflict with one another.

If the Shift on Inn business people want to showcase their Hollywood Memorabilia, they can build a restaurant that ~~does~~ does that. Another casino is not needed or wanted.


Celia M. Kerr





Ronald Wastewater District
17505 Linden Avenue North • P.O. Box 33490
Shoreline, Washington 98133-0490
(206) 546-2494 • Fax (206) 546-8110

COMMISSIONERS
• Gary F. Shirley
Arnold H. "Arnie" Lind
Arthur L. Wadekamper

GENERAL MANAGER
Philip J. Montgomery

Rachael Markle
City of Shoreline Planning and Development Services
17544 Midvale Avenue N
Shoreline, WA 98133

August 2, 2002

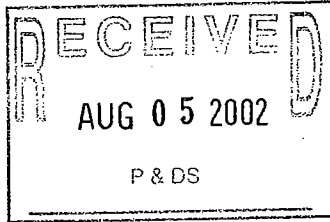
Re: Comment on Special Use Permit Application for Club Hollywood Casino

Dear Ms Markle

Ronald Wastewater's only concern about this project is that the side sewers serving the buildings to be torn down be capped off at the time of demolition. The owners of this property have been in contact with the District and are aware of our requirements for capoff.

Sincerely

Alton Dann
Technical Support



Verizon Northwest, Inc.
OSP Engineering
2312-C West Casino Road
Everett, Washington 98204

July 31, 2002

Ms. Rachael Markle
Planning and Development Services
City of Shoreline
17544 Midvale Avenue North
Shoreline, WA 98133

Dear Rachael:

In reference to your letter dated July 26, 2002 regarding the Special Use Permit Application from Darrell Kollhopp, we have reviewed all documents and have no concerns or conflicts. Verizon is aerial along the West Side of Aurora Ave N in the geographical area and would not have to perform any road crossings in order to provide telephone service to this address unless the existing poles on the East Side of Aurora Ave N cannot be utilized.

It is our understanding that this area is not part of the Aurora Corridor Plans for Phase 1. If you need more information, please contact Bev Russell, Engineer, at 425/710-4126.

Thank you.

Sincerely,

Greg Nielsen
Section Manager-OSP Engineering
Network Engineering & Planning –
Washington Division

GN:bcr

ATTACHMENT C:

9/19/02 PLANNING COMMISSION MINUTES, WRITTEN COMMENTS & EXHIBITS

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

September 19, 2002
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Doennebrink
Vice Chair Harris
Commissioner Doering
Commissioner Kuboi
Commissioner MacCully
Commissioner McClelland
Commissioner Sands

STAFF PRESENT

Tim Stewart, Director, Planning & Development Services
Rachael Markle-Oleson, Planning Manager, Planning & Development Services
Ian Sievers, City Attorney
Paul MacCready, Planner II, Planning and Development Services
Lanie Curry, Planning Commission Clerk
Jill Jennings, Planning Intern, Planning and Development Services

ABSENT

Commissioner Piro
Commissioner Gabbert

1. CALL TO ORDER

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

2. ROLL CALL

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

3. APPROVAL OF AGENDA

COMMISSIONER MACCULLY MOVED TO APPROVE THE AGENDA AS PROPOSED.
COMMISSIONER MCCLELLAND SECONDED THE MOTION. MOTION CARRIED
UNANIMOUSLY.

4. APPROVAL OF MINUTES

COMMISSIONER SANDS MOVED TO ACCEPT THE MINUTES OF JULY 11, 2002 AS AMENDED. COMMISSIONER KUBOI SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

COMMISSIONER SANDS MOVED TO APPROVE THE MINUTES OF JULY 18, 2002 AS AMENDED. COMMISSIONER DOERING SECONDED THE MOTION. MOTION CARRIED UNANIMOUSLY.

5. PUBLIC COMMENT

There was no one in the audience who desired to address the Commission during this portion of the meeting.

6. REPORTS OF COMMISSIONERS

Commissioner McClelland recalled that she previously spoke to the Commission about the American Planning Association Conference that is September 22-24 in SeaTac. Also part of the conference is an invitation to all Planning Commissioners in the State of Washington to a Short Course in Public Planning on September 22 followed by a Planning Commission Reception. She encouraged the Commissioners to attend.

Chair Doennebrink said he asked staff to provide an update to the Commission regarding issues the Commission was dealing with before their summer break. One of the more significant issues was the critical areas hearings in June and July.

Mr. Stewart reported that the City received a huge number of comments and documents related to the proposed amendments. Over the last few months, staff has been reviewing and analyzing the comments. In addition, a few days after the hearing, the City received an appellant court decision regarding the Northgate critical area ordinance in Seattle, which has to do with the watercourse that runs under the parking lot at Northgate. The staff is reviewing this decision to see how it will effect the regulations in Shoreline. He distributed copies of the appellant court decision for the Commission's information.

Mr. Stewart said staff has been reviewing the work program for 2003 and the rest of 2002. The legislature extended the period of time that cities have to update their critical area ordinances. The City now has until the end of 2004 to complete their update. Given the large interest in the amendments, staff is trying to put together a more detailed work program to present to the Commission sometime later this year.

Chair Doennebrink reported that the Commission's recommendation regarding secure community transitional facilities went before the City Council in August. They had a lot of the same questions as the Commissioners regarding financial feasibility, buffers, siting, etc.

Because the City Council felt that more public input should be provided in the process, they decided that these applications should go before the Planning Commission rather than the Hearing Examiner. Mr. Stewart added that, contrary to the summary in *THE SEATTLE TIMES*, the City Council did adopt the ordinance prior to the September 1st deadline.

Mr. Stewart distributed copies of the staff report that went before the City Council on September 3 related to how the City will proceed with the environmental review of the Central Shoreline Plan. One of the options considered would be to combine the Central Shoreline Plan and the environmental assessment with the Aurora Corridor environmental assessment to do a planned action environmental review process similar to that which was done for the North City Plan. Another option would be to follow a non-project, limited scope environmental review, which is what the staff recommended and the City Council eventually approved. He briefly reviewed the schedule that was proposed for the environmental review. He advised that staff anticipates the draft EIS will be prepared and published in March of 2003, with public hearings following. They hope to have the final publication of the environmental statement in May of 2003 with the final adoption sometime in June. This means that the environmental assessment will be done prior to the formal adoption of the plan.

Commissioner McClelland referred to the schematic that was presented regarding Midvale Ave and the Gateway Center as part of the Central Plan. Mr. Stewart clarified that Commissioner McClelland was referring to the preliminary draft, which received numerous comments from both the City Council and the Planning Commission. The City Council recommended that they move forward with the plan, but not with the more restrictive development regulation. Everything that is shown in the plan for private development in the Central Shoreline Plan would be permitted under the current development regulations. The proposal was to make it more restrictive to the point where it might have actually become a limiting factor. He emphasized that no development proposals would be prevented from moving forward pending the approval of the Central Shoreline Planning Process.

Commissioner McClelland said she is concerned about interim development because they could lose the mix of uses that currently exist on this site, such as the grocery store, the post office, the taxi stand, etc. She said she would hope that the delay doesn't cause them to lose an opportunity to create a sort of downtown by having a grocery store, a drug store, a bank and a post office all located in close proximity to each other creating a type of small downtown.

Next, Chair Doennebrink reported that a public hearing was held for the draft environmental impact statement for the Aurora Corridor Project from 145th to 165th. He referred to the binder that contains all of the comments that were made, as well as the staff's response to each. He noted that the final EIS must be approved by the City's SEPA Official, after which the City Council will be presented with the document for review.

Chair Doennebrink said that at the last City Council meeting staff reported that they have made application for a grant from the Interagency Committee (IAC) for the bridge crossing on the Interurban Trail at 155th and Aurora. Their application was rated number one amongst all of the different proposals that were submitted. Assuming that the grant is approved, the funding would be available in the spring.

Ms. Markle reminded the Commission that a tour of cottage housing developments is scheduled for the Commission on October 3, 2002. Staff anticipates that the Commission will hold a group discussion related to cottage housing on October 17, 2002.

Mr. Stewart reported that three staff changes were recently made. Kirk McKinley has accepted the position of Aurora Corridor Project Manager, and Rachel Markle has been appointed as the Planning Manager. However, she will continue to serve as the primary staff to the Planning Commission. In addition, Gabe Snedeker has accepted a position with the City of Mercer Island.

Chair Doennebrink noted the presence of Council Member Ron Hansen.

7. STAFF REPORTS

a. Quasi Judicial Public Hearing to Consider a Special Use Permit to Expand a Gambling Use at Club Hollywood

Chair Doennebrink reviewed the rules and procedures for the quasi-judicial public hearing. He inquired if any of the Commissioners received ex-parte communications, either written or oral, regarding the subject of the hearing. None of the Commissioners indicated an ex-parte communication. He inquired if anyone in the audience felt there might be a conflict of interest or an ex-parte contact on the part of any of the Commissioners. No one in the audience voiced a concern.

Ms. Markle presented the staff report. She advised that the purpose of the hearing is to consider a special use permit application to expand the legal nonconforming gambling use at Club Hollywood located at 16716 Aurora Ave North. She used slides to support her report. She advised that the property owner is seeking approval to construct a new 19,000+ square foot building to replace the existing 4,260 square foot building. The new Club Hollywood would contain a restaurant, bar, 15-table card room, and a Hollywood memorabilia gallery. The building would be two stories, with a pitched metal roof and stucco exterior walls. Other exterior features would include a modified clock tower, pedestrian plaza, art deco glass façade, arches, and cornice treatments. There is a requirement for 176 parking spaces, and 181 parking spaces are proposed. She corrected a factual error in the report which states that there will be 20-30 people employed. This number is actually closer to 200 people.

Ms. Markle said another important part of the project is the consolidation of five parcels. There are currently several existing structures on the parcels that will be demolished, including an adult bookstore with a panaram theater, an office and a massage parlor. A demolition permit has been submitted for the removal of these buildings already, so they may be removed before the special use permit is issued. However, this would in no way constitute approval of the special use permit, and the property owner is aware of the risk.

Ms. Markle advised that one of the criteria for a special use permit is whether or not the use would be compatible with surrounding uses. She provided slides illustrating the uses surrounding the subject property. She noted that across the street to the west is Tobacco Lane, a used car lot, an office building and Sugars adult entertainment nightclub.

To the south is the existing Debby's Drift On Inn, which is the same use as the existing and proposed Club Hollywood (restaurant, bar and card room). To the north of the subject property is a vacant appliance store, a discount clothing store and a small grocery store. The Seattle City Light right-of-way runs the entire length of the east property boundary and is 100 feet wide. This right-of-way is proposed to be used for access and parking as part of the project, with improvements being made in accordance with the code. To the east of this right-of-way is the Sephardic Cemetery. To the far east is the entrance to the Meridian Park Neighborhood.

Next, Ms. Markle explained that gambling uses are prohibited in the City, and the City Council voted in 1999 to ban gambling establishments. However, they made the choice to allow those uses that were in existence prior to the ban to remain. It also gave them the ability to expand if a special use permit is approved. The purpose of a special use permit is to allow a regional use that is not allowed in a particular zone but that provides a benefit to the community and is compatible with the other uses in the zone. A special use permit almost always has conditions, which are necessary to address areas where the interface of uses may create an incompatibility.

Ms. Markle said the significant issues were identified by reviewing the application materials and the traffic study, as well as relying on public comment and site visits. The first major issue that arose was traffic and pedestrian safety. Because there is already a card room at this location, it was easy to study what the traffic patterns would be like. The traffic study indicated that traffic would double with the addition of the new Club Hollywood. There was indication that traffic was already a problem on North 167th Street, which is classified as a residential street. Another compounding factor that was noted is that making a left hand turn to and from Aurora is sometimes difficult, making North 167th Street a more attractive option for people accessing the subject property.

Ms. Markle said that in response, the issues related to North 167th Street, staff through the SEPA conditioned the proposed project. She referred to the Mitigated Determination of Non-Significance and pointed out that the first condition was that the property owner would have to fund the Neighborhood Traffic Safety Program (NTSP) for North 167th Street from Aurora to Meridian. The NTSP is already in existence and working there. She explained that the NTSP is a City-sponsored forum to identify traffic issues and possible solutions. The project is also conditioned to fund up to \$10,000 in physical improvements as identified by the NTSP on North 167th Street. Physical improvements can include speed bumps, chicanes, shoulder enhancements, striping, etc. The key is that the NTSP, which is made up of neighbors and business owners, will have the ability to decide what is best for their neighborhood in conjunction with the city.

Ms. Markle said the second condition that was applied to address traffic and pedestrian safety was the requirement that curb, gutter, sidewalk and an amenity zone be constructed on North 167th Street from Aurora Ave to the Seattle City Light right-of-way. This is not a standard requirement in the code, but staff feels it is important to provide pedestrian safety at that intersection. Also, based on public comment, it was brought to staff's attention that there is an existing problem with delivery trucks servicing Debby's that block a lane of traffic on North 167th Street. In order to avoid that impact at the new Club Hollywood, the project is conditioned to provide a loading space on site. Vendors and service providers of Club Hollywood will be required to use the Aurora entrances.

Ms. Markle said the next major issue that required mitigation was parking. The project is required to have 176 parking spaces. Club Hollywood would have 181 new parking spaces. There would be 122 on site, 26 valet spaces on site, and 33 parking spaces on the adjacent Seattle City Light right-of-way. In addition, the access and parking on Seattle City Light right-of-way would be paved, striped and landscaped in accordance with the general development standards. Since the access will be shared, there would also be a sharing between Debby's and Club Hollywood parking. Debby's has 108 spaces currently, plus valet parking. Ms. Markle said that a parking demand study was performed by the property owner and based on the demand for parking at neighboring Debby's Drift on Inn. This was used as the basis for the proposal since there is very little data available on parking for this type of use. Because there are some unknowns as to how much parking will be needed, staff recommends two fail-safe conditions to ensure that there is enough parking. One condition is that at the property owner's expense, the City would have a second parking demand study completed following the opening of Club Hollywood. Based on the study, if parking is not adequate, the property owner would have 120 days to secure the adequate number of parking spaces. Another condition is that if any of the long-term off-site parking were revoked, the property owner would have 45 days to procure the same number of parking spaces or greater.

Ms. Markle said another issue that was brought to the staff's attention was related to light pollution. Public comments indicated that there could be impacts on the Meridian Park Neighborhood from excessive glare and light intrusion from the parking lot behind both Debby's and Club Hollywood. In response, a SEPA condition has been applied to require that the property owner of Club Hollywood install shielded outdoor lighting fixtures.

Ms. Markle said that while not an issue raised by the public, staff has indicated that an additional fire hydrant may be required, depending on how the parking layout ends up. In addition, access for emergency vehicles must be maintained.

Ms. Markle referred the Commission to the special use permit criteria. She said that based on the findings of fact derived from the application materials and studies provided, field analysis, and public comments, staff came to the conclusion that the proposed application, as conditioned, would meet the special use permit criteria. She specifically reviewed the criteria that caused concern and resulted in conditions. The first criterion is that the use would provide a public benefit or satisfy a public need in the neighborhood. The proposed project does provide a public benefit in that they are removing dilapidated structures and replacing them with new construction that is consistent with the recently adopted commercial design standards, including the requirement to construct frontage improvements the length of the project. However, staff determined that the building, itself, would not provide a public benefit sufficient to meet the criteria. Therefore, based on Comprehensive Plan policies and goals, staff added the condition that the project would have to contribute to the Interurban Trail.

Ms. Markle pointed out that the applicant requested that in-lieu-of providing funding for construction of the trail at a later date, they be allowed to extend the construction of the frontage improvements on North 167th Street from Debby's property line across the Seattle City Light right-of-way. This is roughly the same value as donating \$66,000 toward the construction of the trail at a later date.

It is also part of the trail project, and the community can receive a benefit as soon as Club Hollywood is constructed. They asked that Condition 6 be changed to read: "Construct or provide payment in-lieu-of construction for approximately 50 feet of curb, gutter, amenity zone and sidewalk at the North 167th Street crossing of the Interurban Trail. The location and construction standards to be used shall be approved by the City of Shoreline and Seattle City Light right-of-way as part of a right-of-way use permit." This would allow the developer to construct the improvements as soon as Club Hollywood is developed, and the public benefit would begin right away.

Next, Ms. Markle advised that the fourth criteria states that the proposed location shall not result in the detrimental over concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity. She said that staff reached the conclusion that the proposed use would not cause a detrimental over concentration of gambling uses. This conclusion was based on the assumption that detrimental over concentration refers to the ability of local infrastructure and services to support such a use. The use, as conditioned, will not over burden police, fire, sewer, water, schools, roads or drainage systems. Therefore, staff does not feel it would result in a detrimental over concentration.

Ms. Markle said the fifth criteria is that the special use be designed so that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood. She said this criterion resulted in the most conditions. But staff determined that the project, as conditioned by SEPA and through the recommended special use permit criteria, meets this criteria through the property owner's financial participation in the NTSP, the completion of the frontage improvements on North 167th Street and Aurora Ave North, the consolidation of access drives on Aurora Ave North from two to one, and the contribution to the Interurban Trail. Staff feels these actions will reduce the existing and anticipated hazards and conflicts with traffic in the neighborhood.

Ms. Markle said that although she did not discuss each and every criterion, they are all important. She said would be glad to discuss any of them upon request. She said that based on the findings and fact and conclusions as presented in the September 19 staff report, staff finds that the project, as conditioned, meets all nine criteria, including the supplemental index criteria for gambling uses which requires 75 additional parking spaces.

In summary, Ms. Markle pointed out that the project would be removing five dilapidated buildings and replacing them with a new 19,000+ square foot restaurant, bar and card room. Frontage improvements would be constructed on North 167th Street and Aurora Ave North, and the property owner would contribute to the Interurban Trail. They would also fund traffic mitigation on North 167th Street, contribute public art, install Level III drainage infrastructure, and employ nearly 200 people.

In conclusion, Ms. Markle said staff recommends approval of the special use permit to expand the gambling use at Club Hollywood as conditioned in Attachment A. She asked that the Commission consider amending Condition 6 of Attachment A as requested by the applicant.

Ms. Markle advised that the Commission has three options for action. First, they could recommend approval as conditioned based on the staff's findings of fact and conclusions in the staff report. They could recommend approval as conditioned and amended based on the Planning Commission's findings of fact and conclusions. Or, they could recommend denial based on the Planning Commission's findings of fact and conclusions.

Ms. Markle introduced Paul MacCready, who has also been working on the project with her. She advised that both Mr. MacCready and she are available to answer questions from the Commission.

Chair Doennebrink inquired if a traffic study has been done for this area yet. Ms. Markle answered affirmatively. She said it was a requirement for the proposed special use permit. Commissioner McClelland inquired if this traffic study could be made available to the Commission. Ms. Markle answered that she has one copy of the traffic study available for the Commission's information. Chair Doennebrink inquired how many people are using North 167th Street now. Ms. Markle said she would have to reference the traffic study to answer this question. He said staff suggested that people are using North 167th Street to get to Debby's. Ms. Markle agreed that this is one route people are using.

Commissioner Sands inquired if left-hand turns from North 167th Street onto Aurora Ave would be made any easier by the requirements placed on the developer. Ms. Markle answered that the requirements are more related to making sure that people using North 167th Street are not speeding and that there are places on the shoulder for people to walk. Commissioner Sand inquired if someone would be able to turn left off of North 167th Street after Aurora Ave is improved. Ms. Markle said that has not yet been determined.

Commissioner McClelland said she just drove down North 167th Street on her way to the meeting. She said she finds the situation on this street to be an attractive nuisance. She said she is concerned that the traffic situation has not been described appropriately. She noted that one of the comment letters stated that people come off of 175th and 145th, cruise up Meridian, and then head up North 167th Street. It appears from the staff's conclusion that it is all right for people to go up and down a residential street 24 hours a day. She said this is a concern to her. She said she doesn't have a problem with the use that is being proposed, but she is very unsettled about the inattention to North 167th as a residential street. The proposed development would be a regional attraction that would draw significant traffic. She concluded that the impacts on North 167th Street need to be addressed further, and perhaps the traffic study would illuminate some of these issues for the Commission.

Commissioner Sands inquired if the owners of Debby's have any information about how many people actually come down North 167th Street to access the site rather than off of Aurora Ave. He said he happens to know the area reasonably well and has found that most of the traffic is within that first block of North 167th Street. Once you get past the cemetery it gets quiet fairly quickly. He said he is not sure how many people are actually coming up Meridian and through the neighborhood. He suggested that they should find out more about this. Ms. Markle said they have numbers for the turning movements from the driveways on North 167th Street in the traffic report.

Commissioner MacCully inquired what authority the Neighborhood Traffic Safety Program has in determining or making recommendations for restricted parking on North 167th Street. Ms. Markle said this type of tool would be available to the NTSP. They have the ability to consider a number of different options. Commissioner MacCully inquired if employee parking would be accommodated in the 181 parking spaces proposed. Ms. Markle said that not all of the employees would be working at the same time. She said the parking standards account for employee parking in addition to patron parking.

Commissioner McClelland said that based on the services that will be provided inside the new business, there is the potential for more people to be on site than there are available parking spaces. She suggested that this issue be addressed further. Ms. Markle reminded the Commission that one of the conditions would require a parking demand study after the new business opens. If it is found that parking is not adequate, the property owners would have to make adjustments in order to provide the required spaces. She noted that the parking requirement is based on the parking standards for each of the uses that will be located on the site. In addition, a gambling use requires an additional five parking spaces per card table.

Commissioner McClelland said that there is nothing in the staff report to address public safety. She questioned if there is a need to do so. Chair Doennebrink inquired if there are crime statistics available for before and after Debby's was developed that would provide this information. Ms. Markle said she does not have the crime statistics, but she talked with the street crimes sergeant and he indicated that it was relatively quiet at Debby's.

Commissioner Kuboi inquired if both of the options provided for the Interurban Trail improvements are equal in the staff's opinion. Ms. Markle answered affirmatively. She said she spoke with the Interurban Trail project manager who offered the two options that are being considered. Commissioner Kuboi inquired if there is guidance as to the monetary value of the Interurban Trail benefits as compared to the size of the projects and the potential revenues to be had. Ms. Markle said this was based on the cost of improving 333 linear feet of Interurban Trail, which is the exact length that this project abuts the Seattle City Light right-of-way. The cost was about \$66,600, and the improvements would be roughly the same amount. The idea is to put in pedestrian, traffic and frontage improvements all the way around the site.

Commissioner McClelland inquired what other parking options would be available if Seattle City Light decides they do not want allow parking in their right-of-way. Ms. Markle said the applicants already own some property in the area that could be used for parking. They could also purchase other property or build a structure. If they can't do any of these things, it will become a code enforcement action. Commissioner McClelland said that while she understands the property owner is taking the risk, the City is agreeing to the risk. Ms. Markle said the current lease for the Seattle City Light property has been active for the past five years. Seattle City Light is allowing them to pave and improve the site, and the City is constructing a trail behind it.

Commissioner McClelland said she feels the cemetery is the loneliest and saddest looking place she has ever seen. She questioned about the possibility for some type of buffering between the cemetery and the Club Hollywood parking lot. Chair Doennebrink inquired if there could be some type of barrier or wall between the two uses.

Ms. Markle said that the parking goes onto the Seattle City Light right-of-way, and construction of a wall or significantly tall vegetation would most likely not be allowed by Seattle City Light. She noted that there is also a grade change back there, so even if a wall were built, the use would still be looking down above it.

However, the Commission could explore options for buffering, as long as there is nothing that is tall located on the Seattle City Light property. Commissioner Harris said that the cemetery has been the subject of vandalism in the past, and it probably would not be a good idea to screen it off from the public. This would only make the cemetery more secluded.

Chair Doennebrink referred to Page 44 of the staff report, which specifies that the parking lot would be shielded from Aurora Ave. He questioned regarding the purpose of this requirement. Ms. Markle said this is one of the Development Code standards. It is an aesthetic feature to encourage building fronts on major arterials instead of a parking lot.

Commissioner MacCully said he understands that no structures can be placed on the Interurban Trail right-of-way, but the paving that is proposed presents some drainage questions for him. He said he assumes that whatever drainage is put on the paving is going to be hooked into the system that is being built for the facility. He questioned if this would create more managed impervious surface or just more impervious surface. Ms. Markle answered that it would create more managed impervious surface. The proposal calls for Level III drainage, when they are only required to do Level II.

While waiting for the applicant to prepare for his presentation, Ms. Markle said she found the information the Commission requested regarding how many people are using North 167th Street. She said that during the PM peak hour, there were 32 cars entering and leaving the site via the neighborhood. Staff is anticipating that this amount of traffic would double for a total of 64.

Doug Miller said he is the owner representative for the Drift On Inn and the Club Hollywood proposal. He provided a slide presentation showing the dilapidated buildings on the subject property. He pointed out the signs and buildings that would be removed to accommodate the new development. He also provided slides depicting the development on the surrounding properties. He provided a slide showing the footprint of the proposed development and some of the clock, façade and landscaping that is being proposed.

In regards to life safety issues on North 167th Street, Mr. Miller agreed that there is no sidewalk or way for pedestrians to cross the street. The traffic study shows a minimal amount of people that actually leave the Drift On Inn, turn left and go down North 167th Street. However, there are some trash trucks going down this road as a quick access to the dump.

Mr. Miller pointed out that this is a family-owned business, and nine of the family members work full or part-time at the Drift On Inn. They are the largest private employer in the City and presently employ 196 full or part-time people, the majority of which reside within the City of Shoreline. Club Hollywood would employ about the same number of people. Mr. Miller said that over the last year and a half there have been three traffic studies done for the site.

In addition, the Drift On Inn has donated over \$65,000 to local charities and benefits since 1999. \$20,000 was donated to the YMCA alone.

They are also the title sponsor for the City of Shoreline Fire Department and sponsored a \$10,000 half time hoop shots. They have sponsored dozens of little leagues, soccer, baseball, basketball and bowling leagues, along with several members of the staff being coaches. They provide cash donations, gift certificates and food donations to hundreds of charities and churches.

Members of the family are staff members of the Shoreline School Foundation and on the Board of Directors for the YMCA. They are participants of the Shoreline PTA and members of the Economic Development Committee and Chamber of Commerce. They are committed members of the community.

Mr. Miller said the cost of buying out the long-term lease of Your Choice Video was about \$180,000. This business, along with the Nordic Spa, have both been known as undesirable businesses for the area, and both have been terminated.

Mr. Miller said that it is hoped that Bobby Mitchell will be able to work with the Neighborhood Traffic Safety Program team so that a traffic study can be done to address the issues the community has related to North 167th Street.

William Hubbell, the general manager of the Drift On Inn and the new general manager of the Club Hollywood said that Club Hollywood has been a dream of theirs for quite some time. They hope it will be a beautiful business they can offer to the City of Shoreline. They said they have done some transformations already at the Drift On Inn. Debby's was a former card room that was quite run down, but had been operating in Shoreline since the 1930's. They have made positive improvements to this site. The proposed new development would offer aesthetics that are not currently along the corridor, and would help set a precedence for the sub area plan that the City is proposing to help develop the area economically. This development could provide a role model as to how they want the corridor to look and bring in additional businesses.

Mr. Hubbell said that about 18 percent of the proposed new space would be card room. The additional portions would be a restaurant and piano lounge, as well as a gallery or museum. It would also feature a banquet room, which is needed in the area. The Hollywood theme would be magnified throughout the building.

Mr. Hubbell noted that the City of Shoreline has an 11 percent tax rate on the gross receipts from all gaming in the City. Since 1998, the Drift On Inn has contributed, \$4,207,000 to the City. He emphasized that these taxes are collected on the gross revenue taken in.

Mr. Hubbell said the applicants are also very concerned with the traffic on North 167th Street. He lives in the City of Shoreline and has three children. He is committed to the community, as are the other family members that are involved in the business. They would like to work with the individuals living in the surrounding areas to address the concern. However, they should understand that North 167th Street is surrounded by two commercial properties on the Aurora Corridor.

Therefore, he believes that a lot of the traffic that was identified during the peak hours was traffic leaving the Drift On Inn and exiting to Aurora Ave, and not only exiting towards the residential side of North 167th Street.

Mr. Hubbell noted that the plans identify an exit leaving the Hollywood Casino that would come in from the Debby's side and join the easement between the two buildings. Most of the traffic would be designed to exit onto the Aurora Corridor in a northbound direction. Also, the parking issues have been addressed. They have already been looking at options for additional parking.

One of the largest concerns voiced by the surrounding property owners was that the background for the trail would be beneficial to the community. The area right now is very dilapidated and is being used for dumping refuse, dropping off old cars, etc. They would like to clean the area up and put in a very nicely landscaped parking area that would be much more appealing to the eye.

Chair Doennebrink requested clarification as to the number of parking spaces that could be provided on the Seattle City Light right-of-way. Ms. Markle said she spoke with the applicant about this because they were only showing parking on half of the right-of-way to meet the 176-space requirement. She said she questioned why the applicant was not proposing parking on the other half. The applicant is proposing an amendment now that would include additional improvements to the right-of-way that would add 33 more spaces to the 181 parking spaces that have already been identified. Mr. Hubbell added that the Honest Auto property is also owned by Debby's and they use this parking lot for valet parking.

Celia Kerr, 1300 North 167th Street, said she lives in the first house east of the cemetery on the left hand side of North 167th Street. She asked that the Commissioners read both of the letters she has submitted previously stating her concerns. She said that while the proposed project may meet code with parking, she does not believe it is enough. She referred to pictures of North 167th Street that was provided in a letter from Mr. Jenkins. One shows the parking situation along the street during the Mike Tyson fight when the street was used for overflow parking for the Drift On Inn. The other picture was taken the next morning and illustrates what the street normally looks like. Using North 167th Street for overflow parking during the night has a significant impact on the residential property owners. She noted that no traffic studies have been done at 2:00 a.m. That is when people from this business come ripping down the street, screaming, shouting, cursing, peeling out, etc. She asked that this be taken into consideration. The neighborhood needs help with traffic mitigation for existing traffic, and a large part of this is from the Drift On Inn Casino. She concluded by stating that she hopes the proposed project is not being considered by the Commission as a "done deal" and that the Commission will listen to the public's concerns.

Ms. Kerr provided three written comments from residents of the neighborhood that she submitted as exhibits. She also submitted copies of the traffic data collection that was prepared by the Neighborhood Traffic Safety Program.

Evan Voltsis, 1406 NW 196th Street, said he is a Board member of the YMCA and the Shoreline School Foundation. He said the Drift On Inn is very supportive of both of these organizations and one of the top three financial contributors each year. As a business owner in the community, he is pro business. When he heard the amount of tax revenue the Drift On Inn has paid to the City he was shocked. As a 30-year resident of Shoreline, he does go to the Drift On Inn. He enjoys the environment and feels very safe while there.

As a property owner of commercial property three parcels away from the subject property, he looks forward to the area being cleaned up. He said he has been contacted by the owners for a back up plan if the parking is found to be inadequate.

Steve Matthews, 16541 Ashworth Ave North, said he and his wife have lived in their house for the past 10 years and have seen traffic increase tremendously. A lot of people do not realize there is a stop sign on North 167th Street. He said he has a baby and a three-year old. They don't like to have them out in the front yard because of the traffic along their street already. They don't need the additional traffic from the proposed site. They have had problems with traffic and noise at night, and he has found people passed on his front lawn in the morning. He said it would be a huge mistake to let the proposed project go through, even though he wants to see the City continue to grow. He felt the proposed project would be a setback to the improvements that have already been made. He said he would like to protect the family environment of his neighborhood and avoid the night activities.

Eric Leviny, 1319 North 167th Street, said he agrees with what has been said by the property owners living in the neighborhood. He added his concern about the trash that tends to get deposited on the side of the roads. This has increased over the past several years, and he anticipates that it will continue to increase. Secondly, he said over the last several years he has experienced people pulling out of the Drift On Inn onto North 167th Street without stopping or looking. Recently, someone pulled out right into his daughter's friend, hitting her car and then continued to drive away. Also a few years ago a truck from the Drift On Inn pulled right into the side of his car. Fortunately, it hit the doorpost rather than his door. Just yesterday, someone pulled right out in front of him without looking. He said traffic pulling out onto North 167th is a significant concern for him.

Anthony Poland, 2433 NW 198th Street, said he has reviewed the proposed plans carefully. He said he does not see a lot of problems with the traffic mitigations proposed for North 167th Street, except he does not care for the formatting of the valet parking. He said he feels the applicants are the kind of people the City is looking for to provide some real benefits to the City. There are bound to be traffic mitigation issues on the side streets, and that will be the same throughout the entire corridor as they clean it up. He said he believes that they need to do further traffic mitigation as the corridor goes through—further out into the neighborhoods than just a block or two. This should not necessarily be placed on the shoulders of the new development. Mr. Poland said he believes that the parking situation has been satisfied, as well. He has no opposition to the proposal, as presented.

Mr. Hubbell said he sympathizes with the residents who live close to the Aurora Corridor and have to deal with the traffic. He apologized for any problems that have resulted from their establishment. He emphasized that they want to support the neighborhoods and will do whatever they can to help eliminate the problems. He said that, hopefully, the development of curbs and gutters and no parking signs along North 167th Street would eliminate many of the significant issues. He said that he would be glad to provide the residents with his number so that they can contact him for help to get rid of refuse that is deposited in their area, whether it is connected to patrons of the business or not. He wants to help make sure the neighborhood stays clean. He said he would like to meet with the neighborhood association so that there can be an open plan of communication in developing a safe neighborhood. He said he cares about the residents living in this area and wants the children to be as safe as possible.

He said he would support the idea of only allowing right hand turns coming out of the rear access of Debby's, and this could alleviate a lot of the problems.

Commissioner Doering said she believes that there should be both day and night uses along the Aurora Corridor to promote safety. However, she is concerned about whether or not the City has ordinances in place to address issues such as parking and signing to support the anticipated improvements along Aurora Ave. She suggested that perhaps the City could establish parking zones in this area and only allow neighbors who have stickers to park along the neighborhood streets. Secondly, Commissioner Doering said she is concerned about how the youth will look at the Aurora Corridor. She said she obtained Municipal Research Service information from the Internet that addresses the issue of tobacco advertising on billboards and whether or not there is a relationship between the youth and the advertising they see in their community. This research indicates that advertising does effect how the youth see their community. She said she does not like the flashing sign on Debby's Drift On Inn. Will youth develop an appetite for gambling because it looks so interesting on Aurora Ave?

Chair Doennebrink clarified that the applicant stated that 18 percent of the floor space of the new building would be designated as card room. He questioned how this compares to Debby's. Mr. Hubbell said that this is less than what is provided at Debby's. He explained that the State law requires that an individual be 18 years of age to enter a gambling facility. However, they have a 21-year age limit to become an active participant in their facility.

Commissioner Kuboi inquired if there are any provisions to allow the percentage of card room to increase in the future if demand warrants. Mr. Hubbell said the State law limits the maximum card use to 15 tables, and that is what they are proposing for the new facility. He noted, also, that they are not allowed to have electronic gaming or craps tables. He noted that people under 21 could visit the restaurant area of Debby's. However, patrons must be 21 to be in the facility after 10 p.m.

Commissioner Harris said that he sympathizes with the traffic problems the neighborhood residents have to deal with. He felt that limiting the access onto North 167th Street to right hand turns only would be a great benefit to the residents. He recommended that the Commission consider this as a condition of approval. He said he does not support gambling establishments locally, but the proposal would fit in with the type of businesses already along Aurora.

Lastly, Commissioner Harris noted that any establishment that serves alcohol attracts noisy people at night. While he would like to outlaw all of these types of businesses, the best they can do is keep the patrons out of the neighborhoods.

Mark Mitchell said that after 2 a.m. most bars close and a lot of people hit the streets at the same time. Their establishment (Debby's) is open until 7:30 a.m. and people can stay as long as they want. Not everyone leaves at the same time. He said the State Patrol supported their change of hours from 2 a.m. to 7:30 a.m. The new Club Hollywood will be closed from 3:00 a.m. to 7:00 a.m.

Chair Doennebrink requested clarification of the area identified as video games. Mr. Hubbell said this area is designed to be an area for employee breaks, but the public can go in and play the video games, as well. These games are not gambling games.

Commissioner MacCully said it appears the concerns from the surrounding neighbors are related to traffic and parking. Given the 24-hour nature of the two businesses that will be owned by the same owner, he felt the Commission should focus their concerns to address these issues.

He said it sounds as though adequate parking will be provided. If the parking could be kept out of the neighborhood, he felt this would eliminate a lot of the concerns of the neighbors. Secondly, Commissioner MacCully agreed that turns onto North 167th Street should be restricted to slow down the infiltration of traffic into the neighborhood. Traffic should be directed towards Aurora Ave, which is designed to accommodate this type of traffic.

Mr. Hubbell pointed out that the rear exit from Debby's requires people to turn right towards Aurora Ave. He said that people seeking directions to their establishment are directed to use Aurora Ave and 175th Ave rather than North 167th Street.

Mr. Miller said he supports the four-way stop on North 167th Street. He said he was almost hit in this location the other day. The trees in this area need to be cut back so that the four way stop sign is visible.

Commissioner McClelland said there are three things that she would like to address. First, she felt the Commission needed to have more information about the uses. She said she supports the facility, but she doesn't want to be distracted by what the business contributes to the YMCA and other community groups. She said she would like to focus on the uses that will be located in the facility and the capacity for those uses so that they have a better understanding of the amount of parking spaces they would need. Secondly, Commissioner McClelland said she is concerned about traffic, and suggested that the parking study is inadequate because it only addresses peak hour trips. Some type of nighttime traffic study is needed for that street. She suggested that perhaps North 167th Street could be vacated up to just past the cemetery. Although she does not know if this would be possible or not, it might solve the neighborhood problems. The neighbors in the audience agreed this would be helpful.

Mr. Mitchell said that since the 1930's there have always been a lot of people at the Drift On Inn site throughout the years. He questioned why the problems on North 167th Street have not been addressed before. Commissioner McClelland noted that up until five or six years ago, the property was part of King County, and there was no forum for this type of discussion.

The Commission agreed to extend the meeting to 9:45 p.m.

Commissioner Sands inquired if there is anything in the plans that would require a variance. He questioned if the plans meet the setback and height restrictions, etc. Ms. Markle said that the proposal would meet all of the code requirements and no variance would be necessary.

Commissioner MacCully noted that there is no significant information related to signage for the new development. Mr. Mitchell answered that the large, high-fidelity sign will be removed, but they have not presented a sign proposal for the City's review to date. They would like to have a sign that is attached to the building rather than a large, flashing sign on the street. Ms. Markle said the signage would have to meet the current code regulations.

Chair Doennebrink inquired if there have been any figures identified for building occupancy yet.

Glenn Cunningham, the applicant's architect, answered that the drawings identify the maximum occupancy for the new building. The occupancy for the upper floor is 210, and the maximum occupancy for the lower floor is 447. This includes employees.

Commissioner MacCully inquired if the Commission could recommend that North 167th Street be closed as a condition for approval of the application. Ms. Markle answered that the Neighborhood Traffic Safety Program is in progress and they are hoping that the methods for mitigating the traffic will be identified by the neighborhood. If this group wants the street to be vacated, they could work with the public works and police departments on this type of requirement. She cautioned against conditioning the project now. Chair Doennebrink suggested that the Commission could condition their approval upon the recommendations of the NTSP. Ms. Markle agreed that this would be possible.

Ms. Kerr explained that, according to the staff, the NTSP is a two-year process, and they just started the program this past summer.

Mr. Stewart suggested that the street closure and the possible vacation of the street is in the direct control of the City and not the applicant. He suggested that through the minutes or a side directive to the staff, the Commission could ask that the traffic safety staff carefully consider the closure of North 167th Street or limit the directional traffic. He said his experience with street closures is that there are usually two sides of the issue. There will be people who are not in favor of the closure, as well. The traffic safety program is intended to resolve these types of conflicts.

Commissioner Harris inquired if limiting the left hand turns onto North 167th Street is within the applicant's control. If so, the Commission could at least condition their approval upon this requirement now. Mr. Stewart said it would be appropriate for the Commission to condition their recommendation for approval upon this turning movement limitation. They could recommend that street vacation be considered later.

Commissioner Kuboi inquired if the existing Debby's sign would remain. Mr. Hubbell said the Debby's sign would stand on its own. These are two separate entities. Commissioner Kuboi inquired if there would be any type of neon sign at the rear of the proposed facility. Mr. Hubbell answered that the parking lots would meet the City code requirements and would have to be shielded to limit their impact to the neighborhood. He added that none of the neon trim that is proposed for the building would be visible from the neighborhood.

THE PUBLIC HEARING WAS CLOSED.

Commissioner MacCully summarized that he has heard three specific things the Commission could do to minimize the impacts of the new development to the neighborhood. The first is some way of ensuring that they maximize the number of parking spaces available on site to encourage people not to park on the street.

The second is that they require a right-turn only out of Debby's onto North 167th Street to take customers to Aurora. No left hand turn onto North 167th Street would be allowed. The third would be to consider additional control methods in consultation with the NTSP.

Commissioner McClelland inquired if there are any times where a process such as the NTSP would be expedited on account of an application. Ms. Markle said that in the spirit of fairness, the City would not be able to expedite the process based on a specific application.

The Commission agreed to extend the meeting to 10:00 p.m.

Commissioner Doering said she still has concerns about the signage for Club Hollywood. The Commissioners pointed out that signage for the new development would have to comply with the City's current sign code. Commissioner Doering noted that the sign code is an issue that will be discussed in the near future by the Planning Commission. The Commission agreed that they could not hold this project up pending the Commission's completion of the sign code revisions. Ms. Markle inquired if Commissioner Doering has particular issues she would like to have addressed in general. If so, there is an ability to condition beyond the code. Commissioner Doering said she would rather the gambling be promoted secondary to the other facilities. The Commission agreed this would not be possible or legal.

Commissioner Harris pointed out that the staff addressed the parking issues in their proposed conditions. A continued study is required, and if necessary, parking must be increased within a definite period of time. He said he would support the application with the addition of the amendment related to the right turn only. The Commission inquired if there is an established definition that staff could use to determine if enough parking is available. Ms. Markle explained how the traffic study would be conducted to determine if the parking is adequate after the development is completed.

Mr. Hubbell said that in order to be a successful business, they will do everything in their power to have adequate parking for their guests so that there will be no discomfort to the patrons. They want people to have easy access to the establishment. They will also encourage their employees to carpool.

COMMISSIONER HARRIS MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE APPLICATION AS PROPOSED BY STAFF, WITH THE FOLLOWING AMENDMENTS:

- THAT TURNING ONTO NORTH 167TH STREET BE TO THE WEST ONLY (RIGHT HAND TURN ONLY) WITH PROPER ENFORCEMENT.
- THAT ADDITIONAL TRAFFIC CONTROL METHODS BE CONSIDERED IN CONSULTATION WITH THE NEIGHBORHOOD TRAFFIC SAFETY PROGRAM.

COMMISSIONER MACCULLY SECONDED THE MOTION.

Commissioner McClelland suggested that when the text of the Commission's recommendation is drafted for the City Council, she would hope that the dynamics of the discussion would be made clear. Supporting economic development in the community is imperative. However, an equally important priority is the protection of the existing neighborhoods.

This statement should be made very strong in the Commission's recommendation to the City Council. Ms. Markle suggested that this be added as a finding of fact and conclusion.

THE MOTION CARRIED UNANIMOUSLY.

8. PUBLIC COMMENT

There were no public comments provided during this portion of the meeting.

8. UNFINISHED BUSINESS

There was no unfinished business scheduled on the agenda.

9. NEW BUSINESS

There was no new business scheduled on the agenda.

10. AGENDA FOR NEXT MEETING

Chair Doennebrink noted that the next meeting is scheduled for September 26, 2002 and will be a joint Planning Commission/Parks Advisory Board public workshop on the Gateway Master Plan. The cottage housing tour is scheduled for October 3.

11. ADJOURNMENT

The meeting was adjourned at 9:55 p.m.



Brian Doennebrink
Chair, Planning Commission



Lanie Curry
Clerk, Planning Commission



Shoreline Planning Commission

September 19, 2002

Written Comment

There are already too many casinos located up and down Aurora - we do not need any more.

The project does not allow for enough parking - more cars will crowd our streets - making it less safe and desirable for our homes, families and children

Karin Scott

20033 Bagley Dr. N X205

Shoreline, WA 98133

Please leave this form with the clerk at the end of the meeting

This is a public record



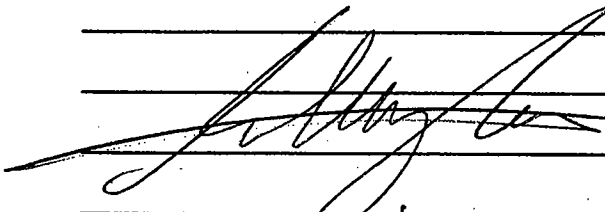
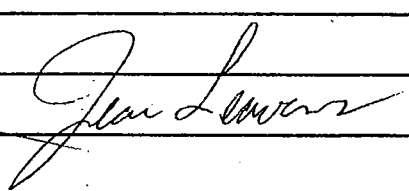
Shoreline Planning Commission

September 19, 2002

Written Comment

STOP SELLING OUR
COMMUNITY-

THE LAST WORD IN CASINO
IS NO!

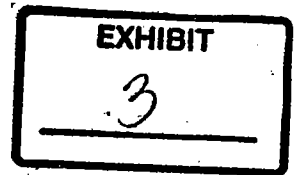
BOB LEAVENS
16137 EVANSTON AVE N
SHORELINE, WA

JEAN LEAVENS

98133
REGISTERED VOTERS

Please leave this form with the clerk at the end of the meeting

This is a public record



Shoreline Planning Commission

September 19, 2002

Written Comment

A CASINO IS THE LAST REFUGE OF
THOSE WHO CAN LEAST AFFORD IT!

WE DO NOT NEED TO ADD MORE GAMBLING
TO OUR ALREADY LONG LIST OF PROBLEMS!

NO CASINO

SUZANNE H. COURAD, H.D.

18763 RIDGEFIELD RD NW

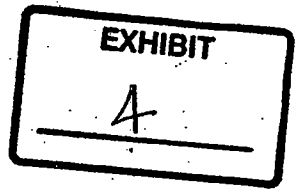
SHORELINE, WA 98177-3226

Suzanne H. Courad

Please leave this form with the clerk at the end of the meeting

This is a public record

City of Shoreline
Neighborhood Traffic Safety Program
Cut-Through Traffic and Speed Monitoring Information



Please, print clearly!

Date: 8-22-02

Volunteer Names: BOB JENKINS

(All volunteers that are present must sign the Volunteer Services Agreement)

Time: From: 5:30 To: 7:30

Posted Speed Limit: 25

E. Duane

Location of Data Gathering (List nearest address or cross-street): AUDORA AVE N & N 167

Where is the nearest speed limit sign? (How many feet away and in which direction?) AT STOP SIGN

* INTO DEPT ON LHS

5:30	Car	Speed	License Plate #	State (if not WA)	Comments
	1		380 LEX	WA	AUDORA AVE AT STOP
*	2		040 JTI		AND GO" SPEED
	3		A 77337C		
			A 77337C		
*	4		681 MGA		
	5		287 MVW		
*	6		326 HVA		
	7		178 JXD		
* 15*	8		348 MET		
	9		735 MSH		
*	10		A60436G		
	11		708 F6V		
*	12		A61525D		
*	13		892 MVL		
*	14		296 AIF		
*	15		695 KYH		
*	16		40371Y		
	17		440 FJM		

	Car	Speed	License Plate #	State (if not WA)	Comments
*	18		28277D		
	19		060MRK		
	20		005	out of STATE	
	21		916 JWB		
*	22		295 LJM		
	23		070 GYK		
203	24		116 KUF		
	25		612 LMH		
N	26		675 LFD		
	27		869 MMB		
*	28		981 JUV		
	29		A9259GD		
	30		068 MPL		
	31		662 LNN		
	32		NEW CAR - NO PLATES		
6:15	33		A04395B		
	34		A75110K		
	35		671 HEE		
*	36		972 KUF		
*	37		966 GVF		
	38		834 HHR		
	39		61948Y		
*	40		324 LOT		
*	41		A77399K		
	42		A05578A		
*	43		13900R		

Car	Speed	License Plate #	State (if not WA)	Comments
44		968 HKB		
45		805478 B		
6:30 * 46		662 JGS		TRAFFIC ON AURORA
* 47		177 ENG		FLOWING SMOOTHLY
48		726 CZA		
49		773 L00		
50		058 LCU		
51		631 LPC		
52		474 NFI		
53		280 EYQ		
54		A58796L		
55		694 MLO		
* 6:45 56		A28277D		
57		A69423I		
* 58		694 KDD		
59		131 FNN		
60		00808	HANDI CAP	
61		315 JZY		
62		720 KFF		
63		253 HMR		
64		861 MGQ		
65		708 JGK		
66		593 HJK		
7:04 67		096 NOK		
68		05497X		
* 69		326 HVA		

Car	Speed	License Plate #	State (if not WA)	Comments
70		A 28073B		
* 71		296 KIF		
72		821 JVG		
* 73		414 FBR		
* 74		594 MLO		
75		A 26847H		
76		343 EAL		
77		249 MLC		
* 78		90829X		
* 79		230 NMD		
80		691 MLN		
7:30 81		MOTORCYCLE		
82				
83				
84				
85				
86				
87				
88				
89				
90				
91				
92				
93				
94				
95				

City of Shoreline
Neighborhood Traffic Safety Program

Cut-Through Traffic and Speed Monitoring Information

Please, print clearly!

Date: 8.22.02

Volunteer Names: Gary Glenney

(All volunteers that are present must sign the Volunteer Services Agreement)

Time: From: 5:30 To: 7:30

Posted Speed Limit: _____

1- out of south parking lot
2- out of north parking lot

EAST BOUND
Location of Data Gathering (List nearest address or cross-street): _____

Where is the nearest speed limit sign? (How many feet away and in which direction?) _____

Car	Speed	License Plate #	State (if not WA)	Comments
5:30 1		953 GKA		every 15 min 2
2		874 HBY		2
3		623 MED		2
4		A196 99C		1
5		713 EMT		
6		A250060		1
7		new car		
8		748 EST		
9		248 NII		
10		100 JHB		
11		A2051AK		
12		224 KSH		1
13	20 MPH	380 LOU		
14		693 JMG		
15		971 JUN		2
16		048 GOS		2
17		681 MBQ		2

Car	Speed	License Plate #	State (if not WA)	Comments
18	744 KDG	744 KDG	§	1
19	955 NQA	955 NQA		
20		476 MWP		2
21		326 HVA		2
22		464 LRV		
23		781 PBU		
24		866 NBA		
25		602 GTF		
26		111 ESD		2
27		A95 394N		
28		036 NIT		2
29		079 HLU		2
30		144 24-X		
31		671 DSV		
32		A960 35C		1
33		609 G ^C W		
34		102 NIS 226 155		2
35		479 H4K 350		
36		696 K4H		2
37		867 KDK	912 345B	2
38		NEW CAR		2
39		321 MW6		
40		D23 SZC		2
41		A77 234K		2
42	112 101F	A282 7TD		2
43		A185 510		2

PAGE TOTAL IN S/NLOTS: 15

1-5 LOT
2-8 LOT
N

6:03

1

1

11

1

6:15

48E
OTAL

W S/N LOTS: 5

Car	Speed	License Plate #	State (if not WA)	Comments
44		A27 68D		2
45		997 MWP		
46		A85369B		
47		290 K86		2
48		A538751		2
49		763 KVD		
50		366 MFT		2
51		179 LNB		2
52		068 MPL		
53		440 FJM		2
54		363 K8I		2
55		A31125N		
56		502 PBN		
57		541 JOS		
58		A581 676		
59		318 LND		
60		251 NQY		
61		413 PEP		
62		397 LBY		
63		968 HKB		
64		new car		
65		915 NAG		
66		738 MIB		
67		6LF ANY1		
68		397 EEE		
69		067 709		

2-N 105
1-5 LOT

Car	Speed	License Plate #	State (if not WA)	Comments
70		5109 COW		
71		071 ENC		
72		664 JTG		
73		9932 29-X		
74		064 LHH		2
75		A389 24N		
76		972 RVF		
77		A852 83I		
78		488 7AL		
79		4195 LEU		
80		726 CZA		
81		331 JTN		
82		808 FWZ		
83		102 LVG		
84		576 FMT		
85		247 MAZ		
86		A04 395B	A04 395B	Action Auto 2
87		631 LPG	631 LPG	
88		A771 68K		
89		254 254 GAS		
90		338 EYN 254		
91		940 RUG		
92		new car		
93		397 LDG		
94		386 685-U		
95		398 KJB	104 104 208	2

PAGE TOTAL: SIN LOTS

18

NTSP Form SMLOG01/ June 2001: Please turn in at
Shoreline: 17544 Midvale Ave. N. Shoreline, WA 98156
Thank you!

ated to Rick Vogler, NTSP Coordinator, City of
Phone: (206) 546-1700 Fax: (206) 546-2726

2-N
1-S

S/N LOT	Car	Speed	License Plate #	State (if not WA)	Comments
	96		798 mmo		2
	97		A334316		
	98		A048 GIM		2
	99		281 FEB		
	100		234 MI4		
	101		162 JXR		
6:45	102		13900-R		2
	103		089 HKB		
	104		981 JMV		2
	105		521 LHI		
	106		708 F6V		
	107		New car		
	108		019 NQ0		
	109		720 KFF		
	110		968 HKB		
	111		786 JGH		
	112		115 KNE		
	113		42539-7		2
1	114		096 NOK		
7:04	115		856 HEG		
1	116		858 JFD		
	117		619 48-4		
	118		166 MFW		
	119		427 KWO		
	120		1081 MGO		2
	121		080 75-Z		2

Page N/S LOT TOTAL 21

2-N

1-S

Car	Speed	License Plate #	State (if not WA)	Comments
122		476 MWP		2
123		821 JVG		
124		326 HVA		2 - Many cars come down from
125		295 LJM		2
126		892 MVL		2
127		770 HUC		
128		515 MGO		
129		296 KIF		2
130		108 GOO		2
131		425 KIQ		
132		394 NQK		
133		187-MCG		
134		869 LNC		
135		092 JHE		
136		594 MLO		2
137		271 PDW		
138		902 MGN		
139		336 NOG		
140		977 MGP		
141		378 HTE		opposite of pulled into apartment by Drift on
142			230 JGP	
143			474 JN1	
144			A09 77G	
145		691 MLN		2
146		302 KND		
147		166 MFW		

Page N/5 Lot TOTAL ☒

NTSP Form SMLOG01/ June 2001: Please turn in
 Shoreline: 17544 Midvale Ave. N. Shoreline, WA
 Thank you!

lected to Rick Vogler, NTSP Coordinator, City of
 Phone: (206) 546-1700 Fax: (206) 546-2726

ATTACHMENT D:

PROPOSED COUNCIL FINDINGS, CONCLUSIONS, AND DECISION

BEFORE THE CITY OF SHORELINE CITY COUNCIL

In re: SPECIAL USE PERMIT FOR CLUB
HOLLYWOOD

Project File No. File # 2002-201148

FINDINGS, CONCLUSIONS AND DECISION

I. Background.

1. The Shoreline City Council is authorized to make a final determination on Special Use Permit applications under Shoreline Municipal Code 20.30.060 and 20.30.330.B considering the recommendation of the Planning Commission and the record of a public hearing conducted by the Planning Commission.
2. The Planning Commission held a public hearing on a Special Use Permit application filed by Club Hollywood on the above referenced project on September 19, 2002.
3. The City Council considered the record of the public hearing and the recommendation of the Planning Commission at a public meeting held on October 28, 2002.

II. Findings and Conclusions.

Based on the record of the public hearing held on this application the City Council enters the following FINDINGS OF FACT:

1. Project Description

The Special Use Permit Application before the City Council is a request to allow the expansion of a legal nonconforming gambling use at Club Hollywood located at 16716 Aurora Avenue North. Until recently, the project site included five buildings and associated accessory structures in poor condition located on a total of five parcels. The project details include the following:

- Demolition of all structures on five parcels including the existing Club Hollywood
- Construction of a new Club Hollywood that will be two stories with 19,359 sq. ft. +/- of restaurant, banquet room, bar and a fifteen (15) table card room
- A gallery inside to display a large collection of Hollywood memorabilia
- The structure will have a pitched metal roof and a stucco exterior finish
- The proposed height of the structure is 33.7 feet facing west on Aurora Avenue North and 46 feet on the east side
- Construction of a low wall and trellis on the north side of the building to shield the parking area from the Aurora Avenue street frontage
- Pedestrian entry plaza facing Aurora Avenue North
- Public art displayed in the arches of the trellis located in front of the parking area
- Other architectural features include a clock tower, cornices, arches, large glass entry on Aurora Avenue North, glass elevator, and use of glass blocks
- Two existing driveways on Aurora Avenue North will be combined into one new driveway
- Club Hollywood and Debby's Drift On Inn will share access drives on Aurora Avenue North and North 167th Street

- Construction of 122 parking spaces on site with the capability through valet parking to accommodate up to 148 cars and 66 off-site parking spaces secured through a lease with Seattle City Light adjacent to the proposed project site (188 spaces)
- Construction of curb, gutter, sidewalk and amenity zone on Aurora Avenue North and North 167th Street including street lighting
- Construction of Interurban trail crossing at 167th Street
- Employment of 200 people

2. Site

The subject property is 1.6 acres in area, with less than 80% of the area being impervious surfaces (Note: 90% is the maximum allowable impervious surface). The site contained five (5) buildings, associated accessory structures including signage, broken pavement, junk cars, and debris that are in the process of being demolished and removed from the site. The site slopes on average about 8% with the steepest slope being 14%. The site is now comprised of five separate lots. There is only one tree on the site and the property owner is trying to save it.

3. Neighborhood

The subject property is located adjacent to Aurora Avenue North. A variety of land uses surround the site. Regional businesses such as Debby's Drift On Inn restaurant, bar and casino are located to the south; the Seattle City Light property and future home of the Interurban Trail are located on the eastern boundary; the Maytag appliance store (currently for sale) is to the north; and a car dealer, tobacco store, and Sugar's Adult Entertainment Club are located across Aurora Avenue North to the west. Please see Attachment A – Sheet A1.3. The Shoreline Neighborhood in which the proposed project would be located is Meridian Park. The properties to the east just beyond the Seattle City Light Right of Way are low to medium density residential dwellings. A cemetery that separates the proposed project from residential uses is located directly behind the proposed project site beyond the Seattle City Light Right of Way.

4. Traffic and Pedestrian Safety

Club Hollywood has proposed shared access and parking with the neighboring Debby's Drift on Inn. Currently, there are two access drives from Debby's to North 167th Street. The traffic study prepared by Transportation Planning and Engineering, Inc. states that Club Hollywood can be expected to generate the same level of traffic as the neighboring Debby's Drift On Inn. Based on this assumption, the estimated p.m. peak hour trips would be 86 (49 entering and 37 exiting) for Club Hollywood and 86 (49 entering and exiting) for Debby's for a total of 172 trips in and out of both sites including all access points. About 46% of these trips are expected to be made using the two driveways on North 167th Street.

It is also difficult to make a left turn from the site to Aurora Avenue to go southbound and from Aurora Avenue to the site. It is assumed that many persons entering and exiting the existing Debby's Drift On Inn and the proposed Club Hollywood will use the North 167th exit/entrance to avoid making left turns to and from Aurora Avenue North.

Currently there is no sidewalk along Aurora Avenue North in front of the project site.

A neighbor stated that delivery trucks are parking on North 167th at the intersection with Aurora Avenue North often partially blocking the lane of travel creating a hazardous condition.

5. Parking

The current plans denote 122 on-site parking spaces. Based on the application of the Development Code Supplemental Index criteria for Gambling Establishments, the minimum off street parking for gambling establishments shall be at a minimum one parking space per 75 square feet of net usable area (excludes walls, corridors, lobbies, and bathrooms), plus five parking spaces per card table, plus one parking space per every three seats (not associated with a gaming/card table) available for gambling or viewing of gambling activities. Parking for the

square footage of each type of use shown in the proposed structure requires a minimum of 176 parking spaces. Based on a parking demand study submitted as part of the application submittal, the peak parking demand could be as high as 187 parking spaces. It is important to note that staff has only found parking standards for tribal or resort style casinos such as found in Las Vegas or Reno, Nevada which are a more intensive use than a fifteen table card room, restaurant and bar.

The applicant has secured a lease to park on the Seattle City Light property located behind the proposed Club Hollywood. This area is proposed to provide an additional 66 parking spaces for Club Hollywood. In addition to the 122 on site parking spaces and 66 leased spaces, Club Hollywood proposes to utilize valet parking during the peak business hours. The property owner has proposed to accommodate an additional 26 parking spaces with valet parking. The Shoreline Fire Inspector reviewed the valet parking proposal and determined that the emergency access as conditioned will be adequate to serve the proposed project with or without the valet parking.

6. Fire Safety

The property owner has requested that access for emergency vehicles be accommodated by a shared access with Debby's Drift On Inn. The Shoreline Fire Department Inspector has considered this request and determined that adequate emergency access to the proposed structure and turn around space for emergency vehicles can be accommodated by the shared access if the lots are merged or a permanent access easement is recorded. In addition, an additional fire hydrant may be required as part of the building permit depending on the final approved design of the structure and associated parking.

7. Light Pollution

The effect of glare and light pollution from the proposed project on the residential neighborhood to the east was raised as an issue

8. Special Use Permit Criteria

Section 20.30.330.B of the Shoreline Municipal Code outlines the criteria by which SUP applications are reviewed. The City shall grant a special use permit, only if the applicant demonstrates that it meets each of the Special Use criteria. The following is a list of criteria and facts relevant to each.

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

The proposed project will demolish five structures and associated accessory structures and signage that are in poor condition. Many of these structures have been vacant or sporadically occupied for years. In addition, the proposed use, restaurant with bar and card room, replaces such uses as the Nordic 24 Hour Spa and the Your Choice Adult Video store.

The proposed project will redevelop 333 linear feet on Aurora Avenue North including the installation of sidewalk, curb, gutter and the amenity zone on both Aurora Avenue North and North 167th Street. The property owner has agreed to construct or fund the construction of the portion of the Interurban Trail project, specifically the curb, gutter, sidewalk, amenity zone and curb cut for the trail's crossing at North 167th Street. The property owner has also offered to add public art consistent with the "Hollywood" theme to the arched trellis used to shield the parking lot from Aurora Avenue North

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

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

Uses to the North

- Maytag Appliance store – currently vacant

Uses to the South

- Debby's Drift On Inn (restaurant, bar, and card room)
- Honest Auto Repair

Uses to the East

- Seattle City Light property – 100 feet wide and runs entire length of proposed project
- Sephardic Cemetery

Note: Beyond the cemetery there are low to medium density residential units

Uses to the West

- Used Car lot
- Sugar's Adult Entertainment Club
- Tobacco Store
- Office Building

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

The project as conditioned will address issues raised concerning vehicular and pedestrian safety. Both day and night uses on the Aurora Corridor promote safety.

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

The proposed use of a restaurant and bar with a card room would be located adjacent to Debby's Drift On Inn and across the street from Parker's Casino. However, this is not a detrimental over concentration of a particular use. If allowing the particular use would exceed the capacity of the city's infrastructure or public services such as police, fire, schools, then and the use would be considered a detrimental over concentration.

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

Through site analysis, review of the traffic study, and public comments it was determined that the project as proposed could be hazardous or conflict with existing and anticipated traffic in the neighborhood. However, the project as conditioned will address and reduce these hazards and conflicts. Through the completion of frontage improvements on North 167th Street and Aurora Avenue North, financial support to implement the NTSP on North 167th Street, the consolidation of access drives on Aurora Avenue North, and the construction of a portion of the Interurban Trail project, existing and anticipated hazards and conflicts with traffic in the neighborhood will be reduced.

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

The property owner has obtained proof that adequate sewer and water services are available. The Shoreline Fire Inspector has been involved with the review of this project and recommended conditions to ensure that this criterion is met. The property owner has submitted a preliminary drainage plan for the project that meets the City's requirements. Anticipated impacts on

transportation facilities including pedestrian facilities, are mitigated by the recommended Special Use Permit conditions.

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

The proposed project is subject to the Commercial Development design standards denoted in the Development Code. The applicant has also submitted a detailed site plan and elevations. A Special Use Permit condition will require the property owner to construct the project as submitted in this proposal. This will eliminate the risk of a completely new or substantially changed design from being constructed. The location, size and height of the proposed project do not hinder the development or use of neighboring properties. In fact, as part of the proposed project, the property owner will be financially assisting in the development of the Interurban Trail on the neighboring Seattle City Light property.

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

The Comprehensive Plan does not have any policies that specifically relate to gambling. The proposal is consistent with the following Comprehensive Plan policies:

ED20: Encourage land uses, which increase the city's tax base.

LU1: Preserve environmental quality by taking into account the land's suitability for development and directing intense development away from natural hazards and important natural resources.

LU39: Ensure vital and attractive commercial areas through public/ private investments including: pedestrian amenities and street aesthetics, such as trees, benches, etc.; adequate transportation services such as bus routes, parking, roads, loading and delivery zones, bicycle and pedestrian routes; public spaces such as plazas, pocket parks, intersection treatments and amenities, and public squares; appropriate signage excluding billboards; transportation demand management programs such as carpooling and bus usage; and gateway treatments and public art.

T39: Aggressively pursue construction of the Interurban Trail.

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

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

Supplemental Index Criteria for Gambling

The project as proposed and conditioned to provide 176 off street parking spaces meets this Supplemental Index criteria.

Based on the foregoing Findings of Fact and the recommendations of the Planning Commission the Council enters the following CONCLUSIONS OF LAW:

1. Construction of the proposed project would likely result in an increase of traffic on North 167th Street. The increased traffic on North 167th Street that is anticipated to impact the neighborhood to the east of the proposed project site must be mitigated in order to meet the criteria for a Special Use Permit and to reduce the impacts of development on the City's neighborhoods.

The property owner should fund a portion of the Neighborhood Traffic Safety Program (NTSP) of Phase I, "Education" and traffic "Enforcement" to encourage behavior changes that lead to safer streets, (up to \$3,000) and Phase II, "Engineering" solutions such as traffic circles, speed bumps and narrowed lanes for traffic calming (up to \$10,000) based on the North 167th NTSP. This

information will be used to determine the impacts associated with the use and in turn require the property owner to fund a proportionate amount of the engineering solutions as determined by the NTSP. In addition, to address existing and future traffic generated by the casinos on North 167th Street, the applicant should install "Right Turn Only" sign and physical barrier to limit left turns at the shared access drive on North 167th Street.

The applicant shall require delivery trucks to access Club Hollywood from Aurora Avenue North and a loading space should be incorporated into the site design.

Due to the anticipated increase in traffic associated with the two restaurant/bars with card rooms taking access on North 167th Street, the property owner should construct curb, gutter, sidewalk, and the amenity zone on the north side of North 167th Street from Aurora Avenue North to the Seattle City Light west property line (area adjacent to Debby's Drift On Inn). The property owner should construct curb, gutter, sidewalk and amenity zone along the property's Aurora Avenue North frontage. This pedestrian facility will connect to the existing sidewalk in front of Debby's Drift On Inn.

2. The site plan as submitted does not include enough parking spaces. The property owner must at a minimum provide 176 parking spaces for Club Hollywood. A parking demand study will be performed by the City at the property owner's expense following the opening of Club Hollywood to determine if the 176 parking spaces are adequate. If the parking demand study reveals that 176 parking spaces are not adequate, the property owner will have to secure the additional parking as determined through the parking demand study within 120 days. (Note: this parking would be above the required number of spaces, which are 176 spaces).

Leased spaces may count as part of the 176 required spaces – provided that if the lease is revoked, the property owner must secure 66 parking spaces that meet the parking standards in effect at the time the revocation occurs or be subject to penalties and fines associated with a Code Enforcement action. 26 valet parking can be used to meet the required parking standards. This would bring the total new parking spaces available to 214.

3. The Debby's Drift On Inn and Club Hollywood lots should be merged or a permanent access easement recorded to assure future access for emergency response.

4. The property owner should provide full cut off (shielded) outdoor lighting fixtures.

5. The proposed project as conditioned by the Planning Commission recommended conditions of approval, meets the Special Use Permit Criteria and the Supplemental Index Criteria for gambling uses.

6. The Council concurs in the Planning Commission conclusion that supporting economic development and protecting existing neighborhoods are equally important.

III. Decision

The City Council APPROVES the Special Use Permit for the above project subject to the conditions recommended by Planning Commission attached as Exhibit A.

Dated this ____ day of October 2002.

Mayor Scott Jepsen

EXHIBIT A:

RECOMMENDED
SUP CONDITIONS
AND SEPA
THRESHOLD
DETERMINATION

CONDITIONS OF SPECIAL USE PERMIT 2002-201148

The special use, Club Hollywood, in addition to the standards of the Development Code and the conditions stipulated in the Mitigated Determination of Non-significance (Exhibit A-1), is subject to the conditions recited herein as follows:

- 1) The following features on site plans submitted by Old 99 Property Group LLC to the City of Shoreline on April 12, 2002 and revised on August 16, 2002 shall control development with allowances for minor changes to materials and design*:
 - Structural design, façade materials, rooflines
 - Orientation and siting of structures
 - Building height
 - Building bulk and scale
 - Lot coverage for buildings
 - Impervious surface coverageAll minor changes shall be approved by Planning and Development Services.
*Minor changes to materials and design are limited to changes that meet or exceed the intent of development requirements denoted in SMC Title 20.
- 2) The project as proposed shall provide 176 parking spaces. In accordance with SMC 20.50.410, required parking may be supplied in a shared parking facility or on adjacent property. Valet parking spaces may also be counted as required parking spaces if approved by the Director and the Shoreline Fire Department Inspector. The Fire Department will allow the valet parking as shown in Exhibit A-2 Figure 8-C from the Traffic Impact Analysis and Parking Demand Study submitted, provided:
 - a. The project site parcels (072604908607, 072604907609, 072604910405, 072604909704, and 072604909308) are merged with 0726049081 (the parcel on which adequate access for fire safety is proposed) or a permanent easement is recorded on the title of the parcel granting emergency vehicles access to the Club Hollywood site; and
 - b. A fire lane must be shown extending out to either Aurora Avenue North or North 167th Street.
- 3) The property owner shall record an agreement for shared parking encompassing all of the required parking for Club Hollywood that is located on other parcels of land. The agreement shall include the duration of the parking agreement, terms for renewal, terms for revocation, number of shared parking spaces, hours of operation for each use sharing the parking spaces, and other limitations. This document shall be recorded and a copy shall be provided to the City prior to certificate of occupancy. In the event that a shared parking agreement is terminated during the time this use is in existence, the property owner shall have 45 days to locate and secure parking to replace those spaces that were required as part of this permit. If the property owner is unable to comply with this condition, it shall be deemed a code enforcement issue subject to the City's development code enforcement provisions in affect at the time of the violation.

- 4) Lot lines shall be merged for the following parcels prior to issuance of a building permit: 072604908607, 072604907609, 072604910405, 072604909704, and 072604909308, through the Lot Merger application process.
- 5) The property owner must protect the pedestrian crossing signal controls during construction. Should these signal controls be damaged during construction, the property owner shall contact the City's Customer Response Team at 206-546-1700 immediately and be required to pay for the costs associated with repair of the signal.
- 6) Construct or provide payment in lieu of construction for approximately 50 feet of curb, gutter, amenity zone and sidewalk at the North 167th Street crossing of the Interurban Trail. The location and construction standards to be used shall be approved by the City of Shoreline and Seattle City Light as part of a right of way permit.
- 7) Based on the timing of the Aurora Corridor Capital Improvements project, the property owner may be required to post a bond or other approved financial guarantee for the cost of the improvements to be installed in coordination with the capital project. The Aurora Corridor project manager or his/her designee may allow underground conduits to be placed along the property frontage, in lieu of undergrounding the electrical and telecommunications distribution lines.
- 8) As part of the Lot Merger process, the property owner shall record a stormwater drainage covenant on the title of the property, which provides access to the City of Shoreline to inspect the facility. In addition, a 10 foot wide public drainage easement shall also be required for stormwater conveyance.
- 9) The property owner shall record an access easement on parcel #0726049081 (currently the site of Debby's Drift on Inn) denoting the shared access points on Aurora Avenue North and North 167th Street; or merge the lot lines between the parcels #0726049081 and #0726049086 through the Lot Merger process to fulfill this condition.
- 10) The property owner shall install a fire hydrant if deemed necessary by the Shoreline Fire Department prior to receiving a certificate of occupancy. An additional hydrant will most likely be required on the eastern side of the proposed project. The exact location will be determined after the final parking configuration and fire lane locations are determined.
- 11) A separate Right of Way Permit shall be submitted to Planning and Development Services and must be issued prior to any work beginning in the Right of Way.
- 12) In addition, to the frontage improvement required under the MDNS on North 167th Street, street lighting shall be installed on North 167th from Aurora Avenue to the property's boundary with the Seattle City Light property.
- 13) Frontage improvements on Aurora Avenue North shall be consistent with the Aurora Corridor Capital Improvement Project and shall be reviewed through the Right of Way Permit process prior to construction. Frontage improvements shall include:
 - An eight foot wide sidewalk, four foot wide amenity zone, curb and gutter shall be constructed along the portion of Aurora Avenue North abutting the project to join

the existing sidewalk, curb, gutter and amenity zone located south of the project site. The amenity zone shall include street trees, street lighting and a continuation of the existing landscaping strip to the south of the project. The property owner shall submit as part of the building permit the number, location, species, and planting detail for the street trees.

- As part of the Lot Merger process, a public easement shall be recorded for any frontage improvements including utilities that need to be constructed outside of right-of-way boundaries.
14. The property owner shall install a "Right Turn Only" sign at the eastern most shared driveway's intersection with North 167th Street. A barrier fixture shall be installed at this driveway entrance to physically restrict left hand turning movements (i.e. c-curbing, bollards – fixed or removable, porkchop island). This condition is contingent upon approval by Seattle City Light as this driveway is located on Seattle City Light property.



**SEPA THRESHOLD DETERMINATION
MITIGATED DETERMINATION OF NONSIGNIFICANCE (MDNS)**

Club Hollywood Casino

PROJECT INFORMATION

Date of Issuance: August 29, 2002

Proposed Project Description: The applicant is applying for a Special Use Permit pursuant to SMC 20.40.372 for the purposes of expanding a gambling use. Specifically, the applicant proposes to demolish five existing buildings including the Hollywood Pizza restaurant and card room, and construct a new two story, 19,359 sq. ft. restaurant and card room.

Project Number: 2002-201148

Applicant: Mark and Bobby Mitchell

Location: 16716, 16724, 16730, 16735, and 16740 Aurora Avenue North – The property, which is just north of Debbie's Drift On Inn, is currently occupied by five older buildings.

Parcel Number: 072604908607; 072604907609; 072604910405; 072604909704; and 072604909308

Current Zoning: Regional Business

Current Comprehensive Plan Land Use Designation: Mixed Use

Public Hearing Date Thursday, September 19, 2002 at 7:00 p.m. in the Board Room at the Shoreline Center, 18560 1st Avenue NE

SEPA Appeal Period Deadline September 12, 2002

THRESHOLD DETERMINATION: Mitigated Determination of Nonsignificance (MDNS).

The City of Shoreline has determined that the proposal, as modified by the required mitigation measures will not have a probable significant adverse impact on the environment and that an environmental impact statement is not required under RCW 43.21C.030(2)(c). This decision was made after visits to the project site and review of the environmental checklist, site plans, building elevation plans, traffic study, preliminary drainage report, and other information on file with the City. This information is available to the public upon request at no charge.

MITIGATION MEASURES REQUIRED UNDER SEPA SUBSTANTIVE AUTHORITY: The following conditions are required to clarify and change the proposal in accordance with WAC 197-11-350:

1. The applicant will be required to fund Phase I of the Neighborhood Traffic Safety Program (NTSP) at a cost of \$3,500 due within ten days of issuance of the Special Use Permit. Phase I of the NTSP will be used to gather baseline information on speeding, traffic volume and safety on North 167th Street from the eastern intersection of Aurora Avenue North to Meridian Avenue prior to occupancy of Hollywood Casino. As part of the NTSP Phase I, within six months, but no sooner than four months after opening Club Hollywood, the City will conduct seven-day traffic counts for North 167th Street. These counts will be used to determine the percent of the traffic volume on North 167th Street associated with Debbie's Drift on Inn and Club Hollywood. Any

- payment not expended shall be credited as part of the payment required under the property owner's Phase II obligation or be refunded with interest at the rate applied to judgements to the property owner of record at the time of the refund; however, if the payment is not expended within three years due to delay attributed to the property owner or agent of the property owner, the payment shall be refunded without interest.
2. If the NTSP on North 167th Street advances to Phase II and physical devices are identified to mitigate traffic volumes or speeding identified in Phase I, the property owner will be required fund a percentage of these improvements. The percent of the average daily trips on North 167th Street attributed to Debbie's Drift On Inn and Club Hollywood will be used to determine the property owner's proportion of the costs of implementing the NTSP Phase II on North 167th Street. The property owner shall post a three year financial guarantee of \$10,000 as a condition of building occupancy. Any payment not expended shall be refunded with interest at the rate applied to judgements to the property owner of record at the time of the refund; however, if the payment is not expended within three years due to delay attributed to the property owner or agent of the property owner, the payment shall be refunded without interest.
 3. Within six months, but no sooner than four months, after opening Club Hollywood, the City as part of the NTSP will conduct a parking demand study that includes all on site, off site, and shared parking areas utilized by Club Hollywood. The property owner will be given the opportunity to review and comment on outcomes of the study. If the parking demand study indicates that parking is not adequate, the owner of Club Hollywood shall supply the number of additional parking spaces as indicated in the study. The property owner may purchase or lease additional property, enter into a long term shared parking agreement with a nearby property owner, construct a parking structure, or suggest a different method to be approved by the City to meet this requirement. The property owner shall have 120 days to mitigate the parking impacts in accordance with SMC Chapter 20.50.380-20.50.420. If the property owner is unable to comply with this condition, it shall be deemed a code enforcement issue subject to the provisions of SMC 20.30.720-20.30.790.
 4. Improvements for half street, curb, gutter, amenity zone, and sidewalk as defined in SMC 20.70.030 and 20.70.220 shall apply to the northern boundary of North 167th Street from its eastern intersection with Aurora Avenue North to the Seattle City Light property line in addition to the frontage improvements required along the portion of the property abutting Aurora Avenue North.
 5. Delivery trucks serving Club Hollywood shall be limited to ingress and egress from Aurora Avenue North and shall not be allowed to ingress or egress on N. 167th Street. A loading space is required to serve Club Hollywood and shall be designed in accordance with SMC 20.50.410 (L)(M). Violation of this condition will be deemed a code enforcement issue subject to the provisions of SMC 20.30.720-20.30.790.
 6. In order to meet the policies of the City's Comprehensive Plan and the performance standard noted in SMC 20.50.260(D), the applicant shall install full cut off outdoor lighting fixtures.

SEPA conditions are required to mitigate identified adverse impacts regarding transportation, pedestrian facilities, and light pollution and are based on the policies in the Shoreline Comprehensive Plan, SEPA policies, and the Shoreline Municipal Code as provided under SMC 20.30.670. Please see the Shoreline Comprehensive Plan e.g. Policies LU54, T1, T30, T31, T42, T50, T51, T53, T76, EN2, and CD11, RCW 43.21C.020, and SMC Chapters 20.50.220, 20.50.225, 20.50.250, 20.50.260, 20.50.390, 20.60.150, 20.70.210, and 20.70.220 for more information about the sources of SEPA Substantive Authority. SEPA conditions supplement the existing requirements of the Shoreline Municipal Code. Please note that additional project conditions will be required based on the application of code standards to this project and possibly as an outcome of the Special Use Permit process.

PUBLIC COMMENT AND APPEAL INFORMATION

The optional DNS process, as specified in WAC 197-11-355, has been used. A Notice of Application that stated the lead agency's intent to issue a DNS for this project was issued on August 1, 2002 and a 14 day comment period followed. There is no additional public comment for this MDNS. This threshold determination may be appealed within 14 calendar days following the issuance of this notice. Appeal of the SEPA threshold determination must be received by the City by 5:00 p.m. on September 12, 2002. Appeals must include a fee of \$364.00 and must comply with the General Provisions for Land Use Hearings and Appeals in sections 20.30.170-270 of the Shoreline Development Code. If an appeal is filed, the City will include it with the required open record pre-decisional public hearing on the Special Use Permit that will be conducted by the Planning Commission. The public hearing is currently scheduled for September 19, 2002. An appeal of the SEPA determination would necessitate the rescheduling of this public hearing. Issuance of the Threshold Determination does not constitute approval of the

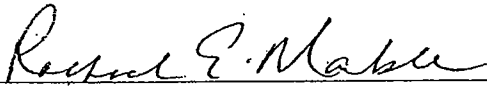
Special Use Permit. If this project obtains a Special Use Permit, a building permit, right-of-way use permit, and other ancillary permits will be required.

PUBLIC HEARING

The Planning Commission will conduct an open record public hearing on Thursday, **September 19, 2002 at 7:00 p.m.** in the Board Room of the Shoreline Conference Center at 18560 First AVE NE, Shoreline, WA. Public testimony will be accepted during this hearing. All interested Citizens are encouraged to attend the public hearing and may provide written and/or oral testimony during the public comment period of the hearing. The Planning Commission will make a recommendation on this project proposal to the Shoreline City Council. The City Council is the final decision making authority on this project. Appeal of a City Council decision shall be made to Superior Court.

The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 206.546.8919 in advance for information. For TTY telephone service, call 206.546.0457. For up-to-date information on future agendas, call 206.546.2190.

For questions or comments, contact the project manager, Rachael Markle, at 206.546.6778, or write to Planning and Development Services, City of Shoreline, 17544 Midvale Avenue N., Shoreline, WA 98133.



Rachael Markle
SEPA Responsible Official
Department of Planning and Development Services
City of Shoreline

Date

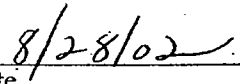
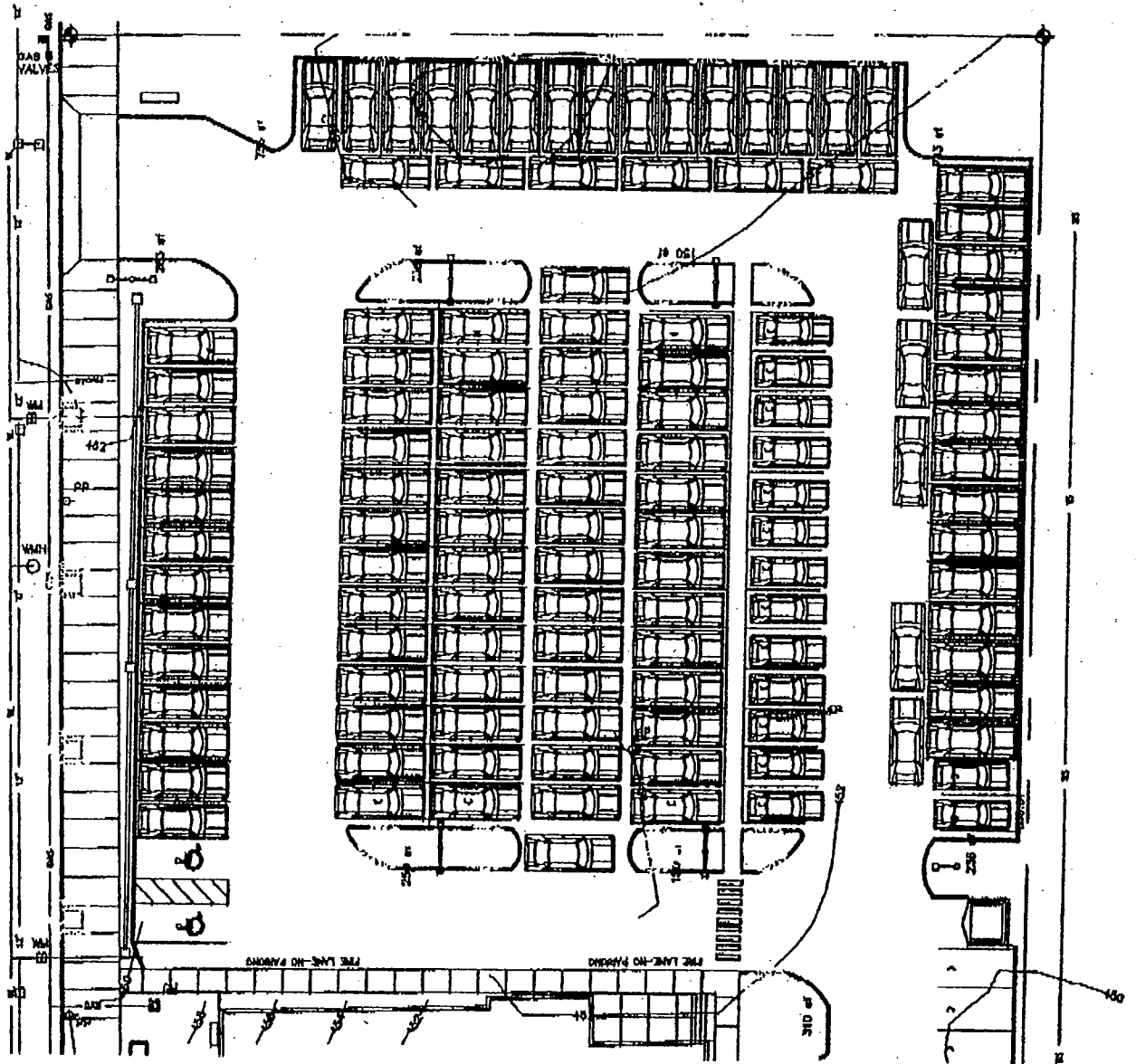


EXHIBIT A-2

N
not to scale



PARKING AREA WITH VALET PARKING
CLUB HOLLYWOOD CASINO TRAFFIC IMPACT ANALYSIS
AND PARKING DEMAND STUDY



FIGURE
8C