CITY OF SHORELINE

AGENDA

SHORELINE CITY COUNCIL SPECIAL MEETING

Monday, August 20, 2007
6:30 p.m.

Shoreline Conference Center
Mt. Rainier Room

		Page	Estimated Time
1.	**CALL TO ORDER**		6:30
2.	**FLAG SALUTE/ROLL CALL**		
3.	**CITY MANAGER'S REPORT AND FUTURE AGENDAS**		
4.	**COUNCIL REPORTS**		
5.	**GENERAL PUBLIC COMMENT**		6:45

This is an opportunity for the public to address the Council on topics other than those listed on the agenda, and which are not of a quasi-judicial nature. The public may comment for up to three minutes; the Public Comment under Item 5 will be limited to a maximum period of 30 minutes. The public may also comment for up to three minutes on agenda items following each staff report. The total public comment period on each agenda item is limited to 20 minutes. In all cases, speakers are asked to come to the front of the room to have their comments recorded. Speakers should clearly state their name and city of residence.

6.	**APPROVAL OF THE AGENDA**		7:00
7.	**ACTION ITEMS: OTHER ORDINANCES, RESOLUTIONS, AND MOTIONS**		7:00
	(a) Ordinance No. 478 amending the Shoreline Municipal Code Title 20.30.560 Categorical Exemptions, and 20.50.020(2) Densities and Dimensions for Residential Development in Nonresidential Zones	1	
	(b) Contract Amendment for Legal Services	15	
8.	**STUDY ITEMS**		7:30
	(a) 15th Avenue NE Roadway Configuration Options	19	
9.	**ADJOURNMENT**		8:00

The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 546-8919 in advance for more information. For TTY service, call 546-0457. For up-to-date information on future agendas, call 546-2190 or see the web page at www.cityofshoreline.com. Council meetings are shown on Comcast Cable Services Channel 21 Tuesdays at 12 noon and 8 p.m., and Wednesday through Sunday at 6 a.m., 12 noon and 8 p.m. Online Council meetings can also be viewed on the City's Web site at http://cityofshoreline.com/cityhall/citycouncil/index.cfm.

Council Meeting Date: August 20, 2007 **Agenda Item: 7(a)**

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Ordinance 478 - Amendments to the Development Code
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Joe Tovar, Director Steven Szafran, Associate Planner

PROBLEM/ISSUE STATEMENT:

The City Council adopted thirteen development code amendments at the June 11, 2007 meeting, but held over for subsequent further review three items: proposed amendments #5, #9 and #14. Under Council Rule 3.2 Councilmembers McGlashan and Gustafson have requested that this item be placed on the August 20th agenda for action. Staff has reviewed the concerns and questions expressed by Council members and provides below a summary and clarification for two of the amendments.

ALTERNATIVES ANALYZED: The following options are within Council's discretion:

1. The Council could adopt amendments #5 and #9 as recommended by the Planning Commission and Staff by adopting Ordinance No. 478 (Attachment 1).
2. The Council could adopt revised versions of amendments #5 and/or #9, provided that the revisions were within the scope (i.e., did not exceed the parameters) of the alternative presented by the Planning Commission.
3. The Council could choose not to adopt amendments #5 and/or #9.
4. The Council could remand amendments #5 and/or #9 to the Planning Commission for further public hearing. If the Council does so, it should provide some direction as to what specifically the Commission should focus its review on.

FINANCIAL IMPACTS:

There are no direct financial impacts to the City of the amendments proposed by Planning Commission and Staff.

RECOMMENDATION

Motion to adopt Ordinance 478.

Approved By: City Manager ___ City Attorney ___

INTRODUCTION

Sixteen potential development codef amendments were discussed at the June 11, 2007 Council meeting and the Council passed 13 of them. Council reached no decision on amendments #5, #9 and #14, and directed that these be brought back for Council consideration at a subsequent meeting.

BACKGROUND

A notice of Public Hearing, request for public comment, and preliminary SEPA threshold determination was published February 15, 2007. No comment letters were received from citizens or public agencies receiving the notice. The Public Hearing was held before the Planning Commission on March 15 and April 17, 2007. Two citizens spoke in support of Amendment #9 (20.50.020(2) - Residential Densities in Commercial Zones). There was no comment on either Amendments #5 or #14.

AMENDMENTS AND ISSUES

Exhibit 1 to Attachment A includes a copy of the original and proposed amending language shown in legislative format. Legislative format uses ~~strikethroughs~~ for proposed text deletions and underlines for proposed text additions. The following is a summary of the proposed amendments, with staff analysis and Planning Commission recommendation. The Commission recommended approval of Amendment #5 and Amendment #9. The Commission recommended that Amendment #14 not move forward. The staff concurs in all respects with the Commission's recommendations..

Amendment #5—Increase the SEPA exemptions for minor new construction

This amendment would raise the threshold for when a SEPA checklist would have to be submitted with minor new construction, exempting new residential structures of up to 20 dwelling units, new commercial space up to 12,000 square feet with parking for up to 40 automobiles, and the construction of a parking lot for up to 40 automobiles.

Redundant regulation does not increase environmental protection, but does add to the cost of all development, including housing. It also frustrates GMA Goal #7 which states that local government permit processes should be timely, fair, and predictable. The Planning Commission recommended to exempt minor new construction from SEPA in order to streamline the permit process without sacrificing environmental protection.

At the June 11 meeting, several Council members voiced support of the proposal while other expressed questions and concerns. Following are staff responses and clarifications to questions raised by Council members:

1. This amendment does not excuse new development of any size from the City's requirement that developments meet public facility standards. All proposals must meet adequacy of public facility criteria enumerated in the Development Code including traffic, sewer, water, and surface water controls *regardless of whether SEPA review is required.*

2. The amendment does not lessen City or public review requirements for plats and short plats. Public notice and process is still mandatory for short subdivision and subdivision review.

3. The amendment does not affect review requirements for sites with critical areas or critical areas buffers. The proposed SEPA exemptions would not apply to development proposals on sites with critical areas or buffers, so sites with critical areas will continue to be subject to SEPA environmental review.

4. The amendment will require SEPA threshold review for some conditional use permits and temporary use permits. For consistency with SEPA provisions, conditional use permits and temporary use permits will be evaluated under the SEPA rules. This has not been the case until now.

Amendment # 9 – Residential density in CB zones within walking distance of transit and services along Aurora and Ballinger Way

Amendment #9 would modify the code to regulate residential density in CB (Community Business) zones in the same way as RB (Regional Business) zones, provided that those CB zones are within 1300 feet of Aurora Avenue or Ballinger Way. The RB zone regulates the building envelope of new construction (i.e., the height, setback, and maximum lot coverage), but does not limit the range of commercial uses nor dictate the number of residential units within the building.

The Planning Commission concluded that allowing additional housing in CB zones within a quarter-mile of Aurora or Ballinger would promote a walkable community, increase housing choice, support transit investment, and provide additional customers for area businesses. The importance of increasing housing densities close to transit and services was a major theme of remarks made by Dan Burden, a national expert on walkable communities, who spoke at the City's August 6 speaker series event. Mr. Burden affirmed that a five minute walk, or approximately a quarter of a mile, is a good standard for walkability to transit and services.

When preparing the amendment, staff reviewed the Comprehensive Plan and identified parcels that would potentially be affected (**Attachment 2,** map showing parcels designated RB (Regional Business) and those designated CB or MU (Mixed Use) that has a potential for CB zoning).

Councilmember Way requested information about the number of sites this amendment could potentially affect and asked staff to estimate the magnitude of the change. Staff identified 192 parcels in the affected area (along the Aurora and Ballinger Way corridors) that are either already zoned CB or could potentially be rezoned to CB. Under the scenario that a number of these parcels will be developed at 48 dwellings per acre, staff estimates that approximately 2,600 dwelling units are likely to be constructed over the next 10 years. If the proposed changes go into effect, staff estimates a likely potential of 3,200-3,600 units over the same timeframe. Thus, the potential net gain of housing with good access to services and transit would be in the range of 600 to 1000 units.

The Planning Commission recommended 1300 feet as the boundary for this change, (i.e., it would not affect parcels beyond a 1300 foot radius from Aurora or Ballinger.) This is consistent with the quarter-mile that Dan Burden recommended for walkable communities. Although the Commission recommended 1300 feet specifically, the Council has the discretion to limit the reach of Amendment #9 to a lesser distance. For example, 1000 or 1200 feet would also roughly correspond to a five minute walk from either Aurora or Ballinger Way.

Amendment #14 – Required Improvements for fully developed Short Plats:
This amendment would exempt a property owner seeking a short plat from installing street front improvements if the original lot is fully developed. The reasoning was, "If two houses already exist on one lot and the property owner wants to place each house on its own lot, why require street improvements if the only thing being added is an "invisible" boundary line". The Planning Commission considered this proposal and concluded that it is in the City's interest to require that the property owner provide public benefit (street frontage improvements) because the property owner will benefit by short platting the property.

Staff is comfortable with the Planning Commission's recommendation for denial on this proposed amendment. Staff does not believe additional analysis is warranted.

ALTERNATIVE AMENDMENT
The Council under its authority in 20.30.100 to initiate Development Code amendments could direct staff to consider an alternative amendment. Noticing requirements in the Development Code would require the City to re-advertise any alternative amendment and would require an additional Public Hearing and Planning Commission recommendation.

RECOMMENDATION

Motion to adopt Ordinance 478.

ATTACHMENTS

Attachment 1:	Ordinance 478
Attachment 2:	Map showing parcels with RB and CB zoning or zoning potential within the 1,300 foot corridor (a 5-10 minute walk) of Aurora Avenue or Ballinger Way
Attachment 3:	Amendment #14 (not recommended for adoption)

ORDINANCE NO. 478

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE MUNICIPAL CODE TITLE 20.30.560 CATEGORICAL EXEMPTIONS, AND 20.50.020(2) DENSITIES AND DIMENSIONS FOR RESIDENTIAL DEVELOPMENT IN NONRESIDENTIAL ZONES.

WHEREAS, the City adopted Shoreline Municipal Code Title 20, the Development Code, on June 12, 2000;

WHEREAS, the Shoreline Municipal Code Chapter 20.30.100 states "Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code"; and

WHEREAS, City staff drafted several amendments to the Development Code;

WHEREAS, the Planning Commission held a Public Hearing, and developed a recommendation on the proposed amendments; and

WHEREAS, a public participation process was conducted to develop and review amendments to the Development Code including:

- A public comment period on the proposed amendments was advertised from December 14, 2006 to December 28, 2006 and
- The Planning Commission held a Public Hearing and formulated its recommendation to Council on the proposed amendments on March 15 and April 17, 2007.
- The City Council discussed these amendments on June 11, 2007 and August 20, 2007

WHEREAS, a SEPA Determination of Nonsignificance was issued on December 28, 2006, in reference to the proposed amendments to the Development Code; and

WHEREAS, the proposed amendments were submitted to the State Department of Community Development for comment pursuant WAC 365-195-820; and

WHEREAS, the Council finds that the amendments adopted by this ordinance are consistent with and implement the Shoreline Comprehensive Plan and comply with the adoption requirements of the Growth Management Act, Chapter 36.70A. RCW; and

WHEREAS, the Council finds that the amendments adopted by this ordinance meet the criteria in Title 20 for adoption of amendments to the Development Code;

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

Section 1. Amendment. Shoreline Municipal Code Chapter 20.30.560 and 20.50.020(2) is amended as set forth in Exhibit 1, which is attached hereto and incorporated herein.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or

otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date and Publication. A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON August 20, 2007.

_____
Mayor Robert Ransom

ATTEST:

_____
Scott Passey
City Clerk

APPROVED AS TO FORM:

_____
Ian Sievers
City Attorney

20.30.560 Categorical exemptions – Minor new construction.

The following types of construction shall be exempt, except: 1) when undertaken wholly or partly on lands covered by water; 2) the proposal would alter the existing conditions within a critical area or buffer; or 3) a rezone or any license governing emissions to the air or discharges to water is required.

A. The construction or location of any residential structures of ~~four~~ up to 20 dwelling units.

B. The construction of an office, school, commercial, recreational, service or storage building ~~4,000~~ up to 12,000 square feet of gross floor area, and with associated parking facilities designed for ~~20~~ up to 40 automobiles.

C. The construction of a parking lot designed for ~~20~~ up to 40 automobiles.

D. Any landfill or excavation of 500 cubic yards throughout the total lifetime of the fill or excavation; any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder. (Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 238 Ch. III § 9(h), 2000).

Table 20.50.020(2) – Densities and Dimensions for Residential Development in Nonresidential Zones

STANDARDS	Neighborhood Business (NB) and Office (O) Zones	Community Business (CB) Zone	Regional Business (RB) and Industrial (I) Zones
Maximum Density: Dwelling Units/Acre	24 du/ac	48 du/ac (1)	No maximum
Minimum Front Yard Setback	10 ft	10 ft	10 ft
Minimum Side Yard Setback from Nonresidential Zones	5 ft	5 ft	5 ft
Minimum Rear Yard Setback from Nonresidential Zones	15 ft	15 ft	15 ft
Minimum Side and Rear Yard (Interior) Setback from R-4 and R-6	20 ft	20 ft	20 ft
Minimum Side and Rear Yard Setback from R-8 through R-48	10 ft	10 ft	15 ft
Base Height ~~(1)~~ (2)	35 ft	60 ft	65 ft ~~(2)~~(3)
Maximum Impervious Surface	85%	85%	95%

Exceptions to Table 20.50.020(2):

(1) For all parcels zoned CB within 1300 feet of Aurora Avenue or Ballinger Way, there is no residential density limit. Development is subject to all other requirements of the Shoreline Development Code.

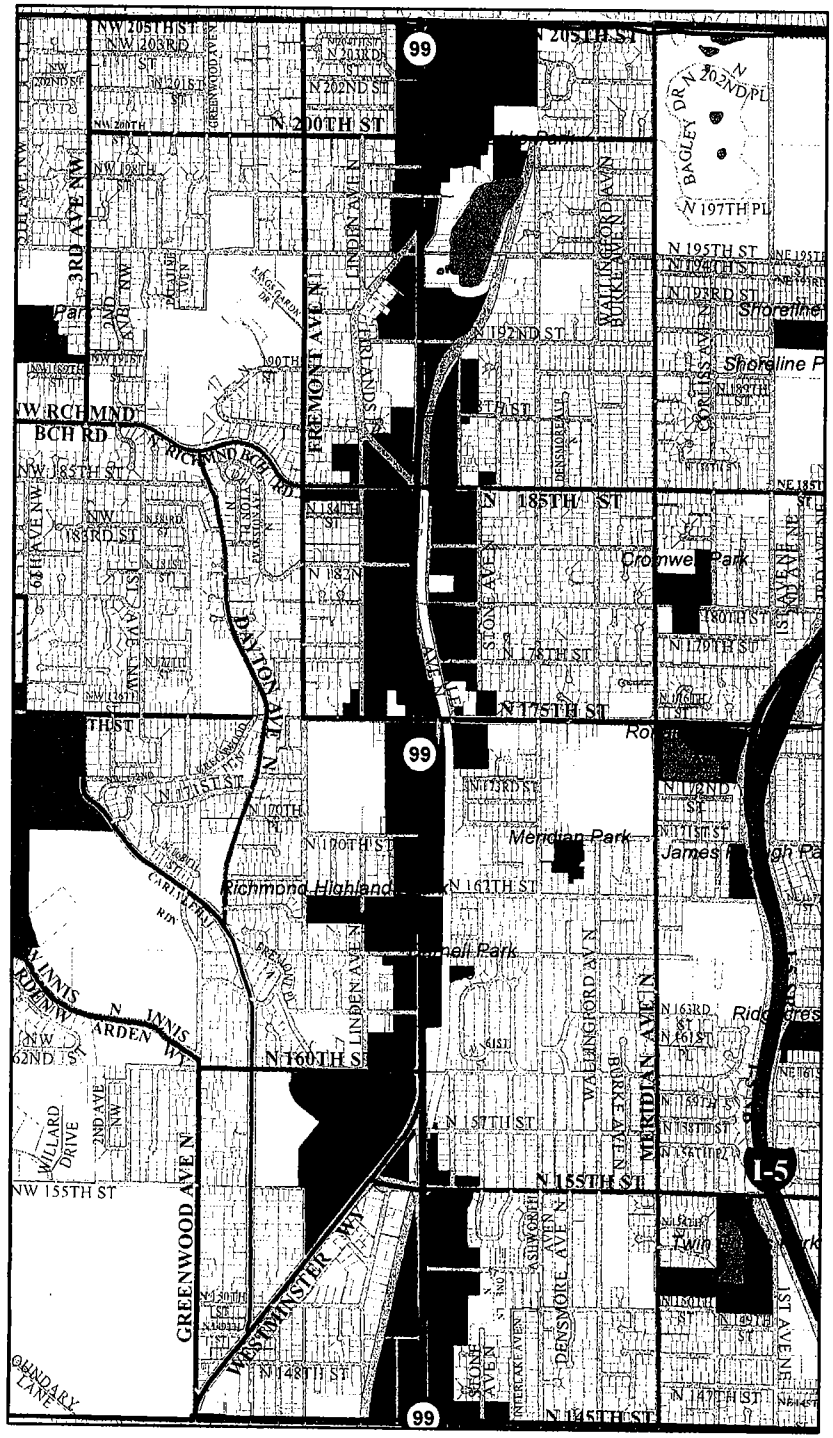
~~(1)~~ (2) See Exception 20.50.230(3) for an explanation of height bonus for mixed-use development in NB and O zones.

~~(2)~~(3) For all portions of a building in the I zone abutting R-4 and R-6 zones, the maximum height allowed at the yard setback line shall be 35 feet, 50-foot height allowed with additional upper floor setback (transition line setback) of 10 feet. To 65 feet with

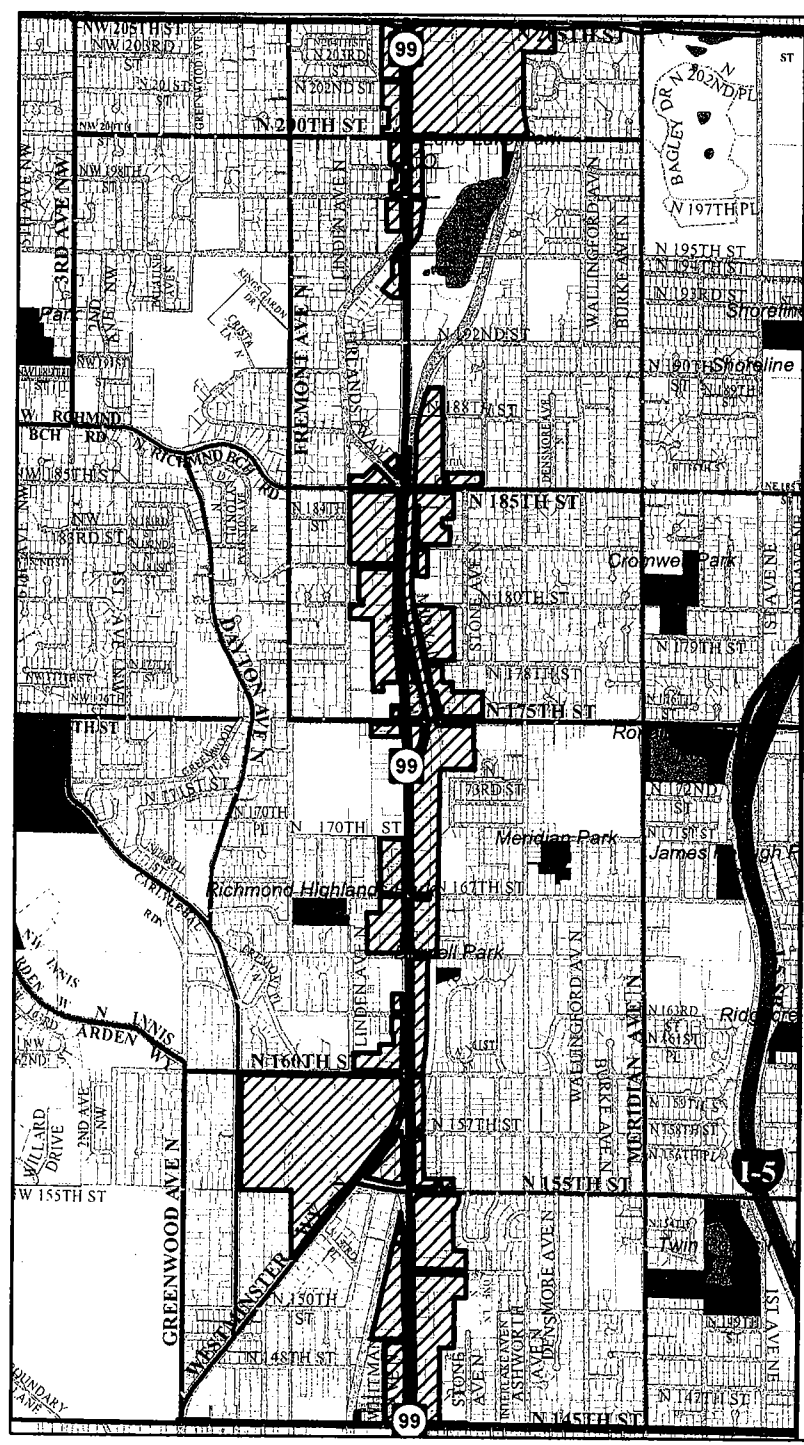
additional upper floor setback (transition line setback) of 10 feet after 50-foot height limit. Unenclosed balconies on the building are above the 35-foot transition line setback shall be permitted to encroach into the 10-foot setback.

Attachment B

Comprehensive Plan, RB, CB & MU



Zoning, RB



SHORELINE

Geographic Information System

ZONING
Potential
Community Business

- Comp. Plan: RB, CB & MU
- Zoning: RB; 250 acres

Other Map Features

- City Boundary
- Open Water
- Park
- Tax Parcel Boundary
- Unclassified Right of Way
- Interstate
- State Route
- Principal Arterial
- Minor Arterial
- Collector Arterial
- Residential Street

1 inch equals 2,083 feet

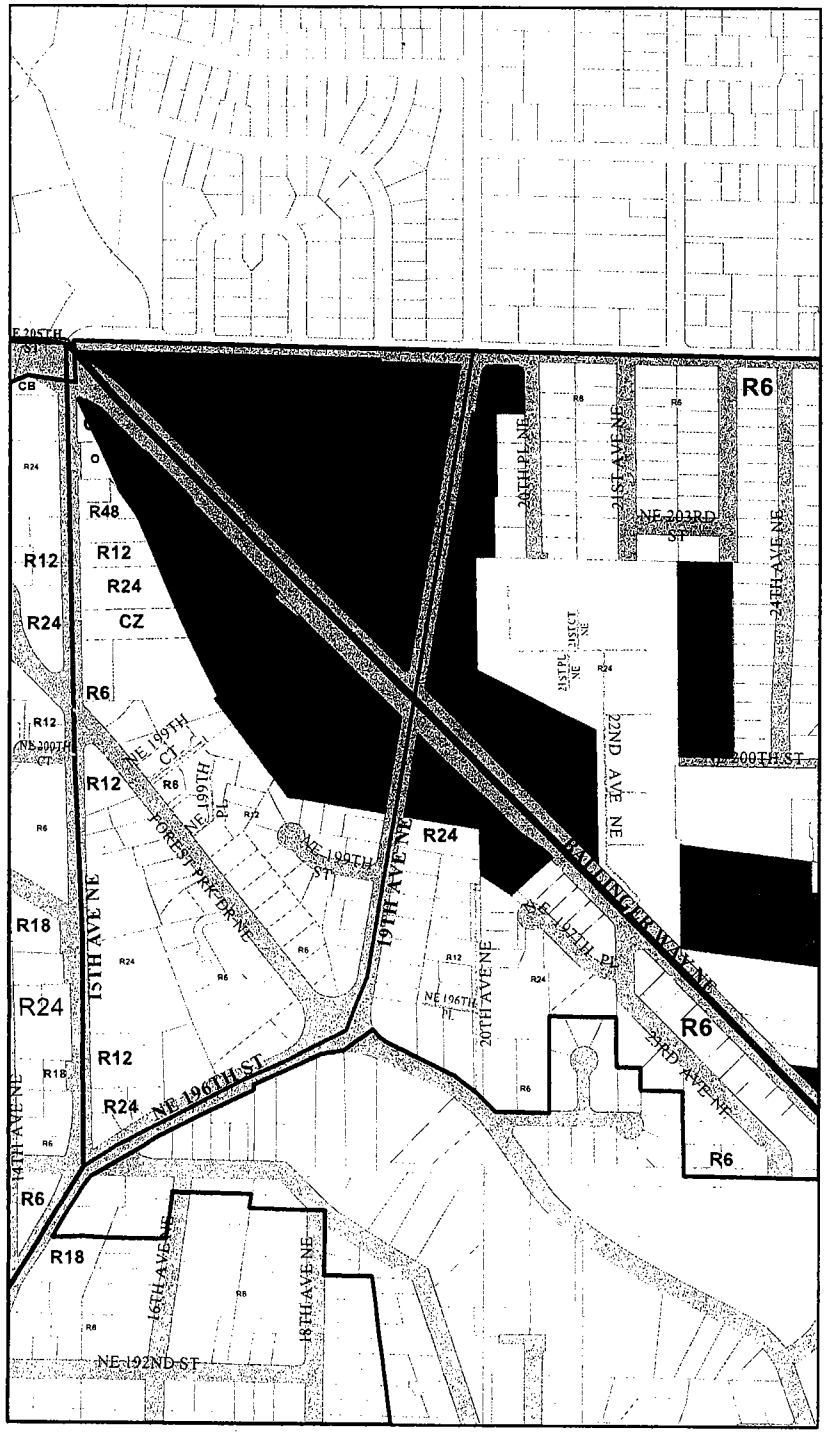
0 335 670 1,340 2,010 2,680 Feet

No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.

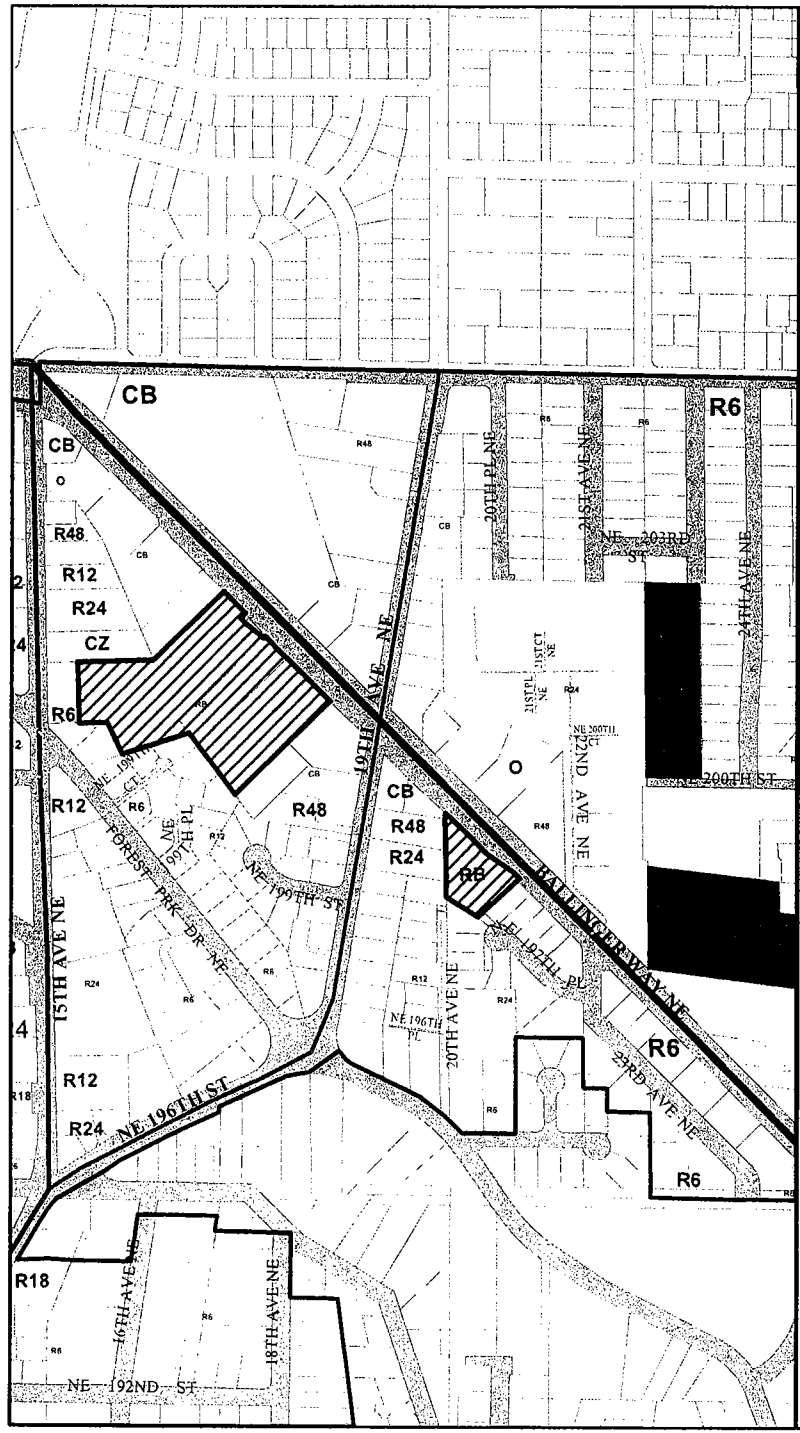
City of SHORELINE

Filename: j:\gis\stdprojects\Zoning.mxd
Updated: 7/27/2007

Comprehensive Plan, RB, CB & MU



Zoning, RB



SHORELINE

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ZONING
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- Principal Arterial
- Minor Arterial
- Collector Arterial
- Residential Street

1 inch equals 600 feet

0 100 200 400 600 800 Feet

No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.

CITY OF SHORELINE

Filename: j:\gis\stdprojects\Zoning.mxd
Updated: 7/27/2007

Amendment #14 (Not recommended for adoption)

20.70.030 Required improvements.

The purpose of this section is to identify the types of development proposals to which the provisions of this chapter apply.

A. Street improvements shall, as a minimum, include half of all streets abutting the property. Additional improvements may be required to insure safe movement of traffic, including pedestrians, bicycles, nonmotorized vehicles, and other modes of travel. This may include tapering of centerline improvements into the other half of the street, traffic signalization, channeling, etc.

B. Development proposals that do not require City-approved plans or a permit still must meet the requirements specified in this chapter.

C. It shall be a condition of approval for development permits that required improvements be installed by the applicant prior to final approval or occupancy.

D. The provisions of the engineering chapter shall apply to:

1. All new multifamily, nonresidential, and mixed-use construction;

2. Remodeling or additions to multifamily, nonresidential, and mixed-use buildings or conversions to these uses that increase floor area by 20 percent or greater, or any alterations or repairs which exceed 50 percent of the value of the previously existing structure;

3. Subdivisions;

Exception:

i. Subdivisions, short plats, and binding site plans where all of the lots are fully developed.

4. Single-family, new constructions, additions and remodels.

Exception:

i. Single-family addition and remodel projects where the value of the project does not exceed 50 percent or more of the assessed valuation of the property at the time of application may be exempted from some or all of the provisions of this chapter.

ii. New single-family construction of a single house may be exempted from some or all of the provisions of this chapter, except sidewalks and necessary drainage facilities.

E. Exemptions to some or all of these requirements may be allowed if:

1. The street will be improved as a whole through a Local Improvement District (LID) or City-financed project scheduled to be completed within five years of approval. In such a case, a contribution may be made and calculated based on the improvements that would be required of the development. Contributed funds shall be directed to the City's capital project fund and shall be used for the capital project and offset future assessments on the property resulting from a LID. A LID "no-protest" commitment shall also be recorded. Adequate interim levels of improvements for public safety shall be required.

2. A payment in-lieu-of construction of required frontage improvements including curb, gutter, and sidewalk may be allowed to replace these improvements for single-family developments located on local streets if the development does not abut or provide connections to existing or planned frontage improvements, schools, parks, bus stops, shopping, or large places of employment, provided:

a. The Director and the applicant agree that a payment in-lieu-of construction is appropriate;

b. The Director and the applicant agree on the amount of the in-lieu-of payment and the capital project to which the payment shall be applied. Priority shall be given to capital projects in the vicinity of the proposed development, and the fund shall be used for pedestrian improvements;

c. Adequate drainage control is maintained;

d.At least one of the following conditions exists. The required improvements:

i.Would not be of sufficient length for reasonable use;

ii. Would conflict with existing public facilities or a planned public capital project; or

iii. Would negatively impact critical areas. and

e. An agreement to pay the required fee in-lieu-of constructing frontage improvements shall be signed prior to permit issuance. The fee shall be remitted to the City prior to final approval or occupancy. The amount of the required payment shall be calculated based on the construction costs of the improvements that would be required. (Ord. 303 § 1, 2002; Ord. 238 Ch. VII § 1(C), 2000).

Council Meeting Date: August 20, 2007 **Agenda Item:** 7(b)

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Contract Amendment for Legal Services
DEPARTMENT:	City Attorney's Office
PRESENTED BY:	Ian Sievers, City Attorney ; Flannary Collins, Assistant City Attorney

PROBLEM/ISSUE STATEMENT:

In February 2006, the City Council authorized legal defense for Mayor Ransom, Deputy Mayor Fimia, Councilmember Way and former Councilmember Chang in the civil suit filed January 1, 2006 for alleged violations of the Open Public Meetings Act (*King et. al v. Fimia et. al.* King County Superior Court case Non 06-2-0803-1). All the City defendants accepted a joint defense using counsel assigned for defense, Steve DiJulio of Foster Pepper. This defense was assigned as a separate matter under an existing standing contract with Foster Pepper for miscellaneous services.

In October 2006 the City Council approved a $45,000 amendment to the Foster Pepper contract, for a new contract amount of $120,000. Approximately $32,000 of this contract had been spent on legal services with Foster Pepper for defense of a recall petition suit authorized by the Council in April 2006. The expectation in October 2006 was that the lawsuit would be resolved in summary judgment, so the $45,000 amendment was projected to cover the legal fees associated with summary judgment resolution. In March 2007, the City Manager administratively approved a $50,000 contract amendment as allowed by the City's purchasing ordinance, SMC 2.60.040(D)(c), increasing the not-to-exceed amount of the miscellaneous services contract to $170,000 through the end of 2007. The total contract limit has been paid and Council authority is need to pay additional defense of this suit including work performed in July or any other services from Foster Pepper except bond counsel services on the Civic Center project.

ANALYSIS:

A. Status of Litigation. A confidential progress report on this case from Foster Pepper is attached to this report. The procedural highlights that have most affected price is summarized here. As promised, in October, Defendant councilmembers filed a motion for partial summary judgment. This motion requests dismissal of allegations that there was a knowing violation of the Open Meetings Act and dismissal of penalties assessed for such violations September 2006 so the Plaintiff's could be prepared to respond to the motion. The Defendants moved and were granted a continuance.

Plaintiffs' motion for partial summary judgment requested that the court find that the defendant councilmembers violated the Open Public Meetings Act regardless of

whether it was a knowing and willful violation. Plaintiffs' summary judgment was denied by the court finding that the facts were in dispute. The Defendant's motion was renoted for June 22nd. Plaintiff's still did not take depositions to prepare, and moved again to continue to allow discovery. Again the continuance was granted, moving the hearing to July 27. Plaintiff's filed a third motion to continue and finally began depositions during the week of July 17. The court has now moved the Defendant's motion for summary judgment to September 14 only ten days before start of trial. Mediation was attempted on July 27th ahead of most deposition that are now ongoing, but was unsuccessful.

At this point the City should anticipate a two to three day trial to run its course. Council was told in October, 2006 that if the case proceeded to trial addition contract authority would be needed. Substantial preparation has been underway in conducting depositions which will continue this month. Projected costs may be higher than the projections provided by Foster Pepper discussed below. On August 7th, Plaintiffs filed a motion to amend its complaint to add the City as a defendant and to add an open meetings act violation allegedly occurring in November, 2004. The City will be grossly prejudiced by this amendment adding it to the litigation and will ask that a separate action be filed or discovery cutoff and trial be substantially continued. A request for coverage has been requested of WCIA. A ruling on the motion is expected on August 14. If plaintiffs are successful will be necessary to retain a second outside counsel firm to represent the City's interest unless the Council waives the original reservation of rights.

Voting on the contract amendment is limited to councilmembers not benefiting from the defense unless the Council lacks a quorum to take action without the recused members. Defense is provided under the City's reservation of rights to indemnification if there is a finding of intentional violations. This amendment will not affect the existing reservation of rights.

As with the original approval of defense, under SMC 2.40 this action must be approved by a vote of councilmembers not parties to the suit and benefiting from the defense. The legal risks of not approving continued defense costs are addressed in the confidential memo included as Attachment C.

FINANCIAL IMPACT:

In addition to arguing the summary judgment, Foster Pepper will be attending numerous depositions in the upcoming months. Finally, a non-jury trial is scheduled for September 24, 2007, which will require trial briefing, document preparation and witness preparation. Foster Pepper has estimated that the above described work will amount to approximately $171,700 in additional contract authority to pay defense through trial. A detailed breakdown of work projected through the end of trial scheduled for September 24th is attached. Thus, the 2006-2007contract amount is proposed to be increased to a new not-to-exceed amount of $341,700. No additional amendments should be required to the contract unless unexpected work is required. Additionally, if the case settles prior to trial, fewer funds will be spent. It is expected that a budget amendment will be needed to the City Attorney's budget to cover the increase in this services contract for 2007 which will be presented at a later date.

RECOMMENDATION

It is recommended that Council move to approve an amendment to the 2006-2007 contract with Foster Pepper PLLC for general litigation in the amount of $171,700, increasing the new not-to-exceed amount to $341,700.

Approved By: City Manager City Attorney

Attachments-

Case Status Memo from Foster Pepper [Confidential]
Litigation Budget Estimate [Confidential]
Memorandum Regarding Defense Cost Liability [Confidential]

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Council Meeting Date: August 20, 2007 **Agenda Item:** 8(a)

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	15th Ave NE Roadway Configuration Options
DEPARTMENT:	Public Works-Traffic Services
PRESENTED BY:	Mark Relph, Public Works Director
	Jesus Sanchez, Operations Manager
	Rich Meredith, City Traffic Engineer

PROBLEM/ISSUE STATEMENT:

On May 14, 2007, Public Works presented a report to the City Council on the current operation of 15th Ave NE between NE 150th St and NE 175th St. This roadway was converted in December, 2003, from a 4-lane roadway, two lanes in each direction, to a 3 lane roadway with one lane in each direction, a center turn lane, and bike lanes.

City Council members asked Public Works to develop more roadway configuration alternatives for review. The intent of this report is to provide a broader view of the alternatives that may exist with some general observations of what the advantages and issues may be for each alternative. A more detailed analysis with modeling would be necessary beyond the scope of this report if a more precise comparison is required in selecting an alternative to pursue.

FINDINGS/CONCLUSIONS

Staff developed and reviewed eight roadway configuration concepts. An analysis of the options is discussed in the body of the report. For a safer pedestrian and vehicle environment, the existing 3-lane with enhancements, option 1A, appears to be the best solution. However, capacity will be limited to a maximum between 25,000 and 30,000 vehicles per day with a corresponding increase in vehicle delay.

To accommodate higher vehicle volumes and a higher potential to reduce travel time in the corridor, option 2 would be better. It is recommended that traffic signals be located every five blocks for controlled pedestrian and vehicle access. This means that traffic signals should be installed at NE 170th St and at NE 150th St. It is also recommended that curbing be installed between intersections to improve safety and traffic progression by reducing turning conflicts.

RECOMMENDATION

Staff recommends Option 1A - existing configuration with enhancements. Staff also recommends not pursuing additional analysis and modeling of other alternatives since the cost is not likely to reveal one single alternative that is substantially more efficient in

increasing pedestrian safety or improving traffic flow, The cost of a comparative analysis is extremely high for the return on investment.

Approved By: City Manager  City Attorney _____

ACTION/BACKGROUND

Historically, 15th Ave NE consisted of two lanes in each direction between NE 150th St and NE 175th St. The curb to curb width of 15th Ave NE is 44 feet, so there is not enough room for a center turn lane and two lanes in each direction. The character of the land uses along 15th Ave NE is primarily residential. The speed limit is 35 MPH. There were complaints about pedestrian safety along the corridor. The City of Shoreline funded a study to examine the corridor and recommend improvements. In the study titled "Final Pedestrian Safety report, January, 2003, one of the recommendations was to reconfigure 15th Ave NE from four lanes to one lane in each direction with a center turn lane. This change, sometimes referred to as a "road diet" because of the reduction in the number of lanes, has been found to improve overall safety of a roadway. One specific safety benefit is the reduction of the "multiple threat" situation for pedestrians. A "multiple threat" situation occurs when one car stops for a pedestrian, but a vehicle in the adjacent lane doesn't, in part because the visibility of the pedestrian can be obscured by the stopped vehicle.

DISCUSSION

15th Ave NE is currently 44 ft wide between curbs. Without roadway widening, there are a limited number of possible of roadway configurations. Using lane widths of 11-12 ft, and bike lane width of 5 feet, Public Works staff developed the roadway scenario options listed below. A last option requiring roadway widening (acquiring private property) was also included for consideration.

As Council considers all the options provided by staff, it is important to note however, that all the options provided with the exception of Options #4 and #6 are actually four lane configurations, using all four lanes in different design transportation/movement schemes. Option #4 uses three lanes to move "through" traffic as opposed to the existing operation, which only uses two lanes to move "through" traffic. Option #6, actually uses all four lanes for traffic movement north and south bound, but includes a center turn lane, requiring property acquisition. In the final analysis looking at the various configurations, there is no optimal lane configuration. Each has a different set of values and disadvantages, requiring careful modeling and study.

Going back to the original four lane configuration has it advantages and disadvantages, namely pedestrian safety. The multiple threat (pedestrian safety) condition would exist. If council wishes to consider returning to a four lane design, then there are proposed pedestrian enhancements that would be important for council to consider as part of lane reconfiguring.

Finally, if council were to consider any of the aforementioned options provided, staff would need sufficient time to study and model them so to present to council a more detailed impact statement addressing neighborhoods, pedestrian safety, Level of Service (LOS) values, traffic devices, any warrant study and budgetary impacts.

ISSUES

Option #1 and #1A
Option 1 is the existing 3-lane configuration with one lane each direction, center turn lane, and bike lanes. Option #1A (with enhancements) adds:

- traffic islands for safety in the center turn lane to help reduce incidents of vehicles using the center lane to pass.
- Concurrence with Metro Transit to have the buses pull over to the curb and out of the travel lane, thereby keeping the through lane clear. Some delineation of the striping may be necessary.
- Continue to monitor the neighborhood traffic and aggressively seek and fund opportunities to minimize cut-through traffic and speeding through the Neighborhood Traffic Safety Program.

Advantages
This is the existing roadway configuration. Currently carrying approximately 16,500 - 17,500 vehicles per day and 1,400 vehicles in the peak hours. Multiple threat scenario is not present, and pedestrians have an easier time crossing 15th Ave NE compared to a 4-lane roadway. Designated bicycle lanes are striped on 15th Ave NE. The center turn lane and bicycle lanes provide improved safety for turning vehicles

Issues
Greater potential for increased congestion in the corridor compared to four lanes, and the three lane configuration has a lower limit for the ultimate capacity of the corridor compared to other options. Since implementation, the collision rate has been 4.3 crashes per million vehicle miles over the three years. The injury rate during the same period was 2.2 injuries per million vehicle miles.

Option #2
4-lane configuration with two lanes in each direction. (no bike lanes or center turn lane)

Advantages
This is the previous roadway configuration. Carried approximately 17,500 -18,500 vehicles per day and 1,700 vehicles in the peak hours. Ultimately provides more roadway capacity compared to existing operation (options #1 & #1A).

Issues
Multiple threat scenario is present, and pedestrians will have a more difficult time crossing 15th Ave NE compared to a existing roadway. No room for designated bicycle lanes, and reduced safety for turning vehicles. The collision rate was 4.0 crashes per million vehicle miles for three years prior to reconfiguration. The injury rate during the same period was 2.8 injuries per million vehicle miles.

Option #3A and 3B
4-lane configurations with one in one direction, two lanes in the other, and a center turn lane. (no bike lanes)

Advantages
Provides more roadway capacity compared to existing operation (options #1 & #1A). Two lanes in one direction will have more capacity to carry traffic than existing, which will be beneficial during mostly one peak hour. Turn lane provides improved safety for turning vehicles, and provides pedestrians with an easier crossing of 15th Ave NE compared to a 4-lane roadway

Issues
Multiple threat scenario still exists for pedestrians on half of the roadway. No room for designated bicycle lanes. Intersection radius improvements may be needed to accommodate vehicle turns onto the one-lane direction of 15th Ave NE.

Option #4A and 4B
4-lane configurations with one in one direction, two lanes in the other, and bike lanes. (no center turn lane)

Advantages
Two lanes in one direction will have more capacity to carry traffic than existing, which will be beneficial during one peak hour. Provides designated bicycle lanes on 15th Ave NE. Bicycle lanes help improve visibility at intersections and driveway for turning vehicles.

Issues
Provides less roadway capacity compared to existing operation (options #1 & #1A). Multiple threat scenario exists for pedestrians on half of the roadway, and pedestrians will have a more difficult time crossing 15th Ave NE compared to a existing roadway. Roadway improvements may need to be made to accommodate vehicle turns onto one-lane side of 15th Ave NE.

Option #5
4-lane configuration with one lane in each direction and transit/right-turn lanes in each direction. (no bike lanes or center turn lane)

Advantages
Improves transit speed and reliability.

Issues
Multiple threat scenario is present, and pedestrians will have a more difficult time crossing 15th Ave NE compared to a existing roadway. No room for designated bicycle lanes, and reduced safety for turning vehicles. Provides less capacity than existing configuration (options #1 & #1A).

Option #6
5-lane configuration with two lanes in each direction and a center turn lane.

Advantages
Provides more roadway capacity compared to existing operation. Pedestrians can cross half a roadway at a time, making this option easier to cross than the 4-lane option. Improved safety for turning vehicles.

Issues
Multiple threat scenario is present. No room for designated bicycle lanes. This option will require a minimum of 12 feet of right-of- way acquisition; more if bike lanes are added. Acquisition costs could be significant.

FUNDING CONSIDERATIONS

Should the 3-lane configuration remain permanent (options #1), it is recommended that median islands be constructed (option #1A), restriping to better accommodate bus pullouts and continue emphasis on neighborhood traffic safety improvements. The cost to construct two landscaped islands can be in the range of $25,000 to $30,000. In addition, adding a new traffic signal on 15th Ave NE at NE 170th St can enhance pedestrian safety at that crosswalk location.

For all options 2 through 6, required capital costs would include removal of existing markings, restriping, signing, and signal modifications. The cost of this project would be around $70,000. Other costs to consider would be an increased need for traffic signals to facilitate access across 15th Ave NE. A potential location for a traffic signal is at the intersection of NE 170th St. A project to install a traffic signal at this location would need to include improvements on NE 170th St for pedestrian safety and traffic signal equipment. The project is budgeted at 600K. The City of Shoreline has recently been notified of a grant award to help defray costs.

A new traffic signal is already scheduled to be built at 15th Ave NE and NE 150th St this year. The cost of that project is budgeted at $500k.

Options 2 and 5 would need curbing installed on the centerline between intersections to limit left turns and improve safety.

Options 3 and 4 may also require intersection radius improvements to help facilitate turning vehicles. Such improvements may require acquisition of easements or right of way.

Option 6 would require a minimum of 12ft of right of way along 15th Ave NE from NE 150th St to NE 175th St to accommodate widening the roadway for a 5th lane. The costs for property acquisition have not been determined at this time.

The cost to pursue additional analysis and modeling would likely range from $15,000 to $30,000. Staff does not believe this cost would clearly demonstrate one single alternative being better than another. This is perhaps an over simplification, but staff suggests the issue largely falls to what shall be the emphasis of the street section; pedestrian safety and turning movements, or corridor capacity passing through the neighborhood.

CONCLUSION

Staff developed and reviewed eight roadway configuration concepts. For a safer pedestrian and vehicle environment, option #1A, the existing 3-lane with enhancements, appears to be the best solution. However, capacity will be limited to a maximum of about 25,000 to 30,000 vehicles per day and vehicle delay can increase. This upper limit would require modeling to forecast at what point in the future this may become an issue.

To accommodate higher vehicle volumes and reduce travel time in the corridor, option 2 may have greater potential. It is recommended that traffic signals be located every five blocks for controlled pedestrian and vehicle access. This means that traffic signals should be installed at NE 170th St and at NE 150th St. It is also recommended that curbing be installed between intersections to improve safety by reducing turning conflicts.

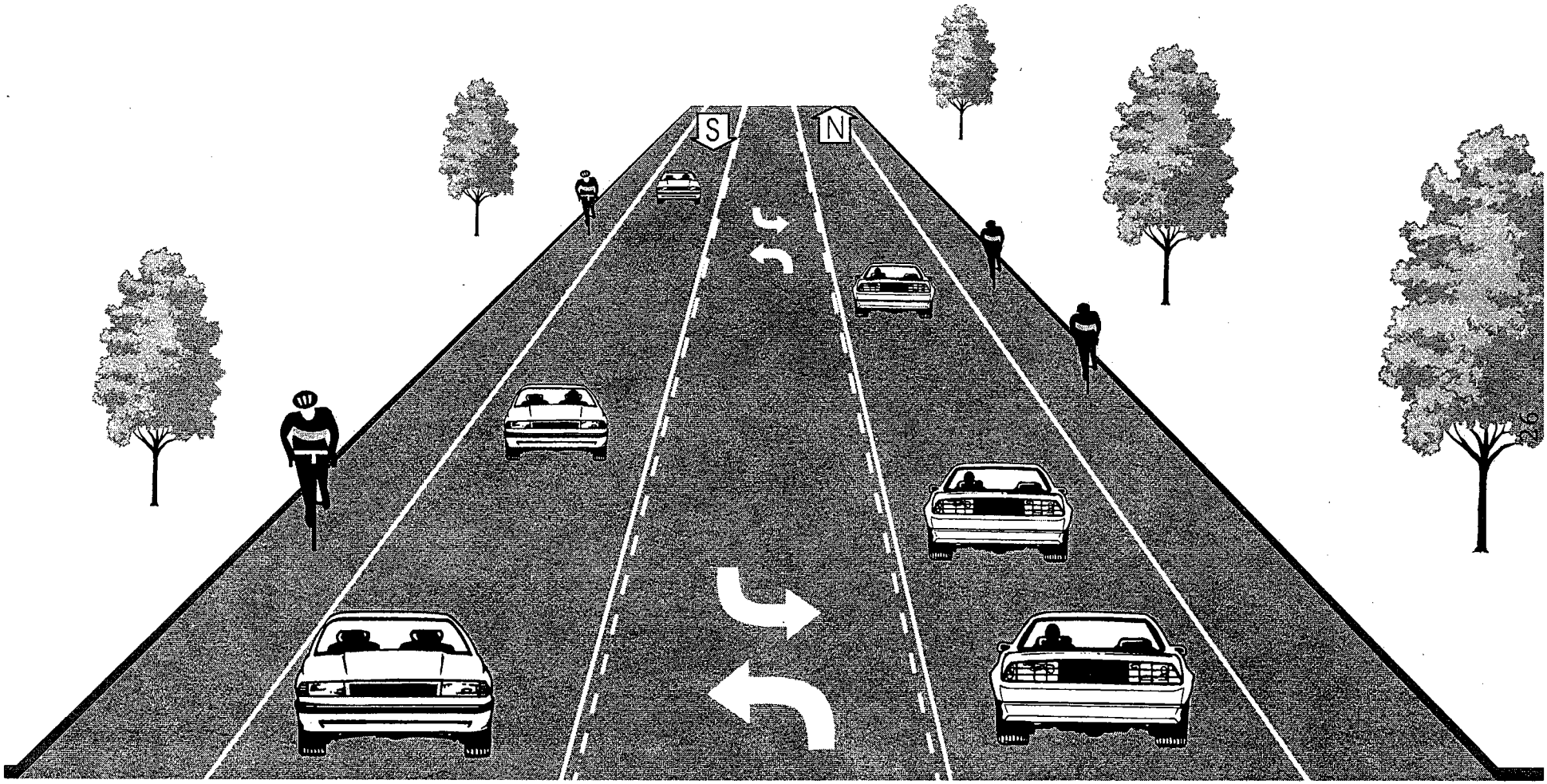
RECOMMENDATION

Staff recommends Option 1A - existing configuration with enhancements. Staff also recommends not pursuing additional analysis and modeling of other alternatives since the cost is not likely to reveal one single alternative that is substantially better than another. Staff would suggest the issue largely focuses on the issue of whether or not the City wants to provide more emphasis on pedestrian safety and turning movements, or roadway capacity passing through the neighborhood.

ATTACHMENTS

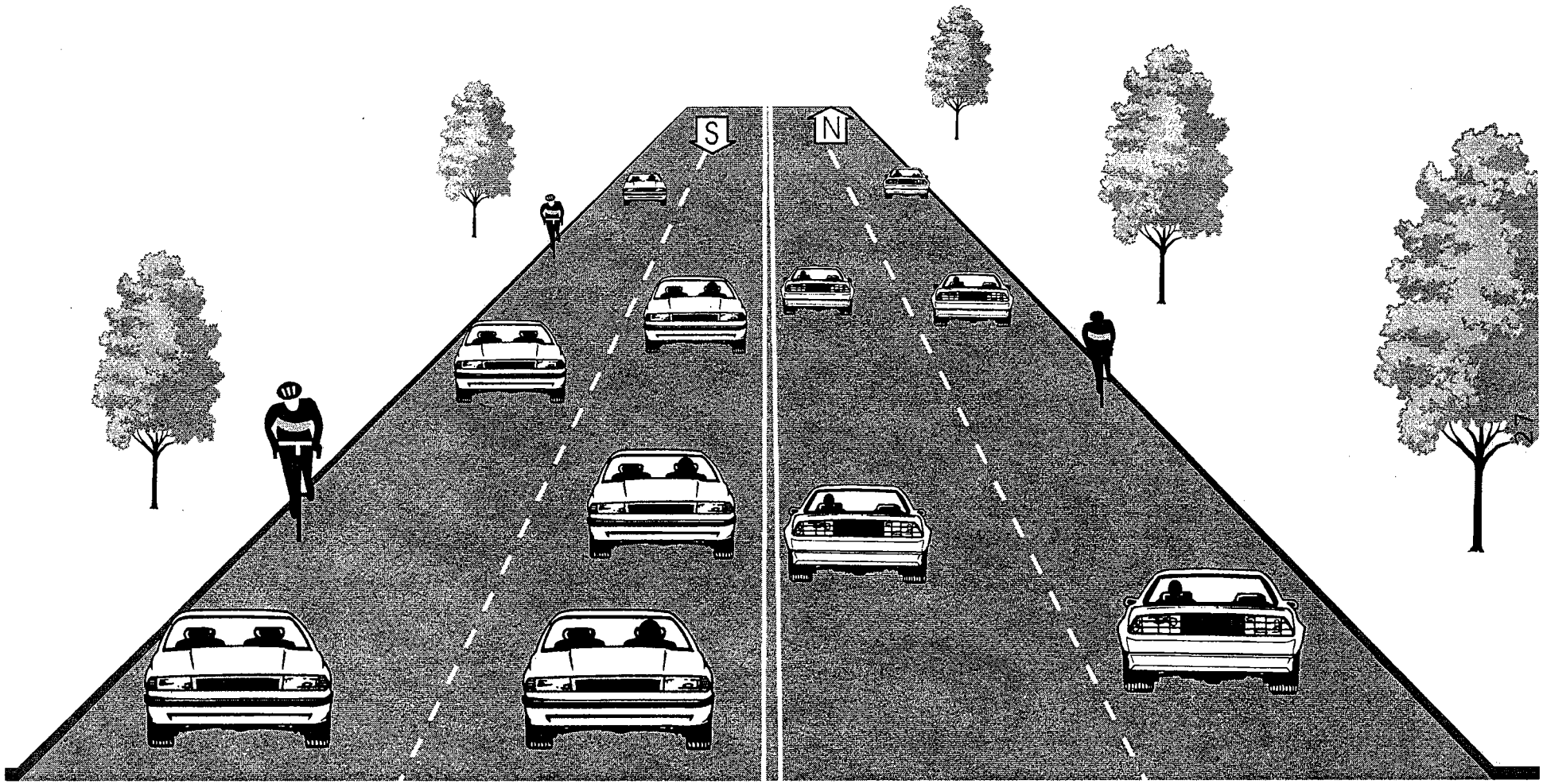
Appendix A - Graphics of Roadway Configurations
Appendix B – Analysis of Options Matrix
Appendix C - Collision Analysis

Appendix A - Roadway Configuration Options



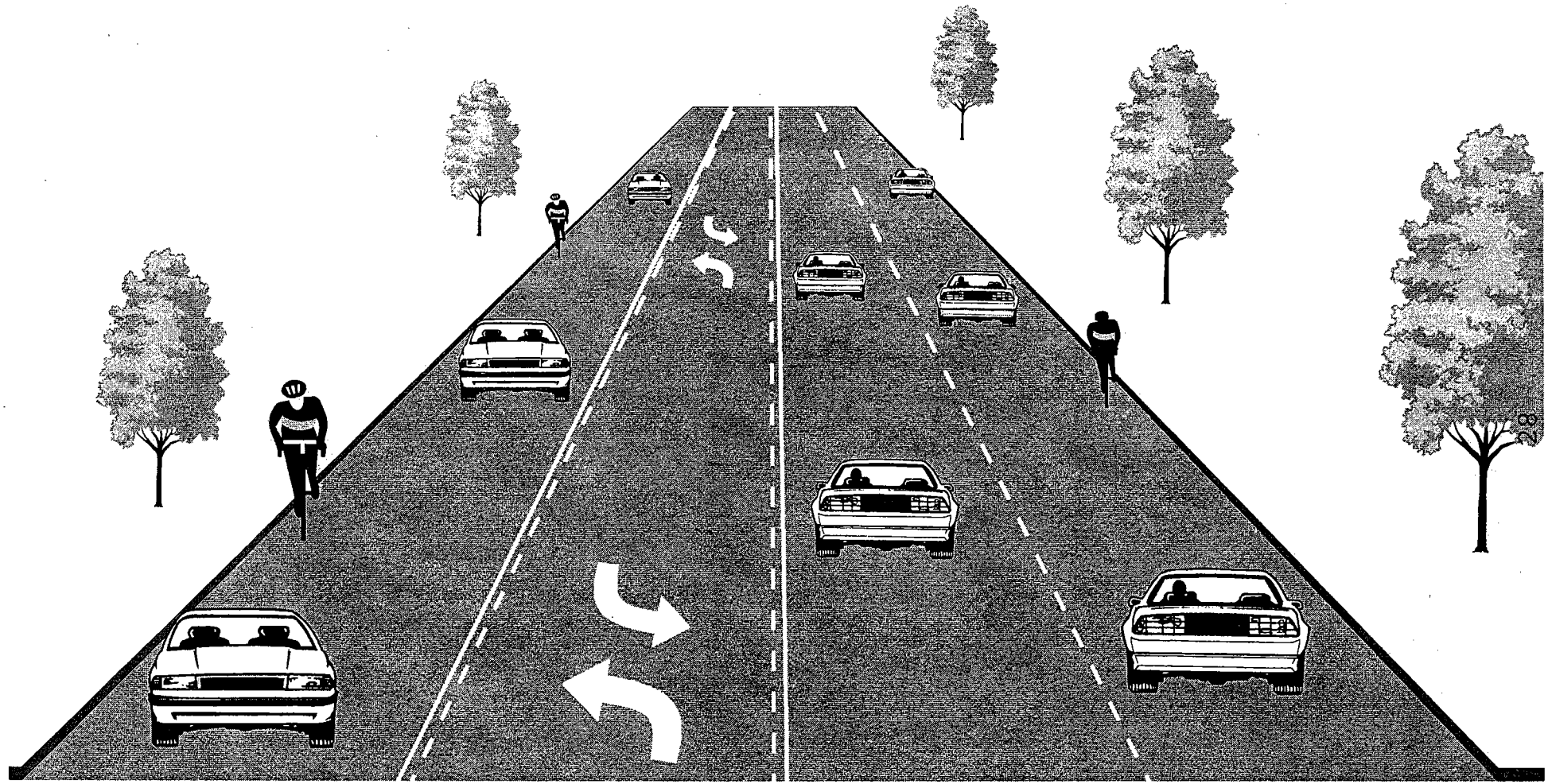
Options #1 and #1A
Existing With Marked Bike Lanes

Appendix A - Roadway Configuration Options



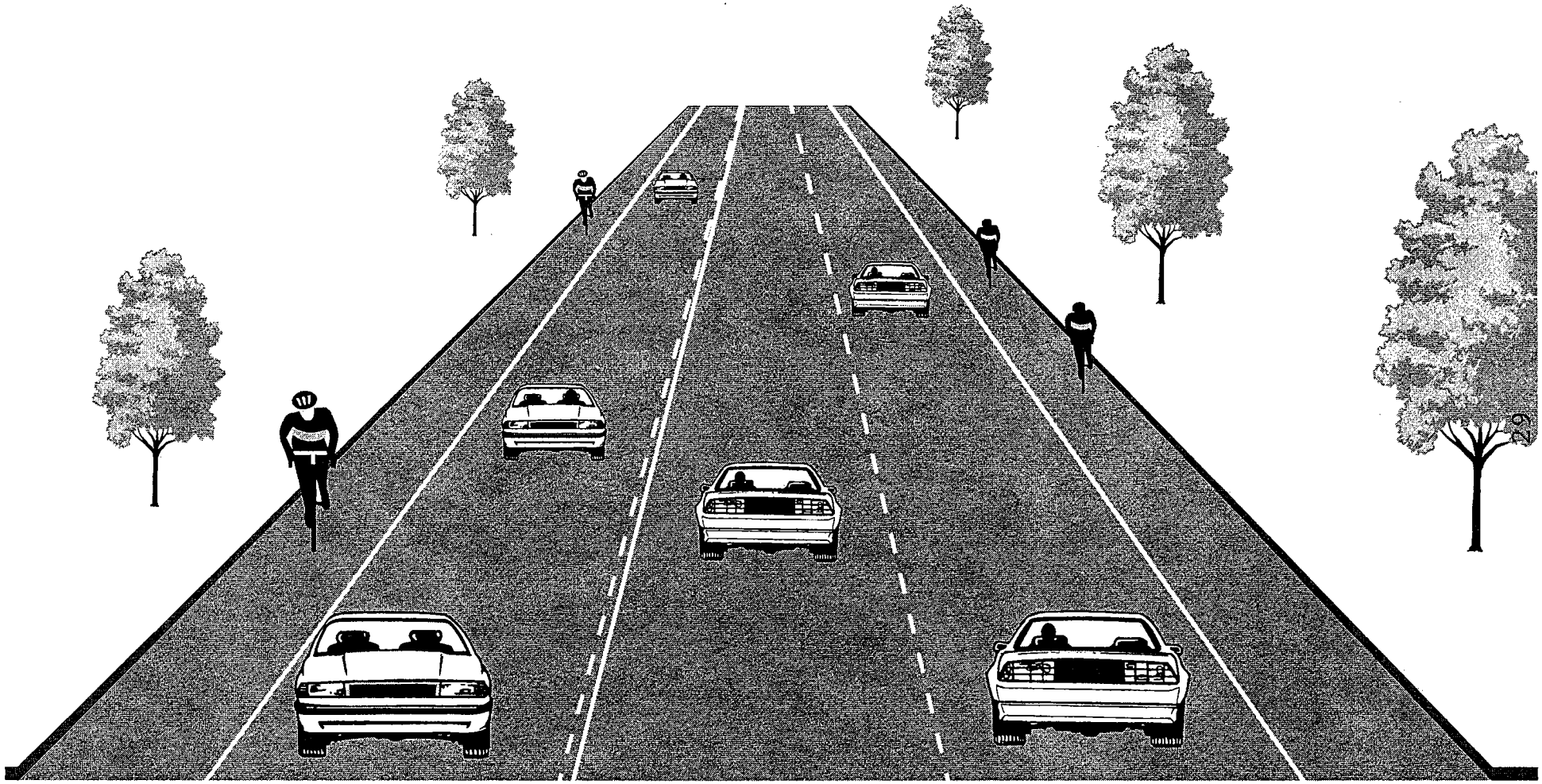
Option #2
Four Lanes Option

Appendix A - Roadway Configuration Options



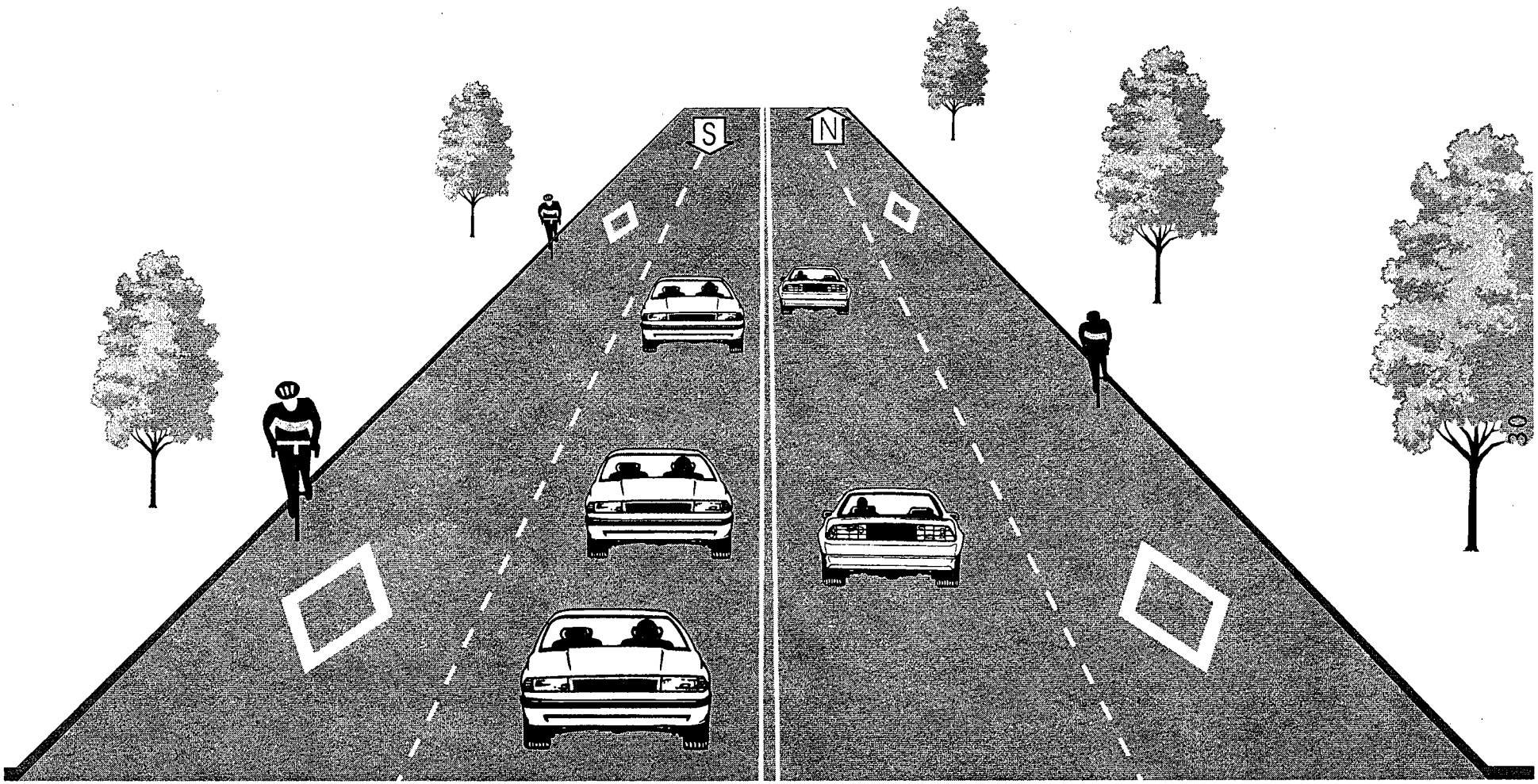
Options #3A and #3B
Three Lanes and a Center Lane

Appendix A - Roadway Configuration Options



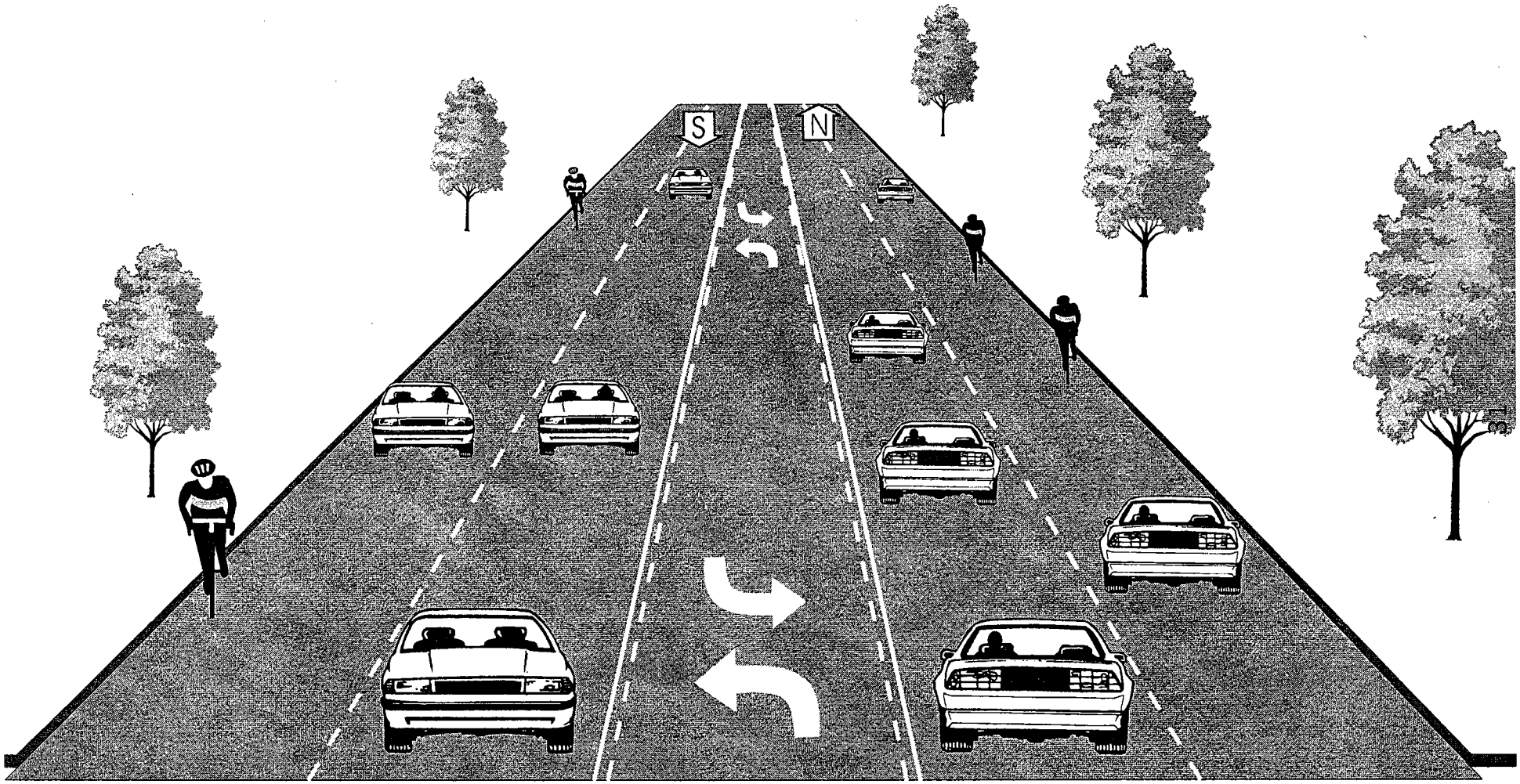
Options #4A and #4B
Three Lanes With Marked Bike Lanes

Appendix A - Roadway Configuration Options



Option #5
Four Lanes with BAT Lanes

Appendix A - Roadway Configuration Options



Option #6
Four lanes and a Center Turn Lane

Appendix B - Analysis of Options

	Option 1 3-lane-bike	Option 2 4-lanes	Option 3A 1S-2N-turn	Option 3B 2S-1N-turn	Option 4A 1S-2N-bike	Option 4B 2S-1N-bike	Option 5 1S-1N-bat	Option 6 5-lanes
Pedestrians								
Pedestrian Crossing Difficulty	A center turn lane helps pedestrians in that they only need to cross one lane at a time. The shorter crossing distance requires smaller gaps in traffic to cross, providing more crossing opportunities per hour.	Pedestrians need to cross 4 lanes at once. This means that there are fewer gaps in traffic each hour of sufficient length to cross 15th Ave NE	A center turn lane helps pedestrians in they only need to cross 1 or 2 lanes at once. This means that there are more gaps in traffic each hour of sufficient length to cross 15th Ave NE than in option 1.		Pedestrians need to cross 3 lanes at a time. This means that there are fewer gaps in traffic each hour of sufficient length to cross 15th Ave NE than in option 2.		Pedestrians need to cross 4 lanes at once. This means that there are fewer gaps in traffic each hour of sufficient length to cross 15th Ave NE	A center turn lane helps pedestrians in they only need to cross 2 lanes at once. This means that there are more gaps in traffic each hour of sufficient length to cross 15th Ave NE than in options 1, 3, and 4.
Pedestrian Safety		"multiple threat" crossing scenario issues	"multiple threat" crossing scenario issues		"multiple threat" crossing scenario issues		"multiple threat" crossing scenario issues	"multiple threat" crossing scenario issues
Vehicle Volume								
Vehicle Capacity - AM (southbound only)	1 lane southbound and center turn lane can handle approximately 1200-1400 vehicles per hour	2 lanes southbound can handle approximately 1800-2000 vehicles per hour	1 lane southbound and center turn lane can handle approximately 1000-1200 vehicles per hour	2 lanes southbound and center turn lane can handle approximately 2300-2400 vehicles per hour	1 lane southbound can handle approximately 900-1100 vehicles per hour	2 lanes southbound can handle approximately 1800-2000 vehicles per hour	2 lanes southbound can handle approximately 1000-1200 vehicles per hour	2 lanes southbound and center turn lane can handle approximately 2300-2400 vehicles per hour
Vehicle Capacity - PM (northbound only)	1 lane northbound and center turn lane can be expected to handle approximately 1200-1400 vehicles per hour	2 lanes northbound can be expected to handle approximately 1800-2000 vehicles per hour	2 lanes northbound and center turn lane can be expected to handle approximately 2300-2400 vehicles per hour	1 lane northbound and center turn lane can be expected to handle approximately 1000-1200 vehicles per hour	2 lanes northbound can be expected to handle approximately 1800-2000 vehicles per hour	1 lane northbound can be expected to handle approximately 900-1100 vehicles per hour	2 lanes northbound can be expected to handle approximately 1000-1200 vehicles per hour	2 lanes northbound and center turn lane can be expected to handle approximately 2300-2400 vehicles per hour
Vehicle Capacity - daily	Can be expected to handle 25,000 to 30,000 vehicles per day	Can be expected to handle 30,000 to 40,000 vehicles per day	Can be expected to handle 25,000 to 35,000 vehicles per day		Can be expected to handle 12,000 to 25,000 vehicles per day		Can be expected to handle 12,000 to 25,000 vehicles per day	Can be expected to handle 40,000+ vehicles per day

Appendix B - Analysis of Options

	Option 1 3-lane-bike	Option 2 4-lanes	Option 3A 1S-2N-turn	Option 3B 2S-1N-turn	Option 4A 1S-2N-bike	Option 4B 2S-1N-bike	Option 5 1S-1N-bat	Option 6 5-lanes
Speed								
Vehicle Speed	Single lane helps limit overall speeds. Turn lane can allow for fewer faster throughput.	Two lanes can allow for fewer faster throughput. Turning vehicles can cause spot slowing.	Single lane helps limit overall speeds. Two lanes can allow for fewer faster throughput. Turn lane can allow for fewer faster throughput.		Single lane helps limit overall speeds. Two lanes can allow for fewer faster throughput. Turning vehicles can cause spot slowing, especially in single lane		Single lane helps limit overall speeds. Left Turning vehicles can cause spot slowing.	Two lanes can allow for fewer faster throughput. Turn lane can allow for fewer faster throughput.
Safety								
Collision Rate	4.3 collisions per million vehicle miles	4.0 collisions per million vehicle-miles	Can expect the collision rate to drop slightly compared to the three lane section should the traffic volumes increase.		Can expect the collision rate to rise slightly compared to the three lane section with the loss of the center turn lane.		Can expect the collision rate to be similar to Option 1 (4 lanes).	Can expect the collision rate to drop compared to the three lane section should the traffic volumes increase.
Injury Rate	2.2 injuries per million vehicle-miles	2.8 injuries per million vehicle-miles	Can expect the injury rate to rise slightly compared to the three lane section due to travel lanes moving closer to the curb, reducing some intersection visibility.		Can expect the injury rate to rise slightly compared to the three lane section due to loss of the center turn lane.		Can expect the injury rate to be similar to Option 1 (4 lanes).	Can expect the injury rate to drop compared to the four lane section should the traffic volumes increase and the center turn lane.
Emergency Vehicle Access	Emergency vehicles can use center turn lane to pass stopped vehicles	Emergency vehicles can use inside lane if vehicles have moved to the curb lane. Otherwise, they can cross centerline and travel in oncoming traffic lanes	Emergency vehicles can use center turn lane to pass stopped vehicles		Emergency vehicles can use inside lane if there are two lanes and vehicles have moved to the curb lane. If there is only one lane, emergency vehicles will need to cross centerline and travel in oncoming traffic lanes		Emergency vehicles can use BAT lane to pass stopped vehicles	Emergency vehicles can use center turn lane to pass stopped vehicles
Left-Turn Safety	Center turn lane provide place to wait for an adequate gap in traffic to safely make a left turn.	Left turning vehicles must wait in a travel lane for an adequate gap in traffic to safely make a left turn.	Center turn lane provide place to wait for an adequate gap in traffic to safely make a left turn.		On the two-lane side, left turning vehicles must wait in a travel lane for an adequate gap in traffic to safely make a left turn. On the one-lane side, left turning traffic traffic will block the travel lane while waiting for an adequate gap in traffic to safely make a left turn.		Left turning vehicles must wait in a travel lane for an adequate gap in traffic to safely make a left turn.	Center turn lane provide place to wait for an adequate gap in traffic to safely make a left turn.
Multi-Modal								
Bicycle Lanes	yes	no	no		yes		no	no
Transit Impacts	yes	no	yes		yes		no	no

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Appendix B - Analysis of Options

	Option 1 3-lane-bike	Option 2 4-lanes	Option 3A 1S-2N-turn	Option 3B 2S-1N-turn	Option 4A 1S-2N-bike	Option 4B 2S-1N-bike	Option 5 1S-1N-bat	Option 6 5-lanes
Neighborhoods								
Neighborhood Impacts	Existing condition	Expect traffic volumes to increase as more vehicles are drawn into area.	Expect traffic volumes to increase as more vehicles are drawn into area.		Expect traffic volumes to remain about the same.		Expect traffic volumes to increase as more vehicles are drawn into area.	Expect traffic volumes to increase as more vehicles are drawn into area.
Funding Considerations								
Cost to Implement	Have identified $25,000 in improvements for traffic islands	Identified 70,000 in restriping costs. Recommend traffic signal at NE 170th St to achieve signal spacing goal. Also recommend installing curbing on centerline to mitigate left-turning vehicle issues between intersections.	Identified 70,000 in restriping costs. Recommend traffic signal at NE 170th St to achieve signal spacing goal. Also recommend corner radius improvements at intersections to facilitate turning vehicles into the one-lane side of the roadway.		Identified 70,000 in restriping costs. Recommend traffic signal at NE 170th St to achieve signal spacing goal. Do not recommend installing curbing on centerline to mitigate left-turning vehicle issues between intersections as this would impact emergency response vehicles.		Identified 70,000 in restriping costs. Recommend traffic signal at NE 170th St to achieve signal spacing goal. Also recommend installing curbing on centerline to mitigate left-turning vehicle issues between intersections.	Costs have not been calculated. Roadway widening and property acquisition costs can be vey high.

Appendix C

15th Ave NE three lane conversion
Collision Comparision
1/1/2001 to 12/31/2006

15th Ave NE btwn NE 150th St to NE 175th St				Collison Types					Contributing Circumstances		Collision Rates	
	TOT COL	# INJ	# FTL	HDO	ANG	RE	SS	PED	RGT TRN	LFT TRN	Crash Rate	Injury Rate
4-lane Configuration 2 north - 2 south lanes												
1/2002 to 1/2004	96	68	1	0	17	30	5	3	0	15	4.019	2.847
3-lane Configuration 1 north - 1 south - 1 turn lane												
1/2004 to 1/2006	**93**	**47**	**0**	**0**	**16**	**39**	**2**	**4**	**0**	**8**	**4.333**	**2.190**
change	(3)	(21)	(1)	0	(1)	9	(3)	1	0	(7)	0	(1)
% change	-3.1%	-30.9%	-100%	0.0%	-5.9%	30.0%	-60.0%	25.0%	0.0%	-46.7%	7.8%	-23.1%

Definition Of Abbreviations

TOT/COL = Total # of Collisions
#/INJ = Total # of Injured
#/FTL = Total # of Fatalities
HDO = Head-on Collision
ANG = Right Angle
RE = Rear End
SS = SideSwipe
PED = Pedestrian
RGT/TRN = Right Turn
LFT/TRN = Left Turn