
Council Meeting Date: March 28, 2005

Agenda Item: 7(c)

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

AGENDA TITLE:	Revisiting and amending Special Use Ordinance No. 347 allowing Intensification of a Nonconforming Gambling Use by Adding Satellite Off Track Wagering at 16708 Aurora Avenue North (Drift on Inn Casino).
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	David Pyle, Planner I

PROJECT SUMMARY

The action before City Council is to review the off track betting Special Use Permit (SUP) granted in 2004 by Ordinance No. 347. Under the requirements of the permit approval conditions of Ordinance No. 347, the permit shall be re-evaluated based on traffic impact studies and citizen complaints completed during the 2004 racing season. As the 2004 season has come to a close, City staff has collected traffic data and one letter of public comment regarding the SUP.

As of March 14, 2005 there has been one letter of complaint received partially in response to the Special Use Permit approved through Ordinance No. 347. This letter has been included as **Attachment I**. The primary complaints addressed in this letter are in relation to the general traffic increase from the Drift on Inn Casino, the poor placement of a "Right Turn Only Sign," and parking problems on a residential street. Ronald B. Hansen, Mayor, City of Shoreline, has replied to this letter. The Mayor's reply is also included in **Attachment I**.

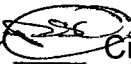
City Planning and Public Works staff coordinated the installation of traffic monitoring equipment on N 167th St for a total of six different weeks (Monday-Sunday) throughout the racing season. In compliance with condition #6 of the Special Use Permit, Off Track Wagering for Belmont Stakes at the Drift on Inn Casino on the weekend of June 5th was monitored for spikes in traffic flows on N 167th St. Results indicate an approximate 26% to 38% (depending on counting station) increase in traffic flows during the Belmont Stakes around the intersection of N 167th St and Aurora Ave N. Results indicate that during all other periods measured no significant increase in traffic has occurred.

The Planning Commission reviewed the traffic and parking study as required by condition #6 of the Special Use Permit and found it has been satisfactorily completed with the addition of two conditions to reduce traffic impacts during peak race days. All other required conditions have been met. See **Attachment II** for the February 3, 2005 Planning Commission meeting minutes.

RECOMMENDATION

The Planning Commission and staff recommend Council adopt Ordinance No. 374, amending Ordinance No. 347 and allowing for the continuation of the Special Use Permit with conditions as shown in **Attachment III Exhibit 2**.

Approved By:

City Manager 

City Attorney 

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BACKGROUND INFORMATION

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

In early 2000, Emerald Downs proposed to relocate its King County off-track betting facility from an establishment north of Kirkland to Parker's Casino in the City of Shoreline. In 2004 the facility was moved to the Drift On Inn Casino. Under RCW 67.16.200, the State has authorized the Horse Racing Commission to approve satellite pari-mutuel betting sites operated by Emerald Downs in Auburn "subject to local zoning and other land use ordinances." These sites receive real time betting lines and video transmission of races run at the track. No limit bets may be placed on 10-11 races held during each race day. These off-track satellites must be located at least 20 miles from the Emerald Downs track and only one such betting site is allowed for each county.

Off track wagering is operated at the Drift on Inn from approximately April 15th to September 15th each year. The days of operation are Thursday and Friday from 5:00 p.m. to 10:00 p.m. and Saturday and Sunday from 1:00 p.m. to 9:00 p.m. Special racing event telecasts occur on Memorial Day, Fourth of July, and Labor Day from 1:00 p.m. to 9:00 p.m. The facility also supports other telecast races such as the Breeders Cup, the Kentucky Derby, and Belmont Stakes.

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

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

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

Although gambling uses are prohibited, those gambling uses that were legally established prior to the City's moratorium on gambling uses are allowed to continue as nonconforming uses. A nonconforming use may be **expanded** or **intensified** subject to approval of a Special Use permit provided a nonconformance with the Code standards is not created or increased. Intensification of a gambling use means the addition of a new gambling activity to an existing nonconforming gambling activity. At present, the Drift on Inn Casino operates fifteen (15) nonconforming card tables and was granted a SUP on March 22, 2004 for satellite off track wagering as a new gambling use.

PROCEDURAL HISTORY

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

REQUIRED ACTION	DATE COMPLETED
Pre-Application Meetings Held	December 22, 2003
Neighborhood Meeting Held	January 5, 2004
Application Date	January 16, 2004
Complete Application	January 23, 2004
Public Notice of Complete Application and Public Hearing • Notices Mailed • Signs Posted at Site • Advertisements In Paper	January 28, 2003
End of Public Comment Period	February 11, 2004
Planning Commission Public Hearing: Planning Commission formulated recommendation on project and this recommendation was forwarded to City Council to utilize in their final determination for approval or denial of project.	February 19, 2004
City Council Public Meeting: Project approval.	March 22, 2004
Ordinance #347 was passed approving the Special Use Permit for Off Track Wagering for one season of operation with a condition to revisit the permit in 1 year.	March 22, 2004
Planning Commission: Revisiting the Special Use Permit one year later. Planning Commission formulated recommendation on project and this recommendation was forwarded to City Council to utilize in their final determination for approval or denial of project. Minutes of this meeting can be found as Attachment II .	February 3, 2005
City Council Agenda Item	March 28, 2005

PUBLIC COMMENT

As of January 19th, 2005 there has been one letter of complaint received partially in response to the Special Use Permit approved through Ordinance No. 347. This letter has been included in the staff report as **Attachment I**. The primary complaints addressed in this letter are: 1) Parking problems on a residential street, 2) Poor placement of a "Right Turn Only" sign, and 3) General traffic increases related to the Drift On Inn Casino. Ronald B. Hansen, Mayor, City of Shoreline, has replied to this letter. The Mayor's reply is also included in **Attachment I**.

Of the issues mentioned above, items one and two have been resolved through the placement of no parking signs (based on City Engineering Staff recommendation) and

verification of correct installation of a "Right Turn Only" sign. Under the requirements of permit approval conditions and as identified through public comment, the third item regarding an increase in traffic related to the Off Track Wagering operation is addressed below.

TRAFFIC STUDY

City Planning and Public Works staff coordinated the installation of traffic monitoring equipment on N 167th St for a total of six different weeks (Monday-Sunday) throughout the racing season.

Analysis of traffic increases related to major race day traffic: In compliance with condition #6 (see list of conditions in **Attachment III Exhibit 2**) of the Special Use Permit, Off Track Wagering for Belmont Stakes at the Drift on Inn Casino on the weekend of June 5, 2004 was monitored for spikes in traffic flows on N 167th St. Results indicate an approximate 26% to 38% (depending on counting station) increase in traffic flows during the Belmont Stakes around the intersection of N 167th St and Aurora Ave N. Weekend traffic counts are summarized in tables A and B below.

A. TABLE OF SATURDAY TRAFFIC VOLUMES ON N 167TH ST WEST OF STONE AVE N

DATE	EASTBOUND	WESTBOUND	TOTAL
03/20/04	736	636	1,385
06/05/04	629	1151	1,780
06/12/04	692	797	1,489
07/03/04	702	761	1,463
07/10/04	679	721	1,400
11/13/04	702	631	1,333

(WEEKEND OF BELMONT STAKES IS IN BOLD)

B. TABLE OF SATURDAY TRAFFIC VOLUMES ON N 167TH ST EAST OF AURORA AVE N

DATE	EASTBOUND	WESTBOUND	TOTAL
03/20/04	832	953	1,785
06/05/04	1,398	1,349	2,747
06/12/04	N/A	N/A	N/A
07/03/04	978	1,075	2,053
07/10/04	1,070	1,041	2,111
11/13/04	N/A	N/A	N/A

(WEEKEND OF BELMONT STAKES IS IN BOLD)

Analysis of traffic increases related to off track wagering between 5-10 PM on Wednesday-Friday: In addition to the weekend traffic study, weekday traffic was also monitored as required under condition #6 of the Special Use Permit. While an increase in traffic was observed towards the end of each sample week, it may be difficult to discern the cause of this increase. Weekday traffic volumes are summarized in Tables C and D on the next page.

C. TABLE OF WEEKDAY TRAFFIC VOLUMES ON N 167TH EAST OF AURORA AVE N DURING OPERATION HOURS OF 4-11 PM

DATE	EASTBOUND	WESTBOUND	TOTAL
03/17/04- W	325	343	668
03/18/04- TH	342	327	669
03/19/04- FR	440	403	843
06/03/04- TH	664	171	835
06/04/04- FR	632	505	1137
07/07/04- W	430	379	809
07/08/04- TH	501	440	941
07/09/04- FR	638	580	1218

D. TABLE OF WEEKDAY TRAFFIC VOLUMES ON N 167TH WEST OF STONE AVE N DURING OPERATION HOURS OF 4-11 PM

DATE	EASTBOUND	WESTBOUND	TOTAL
03/17/04- W	297	362	659
03/18/04- TH	327	332	659
03/19/04- FR	350	361	711
06/09/04- W	350	319	669
07/07/04- W	349	326	675
07/08/04- TH	417	353	770
07/09/04- FR	404	462	866

CONCLUSION

By intensifying the nonconforming gambling use at the Drift on Inn Casino, the supplemental facility use has caused a spike in major event related east and west bound cut through traffic on N 167th St. Because this spike can only be directly related to major racing events (such as the Kentucky Derby, the Belmont Stakes, and Preakness), it can be concluded that these events cause impacts on the adjacent neighborhood that shares N 167th St. with the Drift On Inn Casino.

CONDITIONS

Planning Commission and Staff recommend continuing to allow off track betting under condition #6 of the Special Use Permit subject to the following two conditions:

1. Prior to the commencement of each season, the Drift On Inn Casino shall apply for and receive a City approved Right of Way Use Permit for special event traffic control during the race days of the Belmont Stakes, Kentucky Derby, and Preakness. At a minimum, the traffic control plan will include limiting access to N 167th St. from Aurora Ave N and the Casino's south driveway through the placement of a "Local Traffic Only" barricade and a certified flagger two hours before and after the race event. Traffic exiting the Casino shall be directed to the west, ensuring compliance with the right turn only signage. The Right of Way Use Permit shall be conditioned upon need of additional traffic control at other locations and any other requirements recommended by the City Traffic Engineer.
2. The Drift On Inn Casino shall enhance the "Right Turn Only" signage located at the site's south driveway by painting a right turn arrow in the south driveway's southbound travel lane.

RECOMMENDATION

The Planning Commission and staff recommend Council adopt Ordinance No. 374, amending Ordinance No. 347 and allowing for the continuation of the Special Use Permit with conditions as shown in **Attachment III Exhibit 2**.

ATTACHMENTS

Attachment I: Public Comment Letter & Mayor's Response

Attachment II: Planning Commission Minutes from meeting held on February 3, 2005.

Attachment III: Proposed Ordinance No. 374

Exhibit 1: Planning Commission Findings, Conclusions,
Decision, and Recommendation

Exhibit 2: Proposed Special Use Permit Conditions

Heidi Costello

Attachment I Letter Of Comment and Mayor's Reply

From: HHEISS63@aol.com
Sent: Monday, June 07, 2004 10:28 AM
To: City Council
Cc: CMO
Subject: Henry Heiss

RECEIVED
JUN - 7 2004
City Manager's Office
June 7, 2004

Ladies and gentlemen,

I'm writing to you because I have two problems I cannot seem to get resolved or at least get complete answers to.

1. Cut through traffic that comes out of the Drift on Inn parking lot onto 167th and goes east.
2. Parking problem on 167th.

I'm hoping one of you may be able to help me.

I have had several conversations with various shoreline city employees about these two issues. I can supply the details if anyone is interested. Everyone has been very courteous and professional but positive results are what I'm hoping for.

I have not got an explanation on why the right turn revision coming south out of the Drift on Inn parking lot was changed so much from what the original drawings showed. Apparently someone, whoever made the plans, had enough concern about cut-through traffic through the neighborhood to include such a revision. What happened to those concerns, because the finished revision looks nothing like the original plan?

I've attached two pictures I took on Saturday 6/5/04 to show you what happens on busy days. Notice the three cars heading east on 167th. The first and second cars came out of the casino parking lot and proceeded east, as did the third car. If the city really is concerned about reducing the cut-through traffic into our neighborhood something needs to be done to divert casino traffic to highway 99. Such as the original plan included.

On 4/13/04 I was told the no parking signs would be installed the following week. I did notice someone had spray painted two markings on the ground on 167th on the shoulder next to my house. So this appeared that it was being taken care of.

On 5/11/04 I called the CRT to see why this had still not been taken care of. I was told that the delay was because the actual signs were on backorder. This Saturday 6/5/04 I noticed that new no parking signs have been posted in two areas on 167th, but not where I was requesting and told they would go, right next to my house. Why?

To make both of these problems worse, the city granted the permit for off track horse race wagering. Hopefully you are all happy with the increased revenue it has and will continue to generate for the city. Unfortunately, it is at a cost for the few neighbors that live in the immediate vicinity. Quality of life. Additional traffic, parking congestion, and garbage that is left behind. These problems existed prior to the new permit being issued, they have just become worse.

These are the main reasons why my family has decided to move away from this neighborhood. Just as our neighbors across the street did last summer and others have told us they will probably also do.

6/7/2004

Thank you for your time,

Henry Helss
16637 Stone Ave N.
Home 206-546-2704
Cell 206-719-1174

Attachment I
Letter Of Comment and Mayor's Reply

Attachment I

Letter Of Comment and Mayor's Reply

SHORELINE CITY COUNCIL

Ron Hansen
Mayor

Scott Jepsen
Deputy Mayor

John Chang

Maggie Fimia

Paul Grace

Rich Gustafson

Robert Ransom

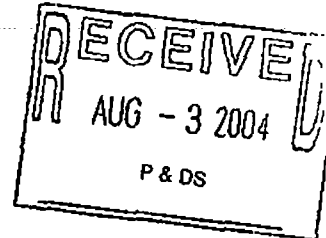
August 2, 2004

Mr. Henry Heiss
16637 Stone Avenue N
Shoreline, WA 98133

Dear Mr. Heiss:

• COUNCILMEMBER	_____
•	_____
•	_____
• FULL COUNCIL	_____
• CITY MANAGER	_____
• STAFF	_____
•	_____
•	_____
• FILE	_____

Response to attached



Thank you for your letter regarding traffic on N 167th Street near the Drift on Inn Casino. I understand your concern with vehicles heading to and from the casino. They can take up available parking in the neighborhood and add to the traffic on the local streets.

I regret hearing about the parking problems on N 167th Street. As you noted in your letter, there were delays with installing all of the signs; however, all of the appropriate signs are now in place.

The original plans submitted by the Drift on Inn proposed "Right Turn Only" signs. The Drift on Inn installed a "Right Turn Only" sign by their driveway. However, it is not seen by all drivers, especially those intending to turn left from the eastside of the parking area. "Right Turn Only" signs are difficult to see and enforce for very wide driveways, which is what currently exists. As the Interurban Trail Project gets underway later this fall, drivers will no longer be able to use this section for left turns. We will be narrowing the driveway access to the Drift on Inn by building curb and sidewalk across the Seattle City Light right-of-way. This will make it clearer to drivers that they must turn west on N 167th Street.

As for the traffic impacts, there have been several different traffic studies conducted on N 167th Street as part of the conditions required of the Drift on Inn redevelopment. These studies were conducted to track the growth of traffic on N 167th Street and to help justify new traffic control devices to mitigate the additional traffic. The most recent study was done on July 5 to compare a typical week to conditions during a major event. The photos you included with your letter showed examples of parking impacts during such major events.

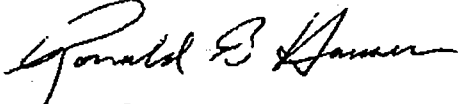
The Drift on Inn has allocated \$10,000 to help fund improvements to mitigate traffic impacts on N 167th Street. The process for dealing with the traffic impacts will be handled through the Neighborhood Traffic Safety Program (NTSP). If you wish to participate in determining the appropriate steps to take, please contact Kyle Lublin (206)-546-4223 or Sharon Wong at (206) 546 5795.

Attachment I

Letter Of Comment and Mayor's Reply

Again, I appreciate your taking time to write. If you have any other questions about traffic controls on N 167th Street, please call our City Traffic Engineer Rich Meredith at (206) 546-2408.

Sincerely,



Ronald B. Hansen
Mayor

cc: Shoreline Councilmembers
Steve C. Burkett, City Manager
Paul S. Haines, Public Works Director
Jesus Sanchez, Operations Manager

These Minutes Approved
March 3, 2005

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION SUMMARY MINUTES OF REGULAR MEETING

February 3, 2005
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT

Chair Harris
Vice Chair Piro
Commissioner McClelland
Commissioner Kuboi
Commissioner Phisuthikul (arrived at 7:11 p.m.)
Commissioner MacCully
Commissioner Hall
Commissioner Broili

STAFF PRESENT

Tim Stewart, Director, Planning & Development Services
Andrea Spencer, Senior Planner, Planning & Development Services
David Pyle, Planner I, Planning & Development Services
Jessica Simulcik, Planning Commission Clerk

ABSENT

Commissioner Sands

1. CALL TO ORDER

The regular meeting was called to order at 7:05 p.m. by Chair Harris, who presided.

2. ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Harris, Vice Chair Piro, Commissioners Kuboi, Hall, McClelland, MacCully and Broili. Commissioner Phisuthikul arrived at 7:10 p.m. Commissioner Sands was excused.

3. APPROVAL OF AGENDA

The Commission unanimously approved the agenda as written.

4. APPROVAL OF MINUTES

There were no minutes available for approval.

5. GENERAL PUBLIC COMMENT

Chair Harris invited members of the audience to comment on any issue, except those related to the Comprehensive Plan amendments. He noted that the proposed amendments are quasi-judicial issues that are scheduled for a public hearing in March and public testimony would be accepted then.

Janet Way, 940 Northeast 147th Street, said she was present to represent the Thornton Creek Legal Defense Fund and the Sno-King Environmental Council. She said her understanding is that the Comprehensive Plan amendments are legislative issues. This means the public should be able to provide comments now.

Mr. Stewart explained that the City Attorney has ruled that when a Comprehensive Plan amendment is associated with a change in zoning, it is a quasi-judicial action. Because of that ruling, testimony should be limited to the public hearing in order to observe the Appearance of Fairness Doctrine. He emphasized that the application, as well as members of the public, are welcome to listen to the workshop discussion regarding the proposed amendments. All parties would have an opportunity to comment at the public hearing on March 3rd. He suggested that any objections to the City Attorney's ruling should be submitted to the City Attorney in writing.

Ms. Way indicated that, as a citizen, she should be allowed to speak before the Commission about any issue related to Echo Lake. Mr. Stewart said that while he is not certain what portions of Echo Lake Ms. Way would like to speak about, at some point the Commission could make the determination that her comments are out of order.

Ms. Way said that as the President of the Sno-King Environmental Council, she is an advocate for Echo Lake. In addition, she has an interest in all environmental issues within the City of Shoreline. She pointed out that the stream inventory that was approved by the City in 2004 includes a section related to the McAleer Creek Watershed. In the document, Echo Lake is shown to be a water body, and there are wetlands shown in various places on the map, as well. In addition, there is a piped-watercourse leading into Echo Lake. The water flows out of Echo Lake and goes directly to Lake Ballinger, and from Lake Ballinger it flows into McAleer Creek (a Class II Salmon Bearing Stream) and then to Lake Washington. This information should be taken into consideration when discussing anything that involves the McAleer Creek Watershed.

Patrick Ducey, 19502 – 14th Avenue Northeast, pointed out that there are errors on the two maps on Pages 33 and 35 of the Staff Report. Mr. Stewart reminded the Commission that the maps are related to a Comprehensive Plan amendment and Rezone proposal that is scheduled for public hearing on March 3rd. He invited Mr. Ducey to present his oral comments to the Commission at that time. Another option would be to submit written testimony prior to the public hearing.

6. STAFF REPORTS

Revisiting Drift On Inn Reasonable Uses Permit

Mr. Pyle recalled that about a year ago, the Commission reviewed a special use permit application for off-track betting at the Drift On Inn Casino. The City Council accepted the Commission's recommendation to approve the special-use permit for a period of one year with conditions. He reviewed each of the conditions as follows:

1. **The on-site trash collection enclosure shall be brought into compliance with the Shoreline Municipal Code (SMC).** Mr. Pyle reported that the applicant has met this condition. He reviewed the existing trash enclosure with the required six foot fence.
2. **The parking lot lighting for the Drift On Inn Casino shall be brought into compliance with the SMC.** Mr. Pyle recalled that the Drift On Inn Casino owns one parking lot light, which meets the semi-cutoff standard for the reduction of illumination and shading on adjacent neighborhoods. He referred to the diagram that was provided to illustrate the type of lighting that is located on the site. He also used a map to point out the non-conforming lights that are currently located on Seattle City Light right-of-way. He explained that the applicant does not have the ability to change this situation.
3. **An easement shall be recorded against the title of Club Hollywood Casino for access and use of the on-site storm drainage bypass system that was installed as part of Club Hollywood's construction project.** Mr. Pyle referred to text that was taken from the 2003 Boundary Line Adjustment that was recorded with King County Records. It gives the City full access to a 10-foot drainage easement along the eastern boundary of the Club Hollywood parcel and the Drift On Inn parcel.
4. **The property owner shall record an agreement for shared parking encompassing all the required parking for the Drift On Inn Casino that is located on other parcels of land within 30 days of approval of the application.** Mr. Pyle reported that two agreements have been recorded with King County Records to supplement the existing agreement between Club Hollywood and the Drift On Inn Casinos for shared parking that provides 62 additional spaces. Although not recorded, an additional agreement was signed that supplies an additional 30 parking spaces beyond the 62. He noted that the Drift On Inn offers a free valet parking service, and both of the parking lots associated with the two filed agreements are within 500 feet and are in compliance with the code.
5. **Signage shall be installed prior to April 15, 2004 at locations along 167th Street North to read, "No Parking Any Time."** Mr. Pyle advised that signs have been installed all the way down the south side of 167th Street North heading east towards Stone Avenue. They were also installed on the north side, between Aurora Avenue North and the entrance to the Drift On Inn Casino. He noted that there is a strip on the cemetery side that can be used for parking since it allows enough space for cars to park off the pavement and for people to walk along the street without being in the lane of travel.
6. **At the end of the 2004 horse racing season, the City of Shoreline Planning Department shall bring a recommendation before the Planning Commission, with final approval by the City Council, to either continue to allow or not allow off-track wagering based on the outcome of a**

parking and traffic studies. Mr. Pyle reminded the Commission that their task is to revisit the special-use permit that was issued to the Drift On Inn Casino in 2004 for off-track wagering. Condition 6 requires the City to evaluate the impacts of pass-through traffic on North 167th Street and associated off-site parking in relation to the off-track wagering operation.

Mr. Pyle advised that off-track wagering is operated at the Drift On Inn Casino from mid April through September of each year. The days of operation are Thursday and Friday from 5:00 p.m. to 10:00 p.m. and Saturday and Sunday from 1:00 p.m. to 9:00 p.m. He noted that these are times when the normal casino activity is at a relatively low level and there is more available space in the casino. He reviewed that there are three major events during the season: Belmont Stakes, Breeders Cup and Kentucky Derby. These events bring a lot of clientele to the casino.

Mr. Pyle reported that staff conducted a traffic count at the site. He referred to the table that was prepared to illustrate the traffic volumes during the three major events. During the Belmont Stakes on the weekend of June 5th, there was a spike in traffic volumes (26 to 38 percent) in both directions. Next, he referred to the table of weekday traffic volumes and noted that the Friday numbers indicated higher volumes, but some of this increase could be attributed to other causes.

Mr. Pyle advised that a "Right Turn Only" sign was installed on the site to eliminate the left-turning traffic onto North 167th Street heading east towards Ashworth Avenue. All traffic heading out of the parking lot must turn right and go towards Aurora Avenue North, rather than cutting through the neighborhood.

Mr. Pyle referred the Commission to the parking supply study that was conducted by the City's Traffic Engineer on a Friday evening in April. The study indicated that the parking lot was well used, based on the occupancy of spots available. He noted that the study was conducted prior to the posting of "No Parking" signs along North 167th Street. With the exception of the small area in front the cemetery, this parking has now been eliminated.

Mr. Pyle summarized that staff finds that the applicant has met Conditions 1, 2, 3, 4, and 5 as outlined in their special use permit. Staff recommends that a new Condition 6 be added to the permit as follows: "Continue to allow off-track betting under Condition 6 of the special use permit, subject to a condition that the Drift On Inn Casino establish a traffic and parking management plan for the three major race days throughout the season and apply for and receive a City approved right-of-way permit for special event traffic control. The right-of-way use permit shall be renewed annually and shall be subject to City right-of-way engineering review." Mr. Pyle explained that a right-of-way special use permit would require the applicant to provide staff to flag traffic and to ensure that the "No Parking" and "Right Turn Only" signs are observed. In addition, the applicant would be required to provide additional staff to assist with valet services when there is a high volume of traffic entering the site during the major race days. He advised that the intent of the traffic management plan requirement is to minimize the impacts of the higher volumes of traffic that occur during the major events.

Mr. Stewart said the staff's recommendation is that the Commission move a recommendation to the City Council to amend Condition 6 to allow continued off-track betting as per the language presented by Mr. Pyle.

Commissioner Hall inquired regarding the rationale for requiring the traffic and parking studies. Mr. Pyle said his understanding is that the Commission wanted the City to study impacts along North 167th Street to ensure that the adjacent residential uses are not impacted by the supplemental casino use. Mr. Stewart said that there was some uncertainty amongst the Commission as to what the actual parking and traffic impact from the off-track betting use would be, and the Commission wanted to obtain empirical evidence at the end of one-year of operation. After completing the studies, staff has concluded that, generally, the operation would be acceptable if special consideration is given during the three significant events.

Commissioner Hall said the report indicates that the off-track betting use does create an additional traffic impact. In addition, the parking study showed 100 percent capacity in the later hours of the evening, and this was prior to removing the 25 parking spaces that were available on North 167th Street. Now that the impacts have been identified, he suggested that the Commission consider the appropriate balance.

Commissioner MacCully recalled that a condition of the special use permit was that, in the event that parking did approach capacity, the applicant would be required to provide additional parking spaces. Mr. Pyle explained that the facility is currently in compliance with the parking standards, and the applicant has recorded two additional agreements with King County Records to supply a total of 62 parking spaces that are within 500 feet of the site. Additionally, the applicant has signed another agreement that provides an additional 32 spaces, but the City does not have a recorded copy of this document. Commissioner MacCully inquired if the 62 spaces that would be provided by the recorded agreements would be in addition to the available spaces that are identified in the parking study. Mr. Pyle answered that the 62 spaces would be in addition to the available site parking that is required by the code. The applicant would use the additional spaces as part of their valet parking operation.

Commissioner MacCully recalled that when the Commission reviewed the special use permit application a year ago, a number of neighborhood residents spoke about their concerns related to traffic and parking. He said one of the big issues of concern was that people would infiltrate into the neighborhood on North 167th Street rather than using Aurora Avenue North. That is one of the reasons for requiring a "Right Turn Only" sign. He questioned if it would be possible to segment the traffic counts to determine whether or not there is still a lot of traffic going eastbound on North 167th Street. Mr. Pyle said he cannot speak to this issue, but he noted that it is currently illegal for people to turn left out of the casino. Therefore, problems associated with this requirement are considered code enforcement issues. The landscaping and improvements that are planned for where the Interurban Trail crosses North 167th Street appear to narrow the driveway a bit, so people might be forced to drive closer to the "Right Turn Only" sign, making it more visible.

Commissioner McClelland referred to a letter from a citizen indicating that the "Right Turn Only" sign is difficult to see, and people are not observing the requirement. She said the proposed improvements might make the sign more visible, but she questioned how the City would enforce the requirement. She

suggested that the sign only has a marginal effect on causing people to turn right instead of left. The numbers show that traffic traveling west on North 167th Street has increased, and this means people are coming from the freeway and up North 167th Street to access the casino. Mr. Pyle pointed out that it is difficult to determine if this westbound traffic is heading to the casino or to Aurora Avenue North. Commissioner McClelland recalled that the intent was to train people to use routes other than the neighborhood streets. While the conditions of the special use permit do much to improve the situation, perhaps the City could do more to protect the neighbors from the impacts associated with the off-track wagering use. She pointed out that off-track wagering is an incidental use for the casino. People come, place a bet and then leave. Therefore, the turnover rate is quite high, and there is a dramatic increase in traffic movement on the race days.

Commissioner Broili inquired if any thought was given to actually painting the curbs as well as providing signs to further accentuate the fact that no parking is allowed on North 167th Street. He said it should be relatively simple to engineer a solution that would make it virtually impossible to turn left out of the parking lot. Mr. Pyle said the Fire Department has indicated that these types of solutions would not allow for fire access to the site. He pointed out that prior to construction of the Interurban Trail, the mouth of the parking lot was very broad, making it difficult to limit the turning movement. It is possible that frontage improvements associated with the Interurban Trail could improve the situation. He also said it is possible to paint the parking lot with a giant arrow indicating right turn only.

Commissioner Broili referred to the Mayor's letter of response to Mr. Hess's concerns, which indicates that there were delays in the installation of the "No Parking" signs. Mr. Pyle said this was an engineering delay. Staff had to determine the best location for the signs, and the original proposal for location was changed based on the City Engineering Department's review. He noted that there is no shoulder on North 167th Street east of Stone Avenue. While people might try to park in this location, it does not lend itself to parking. Therefore, staff determined that the "No Parking" signs were needed more in front of the houses that were bearing the most impact. He said that, right now, there is no evidence (wheel tracks) of people parking in the "no parking" zone. However, on the north side across from the signs, there is a very large area for parking.

Commissioner Kuboi asked how the three major race days identified in the staff's recommendation for a new Condition 6 were determined. Mr. Pyle said the three events identified in proposed Condition 6 represent the large stake races, and these are the events that draw the most significant crowds. He suggested that the Commission allow the applicant to explain this issue better.

Vice Chair Piro recalled that when the Commission considered the special use permit application a year ago, the vote was split. One of the issues discussed was the City's use of conditional use permits. He further recalled that the Commission requested guidance from the City Council regarding their position and policy related gambling establishments. Mr. Stewart explained that the debate over gaming in Shoreline is currently focused on a proposal to reduce the gaming tax from 11 percent to 9 percent. The City Council is considering this issue on February 7, and a fairly extensive staff report has been prepared to address the issue of gaming in Shoreline and the fact that it is essentially a monopoly because no new businesses would be allowed. He suggested that staff forward copies of the staff report to each Commissioner. Staff could also brief them on the outcome of the City Council's deliberations. Mr.

Stewart reiterated that as per current law, gambling uses are prohibited in the City of Shoreline. However, existing establishments are allowed to continue, and the only way to expand the use is through the special use permit process. There is currently debate going on at the State level regarding the validity of this type of policy.

Although it should not be part of the Commission's formal action, Commissioner MacCully encouraged the staff to target enforcement of the parking and traffic situation in this location. Mr. Stewart reminded the Commission that the City's current code enforcement program is complaint driven. He briefly reviewed the code enforcement process.

Commissioner Broili inquired if staff had considered the traffic and parking impacts that extend beyond the immediate vicinity. Mr. Pyle noted that a lot of the traffic funneling onto Aurora Avenue North could be residential traffic. Right now, they don't know where the traffic on North 167th Street is coming from or where it is going, but not all of it is associated with the casino. He noted that there is a curb that prohibits people from turning south onto Ashworth Avenue from westbound North 175th Street, so people coming from I-5 would have to use Meridian Avenue North.

Mr. Stewart said that as the City studies traffic impacts over the 20-year planning period, they anticipate growth in both the commercial and residential areas. However, this growth would be significantly overshadowed by the external-to-external trips pushing through the City. Staff anticipates these types of trips will create significant, long-range impacts. However, he does not believe the impacts from this application would warrant an additional traffic study of a larger area. Mr. Pyle referred to the study that was completed by the City's Traffic Engineer in association with the construction of Club Hollywood. This document is mentioned in the minutes from the 2004 meeting regarding this same application.

Commissioner McClelland reviewed that when the Commission previously discussed this application, they felt strongly that where intense commercial uses along Aurora Avenue North abut residential neighborhoods, the City should do whatever they can to avoid any additional adverse impacts. She noted that while the casino use is separated from a single-family residential neighborhood by a cemetery, there is almost no visual buffer. Since they need businesses on Aurora Avenue North and viable neighborhoods, they must find ways to mitigate the impacts. Commissioner Broili agreed that buffering residential uses from business uses is important. However, he emphasized that it is important for the Commission to consider how the use would impact areas beyond.

Bob Mitchell, Drift On Inn Casino, explained that this was an unusual year because of the potential to have a Triple Crown winner, which hasn't happened in 28 years. A lot of people came to bet the third race. He pointed out that every day at 3:00 p.m., Aurora Avenue North becomes a parking lot. Sometimes traffic even cuts through their lot, and the City will never be able to figure out exactly where the cars are coming from or where they are going.

Mr. Mitchell said they want to be good neighbors and address the concerns that have been raised. He suggested that during the Triple Crown events, when the traffic is fairly high, they would apply for a permit and comply with the requirements as per Condition 6. He noted that since the Interurban Trail has been put in, the drive entrance has been shortened, requiring everyone to pass the "Right Turn Only"

sign. If the City were to provide a traffic enforcement officer a few days a week for a while, people would start to get the message. He summarized that Drift On Inn wants to do whatever it takes to be a good neighbor.

Commissioner McClelland inquired if the Commission previously discussed the option of placing a sign on Aurora Avenue North indicating "local traffic only." Mr. Stewart said this concept might be part of the overall long-range traffic calming study. The Neighborhood Traffic Safety Program is being modified and enhanced, and this could be an avenue to address cut through and speeding issues on local streets. Mr. Miller said it is in the Drift On Inn's best interest to have effective traffic flow on the site to allow their customers to get in and out. If the parking lot becomes chaotic, their business would be impacted, as well. Mr. Mitchell added that, even on their busiest day last year, the valet parking areas were not full.

Commissioner Kuboi requested clarification regarding the three races that are identified in proposed Condition 6. **Doug Miller, Drift On Inn Casino**, explained that there are three big races in the Triple Crown, and each race is longer than the last. These three races are known as the "Super Bowl of horse racing." The Commission agreed that Condition 6 should clarify exactly which races are part of the Triple Crown.

Chair Harris invited members of the public to provide their comments, but no one in the audience expressed a desire to address the Commission.

Mr. Stewart explained that the off-track horse racing season begins in April. If the Commission wants to make a recommendation to extend the special use permit, they should forward their recommendation to the City Council in enough time for them to make a final decision by April. Mr. Pyle added that the application has been tentatively scheduled on the City Council's agenda for February 28th.

Vice Chair Piro inquired if the 2004 permit would be valid until April. Mr. Stewart said Condition 6 was carefully crafted in Ordinance 347. It states that at the end of the 2004 racing season, the Planning Commission shall bring a recommendation to the City Council to either continue to allow or not allow off-track wagering. The staff is attempting to fulfill this condition by bringing back a recommendation that the use be allowed to continue as conditioned.

Chair Harris inquired if Condition 6 would require a new right-of-way permit every year. He also questioned how the plan could be modified in future years to address any problems that might arise. Mr. Stewart answered that future problems could be addressed through the right-of-way use permit process.

COMMISSIONER HALL MOVED THAT THE COMMISSION FORWARD A RECOMMENDATION TO THE CITY COUNCIL THAT THEY APPROVE CONTINUED OFF-TRACK BETTING AS PER THE STAFF'S RECOMMENDATION. COMMISSION MACCULLY SECONDED THE MOTION.

Commissioner Broili inquired if any new conditions could be applied to the special use permit. Mr. Stewart said any new conditions must be related to satisfaction of Condition 6. Commissioner Broili

said it appears the only concern is related to additional traffic impacts associated with the use. He suggested that perhaps traffic count hoses could be placed at the access points to determine how much of the traffic in the area is associated with the casino use and how much is pass-through traffic.

Commissioner Hall said that if the majority of the Commission feels that based on the data that is available, the potential impact of traffic and parking to the neighborhood is acceptable, they can recommend approval of the permit whether or not the traffic is associated with the casino use or not. Mr. Pyle said numerous traffic studies were conducted as part of the Club Hollywood application, including someone actually counting the cars that came into the casino facilities. This information should be part of the record.

Mr. Stewart reviewed that a special use permit was granted for the construction of Club Hollywood Casino, and this involved extensive traffic and parking studies. The special use permit for the off-track wagering use was added on after the Club Hollywood Casino project was completed. He said the City could require additional parking and traffic studies as part of the right-of-way permit review if deemed appropriate by the City Traffic Engineer. In addition, the Traffic Division also conducts independent studies if they have problems judging or gauging traffic through local streets.

Commissioner Phisuthikul said a significant issue appears to be whether or not the people that are exiting the casino are illegally turning left. He recommended that the applicant paint a right-turn-only arrow on the pavement. In addition, they could install curbing to prevent people from turning left without prohibiting emergency access. Vice Chair Piro inquired if the Commission could add this as a condition or if they should offer the concept as a recommendation aside from the action. Mr. Stewart said it would be appropriate for the Commission to make suggestions or encourage the applicant to make additional improvements, but they cannot impose any new conditions. Chair Harris cautioned the Commission against trying to design the project. He suggested a better approach would be to defer the issue to the City Traffic Engineer to address as part of the right-of-way permit. Mr. Stewart agreed that would be appropriate.

Mr. Pyle said that as he evaluated the file, he worked hard to focus on the special use permit as a supplemental use to the casino. It became clear to him that his task was to determine how the additional use might affect the traffic flows in the area on its limited days of operation. He tried to make a recommendation that relates to just the special use rather than the whole casino operation in general. The goal is to control the traffic spikes that occur as a result of the off-track betting operation.

Vice Chair Piro suggested that the Commission's finding be that Condition 2 has only been partially met, and they would like the applicant to take additional actions regarding the right turn issue. Commissioner McClelland said she does not feel this would be necessary, since the message has gotten across to the applicant. Mr. Stewart said the applicant has indicated his willingness to accept a condition to enhance the signage for the "right turn only" out of the parking lot, and details could be worked out later.

Commissioner Kuboi suggested that Condition 6 be amended by substituting "Preakness" for "Breeder's Cup." The Commission agreed this would be acceptable.

CHAIR HARRIS RESTATED THE AMENDED MOTION TO READ AS FOLLOWS:

COMMISSIONER HALL MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF THE STAFF RECOMMENDATION TO CONTINUE TO ALLOW OFF-TRACK BETTING UNDER CONDITION 6 OF THE SPECIAL USE PERMIT SUBJECT TO THE CONDITIONS THAT THE DRIFT ON INN CASINO ENHANCE "RIGHT HAND TURN ONLY" SIGNAGE AND ESTABLISH A TRAFFIC AND PARKING MANAGEMENT PLAN FOR THE THREE MAJOR RACE DAYS THROUGHOUT EACH SEASON (TRIPLE CROWN RACES: BELMONT STAKES, KENTUCKY DERBY, AND PREAKNESS) AND APPLY FOR AND RECEIVE A CITY APPROVED RIGHT-OF-WAY USE PERMIT FOR SPECIAL EVENT TRAFFIC CONTROL. THE RIGHT-OF-WAY USE PERMIT SHALL BE RENEWED ANNUALLY, AND SHALL BE SUBJECT TO CITY RIGHT-OF-WAY ENGINEERING REVIEW. COMMISSIONER MACCULLY SECONDED THE MOTION. THE MOTION CARRIED 7-1, WITH VICE CHAIR PIRO VOTING IN OPPOSITION.

Introduction to Three, Site-Specific Comprehensive Plan Amendments and Rezone Applications

Mr. Stewart reviewed that when a Comprehensive Plan amendment is proposed with an associated rezone application, it is considered a quasi-judicial matter. Because of the Appearance of Fairness Doctrine, this means all comments should be focused to the public hearing rather than at the workshop. The purpose of the workshop is to brief the Commission on the upcoming public hearings so they can ask the staff to answer questions and prepare appropriate information. He emphasized that it is not staff's intent to shut out public comments, but these comments should be focused towards the public hearing that is scheduled for March 3rd. Written public comments could be submitted prior to the public hearing.

Commissioner MacCully inquired at what point the Appearance of Fairness Doctrine would apply to Commissioners who may have had contact with one of the proposed actions. Mr. Stewart said the Echo Lake proposal is getting a lot of publicity, and the City Council is deliberating the issue from an ownership role rather than a regulatory role. He reminded the Commission of their responsibility to keep the process open and fair. They should not reach any conclusions until after the public hearing. The Commissioners would have an opportunity to disclose any ex parte comments at the beginning of each public hearing when prompted by the Commission Chair. Commissioners could consult with the City Attorney regarding any concerns they might have. He summarized that the workshop would provide an opportunity for the Commissioners to ask questions, but not to deliberate, form opinions or express opinions.

Introduction to Fremont Place North Comprehensive Plan Amendment and Rezone Application

Mr. Pyle reviewed that the subject property is located on the Corner of Fremont Place North and North 160th Street, near a Washington State Department of Transportation facility and other commercial properties, a multi-family housing complex and a low-density residential neighborhood. The proposal is to change the Comprehensive Plan Land Use Designation from Low-Density Residential (LDR) to High Density Residential (HDR). He explained that the topography, surrounding uses and location make the

ORDINANCE NO. 374

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON APPROVING THE CONTINUATION OF A SPECIAL USE PERMIT FOR THE PURPOSE OF INTENSIFYING A NONCONFORMING GAMBLING USE BY ADDING SATELLITE OFF TRACK WAGERING AT 16708 AURORA AVENUE NORTH; AND AMENDING ORDINANCE NO. 347.

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

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

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

WHEREAS, on March 22, 2004 the City Council passed Ordinance No. 347 subject to the conditions attached; and

WHEREAS, conditions 1 through 5 of Ordinance No. 347 as required have been met; and

WHEREAS, condition 6 of Ordinance No. 347 has been addressed; and

WHEREAS, it is proposed to amend Ordinance No. 347 to continue the approval of the Special Use Permit with removal of condition 6 but subject to two additional conditions; and

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

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

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

Section 2. Amendment. Ordinance No. 347, Section 2, Exhibit 2, Conditions- Drift on Inn Casino SUP #201280, setting conditions for the Special Use Permit approved for the intensification of a nonconforming gambling use to add satellite off track wagering at 16708 Aurora Avenue North is amended to read as set forth in Exhibit 2 attached hereto and incorporated herein.

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

Section 4. Effective Date. This ordinance shall go into effect five days after passage, and publication of the title as a summary of this ordinance.

PASSED BY THE CITY COUNCIL ON MARCH 28, 2005.

Mayor Ronald B. Hansen

ATTEST:

APPROVED AS TO FORM:

Sharon Mattioli, MMC
City Clerk

Ian Sievers
City Attorney

Date of Publication: March 31, 2005
Effective Date: April 5, 2005

PLANNING COMMISSION FINDINGS AND DETERMINATION

Findings and Determination of the City of Shoreline Planning Commission

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

Summary-

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

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

I. FINDINGS OF FACT

1. Project Description-

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

2. Procedural History-

- 2.1 Pre-Application meeting held: December 22, 2003
- 2.2 Neighborhood meeting date: January 5, 2004
- 2.3 Application Date: January 16, 2004
- 2.4 Complete Application Date: January 23, 2004
- 2.5 Public Notice of Complete Application and Public Hearing: January 28, 2004
- 2.6 End of Public Comment period: February 11, 2004
- 2.7 Planning Commission Public Hearing: February 19 and 26, 2004
- 2.8 City Council Public Meeting: March 22, 2004
- 2.9 Ordinance #347 was passed approving the Special Use Permit for Off Track Wagering for one season of operation with a condition to revisit the permit in 1 year: March 22, 2004

- 2.1 Planning Commission motion to approve the Continuation of the Special Use Permit for Off Track Wagering based on the Planning Commission findings: February 3, 2005.

II. Conclusions

By intensifying the nonconforming gambling use at the Drift on Inn Casino, the supplemental facility use has caused a spike in major event related east and west bound cut through traffic on N 167th St. Because this spike can only be directly related to major racing events (such as the Kentucky Derby, the Belmont Stakes, and Preakness), it can be concluded that these events cause impacts on the adjacent neighborhood that shares N 167th St. with the Drift On Inn Casino.

III. Recommendation

The Planning Commission recommends continuing to allow the off track betting Special Use Permit subject to the following conditions:

1. Prior to the commencement of each season, the Drift On Inn Casino shall apply for and receive a City approved Right of Way use permit for special event traffic control during the identified three major race days throughout each season (Triple crown Races: Belmont Stakes, Kentucky Derby, Preakness). At a minimum, the traffic control plan will include limiting access to N 167th St. from Aurora Ave N and the Casino's south driveway through the placement of a "Local Traffic Only" barricade and a certified flagger. Traffic exiting the Casino shall be directed to the west to Aurora Ave N, ensuring compliance with the right turn only signage. The Right of Way use permit shall be renewed annually, and shall be subject to City Right of Way engineering review and any other requirements imposed by the City's traffic engineer.
2. The Drift On Inn Casino shall enhance the "Right Turn Only" signage located at the site's south driveway by painting a right turn arrow in the south driveway's southbound travel lane.

City of Shoreline Planning Commission

Chairperson: David Harris

Date: _____

Ordinance No. 374 Conditions: Drift on Inn Casino SUP #201280

1. The onsite trash collection enclosure shall be brought into compliance with SMC 20.50.150. This requires the receptacle to be fully enclosed and hidden from public view. The method of enclosure shall be construction of wooden enclosure on three sides with self-closing doors on the fourth side. The height of the enclosure shall be six feet. This condition shall be met within 30 days of the approval of the Special Use Permit or shall be considered a violation of the Development Code and subject to code enforcement action.
2. The parking lot lighting for the Drift on Inn Casino shall be brought in to compliance with SMC 20.50.260. The parking lot lighting shall be shielded to protect adjacent properties from glare. The applicant shall provide the City with a parking lot lighting plan within 30 days of approval of the Special Use Permit. This condition shall be met within 30 days of the approval of the Special Use Permit or shall be considered a violation of the Development Code and subject to code enforcement action.
3. An easement shall be recorded against the title of Club Hollywood Casino, parcel number #072604-9086 for access and use of the on site storm drainage bypass system by adjacent properties that was installed as part of Club Hollywood's construction.
4. The property owner shall record an agreement for shared parking encompassing all of the required parking for the Drift on Inn Casino that is located on other parcels of land within 30 days of approval of this application. The total number of spaces required to bring the Drift on Inn Casino to compliance is 56. The agreement shall include the duration of the parking agreement, terms for renewal, terms for revocation, number of shared parking spaces, hours of operation for each use sharing the parking spaces, and other limitations. This document shall be recorded and a copy shall be provided to the City prior to permit issuance. In the event that a shared parking agreement is terminated during the time this use is in existence, the property owner shall have 45 days from approval of this application to locate and secure parking to replace those spaces that are required as part of this permit. If the property owner is unable to comply with this condition, it shall be deemed a code enforcement issue subject to the City's development code enforcement provisions in affect at the time of the violation.

Attachment III, Exhibit 2

5. Signage shall be installed at the following locations along 167th Street North:
- “No Parking” signs on the North side of 167th Street from the western boundary of the Seattle City Light Right of Way and Aurora Avenue North.
 - No Parking” signs on the South side of 167th Street between Aurora Avenue North and 30 feet east on 167th Street North.
 - “No Parking” signs on the South side of 167th Street North from the eastern most boundary of the Seattle City Light Right of Way to Stone Avenue North

The signs shall read “No Parking Any Time” and shall be installed prior to April 15, 2004 per the City’s engineering standards.

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

6. Prior to the commencement of each season, the Drift On Inn Casino shall apply for and receive a City approved Right of Way Use Permit for special event traffic control during the race days of the Belmont Stakes, Kentucky Derby, and Preakness. At a minimum, the traffic control plan will include limiting access to N 167th St. from Aurora Ave N and the Casino’s south driveway through the placement of a “Local Traffic Only” barricade and a certified flagger two hours before and after the race event. Traffic exiting the Casino shall be directed to the west, ensuring compliance with the right turn only signage. The Right of Way Use Permit shall be conditioned upon need of additional traffic control at other locations and any other requirements recommended by the City Traffic Engineer.

7. The Drift On Inn Casino shall enhance the “Right Turn Only” signage located at the site’s south driveway by painting a right turn arrow in the south driveway’s southbound travel lane.

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