

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Resolution No. 220 initiating vacation for a portion of Midvale Avenue N. between N. 183 rd and N. 185 th streets and setting a public hearing on vacation.
DEPARTMENT:	Planning and Development Services <i>MS</i>
PRESENTED BY:	Tim Stewart, Director of Planning and Development Services Paul Cohen, Planner III <i>PLC</i>

PROBLEM / ISSUE STATEMENT:

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

The process for reviewing street vacations is described in Chapter 12.17 of the Shoreline Municipal Code and through State law (Chapter 35.79 RCW). State law allows Council to pass a resolution to initiate a street vacation and requires a resolution fixing the time for a public hearing on the vacation. This Council action on the proposed vacation is before you tonight. The Shoreline Code also requires posting and mailing notices of the public hearing before the Planning Commission on the proposal. The schedule for this process is:

- July 19, 2004: City Council action on Resolution No. 220 initiating the street vacation process and fixing the time for a public hearing on vacation of a Midvale Avenue N between N 185th Street and approximately 170 feet south;
- August 19, 2004: Planning Commission public hearing on the proposed street vacation; and
- September 13, 2004: City Council closed record hearing and action on an ordinance of street vacation

If the ordinance approving the street vacation passes, necessary easements would be recorded concurrently with the vacation and interests in the vacated property could be reserved as a condition of vacation.

A street vacation would transfer the ownership and control of the right-of-way to adjacent property owners, with continuing public needs, such as utility easements, reserved in the vacation ordinance. The purpose of this report is to review the proposal as conditioned to receive Council's approval to start the public process leading to a decision on the vacation.

ALTERNATIVES ANALYZED:

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

FINANCIAL IMPACT:

Tonight's action has no financial impact. Future approval of the street vacation ordinance would entitle the City to monetary or consideration for the vacation.

RECOMMENDATION

Staff recommends the Council approve Resolution No. 220 initiating the vacation of a portion of Midvale Avenue N. R-o-W between N. 183rd and N. 185th Streets and fixing the time for a public hearing on vacation.

Approved By:

City Manager 

City Attorney 

INTRODUCTION

The Council is required to act on street vacations following review of a traffic engineering study. A street vacation would transfer the ownership and control of the right-of-way to adjacent property owners. The purpose of this report is to provide additional information to aid the Council in its decision on whether to initiate the vacation of a portion of Midvale Avenue N at the request of the applicant. The first step in the process, should the Council choose to begin the street vacation, is to pass a resolution setting the date, time and place for a public hearing before the Planning Commission.

BACKGROUND

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

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

No public comments have been received for the street vacation because a notice of application has not been sent due to the application's incomplete status. Public comments will be received during the public hearing on the vacation.

ISSUES

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

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

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

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

Traffic Analysis

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

Midvale Avenue N Design (See Attachment B)

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

Area 2 - South Portion: Street will remain City R-o-W. Applicant will be required to build a street cross section of 2 – 12 foot travel lanes, with curbs and landscaping. Parking may be allowed if adequate distance is given to allow safe parking movements on

Midvale Avenue N. Any parking in the Seattle City Light R-o-W may be allowed but may be moved to accommodate changes in their R-o-W and pole relocation. The requirement for sidewalks can be met with the Interurban Trail to the west and an 8-foot sidewalk on the west side of Midvale Avenue N. or an unobstructed easement along the building front. Walkways from the Interurban Trail, across Midvale Avenue N., and to the buildings will be required.

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

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

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

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

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

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

Legal Mechanisms

Street closure is possible by Council action but this would be a temporary closure under WAC 308-330-270 (7). Developers of the Gateway project need long term control and use of the property for financing.

Street vacation under state law and SMC chapter 12.17 allows permanent transfer of the property with conditioned upon the City's right to repurchase a portion of the vacated right-of-way to allow a transfer of property in fee to Seattle City Light if a portion of the Seattle property is needed to realign Aurora. Easements for existing or future utility needs are a common condition in street vacations. Vacations must be 1) beneficial to the public interest; 2) consistent with needs for access, traffic circulation and utilities; 3) consistent with long range circulation plans; and 4) consistent with the comprehensive plan and street standards.

Easements can be required as conditions of vacation both for utility needs in the vacated right-of-way, but also to meet the access and circulation functions of the vacated road. The proposal will include public pedestrian and vehicle access easements that will connect Midvale Avenue N. to N.185th Street through the project site after vacation including conditions for maintenance by the private property owner.

Anticipated Questions

The following questions were raised at the June 28, 2004 Council meeting:

- Will a traffic signal be required at the intersection of the new Midvale Avenue N. alignment and N 185th Street?

A signal may not be needed depending on the traffic impact analysis. The analysis looks at the amount of traffic increase over the existing site and uses and traffic movements in the vicinity.

- Is the ingress/egress drive west of the pharmacy on N185th Street going to be acceptable? Is the traffic impact study adequate?

The traffic Impact Study needs to include some additional analysis and should also include a signal warrant study at N. 185th Street and the realigned Midvale Avenue N. intersection.

- How will traffic spillover into the adjacent residential area be controlled?

This issue will be addressed in the Traffic Impact Study required with the development applications. The City is already installing a traffic circle at N. 183rd Street and Stone Avenue N. to slow existing and anticipated traffic. In addition, staff recommends requiring the developer to prepare a post-occupancy traffic study for the purpose of identifying the actual traffic impacts that result from the redevelopment of this property. This condition would be accompanied by a requirement for the developer to work with the City to devise and implement traffic calming measures if problems are identified.

- What are the pros and cons of the new Midvale Avenue N. alignment compared with utilizing the service access along the back of the building long the eastern property line?

The new Midvale Avenue N. alignment will provide a more visible route for pedestrians and vehicles compared to having the back access drive. This should help divert cars sooner from heading into the residential neighborhood. The back access is designed as a loading area. Trucks will be off-loading merchandize, backing into the loading areas and at times obstructing through traffic.

- What are the elevations of Aurora Avenue N. at N. 185th Street and the finished floor elevation of the proposed buildings?

The Aurora Avenue N. elevation at the center line is approximately 480 feet. The finished floor elevations are 475.5 feet

SUMMARY

The vacation of Midvale Avenue N. and its realignment would benefit and facilitate redevelopment of the former QFC site, Midvale Avenue N., and Seattle City Light R-o-W. However, the reconfiguration of streets, intersections, and entries should not include the proposed building and site design. They are under review to meet development code requirements. If Council chooses not to vacate Midvale this particular development proposal would not be permitted as submitted primarily because of frontage requirements along Midvale Avenue N. If the proposal were revised to be contained east of Midvale Avenue N. with no Interurban Trail, on site frontage, parking, and other development requirements could be met under the existing building layout. However, the market issues of visibility and desired parking may deter such a proposal being made.

RECOMMENDATION

Staff recommends the Council approve Resolution No.220 (Attachment C) initiating vacation of the north 170-foot portion of Midvale Avenue N R-o-W between N. 183rd and N. 185th Streets and fixing the time for a public hearing on the vacation.

ATACHMENTS

- A. Excerpt from Draft Central Shoreline Subarea Plan
- B. Site Map Depicting Proposed Midvale Vacation and Easements
- C. Proposed Resolution No. 220

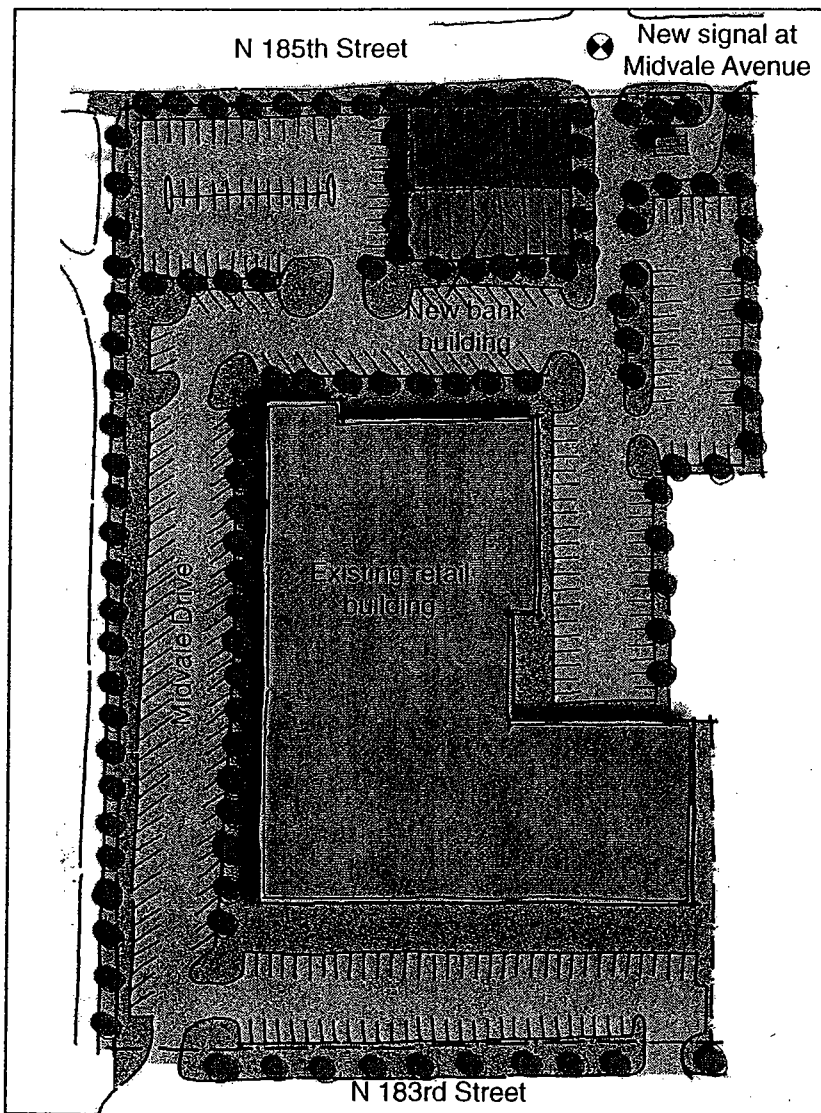
ATTACHMENT A

CENTRAL SHORELINE SUBAREA PLAN

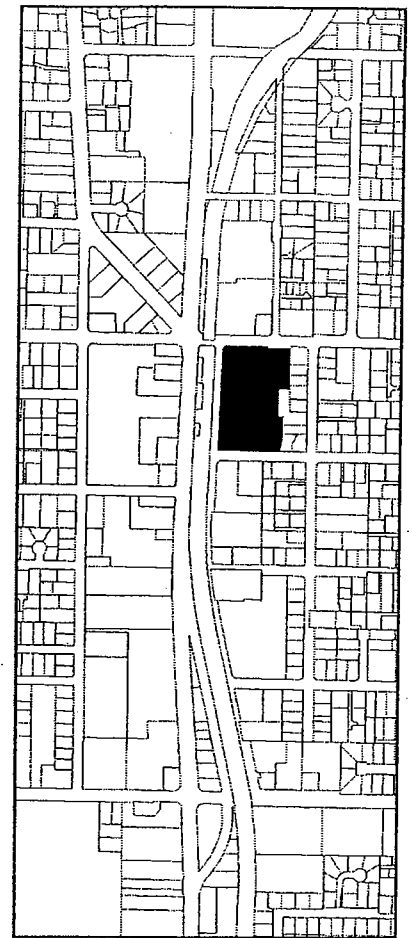
THE "GATEWAY" SITE

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

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



5-Year Vision

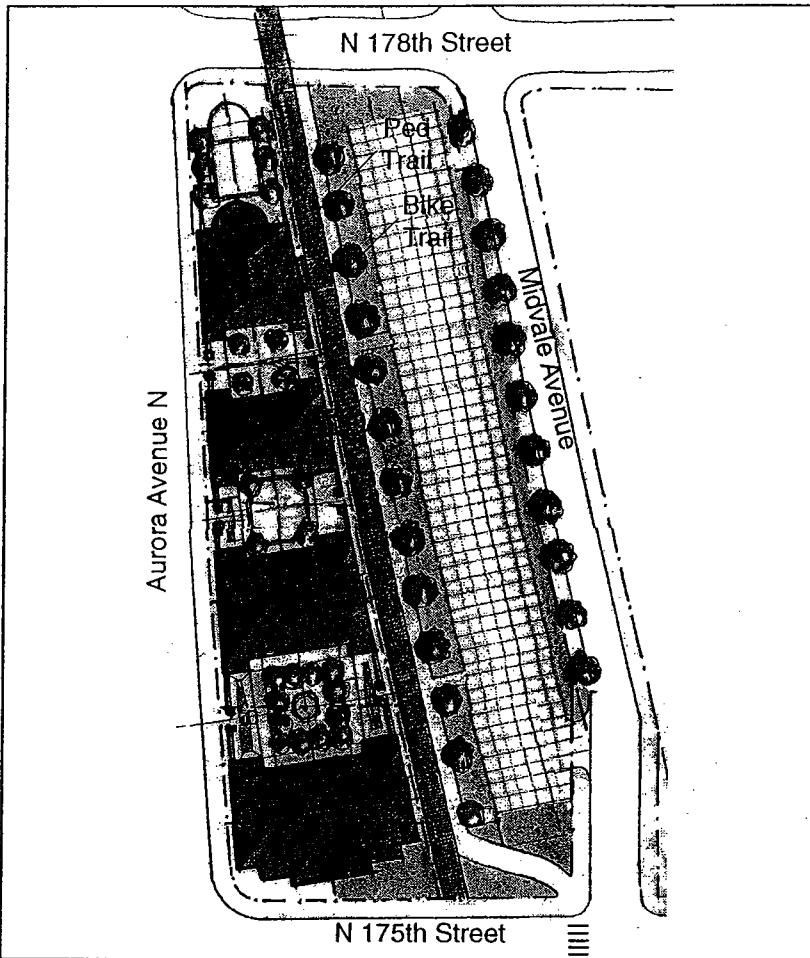


Locator key

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

CENTRAL SHORELINE SUBAREA PLAN

THE "WEDGE"



The complete redevelopment scenario.

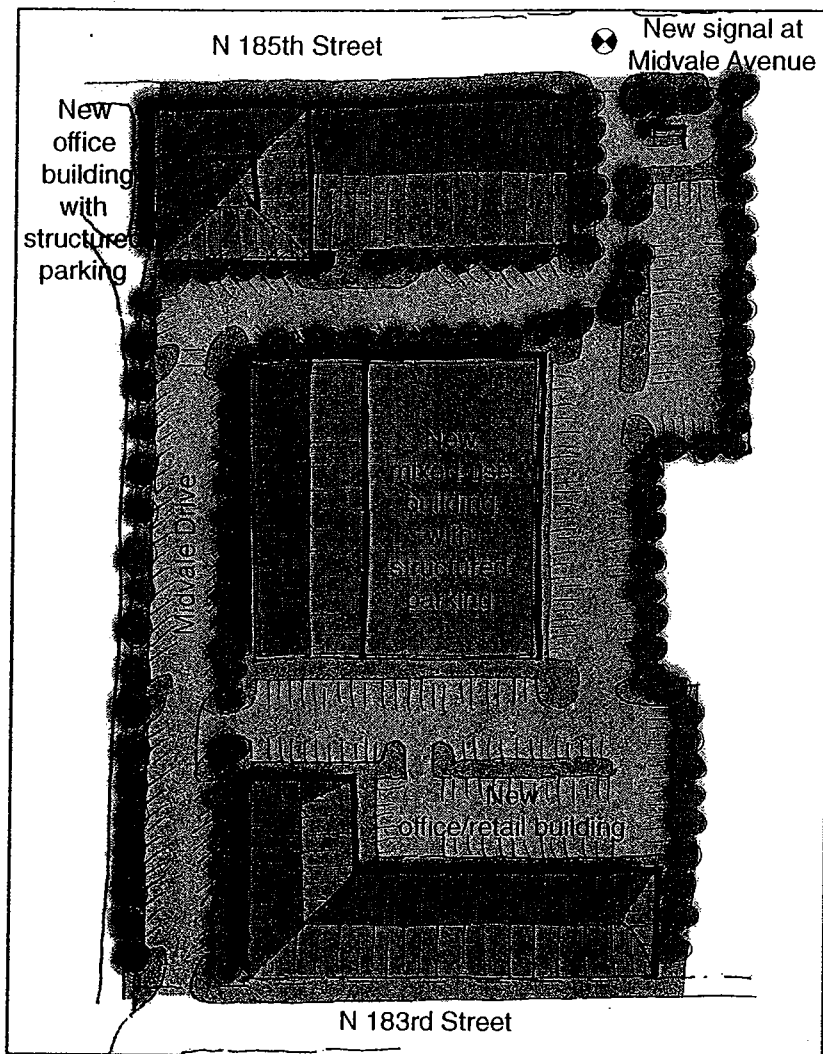
In the complete redevelopment scenario, new buildings front on Aurora Avenue and Ronald Place and are connected by courtyards. This arrangement is more formal than the incremental scenario, creating a recognizable and unique place in the heart of Shoreline. The buildings have relatively small footprints and can accommodate many local businesses. Unique stores, cafes and restaurants attract pedestrians and bicyclists on Ronald Place, now part of the Interurban Trail. Offices and apartments are located on the second floor, ensuring a balance of day and nighttime activity.

The complete redevelopment scenario requires the coordination of all property owners within the wedge and can be a 5-year or 25-year vision, depending upon the land owners' interest in redeveloping their properties.



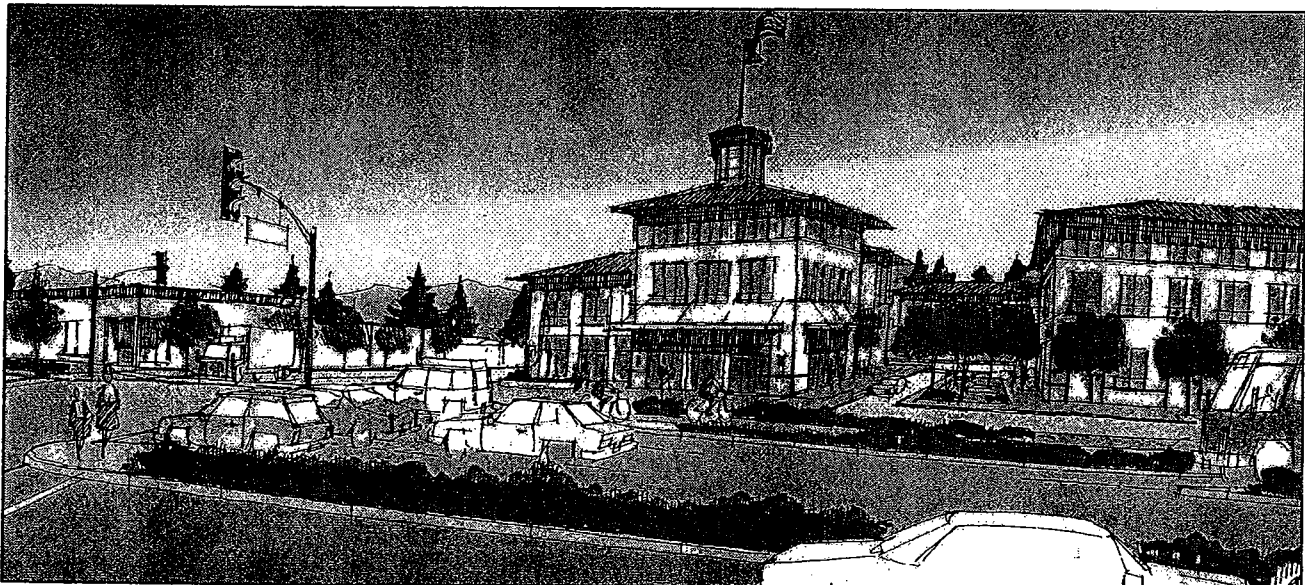
A view of Ronald Place shows new mixed-use buildings on the left and the municipal parking lot within the park to the right.

CENTRAL SHORELINE SUBAREA PLAN



25-Year Vision

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



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

DEVELOPMENT STANDARDS

PURPOSE

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

PLANNING POLICIES:

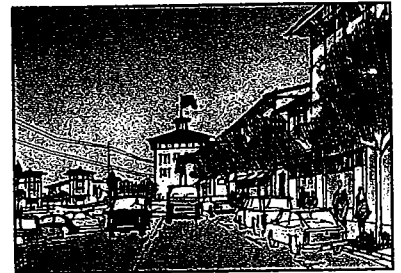
- Create a pedestrian-friendly environment with destinations throughout the Subarea.
- Create a transit-oriented environment that promotes multi-modal transportation.
- Encourage and guide redevelopment of the Subarea while preserving the privacy and safety of the abutting single-family neighborhoods.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

PLANNING OBJECTIVES:

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



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

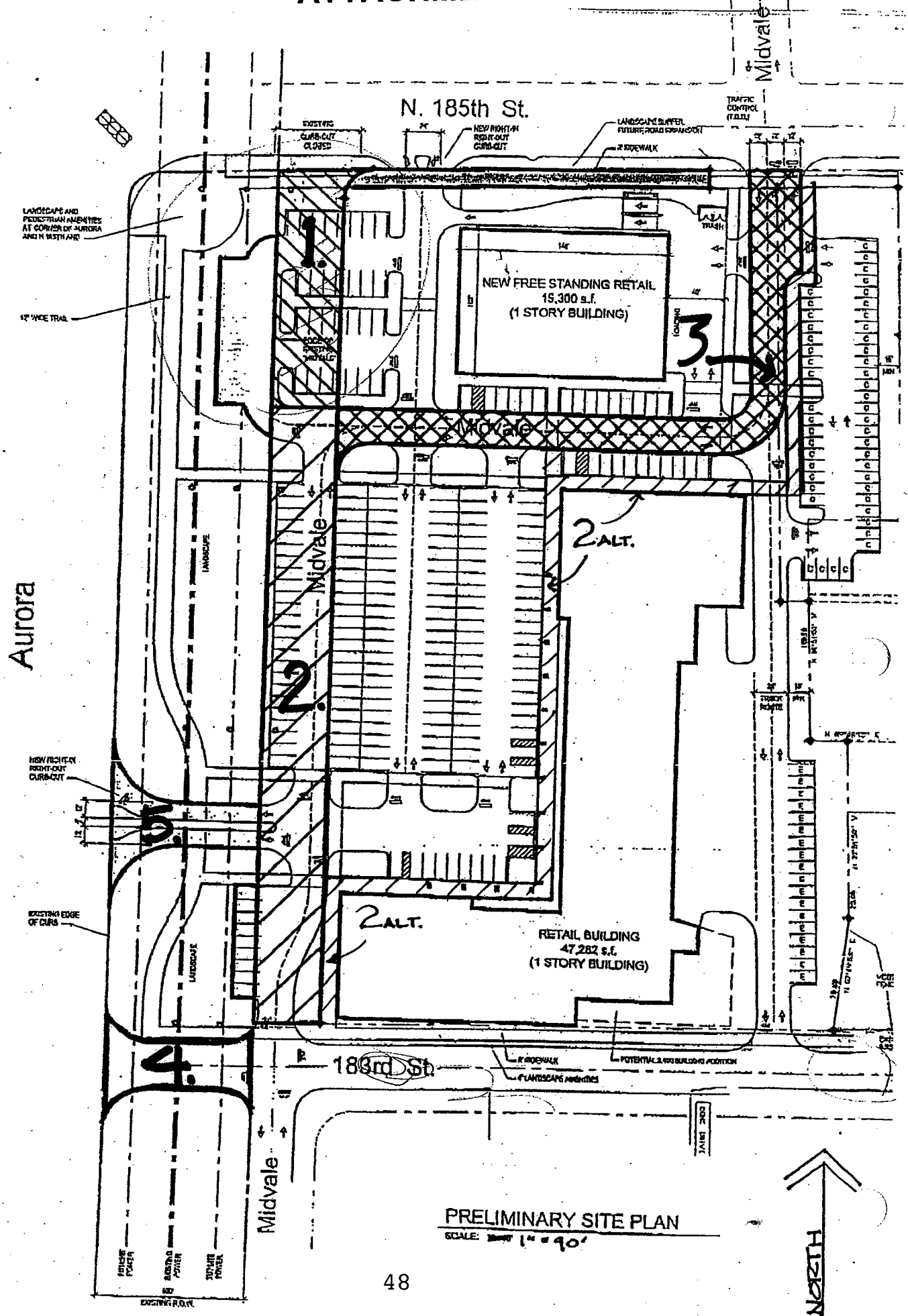


Midvale Avenue has a pedestrian-oriented Main Street character.



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

ATTACHMENT B



RESOLUTION NO. 220

A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, INITIATING REVIEW OF A STREET VACATION FOR 170 FEET OF MIDVALE AVE. N. RIGHT-OF-WAY SOUTH OF N. 185TH STREET; AND FIXING A PUBLIC HEARING DATE FOR THE VACATION

WHEREAS, the developer of Gateway Plaza has requested that Council initiate a vacation of 170 feet of Midvale Avenue N. south of 185th N. Street to accommodate a new development between Aurora Avenue N, N. 185th Street and N. 183rd Street and to provide alternate pedestrian and vehicular access from N. 183rd Street through a Midvale Avenue N. realignment to N. 185th Street; and

WHEREAS, the City Council may initiate a street vacation review by a resolution of intent under SMC 12.17.040 in lieu of a petition from 60% of abutting owners; and

WHEREAS, the City has identified a need to relocate the intersection of Midvale Avenue N. and N. 185th Street as creating a traffic safety concern due to its close proximity to the Aurora Avenue N. and N.185th Street intersection; and

WHEREAS, it appears the requested vacation may be in the public interest if rights to reacquire a portion of vacated Midvale Avenue N. are retained necessary complete an exchange with Seattle City Light to realign Aurora Avenue N. as part of the Aurora project; and

WHEREAS, the Council finds that a public hearing prior to consideration of final action should be placed on the agenda of the Planning Commission for August 19, 2003; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON AS FOLLOWS:

Section 1. Vacation Proposed. The City Council declares its intent to consider the vacation of 170 feet of Midvale Avenue N. south of N. 185th Street following notice to the public and abutting owners as required by law and a public hearing; Provided, however, any vacation should be conditioned on an option for the City to purchase a portion of the street vacated if needed to realign the Seattle City Light right-of-way as part of the Aurora Project, alternate pedestrian and vehicular access from N. 183rd Street to N. 185th Street, and such other conditions necessary to benefit the public interest. No monetary consideration for the vacation will be required in addition to dedications for alternate pedestrian and vehicular access.

Section 1. Hearing Date. A public hearing to take public comment on the vacation described in Section 1, as depicted on the map attached hereto as Exhibit

"A," is hereby set before the Shoreline Planning Commission for August 19, 2004, to commence at 7:00 p.m. or as soon thereafter as the hearing may be held, in the Board Room, 18560 1st Avenue NE, Shoreline, WA 98133. Following the public hearing, the City Council shall consider the hearing record and the recommendation of the Planning Commission at a closed record hearing and take such action in regard to the vacation as may be deemed appropriate.

Section 2. Notice of Hearing. The City Clerk shall cause to be posted a notice containing a statement that the vacation has been initiated by the City Council describing the right-of-way proposed to be vacated, and the time and place of the hearing to consider the vacation at the times and locations set forth in SMC 12.17.020. The Notice shall further state that if 50 percent of the abutting property owners file written objection to the proposed vacation with the City Clerk prior to the Planning Commission hearing, the vacation proceeding will terminate.

ADOPTED BY THE CITY COUNCIL ON July 19, 2004.

Mayor Ronald Hansen

ATTEST:

Sharon Mattioli, CMC
City Clerk