

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Public Hearing on Street Vacation for 18551 Aurora Avenue
DEPARTMENT: Planning and Development Services
PRESENTED BY: Steven Cohn, Senior Planner

PROPOSAL

At the March 7, 2011 meeting, Council adopted Resolution 313 to authorize the Planning Commission to hold a public hearing on a proposed vacation of a small portion of Aurora Avenue. A public hearing notice and request for written comments on the street vacation was advertised in the Seattle Times on March 28, 2011. (Attachment 2) A hearing notice was posted adjacent to the site on March 21, and mailing to nearby property owners occurred on March 29.

The comment period closes the date of the Public Hearing. As of the date of publication of the staff report, one comment has been received.

The City of Shoreline is proposing a Right of Way vacation located at 18551 Aurora Avenue N. The proposed vacation is a 256 square foot strip of land that parallels Aurora Avenue adjacent to the address listed above. The property the city proposes to vacate is located west of the soon-to-be-constructed retaining wall and outside the limits of the built infrastructure for the Aurora Corridor 185th-192nd Improvement Project. As the Improvement Project reflects the planned final build out for the City in this section, the City does not foresee a need to retain this remaining piece of Right of Way.

The process for reviewing street vacations is described in Chapter 12.17 of the Shoreline Municipal Code and through State law (Chapter 35.79 RCW). State law requires a resolution (Attachment 3) fixing the time for a public hearing on the vacation. Under the current code, the Planning Commission is the body to hold an open record hearing, enter findings and make a recommendation based on the merits of the proposal and the decision criteria. The Council then holds a closed record meeting. No new testimony on the merits of the proposal will be taken by the Council in evaluation of the proposal.

Background

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

Approved By:

Project Manager 

Planning Director _____

Per Section 197-11-800(2)(h) of the Washington Administrative Code (WAC), SEPA review is not required as part of this proposal. WAC Section 197-11-800(2)(h) specifically indicates that the vacation of streets or roads is exempt.

Criteria for Street Vacation Approval

The criteria for approving Street Vacations are found in Shoreline Municipal Code 12.17.050. The Planning Commission may recommend approval of the Street Vacation if the following criteria are met:

1. The vacation will benefit the public interest.
2. The proposed vacation will not be detrimental to traffic circulation, access, emergency services, utility facilities, or other similar right-of-way purposes.
3. The street or alley is not a necessary part of a long-range circulation plan or pedestrian/bicycle plan.
4. The subject vacation is consistent with the adopted comprehensive plan and adopted street standards.

Staff analysis and additional background are included in Attachment 4 (Initial Findings of Fact and Conclusions). Written comments are included as Attachment 5.

RECOMMENDATION

Staff concludes that the street vacation meets the criteria set in the SMC and that the Commission recommend approval of the vacation of approximately 264 feet of Aurora Avenue adjacent to 18551 Aurora Avenue with the following condition:

1. Easements currently recorded against the adjacent parcel for Aurora Project retaining wall soil nails, temporary construction and retaining wall should be reserved on the vacated portion of right-of-way as deemed necessary by the Shoreline Public Works Department.

ATTACHMENTS

Attachment 1 - List of Exhibits

Attachment 2 - Notice of Public Hearing (Exhibit #2)

Attachment 3 – Resolution and Proposed Vacation Site Map (Exhibit #3)

Attachment 4 – Proposed Findings of Fact and Conclusions (Exhibit #4)

Attachment 5 - Comment Letter (Exhibit #5)



PUBLIC HEARING RECORD

Street Vacation for 18551 Aurora Avenue

April 21, 2011 / List of Exhibits

- Exhibit 1** April 21, 2011 Staff Report “Public Hearing on Street Vacation for 18551 Aurora Avenue”
- Exhibit 2** Notice of Public Hearing
- Exhibit 3** Resolution and Proposed Vacation Site Map
- Exhibit 4** Proposed Findings of Fact and Conclusions
- Exhibit 5** Email from Kerry Prosser, sent 4/6/11



Notice of Public Hearing of the Planning Commission

Applicant & Action Requested: The City Council of the City of Shoreline has initiated a street vacation process for vacating 256 square feet of Aurora Avenue North.

Location & Description of Project: Street vacation for a 256 square-foot section of Aurora Avenue North right-of-way adjacent to 18551 Aurora Avenue North that is not needed for current or future road improvements.

Public Hearing: Interested persons are encouraged to provide oral and/or written comments regarding the above project at an open record public hearing to be held by the Shoreline Planning Commission on April 21, 2011, at 7:00 P.M. at City Hall, 17500 Midvale Avenue North, Shoreline, WA. If 50 percent of the abutting property owners file written objection to the proposed vacation with the City Clerk prior to the hearing, the vacation proceeding will terminate.

Copies of the materials and applicable codes are available for review at the City Hall, 17500 Midvale Avenue North. Contact Steven Cohn at 206-801-2511 or scohn@shorelinewa.gov.

Any person requiring a disability accommodation should contact the City Clerk at (206) 801-2230 in advance for more information. For TTY telephone service call (206) 546-0457. Each request will be considered individually, according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.

RESOLUTION NO. 313

A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, INITIATING REVIEW OF A STREET VACATION FOR A 256 SQUARE FEET AURORA AVENUE NORTH RIGHT-OF-WAY ADJACENT TO 18551 AURORA AVENUE NORTH; AND FIXING A PUBLIC HEARING DATE FOR THE VACATION

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 two-thirds of abutting owners; and

WHEREAS, the City has identified a need to vacate a small portion of Aurora Avenue North adjacent to 18551 Aurora Avenue North to resolve an existing building encroachment in the existing right-of-way and the release of surplus and unusable right-of-way to private use; and

WHEREAS, the Council finds that a public hearing prior to consideration of final action shall be set before the Shoreline Planning Commission; NOW, THEREFORE

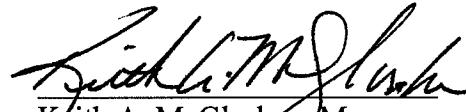
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON AS FOLLOWS:

Section 1. Vacation Proposed. The City Council declares its intent to consider the vacation of that portion of Aurora Avenue North adjacent to 18551 Aurora Avenue North described in Attachment A and depicted in Attachment B, following notice to the public and abutting owners as required by law and a public hearing.

Section 2. Hearing Date. A public hearing to take public comment on the vacation described in Section 1 is hereby set before the Shoreline Planning Commission for Thursday, April 21, 2010, to commence at 7:00 p.m., or as soon thereafter as the hearing may be held, in the Council Chambers at 17500 Midvale Avenue North, Shoreline, Washington 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 3. 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 MARCH 7, 2011.


Keith A. McGlashan, Mayor

ATTEST:

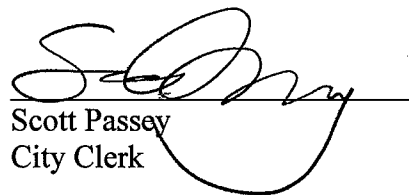

Scott Passey
City Clerk

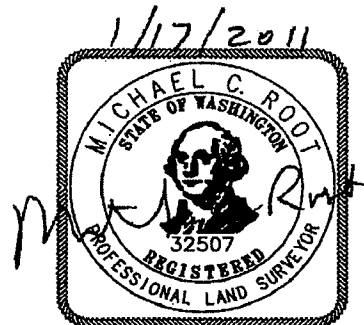
EXHIBIT A

PARCEL 407

PERMANENT RIGHT OF WAY VACATION BEING A PORTION OF THE EXISTING AURORA AVE NORTH RIGHT OF WAY TO BE CONVEYED TO THE OWNERS OF THE HEREINAFTER DESCRIBED TRACT "X" LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 6, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M., CITY OF SHORELINE, KING COUNTY, WASHINGTON; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF SAID AURORA AVE NORTH RIGHT OF WAY LYING WITHIN THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON THE EAST LINE OF SAID TRACT "X" OPPOSITE ENGINEERS STATION 274+20.09 AND 60.00 FEET WESTERLY MEASURED AT RIGHT ANGLES THEREFROM ON THE CENTERLINE OF AURORA AVENUE NORTH AS SHOWN ON THE RECORD OF SURVEY RECORDED UNDER AUDITOR'S FILE NUMBER 20080305900001, RECORDS OF KING COUNTY; THENCE EASTERLY TO A POINT OPPOSITE ENGINEERS STATION 274+20.09 ON SAID CENTERLINE AND 59.59 FEET WESTERLY THEREFROM; THENCE NORTHEASTERLY TO A POINT OPPOSITE ENGINEERS STATION 274+21.99 ON SAID CENTERLINE AND 58.48 FEET WESTERLY THEREFROM; THENCE NORTHERLY TO A POINT OPPOSITE ENGINEERS STATION 275+61, MORE OR LESS, ON SAID CENTERLINE AND 57.87 FEET WESTERLY THEREFROM; THENCE WESTERLY TO THE NORTHEAST CORNER OF SAID TRACT "X" OPPOSITE ENGINEERS STATION 275+61, MORE OR LESS, ON SAID CENTERLINE AND 60.00 FEET WESTERLY THEREFROM; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID TRACT "X" TO THE POINT OF BEGINNING, AND THE TERMINUS OF THIS LINE.

CONTAINING 256 SQUARE FEET MORE OR LESS.




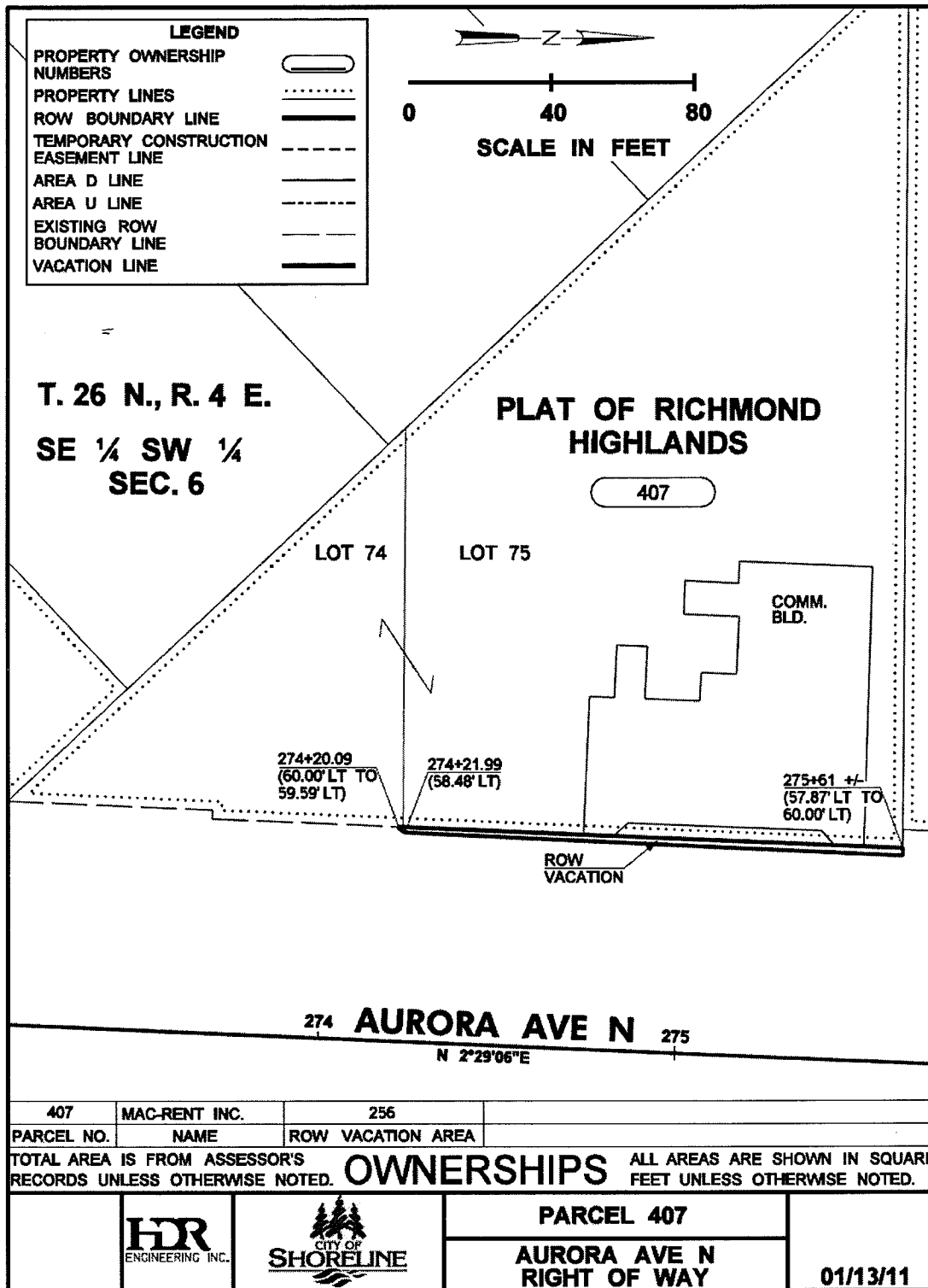
INCA HDR <small>INCA ENGINEERS INC. ENGINEERING INC.</small>		PARCEL 407 AURORA AVE N RIGHT OF WAY	01/17/11
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EXHIBIT B



CITY OF SHORELINE
PROPOSED FINDINGS, CONCLUSIONS AND RECOMMENDATION
Street Vacation at 18551 Aurora Avenue N.

PROJECT INFORMATION SUMMARY

Project Description: A street vacation of a 256 square foot portion of Aurora Avenue N.
Project File Number #201857
Project Address: 18551 Aurora Avenue N., Shoreline, WA
Petitioner: N/A
SEPA Threshold: Street Vacations are categorically exempt from SEPA
Staff Recommendation: Approval

FINDINGS OF FACT

1. On March 7, 2011 the City Council initiated a vacation of a 256 sq. ft portion of Aurora Ave. N by passage of Resolution No. 313. The proposed vacation abuts the property located at 18551 Aurora Ave. N. and is depicted and described in Attachments A and B attached hereto. Resolution No. 313 also set a hearing before the Planning Commission for its recommendation on April 21, 2011.
2. The process for reviewing street vacations is described in Chapter 35.79 RCW codified by the City of Shoreline in Chapter 12.17 of the Shoreline Municipal Code.
3. Notice of the vacation hearing was posted on March 25, 2011, at least 20 days before the hearing, and mailed to owners of property within 500 feet of the proposed vacation on March 29, 2011, at least 15 days before the hearing. No written comments or protests have been filed with the City in opposition to the vacation, and any received prior to April 21 will be placed into the record at the Planning Commission hearing.
7. Street vacations are categorically exempt from SEPA under WAC 197-11-800(2)(h).
8. On April 21, 2011, the Planning Commission held the open record hearing on the proposed street vacation.
9. During the survey of the Aurora Project N 185th-192nd Project it was discovered that structural buttresses extending the height of the multi-level office building located at 18551 Aurora Ave. N. partially encroached into the existing Aurora Ave right of way. The building is of newer construction

with a long useful life and is not likely to be remodeled in the foreseeable future such that the encroachment would be removed.

10. The City had a surplus of right of way along the frontage of this property due to the elevation of the property on the north side of Aurora. There were easements acquired from this parcel including a temporary access easement and soil nail easement needed to construct and provide lateral support for a new project retaining wall. The wall itself was located well within existing right-of-way.
11. As part of the settlement for acquiring the easements the City and owner agreed the City would initiate a resolution method vacation of a right of way of a narrow strip sufficient to include the encroachment of the building within the vacated portion to be added to the parcel while leaving enough right of way to maintain drainage behind the new public retaining wall. If the vacation were not approved, other solution would have to be found. The owner has agreed to pay compensation required by city regulations for the vacation should it be approved.
12. The City has determined that the proposed vacation is surplus to the needs of the Aurora Project under construction and future right of way or utility needs. In addition the property is difficult to access from Aurora for maintenance due to its elevation separation from the Aurora sidewalk but is easily maintained as part of the private property.
13. The Shoreline Development Code permits zero front yard setbacks from the final Aurora Project design. Releasing excess right of way outside this final design promotes this goal of development at the back of street improvements and has surplus right of way has been released where it has occurred in the first mile of the Aurora Project.

CONCLUSIONS

1. The notice and meeting requirements in SMC 12.17.020 have been met.

2. CRITERIA FOR STREET VACATION APPROVAL

The criteria for approving Street Vacations are described in Shoreline Municipal Code 12.17.050:

CRITERION 1

The vacation will benefit the public interest.

The public has an interest in efficient use of land, smart right-of-way design, potential economic development; all are anticipated to be met by this street vacation. The public will benefit from placing excess right-of-way land in private

hands for potential redevelopment. Control of hazards and maintenance can be more efficiently performed if joined to the private property, resulting in public safety, reduced City liability, and improved roadside appearance along Aurora.

This criterion has been met by the proposed vacation.

CRITERION 2

The proposed vacation will not be detrimental to traffic circulation, access, emergency services, utility facilities, or other similar right-of-way purposes.

This vacation is physically isolated from right of way uses by a grade separation resulting from the new retaining wall. Therefore there are no impacts to right of access, circulation, or emergency services. All utilities have been relocated within the Aurora project design outside the vacation area. No existing utility easements encumber the vacation area according the title reports reviewed as part of the Project acquisition process. All utilities have been contacted and none have requested public utility easements over the vacation area.

This criterion has been satisfied.

CRITERION 3

The street or alley is not a necessary part of a long-range circulation plan or pedestrian/bicycle plan.

The proposed vacation area is not part of a long-range circulation plan or pedestrian/bicycle plan. The City of Shoreline is currently designing improvements to Aurora Avenue North, immediately west of the roadway segment proposed for vacation. The Aurora Corridor Improvement Project is a three-mile long roadway improvement plan that includes construction of BAT lanes, facilities for improved pedestrian and vehicle safety, and operational improvements for vehicular movement. The improvements to Aurora Avenue North will incorporate the construction of pedestrian facilities, including a seven-foot wide sidewalk and four foot amenity zone separating the sidewalk from the transit lanes. All project improvements are being fully accommodated within the existing right of way outside of the proposed vacation except for the easements needed for the retaining wall, soil nail and temporary construction access for the wall. The proposed vacation property should be conveyed subject to these easements.

The proposal, conditioned by reservation of necessary retaining wall, soil nail and temporary construction easements, meets these criteria

CRITERION 4

The subject vacation is consistent with the adopted comprehensive plan and adopted street standards.

There are no policies in the Comprehensive Plan that specifically address street vacations. The following policies do have application to the proposed vacation:

Goal LU VI: Ensure that adequate land is designated for commercial areas that serve community and regional based markets and that these areas are aesthetically pleasing and have long-term economic vitality.

Goal LU VII: Increase the vitality and economic development in the North City and Aurora Corridor business areas through a public/private effort.

Goal LU IX: Increase the City's role in economic development for the Aurora Corridor.

Goal ED II: Support economic development and retail and office activity so as to maintain sustainable sources of revenue.

ED 15: Support and retain small businesses for their jobs and services that they provide to the community.

Vacation of the road would facilitate redevelopment and retention of the current office building and avoid economic waste if the encroachment were removed. The vacation will facilitate maintenance of the front of the building and allow private maintenance of the vacation area, which would otherwise have a low priority for the City.

This criterion has been satisfied.

RECOMMENDATION

Staff recommends that this petition for street vacation be approved, with the following conditions.

1. Easements currently recorded against the adjacent parcel for Aurora Project retaining wall soil nails, temporary construction and retaining wall should be reserved on the vacated portion of right-of-way as deemed necessary by the Shoreline Public Works Department.

ATTACHMENTS

Attachment A: Proposed Vacation Legal Description

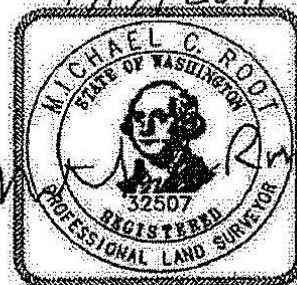
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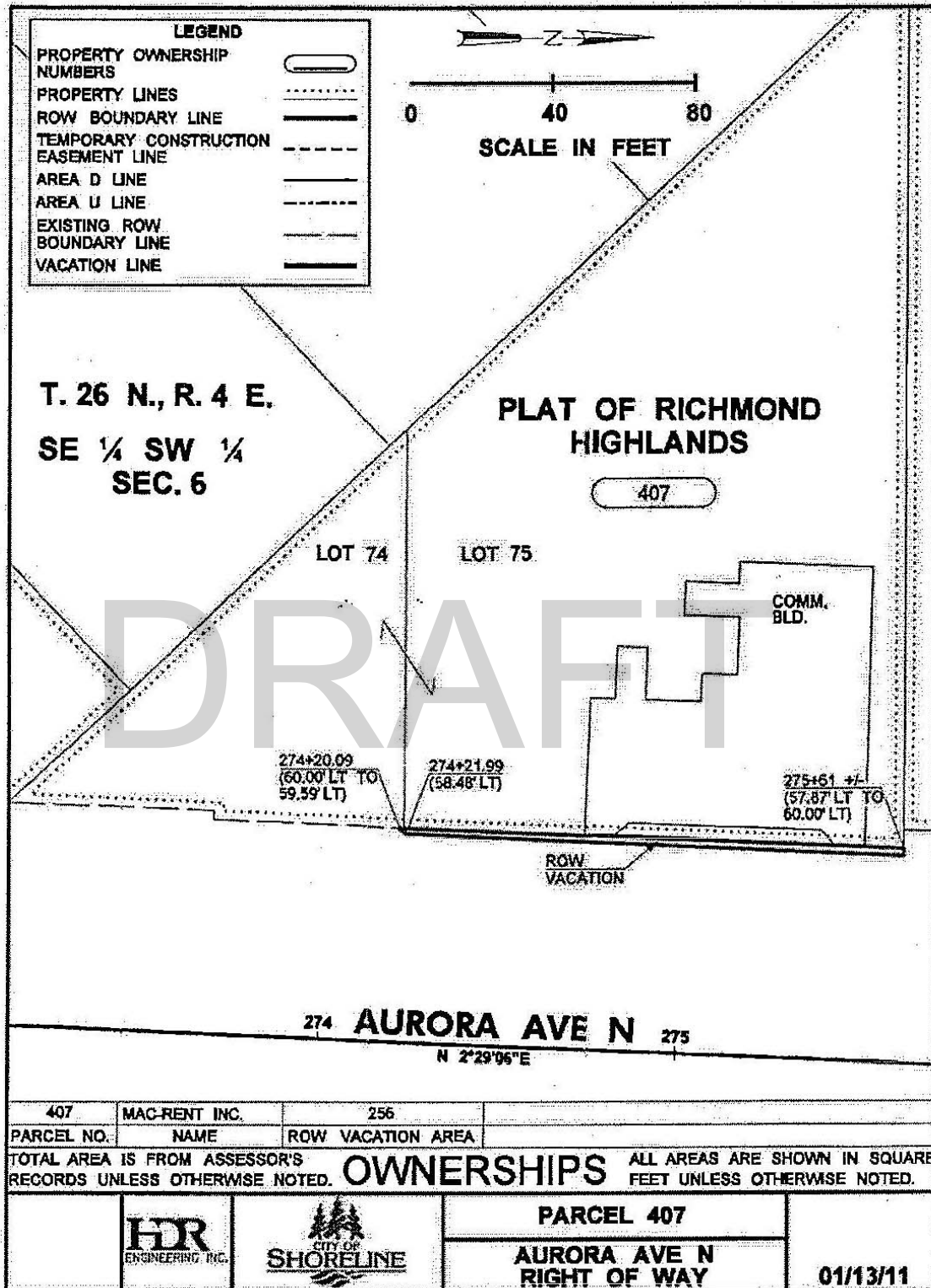
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NCA <small>NCA ENGINEERS INC.</small>	HDR <small>ENGINEERING INC.</small>	 <small>CITY OF SHORELINE</small>	PARCEL 407 AURORA AVE N RIGHT OF WAY	01/17/11
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ATTACHMENT B



Comment from Kerry Prosser

From: Kerry Prosser [kerry@prosserpiano.com]
Sent: Wednesday, April 06, 2011 11:37 AM
To: Steve Cohn
Subject: RE: questions about street vacation

Thank you, appreciate your feedback!

Kerry

-----Original Message-----

From: Steve Cohn [mailto:schohn@shoreline.wa.gov]
Sent: Wednesday, April 06, 2011 9:18 AM
To: kerry@prosserpiano.com
Cc: John Vicente
Subject: RE: questions about street vacation

Kerry,

The street vacation only affects the property at 18551 Aurora (the MacPhearson Building). It doesn't go as far south as the Subway building, and therefore does not affect your property (which is south of there). As part of the Aurora re-build, the city determined how much right-of-way it needs; adjacent to the MacPhearson Building (which is up on a hill), the existing right-of-way extends into the hillside. It turns out that the footings of the MacPhearson Building are either close to or at the edge of the right-of-way, and since the city doesn't need the extra right of way, a street vacation request is being processed so the extra property (approx 260+/- square feet) can be acquired by the owners of the MacPhearson Building.

If you have specific questions about the Aurora project at the 185th and Aurora intersection, probably the best person to contact is John Vicente, the project manager. His email is j.vicente@shoreline.wa.gov.

Feel free to contact me if you have any other questions about the street vacation.

Steve Cohn
Senior Planner

-----Original Message-----

From: Kerry Prosser [mailto:kerry@prosserpiano.com]
Sent: Tuesday, April 05, 2011 4:46 PM
To: Steve Cohn
Subject: questions about street vacation

Hi Steven, I am the owner of Prosser Piano which is located at 185th and Aurora. I received your notice about street vacation of right of way adjacent to 18551 Aurora. Can you tell me in what ways this would affect my property?

Thank you,

Kerry

Kerry Prosser
Prosser Piano & Organ
13400 Interurban Ave. So
Tukwila, WA 98168
Tukwila Showroom 206-439-9138