



Staff Report to the Hearing Examiner

Meeting Date: December 20, 2023, 3:00 p.m.

Project Name/Title: Lynnwood Link Extension Light Rail Project Street Vacation Package
Project File No.: PLN23-0113
Presented By: Juniper Nammi, City Manager's Office, Light Rail Project Manager

I. FINDINGS OF FACT

A. SUMMARY INFORMATION

Applicant:	Sound Transit ¹
Proposal:	Lynnwood Link Extension Project Petition to vacate portions of City Rights-of-Way (ROW) at nine locations over which the Shoreline South/148th station structures, transit center facilities, and guideway have been constructed.
Street Vacation Locations:	<p>LL501 - NE 148th St, west from 5th Ave NE to Washington State Department of Transportation (WSDOT) Interstate-5 (I-5) Limited Access Area ROW adjacent to 14701 5th Ave NE (Garage) & 14711 5th Ave NE (Station)</p> <p>LL502 - 1st Ave NE, approximately seven-foot width of street end south of NE 157th St parallel to and east of WSDOT I-5 ROW west of 101 NE 157th St and 15618 1st Ave NE</p> <p>LL503.1 & LL503.1 - 1st Ave NE, portion of ROW immediately east of and parallel to WSDOT I-5 ROW from NE 159th St to north of NE 161st St at Ridgecrest Park west of 104 NE 159th St through 108 NE 161st St</p>

¹ Sound Transit is the referred to name for the Central Puget Sound Regional Transit Authority created pursuant to Chapter 81.112 RCW and is commonly identified by the King County Assessor's Office by the acronym CPSRTA)

LL504 - NE 170th St, street end east of WSDOT I-5 ROW to the west side of 1st Ave NE north of 109 NE 170th St

LL505.1 & LL505.2 - 1st Ave NE and NE 174th St, portion of streets immediately east of and parallel to WSDOT I-5 ROW south of 110 NE 174th St and west of 105 NE 1st St through 17046 1st Ave NE

LL506 - NE 178th St, approximately 50 feet of street end east of WSDOT I-5 ROW between 17753 2nd PI NE and 224 NE 178th St

LL507 - NE 180th St, approximately 9-12 feet width of street end east of WSDOT I-5 ROW between 332 NE 180th St and 331 NE 180th St

LL508 - 5th Ave NE, curved portion up to 70 feet wide starting north of NE 182nd Ct and extending approximately 600 feet north, east of WSDOT I-5 ROW west of 18310 through 18326 5th Ave NE

LL510 - NE 189th St, approximately 6.5 feet width of street end east of WSDOT I-5 ROW between 710 NE 185th St (Station) and 718 NE 189th St

Parcel Numbers:

Areas of Street Vacation – no parcel numbers assigned

Abutting all locations - WSDOT I-5 Limited Access Area ROW - no parcel numbers assigned

Abutting Parcel Nos. –

LL501 – 2881700390

LL502 – 2241700037

LL503 – 2111600100, 2111600095, and 2111600047

LL504 – 5727500120

LL505 – 7305300265, 7305300270, 7305300275, and 7305300010

LL506 – 7772400190 and 1115100065

LL507 – 6084100118 and 1115100110

LL508 – 0927100094, 0927100098, and 0927100105

LL510 – 0526049025 and 3971702295

Zoning:

Unclassified ROW and WSDOT Limited Access ROW – N/A

Adjacent Parcels – Mixed Use Residential 70' Height (MUR70) and Residential - 6 dwelling units per acre (R-6)

Comprehensive Plan Designation:	Unclassified ROW – N/A Adjacent Parcels – Station Area 1, Station Area 2, Low Density Residential, and Public Open Space WSDOT Limited Access ROW – Public Facility
Neighborhoods:	North City and Ridgecrest Neighborhood
Complete Application:	Petition Certified - November 27, 2023
Notice of Public Hearing:	Posting – November 29-30, 2023 Mailing – December 5, 2023
SEPA Determination:	Street vacations are categorically exempt from SEPA per WAC 197-11-800(2)(i)
Application Type:	Street Vacation Petition is a legislative decision regulated by Chapter 35.79 Streets-Vacation, Revised Code of Washington (RCW), and Chapter 12.17 Street Vacation, Shoreline Municipal Code (SMC). The City of Shoreline Hearing Examiner issues a recommendation to City Council and Council may adopt, reject or modify the recommendation of the Hearing Examiner on the Street Vacation Petition.

1. Proposal

Sound Transit filed a petition application (Exhibit 2, Attachment A) on September 12, 2023, for the vacation of portions of developed platted and deeded rights-of-way for nine different locations as described and depicted in the submitted legal descriptions and parcel maps (Exhibit 2, Attachment D) for the Lynnwood Link Extension (LLE) Project at one station site and along the guideway.

This street vacation request is for ROW underlying the new Shoreline South/148th Street Station (Station), parking garage, and light rail guideway through the City. The following street vacations are proposed for the future operation and maintenance of the Project's facilities:

- NE 148th Street, west of 5th Ave NE to the WSDOT I-5 ROW (LL501);
- 1st Avenue NE, south end at WSDOT I-5 ROW between NE 156th St and NE 157th St (LL502);
- 1st Avenue NE, west side, between NE 159th and NE 161st Streets (LL503);
- NE 170th Street ROW end, west of proposed noise wall (LL504);
- 1st Avenue NE, south of NE 174th Street parallel to road reconstruction (LL505);
- NE 178th Street ROW end, west of proposed Noise Wall (LL506);
- NE 180th Street ROW end, west of proposed Noise Wall (LL507);

- 5th Avenue NE, north of NE 182nd Court parallel to road reconstruction (LL508); and
- NE 189th Street ROW end, west of proposed noise wall (LL510).

If approved, this package of street vacations would release approximately 102,547 SF from dedication as rights-of-way. Sound Transit seeks to utilize these areas as a portion of the Shoreline South/148th Station site and portions of the light rail guideway for Sound Transit's LLE light rail project to be occupied by the light rail guideway infrastructure and a light rail station site which includes a transit center, public plazas, pedestrian walkways, bike parking, landscaping, artwork, a pick-up and drop-off loop, utilities supporting the station uses, and the access driveway to the vehicular use on site as illustrated in the submitted site plans (Exhibit 2, Attachment G).

Sound Transit received approval on the Special Use Permit (SUP), No. SPL18-0140 for this project on May 31, 2019. Condition L.1 of the SUP decision requires that Sound Transit submit petitions for the vacation of certain area of City ROW. Sound Transit submitted the first of those petitions in 2019 for a portion of 7th Ave NE and NE 185th St ROW was vacated in 2020. This street vacation petition package is for vacation of the remaining areas of ROW.

Sound Transit received the majority of the required construction permits for the construction of the LLE Project through the City of Shoreline between February 2019 and November 2023. Most of the construction is completed and Sound Transit is in the process of requesting required inspections and submitting remaining deferred submittals and documentation to pursue certificates of occupancy and permit finalization before revenue service, which is currently planned to start in the third quarter of 2024.

Sound Transit owns the abutting parcels and WSDOT owns the abutting I-5 Limited Access Area ROW. Representatives for both public agencies have signed the street vacation petition on behalf of the abutting property interests and at least two-thirds of the abutting property interest, based on length of abutting property lines, is represented on the petition for all nine proposed street vacation locations. Additionally, WSDOT has signed a letter of concurrence agreeing that it "shall waive its right to purchase any portion of the vacated ROW and will allow Sound Transit to purchase the vacated ROW in its entirety."

2. Neighborhoods

The areas of proposed street vacation are located within two Shoreline neighborhoods. Street Vacation areas LL501, LL502, LL503, LL504, and LL505 are at the western limit of Ridgecrest neighborhood and areas LL506, LL507, LL508, and LL510 are within North City neighborhood abutting WSDOT I-5 ROW.

3. Comprehensive Plan Land Use Designations

The ROW areas proposed for vacation do not have a Comprehensive Plan designations as unclassified ROW, however the adjacent WSDOT I-5 ROW is designated as Public Facility. The properties abutting the proposed vacation areas have the following Comprehensive plan designations:

- LL501 – 2881700390 is designated Station Area 1;
- LL502 – 2241700037 is designated Low Density Residential;
- LL503 – 2111600100, 2111600095, and 2111600047 are designated Low Density Residential;

- LL504 – 5727500120 is designated Low Density Residential;
- LL505 – 7305300265, 7305300270, 7305300275, and 7305300010 are designated Low Density Residential;
- LL506 – 7772400190 and 1115100065 are designated Low Density Residential;
- LL507 – 6084100118 is designated Station Area 1 and 1115100110 is designated Station Area 2;
- LL508 – 0927100094, 0927100098, and 0927100105 are designated Station Area 1; and
- LL510 – 0526049025 and 3971702295 are designated Station Area 1.

4. Zoning Designation

City rights-of-way and WSDOT I-5 ROW are not classified in zones per SMC 20.40.060, with limited exceptions. The specific ROW areas proposed for vacation do not have zoning designations. The abutting parcels are designated either and Residential - 6 dwelling units per acre (R-6) zones as follows:

- LL501 – 2881700390 is zoned MUR70;
- LL502 – 2241700037 is zoned R-6;
- LL503 – 2111600100, 2111600095, and 2111600047 are zoned R-6;
- LL504 – 5727500120 is zoned R-6;
- LL505 – 7305300265, 7305300270, 7305300275, and 7305300010 are zoned R-6;
- LL506 – 7772400190 and 1115100065 are zoned R-6;
- LL507 – 6084100118 is zoned MUR70 and 1115100110 is zoned R-6;
- LL508 – 0927100094, 0927100098, and 0927100105 are zoned MUR70; and
- LL510 – 0526049025 and 3971702295 are zoned MUR70.

The City and Sound Transit entered into a Transit Way Agreement, executed February 22, 2018, (Exhibit 9) which grants Sound Transit non-exclusive use of portions of City ROW where the light rail transit system would be constructed. The LLE Project light rail transit system/facilities use was permitted by SUP, PLN18-0140, in all of the zoning designations applied to or adjacent to the property on which the LLE Project is being constructed.

5. Site Characteristics

The site characteristics for each of the nine proposed vacation areas are similar, in that they all are bordered by WSDOT I-5 Limited Access Area ROW to the west and now have facilities for the LLE Project constructed on them. None of the areas proposed for vacation abut any bodies of water, wetlands, or any fish and wildlife habitat conservation areas. While some of these ROW areas were as landslide hazard areas due to the slope and height of the roadway shoulders, none were classified as a very high risk, and all have been engineered with retaining walls or graded so they

no longer are critical areas. The specific site characteristics of each location are described in more detail here.

LL501-NE 148th St, west of 5th Ave NE to the WSDOT I-5 ROW

The proposed street vacation location LL501, NE 148th Street, west of 5th Ave NE to the WSDOT I-5 ROW, is now within the Shoreline South/148th Station site improvements constructed as part of the LLE Project which are illustrated in the site plan for this area (Exhibit 2, Attachment G.1). The single-family residences that were previously serviced by this local street were demolished in 2019 to make way for the new light rail station. Sound Transit acquired all twelve adjacent parcels and merged them, together with two other parcels to the south, into one parcel in 2020 through lot merger application PLN20-0006, King County Recording No. 20200629900001.

This ROW area is now occupied by the elevated light rail station platform and one of the ancillary buildings and an escalator up to the platform at the west end near I-5. Immediately under and adjacent to the station Sound Transit is finishing construction of public plaza area with short-term and long-term bicycle parking. Immediately east of the plaza is a new transit center that will be served by King County Metro and Sound Transit Stride bus and van transit modes. East of the transit center in this ROW area is a new pick-up and drop-off loop that can also serve as an event space and soon public art will be installed in the landscape area. The driveway entrance into the parking garage and pick-up/drop-off loop is east of that artwork and Sound Transit is currently constructing the pedestrian access from 5th Ave NE into the station site immediately south side of the new signalize vehicular entrance aligned with NE 148th St on the east side of 5th Ave NE.

The only remaining public uses will be some water, wastewater, electrical, and telecommunications infrastructure that serve the light rail station and a garage in addition to crossing through the site to provide other functions for the community and the detection loops for the new 148th and 5th intersection signal.

LL502-1st Ave NE, LL504-NE 170th St, LL506-NE 178th St, LL507-NE 180th St, and LL510-NE 189th St

Locations LL502 - 1st Ave NE street end, LL504 - NE 170th street end, LL506 – NE 178th street end, LL507 – NE 180th street end, and LL510 – NE 189th street end were all unused or under-utilized local street dead ends prior to construction of the LLE Project. Now they are occupied by noise or retaining walls and portions of the light rail guideway, including tracks, operations systems, and power for running the train system as depicted in the vacation area site plans (Exhibit 2, Attachments G.2, G.4, G.6, G.7, and G.9).

The alignment of the guideway was determined by the west most limit WSDOT would allow the guideway to be built adjacent to I-5, the width needed to safely operate the parallel light rail tracks, and the footprint of the walls needed to protect or support the guideway. In these five locations, the area needed for the guideway included portions of City ROW street ends. Pedestrian and vehicular uses of the street ends have reconfigured and reconstructed east of the guideway, so these portions of ROW are only occupied by light rail infrastructure and the few utilities that cross east-west over or under I-5 and now the guideway. LL502 and LL506 have no remaining utilities and are only occupied by the light rail guideway. LL504, LL507 and LL510 are crossed east-west by existing overhead electrical cables that will remain in place. An existing wastewater main is now encased under the guideway through LL507, also east-west.

LL510 is also an east-west crossing point for a surface water drainage pipe and a water main that will remain under the guideway.

City transportation infrastructure has been restored by the LLE Project east of each of these street ends. 1st Ave NE south of NE 157th St is being reconstructed to dead end just east of the north end of LL502. No residences exist south of NE 157th St anymore and this dead end will provide access to the stormwater facilities constructed on parcels owned by Sound Transit. NE 170th Street still connects north to 1st Ave NE and new sidewalks and curb ramps are being constructed at this two-way intersection directly east of LL504. The residences previously located north of LL506 accessing from NE 178th St was demolished, and the guideway constructed through that parcel. Sound Transit access to another stormwater detention facility was constructed east of the proposed street vacation and the unimproved portion of LL506 ROW west of the guideway is completely isolated from the City street network. A new hammerhead turn around has been constructed for NE 180th St street end east of LL507 and a new shared use path starts at 180th and extends north to NE 185th. Similarly, NE 189th Street will end in a hammerhead turnaround east of the guideway with a small portion of sidewalk connecting the station site with NE 189th and future multi-use path to 8th Ave NE that will be constructed by private development.

LL503-1st Ave NE & NE 161st St, LL505-1st Ave NE & NE 174th St, and LL508-5th Ave NE

The remaining three street vacation areas were previously improved with local streets running north south. 1st Ave NE was previously located within LL503 between NE 159th St and NE 161st St and LL505 between approximately NE 172nd St and NE 174th St is being relocated east of the new guideway by the LLE Project. LL508 was the prior alignment of 5th Ave NE between approximately NE 182nd Ct and NE 185th St. 5th Ave NE is also being reconstructed east of the new light rail infrastructure.

The three residences that were on 1st Ave NE between NE 159th St and NE 161st St, east of LL503 were demolished for the LLE Project and the property is now occupied by another surface water detention facility for the guideway accessed from NE 195th St. Non-standard frontage improvements are replacing this once through street with a shared use path and cul-de-sac street end for NE 161st St east of the guideway and LL503 as illustrated in the site plan provided (Exhibit 2, Attachment G3). NE 159th St still connects south to 1st Ave NE.

The roadway facilities that were 1st Ave NE and NE 174th previously located on LL505 are being reconstructed east of the guideway with shared use path on the west side of the street and standard 5-foot sidewalk on the east side (Exhibit 2, Attachment G.5). The six houses once located along the east side of the street were demolished so the property could be used for realigning the street and construction staging, but the remnant parcels will eventually be able to redevelop with low density housing. The portion of ROW proposed to be vacated as LL505 only contains light rail guideway. There are no remaining public utilities in this area.

The realigned 5th Ave NE includes roadway improvements and a shared use path along the west side between the road and the guideway and replace a roadway that had no sidewalks or separated bike lanes. LL508 is now improved only by the light rail guideway or is now an unimproved area between the light rail and I-5 that is now isolated from the City's road network (Exhibit 2, Attachment G.8). No city transportation facilities or public utilities remain in the LL508 area proposed for street vacation.

B. APPLICABLE CODE REQUIREMENTS

1. Legal Authority

The Washington State Legislature delegated to the City the power to vacate streets with the adoption of RCW 35.79. Consistent with RCW 35.79, the City has adopted procedures for a street vacation which are set forth in SMC Chapter 12.17. Both RCW 35.79 and SMC 12.17 provide that the owners of two-thirds interest in any real estate abutting any city right-of-way, or any part thereof, may file a petition with the City to vacate the street.

The City has the sole discretion as to whether a petition to vacate should be granted or denied, *Baumgardner v. Town of Ruston*, 712 F. Supp.2d 1180 (2010). Washington courts have long held that streets may be vacated for several reasons but regardless of the reason, the vacation must have within it some element of public use, *Youngs v. Nichols*, 152 Wash 306 (1929); *Yarrow First Assoc. v. Town of Clyde Hill*, 66 Wash 2d 371 (1965); *London v. City of Seattle*, 93 Wash 2nd 657 (1980). The courts have also held that the fact one private party may benefit directly or indirect from the vacation does not mean the vacation will not also serve a public use, *Banchero v. City of Seattle*, 2 Wash. App. 519 (1970).

2. Original Rights-of-Way Dedication

The origins of each nine of the proposed street vacation areas were researched by Sound Transit and reviewed by City staff. Sound Transit’s findings are included in the Dedication History and the supporting property records submitted with the petition (Exhibit 2, Attachment F). Not all of the proposed areas of street vacation were dedicated. Some were deeded in fee and are not subject to the provisions of Chapter 35.79 RCW or SMC Chapter 12.17 Street Vacation. Whether dedicated or deeded to King Couty, these ROW were then conveyed to the City of Shoreline after incorporation in 1995.

Real property owned in fee by the City is subject to SMC Chapter 3.55 Sale and Disposal of Real Property and supplemented Chapter 39.33 RCW Intergovernmental Disposition of Property instead of the street vacation code provisions. Sound Transit’s Street Vacation Criteria Statement (Exhibit 2, Attachment E) indicates in Table 1, three locations where intergovernmental property transfer applies, but during the review process City staff identified two additional areas that were deeded and not dedicated ROW. Each of the proposed street vacation areas originated as follows and is subject to the indicated process(es) that follow.

LL#	Location Description	ROW Property History	Applicable Process	Year
501	NE 148 th St – 5 th Ave NE to WSDOT I-5 ROW	Dedicated – Tren’s Addition, Vol 49, Pg 92	Street Vacation	1952
502	1 st Ave NE – end south of NE 157 th St	Dedicated – Green Lake 5 Acre Tracts, Vol 11, Pg 72	Street Vacation	1904

*Table continued on next page

LL#	Location Description	ROW Property History	Applicable Process	Year
503.1	1 st Ave NE & NE 161 st St – NE 159 th to north of NE 161 st St	Deeded (503.1) – WSDOT Quit Claim Deed No. 8603110515	Intergovernmental Transfer	1986
503.2	1 st Ave NE & NE 161 st St – NE 159 th to north of NE 161 st St	Dedicated (503.2) – Green Lake 5 Acre Tracts, Vol 11, Pg 72; Dulls Subdivision No. 2, Vol 52, Pg 57; and Northcrest, Vol 59, Pg 7	Street Vacation	1904 1956 1957
504	NE 170 th St – end	Dedicated – Murphy’s Interurban Acres, Vol 17, Pg 83; Lew Hykes Add, Vol 45, Pg 96 (Excludes ROW dedicated by Ridge Crest Homes plat)	Street Vacation	1909 1943
505.1	1 st Ave NE & NE 174 th St – approx. NE 172 nd to NE 174 th St	Deeded (505.1) – WSDOT Quit Claim Deed No. 8603110515	Intergovernmental Transfer	1986
505.2	1 st Ave NE & NE 174 th St – approx. NE 172 nd to NE 174 th St	Dedicated (505.2) – Ridge Crest Homes, Vol 44, Pg 25; Lew Hykes Add, Vol 45, Pg 96	Street Vacation	1947 1943
506	NE 178 th St – end	Deeded – H.M. Brinker and H.S. Hendrickson Quit Claim Deed No. 2983205.1 recorded Feb. 3, 1938	Intergovernmental Transfer	1938
507.1	NE 180 th St – end	Deeded (507.1) – H.M. Brinker and H.S. Hendrickson Quit Claim Deed No. 2983205.1 recorded Feb. 3, 1938	Intergovernmental Transfer	1938
507.2	NE 180 th St – end	Dedicated (507.2) – Nichol’s North End Tracts, Vol 35, Pg 10	Street Vacation	1939
508.1	5 th Ave NE – approx. NE 182 nd Ct to NE 185 th St	Deeded (508.1) – WSDOT Quit Claim Deed No. 8603110515	Intergovernmental Transfer	1986
508.2	5 th Ave NE – approx. NE 182 nd Ct to NE 185 th St	Dedicated (508.2) – Nichol’s North End Tracts, Vol 35, Pg 10; Bonnie Glen, Vol 30, Pg 20	Street Vacation	1939
510	NE 189 th St – end	Dedicated – Lago Vista, Vol 30, Pg 45	Street Vacation	1927

3. State Environmental Policy Act (SEPA), Chapter 43.21C RCW

The City’s SEPA official has determined that the proposed street vacation is categorically exempt from SEPA, as provided in WAC 197-11-800(2)(i).

C. PROCEDURAL HISTORY

1. Petition and determination of sufficiency (SMC 12.17.020(A))

Sound Transit initially filed a petition for a street vacation on September 12, 2023. The petition for vacation of City Rights-of-Way was initially rejected due to errors and was successfully resubmitted on November 15, 2023 (Exhibit 2, Attachment A). The King County Assessor determine the corrected petition to be sufficient on November 27, 2023, consistent with the provisions RCW 35A.01.040 (Exhibit 3). City staff determined the application to be complete, consistent with SMC Chapter 12.17.020 on November 27, 2023, based on the submittals included in Exhibit 2.

2. Council Resolution setting the hearing date (SMC 12.17.020(B))

Shoreline City Council adopted Resolution 5166, on November 27, 2023, fixing the date for the public hearing on these proposed street vacations before the Hearing Examiner for December 20, 2023 (Exhibit 4).

3. Notice of Public Hearing (SMC 12.17.020(C))

Notice of the public hearing must be posted at least 20 calendar days prior to the hearing and mailed at least 15 days prior to the hearing to owners of property within 500 feet of the area proposed for vacation.

Notices of Public Hearing signs were posted adjacent to all nine areas proposed for vacation on November 30, 2023, by Sound Transit at the City's direction (Exhibit 5). Public notices were also posted in the following public places (Exhibit 6):

Shoreline Public Library (at NE 175th Street and 5th Ave NE)

Spartan Recreation Center (at NE 185th Street and 1st Ave NE)

Shoreline City Hall (at N 175th Street and Midvale Ave N)

Notices of Public Hearing were mailed to property owners within 500 feet of each of the areas proposed for vacation on December 5, 2023 (Exhibit 7).

D. PUBLIC AND AGENCY COMMENT

1. Public Comments

The City did not receive any written public comments on the petition as of the writing of this staff report.

2. Agency Comments

WSDOT cosigned the petition where needed to reach at least 2/3rds abutting property interest represented. A Letter of Concurrence between Sound Transit was also submitted stating that WSDOT will waive any right it may have to purchase any portion of the vacated ROW (Exhibit 2, Attachment A.5). This letter also called out the restrictive covenant of the quitclaim deed (KC Recording No. 8603110515) that originally conveyed portions of proposed vacation areas LL503, LL505, and LL508 to King County and refers to this property as "Road Fund Property". This covenant requires that all revenue resulting from any vacation, sale, or rental of such road shall be used exclusively for road purposes. WSDOT requires that if Shoreline receives property in exchange for transfer of any of the Road Fund Property to Sound Transit

it must be of equal value and be deeded with the same restrictions as set forth in the aforementioned Quitclaim Deed.

City staff sent notices of the LLE Project Street Vacation Petition package to all the City's utility franchises and reviewed these vacations with the City's wastewater and surface water utility staff to ask about any existing infrastructure in these rights-of-way. Notices were sent to the following companies/agencies with utility franchise agreements with the City of Shoreline with response status as of 12/11/23.

- Astound Broadband – no response
- Comcast Cable – no response
- Frontier Communications NW (dba Ziplly Fiber) – no response
- Level 3 Communications – no response
- North City Water District – Easements required and form provided
- Puget Sound Energy – no response
- Quest Broadband (fka CentryLink, dba Lumen) – Easement requested, specifics being verified
- Seattle City Light – Easements required, specifics being verified
- Seattle Public Utilities – No easement required
- Verizon Access Trans Services – no response
- Zayo Group – no response
- City of Shoreline Wastewater Utility – Easements required, form provided
- City of Shoreline Surface Water Utility – Easements required, form provided

The City also reviewed the approved design drawings for all utility types in the proposed street vacation locations. No infrastructure was identified in the proposed vacation areas belonging to any of the nonresponsive franchise utilities. Design drawings are being used to refine the easement requirements and survey or as-builts that Sound Transit has will be used to develop the legal descriptions for the easements.

Shoreline Fire Department reviewed the proposed street vacation package and approved it with no conditions and indicated all sites of proposed street vacation pose no restrictions of fire access to existing lots.

II. ANALYSIS AND CONCLUSIONS

A. ANALYSIS OF RIGHT-OF-WAY PRESENT AND FUTURE USE

The City's Light Rail Project Manager worked with Public Works staff to review whether there were any present or future uses of the portions of ROW proposed for vacation that require dedicated ROW. Present and future uses of all the proposed street vacation areas are light rail system facilities and remaining public utilities. Staff foresees no additional future uses for these areas that require the property to remain dedicated ROW. The light rail system use is not required to be located in City ROW and prevents

the City from using the row for City provided transportation services and the few remaining public utilities can be maintained with easements.

Public Works staff foresees no present or future use that require dedicated rights-of-way. (Exhibit 10).

B. DECISION CRITERIA ANALYSIS

The decision criteria for a street vacation petition are set forth in SMC 12.17.050. Both the Hearing Examiner and City Council must find that all of the criteria are satisfied in making their respective recommendation and decision.

These decision criteria only apply to the areas of proposed street vacation that are subject to the street vacation provisions of the SMC and RCW because they were created through dedication of ROW easement: LL501, LL502, LL503.2, LL504, LL505.2, LL507.2, LL508.2, and LL510.

The areas of ROW proposed for street vacation, LL503.1, LL505.1, LL506, and LL508.1, that were conveyed by quitclaim deed will be taken to City Council concurrently for consideration under the SMC Chapter 3.55 Sale and Disposal of Real Property and supplemented Chapter 39.33 RCW Intergovernmental Disposition of Property instead of the street vacation code provisions. Any deed restrictions for road purposes will be taken into account by ensuring that 100 percent of the proceeds from the sale are used for road purposes, or that any property received in exchange is deed restricted with equivalent terms.

The street vacation decision criteria from SMC 12.17.050 are listed below, followed by the City's analysis of Sound Transit's petition compliance with each criterion. Sound Transit's response to each of the criterion can be found in their submitted Criteria Statement for this petition (Exhibit 2, Attachment C).

1. SMC 12.17.050(A): The vacation will benefit the public interest.

City Analysis:

The identified areas of right-of-way vacation are specifically proposed to be used for the public light rail extension project connecting Shoreline and communities to the north with the burgeoning regional light rail system. Sound Transit and the Link Light Rail system were created to expressly benefit the public by creating affordable, efficient, and connected public transportation to move people throughout the region.

City leadership and staff participated in the project development, design, and permit review supporting the placement of the Shoreline South/148th Station within the NE 148th Street ROW between WSDOT I-5 ROW and 5th Ave NE and alignment of the guideway over portion of city right-of-way, when necessary, throughout the process. City staff and leadership agreed to shift this light rail station north, from its originally proposed location at NE 145th Street to ensure enough area to include the station, garage, transit loop, and pick-up/drop-off loop within the station site for the project. Impacts to City ROW and existing infrastructure were minimized during a cost reduction process that narrowed the guideway and shifted it as far west as WSDOT would allow.

While the current station site design and guideway alignment is permissible in City ROW under the terms of the Transit Way Agreement, the proposed vacations will enable more efficient use of public land.

The City's adopted street vacation petition process (SMC 12.17.030) requires compensation be made to the City for the full appraised value of the area to be vacated because the property has been dedicated for more than 25 years. If these portions of ROW are not vacated, the City will not be able to use them for anything other than limited utilities because the light rail system facilities occupy the ground level precluding roads or shared-use paths, and Sound Transit would be able to use this property without compensation to the City. Through street vacation and sale of the property to Sound Transit the public benefits from both the light rail system and alternate funds or property to be use for roads and other transportation purposes.

When the first street vacation petition was approved for NE 185th St and 7th Ave NE, The City and Sound Transit entered into the Right of Way Vacation Agreement (GA 0300-19/City Receiving #9627) which set terms for exchanging the vacated ROW for Sound Transit property interests of equivalent value that can be used for future roads, bridges, or trails and related infrastructure instead of monetary compensation. The City and Sound Transit are working to amend that agreement to add these new locations of street vacation and intergovernmental property transfer with similar property exchange terms. These properties directly facilitate completion of other City capital projects identified in the City's Transportation Master Plan. If agreement is not reached on property as compensation, then the public would still benefit from the monetary payment of the full appraised value of the vacated rights-of-way consistent with SMC 12.17.030(B) and any applicable deed restrictions.

The City concludes that street vacation of the proposed areas dedicated ROW identified as LL501, LL502, LL503.2, LL504, LL505.2, LL507.2, LL508.2, and LL510 will benefit the public interest satisfying this criterion.

2. **SMC 12.17.050(B): The proposed vacation will not be detrimental to traffic circulation, access, emergency services, utility facilities, or other similar right-of-way purposes.**

City Analysis:

The LLE project design accounted for displacement of any City sidewalks or street infrastructure within the proposed street vacation areas so they are no longer critical to traffic circulation, access, and emergency services. The homes originally service by LL501 - NE 148th, LL502 – 1st Ave St south of NE 157th, LL503.2 – 1st Ave between NE 159th St and NE 161st St, LL504 – NE 170th St, LL505.2 – 1st Ave NE between approx. NE 172nd St and NE 174th St, LL507.2 – NE 180th St, LL508.2 – 5th Ave NE, and LL510 – NE 189th St have either been demolished and replaced with light rail uses or access has been relocated east of the new guideway. Sound Transit's Table 1 in Exhibit 2, Attachment C, incorrectly indicates that sidewalk facilities are present in LL504 and LL505. Those sidewalks have since been removed and relocated.

Fire and police emergency access to the Shoreline South/148th Station site, to the guideway and through to I-5 in mutually agreed locations. Access for provision of emergency services is not adversely impacted by the proposed areas of street vacation.

Remaining utilities and services located in these street vacation areas are either compatible with the light rail guideway or have been constructed to serve the light rail system and pass through Sound Transit property in a functional location when necessary. The almost completed construction of the LLE Project was thoroughly reviewed by the City, emergency service agencies, and public utility providers under the Special Use Permit and construction permits. The project adequately modified all

modes of transportation with the assumption that these portions of the ROW would be proposed for vacation as a condition of the LLE project SUP Fire and police emergency access to the Shoreline South/148th Station site, to the guideway and through to I-5 in mutually agreed locations. Access for provision of emergency services is not adversely impacted by the proposed areas of street vacation.

sup.

The proposed areas of street vacation are compatible with the remaining utilities. Utility easements will be needed in the following locations (Exhibit 8):

LL501 - NE 148th

- Shoreline Wastewater Utility 23-foot-wide easement reservation over 30-inch sewer main, see L85-eUCP121.
- North City Water District 15-foot-wide easement over water main and Direct Connect Detect Assembly connection pipe, see L85-UCP121.
- North City Water District (NCWD) 15-foot-wide easement over Fire Hydrant assembly and connection pipe, See L85-UCP162.
- Seattle City Light (SCL) temporary underground duct banks/vault easement for distribution through the station site from 3rd Ave to 5th until 5th Ave Direct Bury Replacement Project is completed in approximately 2027. Easement template and widths still pending from SCL. See yellow highlighted areas on L85-UAP361-B, L85-UAP362, and L85-UAP363.
- Lumen telecommunications easement may be need over the vault and duct bank highlight turquoise on L85-UAP361-B, L85-UAP362, and L85-UAP363. Whether or not this infrastructure is for distribution to be owned by Lumen and require and easement is still being verified. If needed, easement widths and template will need to be provided by Lumen.
- Shoreline Traffic Signal easement reservation required approximately 20-foot by 5.5-feet from northeast corner of LL501 vacation area as highlighted yellow on L85-TSP150.

LL502 – 1st Ave St south of NE 157th

- No remaining utilities, no easements required.

LL503.2 – 1st Ave between NE 159th St and NE 161st St

- Shoreline Surface Water Utility 15-foot-wide easement reservation required over the 18-inch drainage pipe, see L85-CDP127.

LL504 – NE 170th St

- SCL overhead electrical utility easement required. SCL to confirm if 10-foot width is sufficient and will provide the easement template.

LL505.2 – 1st Ave NE between approx. NE 172nd St and NE 174th St

- No remaining utilities, no easements required.

LL507.2 – NE 180th St

- Shoreline Wastewater Utility 15-foot-wide easement reservation over encased 8-inch sewer main and, see L85-UCP137.

LL508.2 – 5th Ave NE between approx. NE 182nd Ct and NE 185th St

- No remaining utilities, no easements required.

LL510 – NE 189th St

- Shoreline Surface Water Utility 15-foot-wide easement reservation required over the 18-inch drainage pipe, see L85-CDP142.
- North City Water District 15-foot-wide easement over water main and Direct Connect Detect Assembly connection pipe, see L85-UCP142.
- SCL overhead electrical utility easement required. SCL to confirm if 10-foot width is sufficient and will provide the easement template.

The City agrees with Sound Transit's conclusions that the proposed street vacation will not be detrimental to traffic circulation, access, utilities, or other similar public utility uses of the City's rights-of-way. The design and permit review processes for proposed improvements are the best process for identifying any potential utility easements necessary for future improvements.

The City recommends a condition to reserve the necessary permanent and temporary easements for the identified utilities/infrastructure with Sound Transit responsible for preparing the legal descriptions and parcel maps for the easements in coordination with the utility owner.

The City concludes that, as conditioned, the proposed areas of street vacation would meet this criterion.

3. SMC 12.17.050(C): The street or alley is not a necessary part of a long-range circulation plan or pedestrian/bicycle plan.

City Analysis:

The City's Transportation Master Plan (TMP) classifies all the proposed street vacation areas as local secondary streets with one exception - LL508.2 – 5th Ave NE is a minor arterial. As a minor arterial, 5th Ave NE is an important connection in the City's vehicular, transit, bike and pedestrian circulation plans. The proposed area of vacation will be replaced with new ROW dedication to the east where the 5th Ave NE transportation infrastructure has been relocated, so the proposed street vacation area is no longer necessary for the city's long-range transportation plans.

The TMP Pedestrian Plan states that "any requests for vacation of public right-of-way should be evaluated to ensure it cannot serve as a pedestrian connection" and identifies potential areas of unimproved ROW for pedestrian connections. The areas proposed here for street vacation are not included as potential pedestrian connections in the Pedestrian portion of the Transportation Master Plan. This Pedestrian System Plan conceptually indicates planned trail along the east of I-5 approximately over the portion of LL501 – NE 148th St proposed for vacation and roughly through or parallel to LL503.2 – 1st Ave NE between NE 159th and NE 161st, LL505.2 – 1st Ave NE between approx. NE 172nd and NE 174th, and LL508.2 – 5th Ave NE between approx. NE 182nd Ct and NE 185th St. A feasibility study has been completed for this planned trail, now referred to as the Trail Along the Rail, and the interface between the trail and the light rail station was incorporated into the design of the Shoreline South/148th Station. The planned trail connects to and around the station on planned shared use sidewalks or bike lanes paired with pedestrian sidewalks and will not be located within the existing NE 148th Street area to be vacated. The LLE project is constructing

shared use paths or sidewalks to the east of LL503.2, LL505.2, and LL508.2 replacing and realigning any sidewalks that may have existed out of these proposed street vacation areas. These segments will eventually be connected together to form the Trail Along the Rail.

The Bicycle System Plan in the TMP identifies 5th Ave NE as a future bicycle route with designated bicycle lanes. With the realignment of 5th Ave NE out of LL508.2 vacation area these bike facilities are being constructed between NE 180th Street and NE 185th street through a combination of shared use path and on street bike lanes. LL508.2 area is not needed for this bicycle route. The Bicycle System Plan does not identify the other street vacation areas as part of the bicycle system. The planned Trail along the Rail that is part of the Pedestrian Plan will be a shared use path, and bicycle lanes will either be constructed by the LLE project on 1st Ave NE west of LL503.2 and LL505.2 or there will be ROW area dedicated to provide area for the City to construct these improvements in the future. The NE 148th Street segment, LL501, and the street ends, LL502, LL504, LL507.2, and LL510 are also not included in the TMP Bicycle system plan. The new ROW improvements east of LL507.2 include new shared use path intended for use by bicycles as well as pedestrians, a public use that was not possible prior to the LLE project on this street.

The City finds that the portions of ROW proposed for vacation are not a necessary part of a long-range circulation plan or pedestrian/bicycle plan and this criterion is met.

4. SMC 12.17.050(D): The subject vacation is consistent with the adopted comprehensive plan and adopted street standards.

City Analysis:

The City's Comprehensive Plan does not have any specific goals or policies that address street vacations. The Sound Transit criteria statement (Exhibit 2, Attachment C) identifies most of the Comprehensive Plan goals and policies that are related to transportation, transit, and ROW improvements. The LLE project as a whole goes a long way toward achieving these goals and policies, in particular Land Use Goal IV – "Work with regional transportation providers to develop a system that includes two light rail stations in Shoreline, and connects all areas of the city to high-capacity transit using a multi-modal approach."

The Comprehensive Plan Transportation Element (TE) was revised in November 2022, and the TE goals and policies included in this criteria statement are from a prior version of the TE. The revised TE goals and policies that most align with the ones included by Sound Transit in the criteria statement are:

- **Goal 3: Multimodality**

Expand and strengthen the multimodal network, specifically walking, bicycling, and transit, to increase the number of safe, convenient, reliable, and accessible travel options.

- **Goal 4: Connectivity**

Complete a network of multimodal transportation connections to and from key destinations such as parks, schools, community services, commercial centers, places of employment, and transit.

T2. Reduce the impact of the City's transportation system on the environment through expanded zero-emission vehicle use and active transportation options

and identify opportunities to increase electric vehicle charging infrastructure when planning and designing transportation projects and facilities, on City rights-of-way or adjacent property(s), or through other transportation policies and programs.

T5. Plan, design, and construct transportation projects and facilities to avoid or minimize negative environmental impacts and to increase climate resiliency to the maximum extent feasible.

T16. Actively engage the public, especially historically underserved populations, during all phases of the development/update/improvement of a transportation service or facility to identify and reduce negative community impacts.

T43. Work with transportation providers to develop a safe, reliable, and effective multi-modal transportation system to address overall mobility and accessibility. Maximize the people-carrying capacity of the surface transportation system.

Many other policies were added to the TE that are applicable to the LLE Project as a whole and which contribute substantially to furthering the City's transportation goals for multimodality, connectivity, equity and climate resiliency. Additional TE policies that City staff consider would be implemented through approval of the proposed street vacations include:

T32. Utilize existing undeveloped right-of-way to create pedestrian paths and connections where feasible.

T55. Improve the street grid network to maximize multi-modal connectivity throughout the City.

The proposed street vacations support the overall development of the City's transportation system by ensuring that the ROW that is now fully utilized by the light rail system is transferred to the transit agency and the City receives full market value for that property. Effectively, the ROW now under the light rail guideway is now "undeveloped" because it lacks City transportation infrastructure. Through street vacation and sale of this property to Sound Transit, the City can then reinvest monetary compensation or trade Sound Transit for property of equivalent value in locations that are critical to completing the Trail Along the Rail or similar multi-modal transportation connections.

The current adopted street standards in the Engineering Development Manual, Appendix F - Street Matrix, specify frontage improvement cross sections for most City streets including 5th Ave NE near LL508.2, 1st Ave NE near LL504 and LL505.2 as well as a generic cross section for local secondary streets that applies in the vicinity of all the other proposed street vacation areas. The LLE Project SUP decision granted code modifications for alternate frontage improvements to facilitate construction of more multi-modal facilities or to reduce the number of property acquisitions necessary for the road relocations. The LLE Project approval requires ROW dedication east of LL503, LL505 and LL508 to ensure that the permitted frontage improvements will be located within ROW and do not require use of the proposed street vacation areas to meet the minimum ROW widths or frontage improvement cross sections, whether standard or alternative designs.

The street end vacations, LL502, LL504, LL507.2 and LL510 do not change the width of the remaining ROW. The LLE Project permits require ROW dedications sufficient to accommodate hammerheads or cul-de-sacs that are being constructed by the

project east of these proposed street vacations consistent with the adopted street standards or SUP modified standards.

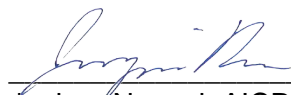
The City finds that the proposed vacation satisfies this criterion.

III. STAFF RECOMMENDATION

Based on the above analysis of relevant street vacation hearing criteria in the Shoreline Municipal Code and the City's adopted Comprehensive Plan and street standards, the City of Shoreline staff recommends **APPROVAL** of Sound Transit LLE Project Street Vacation Petition Package, File No. PLN23-0113, for the portions of dedicated ROW subject to the street vacation provisions of SMC 12.17 identified as LL501 – NE 148th St, LL502 – 1st Ave NE, LL503.2 – 1st Ave NE & NE 161st St, LL504 – NE 170th St, LL505.2 – 1st Ave NE & NE 174th St, LL507.2 – NE 180th St, LL508.2 – 5th Ave NE, and LL510 – NE 189th St and subject to the following conditions:

CONDITIONS OF APPROVAL

1. This package of street vacations shall be subject to the reservation of any and all easements for City-owned or franchise utilities. Sound Transit, at its sole cost and expense, shall work the utility owners to determine the exact extent and location of the easements and prepare legal descriptions and parcel map exhibits based on the LLE Project design drawings or as-built surveys of these utilities. Once executed, these easements shall be recorded with the King County Recorder's Office at Sound Transit's sole cost and expense.
2. Sound Transit shall, in addition to all other duties and expenses of vacation as set forth in SMC 12.17, provide and pay for boundary surveys of each of the nine portions of rights-of-way that are vacated and the required easements. Such surveys shall be performed by a Land Surveyor licensed to practice in Washington State and shall be recorded with King County consistent with Chapter 58.09 RCW.
3. Sound Transit shall, in addition to all other duties and expenses of vacation as set forth in SMC 12.17, provide and pay for an appraisal of each of the nine portions of rights-of-way that are vacated and accounting for the value of the reserved easements.
4. Sound Transit shall provide for just compensation pursuant to SMC 12.17.



Juniper Nammi, AICP
Light Rail Project Manager

December 13, 2023

Date