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November 3, 2016

VIA EMAIL

City of Shoreline Planning Commission
17500 Midvale Avenue N
Shoreline, WA 98133
Email: plancom@shorelinewa.gov

Re: Proposed Code Amendments for Self-Service Storage Facilities (Ordinance No. 765)

Dear Commissioners:

This firm represents Michael Sherry and Sherry Development Company LLC (“Sherry”) with regard to Sherry’s planned self-storage facility on the properties at 14553 Bothell Way NE (the “Project”). The existing site is comprised of five tax parcels (Parcel Nos. 1568100586, 1568100490, 1568100495, 1568100500 and 1568100485) (“Property”) and is located along the eastern border of the Briarcrest neighborhood immediately west of Bothell Way NE. A self-storage facility has been permitted and is under construction on the lot immediately south of the Property.

The Property is zoned Community Business (“CB”) and one business day before the current moratorium was enacted, the City confirmed that Sherry’s proposed self-storage facility was a permitted use on the Property under the existing code. Sherry has participated throughout the Commission’s review of this matter by submitting written comments and providing oral testimony at the public hearings on this matter.

Sherry agrees with the Staff Report’s recommendation that self-storage facilities should be permitted in the Mixed Business (MB) and Community Business (CB) zones. However, for the reasons described below, Sherry urges the Commission to not adopt the Staff Report’s recommendation to allow self-storage facilities only in the limited portion of the CB zone that is located near the intersection of Ballinger Way NE and 19th Avenue NE. Additionally, Sherry asks the Commission to consider revising the “distance from” exception to clarify that the percentage of ground floor commercial space should be calculated based upon the property’s street frontage.

A. Self-Storage Uses Should be Permitted on Properties in all MB and CB Zones that take Access from a State Highway.

It is critical that the Commission assure that the recommended code amendments are consistent with the City’s Comprehensive Plan and the Neighborhood Subarea Plans. The Staff Report recommends permitting self-storage facilities in the MB zone and the CB zone, but only that portion of the CB zone that is located near the intersection of Ballinger Way NE and 19th Avenue NE. The reasons for that recommendation are flawed and, if adopted, it would prohibit Sherry from moving forward with a great project that would benefit the City.

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All property in the City zoned Mixed Business (MB) has a Comprehensive Plan designation of Mixed-Use 1 (MU1). The property zoned Community Business (CB) that is located near Ballinger Way NE also is designated MU1. All remaining property in the City that is zoned CB is designated MU2. The Staff Report relies on the difference between the MU1 and MU2 designations to conclude that self-storage facilities should be permitted only on properties designated MU1. The Comprehensive Plan does not support the Staff Report's conclusion.

There is no difference between MU1 and MU2 that would justify prohibiting self-storage uses on MU2 properties. The MU1 "designation encourages the development of walkable places with architectural interest that integrate a wide variety of retail, office, and service uses, along with form-based maximum density residential uses." Comp. Plan Policy LU9. The MU2 "designation is similar to the MU1 designation, except it is not intended to allow more intense uses, such as manufacturing and other uses that generate light, glare, noise, or odor that may be incompatible with existing and proposed land uses." Comp. Plan Policy LU10. Self-storage uses do not involve manufacturing nor do they generate light, glare, noise, or odor that would be incompatible with existing and proposed land uses. Consequently, nothing about the MU1 or MU2 designation justifies permitting self-storage facilities only on properties designated MU1.

The zoning code descriptions of the purposes for the MB and CB zones also provide no reason to permit self-storage facilities in the MB zones and only the CB zoned property near Ballinger Way. The purpose of the MB zone "is to encourage the development of vertical and/or horizontal mixed-use buildings or developments along the Aurora Avenue and Ballinger Way corridors." SMC 20.40.040(C). The purpose of the CB zone "is to provide location for a wide variety of business activities, such as convenience stores, retail, personal services for the local community, and to allow for apartments and higher intensity mixed-use developments." SMC 20.40.040(B). There are exactly zero existing or proposed mixed-use storage developments. If such developments were proposed, they would be more appropriately located in the CB zone where "higher intensity mixed-use developments" are encouraged.

The Staff Report's other rationale for prohibiting self-storage facilities in the CB zone outside of Ballinger Way NE is that self-storage facilities are inconsistent with certain neighborhood subarea plans. Agenda Packet at pg. 29. The Sherry Project is located in the Briarcrest neighborhood and is subject to the Southeast Neighborhoods Plan. In Sherry's October 6, 2016 letter to the Commission (a copy of which is attached), Sherry provided a detailed explanation of how its Project is consistent with the Southeast Neighborhoods Plan. There is no inconsistency with the Southeast Neighborhoods Plan that would justify prohibiting self-storage facilities on the Property.

The City's final rationale for prohibiting self-storage uses in the CB zone outside of Ballinger Way NE is that those areas do not include major arterials that serve regional, rather than neighborhood-level, land uses. Agenda Packet at pg. 30. That may be true for the areas in the Richmond Beach neighborhood and along 5th and 15th Avenues NE, but it clearly is not true for the CB zoned property adjacent to Bothell Way NE. The Staff Report states that self-storage uses should be permitted on the properties "found along Aurora Avenue North and along Ballinger Way NE" because those properties serve "regional land uses" rather than local ones. Agenda Packet at pg. 30. Aurora Avenue North (SR 99), Ballinger Way NE (SR 104), and Bothell Way NE (SR 522) are all four-lane or greater highways serving regional land uses. For all the reasons explained above, the Staff Report's proposed prohibition on a self-storage use on the Sherry Property lacks support in the Comprehensive Plan, Subarea Plans, the Code, and the rationale stated in the Staff Report itself.

RECOMMENDATION #1

Once the underlying rationale in the Staff Report is boiled down to its essence, the Staff Report analysis supports the following recommendation regarding the zones in which self-storage facilities should be permitted:

Self-storage facilities should be permitted on properties in all Mixed Business (MB) and Community Business (CB) zones that take access from a state highway.

With the exception of a small change to the “distance from” exception described below, the remaining supplemental criteria provided draft code amendments, including the prohibition on self-storage facilities on the corners of major arterials, can remain. This revision would provide excellent spacing for self-storage uses by authorizing them along major arterials outside of the town center.

B. The “Distance From” Exception Should Use the Property’s Street Frontage to Calculate the Amount of Required Non-Storage Commercial Space on the Ground Floor.

The Staff Report recommends adopting code amendments that would allow self-storage facilities within 1/4 mile of another self-storage facility if 75 percent of the ground floor of the building is commercial space dedicated to uses that are not self-storage related. Agenda Packet at pg. 41. The rationale appears to be to increase the variety of commercial uses at the ground floor level in order to increase the activity and interest along the street frontage.

For the Sherry Project, only a fraction of the overall Property fronts on Bothell Way NE. An aerial image of the Property is below.



Because the Property has limited street frontage, the City’s requirement for 75 percent commercial space dedicated to uses that are not self-storage related would be overly burdensome and would likely prevent a project from being developed. The City’s goals can be met without eliminating the feasibility of this or a similar project by specifying that the 75 percent commercial space requirement should be calculated based upon the property’s street frontage.

RECOMMENDATION #2

The Exception to the “distance from” indexed supplemental criteria (SMC 20.40.505(A)(2)) should be revised as follows:

Exception: Self-storage facilities may be located within ¼ mile of an existing or permitted self-storage facility when the minimum space dimension for the ground-level of the building is at least 12-feet in height and 20-feet deep and built to commercial building code. The amount of square feet within such ground floor area dedicated to uses not related to self-storage (such as storage units, storage supply sales, and office for support and rental of storage units) shall be no less than 75 percent of the street frontage of the lot multiplied by 20 feet. For example, for a lot with 100 feet of street frontage, the minimum portion of the structure dedicated to commercial uses not related to storage uses should be 1,500 square feet.

Sherry would like to move forward with its Project and is willing to work with the City to meet the City’s design goals and to provide non-storage related commercial uses on its ground floor that will serve the community. Below is an example of a project that the Sherry team completed in Arizona on a site with challenging zoning.



Permitting self-storage uses on properties in the CB zone that take access from state highways and that provide the percentage of non-storage related commercial uses on the ground floor described above is consistent with the City’s Comprehensive Plan, Subarea Plans, and existing development regulations. It also would avoid the financial damages that Sherry would suffer if self-storage facilities were permitted on property zoned CB, but located only adjacent to Ballinger Way NE.

For the reasons described above, Sherry asks the Commission to revise Draft Ordinance No. 765 to permit self-storage uses on properties in the CB zone that take access from state highways and revise the “distance from” exception to allow adjacent facilities when they provide the percentage of non-storage related commercial uses on the ground floor described above. Thank you for your careful review and recommendation on this important code change.

Very truly yours,



Randall P. Olsen

October 6, 2016

VIA EMAIL

City of Shoreline Planning Commission
17500 Midvale Avenue N
Shoreline, WA 98133
Email: plancom@shorelinewa.gov

Re: Temporary Moratorium on Self-Service Storage Facilities (Ordinance No. 754)

Dear Commissioners:

This firm represents Michael Sherry and Sherry Development Company LLC with regard to Sherry's planned self-service storage facility on the properties at 14553 Bothell Way NE (the "Project"). The existing site is comprised of five tax parcels (Parcel Nos. 1568100586, 1568100490, 1568100495, 1568100500 and 1568100485) ("Property"). The Property is located in the southeast corner of Shoreline and is zoned Community Business ("CB"). On Friday, August 5, 2016, Mr. Sherry received written confirmation from the Director that the Project is a permitted use on the Property, however, the City adopted the moratorium described above on the next business day (Monday, August 8, 2016). The Project currently is on hold until the moratorium is lifted.

This letter addresses the three options the Commission currently is considering for the permissible zones in which self-service storage facilities may be located and recommends that the Commission adopt Option 2, which would allow self-service storage facilities in the Mixed Business and Community Business zones. This letter then describes how a self-service storage facility on the Property would help achieve the policies of the Southeast Neighborhoods Subarea Plan.

The Commission should adopt Option 2 – Permitting Self-Service Storage Facilities in the Mixed Business and Community Business Zones

The Commission's packet for its October 6, 2016 meeting describes three potential options for regulating uses in the City of Shoreline. Option 1 would permit self-service storage uses only on properties designated Mixed Use 1 (MU-1) in the Comprehensive Plan. Option 1 would thus prohibit self-service storage uses on any properties located south of North 195th Street and east of Ashworth Avenue North. Prohibiting self-service storage uses throughout that very large area would be a significant disservice to the citizens of Shoreline living east of Interstate 5. Currently, there is one self-service storage facility project under construction immediately south of the Property, but no

other facilities in the southeast portion of the City. The demand for self-service storage supports more than one such business in that area.

Option 1 also would have the effect of concentrating self-service storage facilities along Aurora Avenue North, which includes the City's Town Center District. The City is considering prohibiting self-service storage uses in the Town Center District, but if it did so, then Option 1 would result in concentrating those uses on either end of the Town Center. If the City is hoping to avoid locating self-service storage facilities at "gateway" locations, then Option 1 is a poor choice.

Option 3 also is flawed. Option 3 would allow self-service storage facilities in the Community Business and Mixed Business zones, but only as a conditional use that is accessory to a primary use. This means that no more than 30 percent of the gross floor area of a building or the first level of a multi-level building could be used for self-service storage. Because self-service storage facilities typically need a minimum of 100,000 gross square feet, Option 3 is likely to make it impractical to develop the type of self-service storage facilities that are needed to meet the City's demands. Ultimately, the effect of Option 3 would be similar to an outright prohibition on all self-service storage facilities. That would be a disservice to the citizens of Shoreline and would also eliminate redevelopment of underutilized land and the tax revenue that would be generated by those uses.

Among the options described in the Commission's packet, Option 2 is best. Option 2 would permit self-service storage facilities in the Mixed Business and Community Business zones. This would permit at least some self-service storage facilities in the eastern half and particularly the southeastern portion of Shoreline. It would thus allow self-service storage uses at a limited number of locations spread more equitably throughout the City. Equitable distribution means that individuals and businesses throughout the City would be able to more conveniently store and access their excess property. We ask the Commission to adopt Option 2 and to allow self-service storage facilities in both the Mixed Business and Community Business zones.

The City's Development Code and Southeast Neighborhoods Subarea Plan Support the Development of a Self-Service Storage Facility on the Property

Mr. Sherry's Property is located near the intersection of NE 147th Street and Bothell Way NE. An aerial image of the Property is included below.



The Property is located in the Community Business zone. The “purpose of the community business zone (CB) is to provide location for a wide variety of business activities, such as convenience stores, retail, personal services for the local community, and to allow for apartments and higher intensity mixed-use developments.” SMC 24.40.040(B). As the City concluded in its August 5, 2016 code interpretation (a copy of which is attached hereto), a “self-service storage facility will provide the local community, both residential and commercial neighbors with a secure offsite option for storage of possessions, inventory, tools, etc. Also, as apartments become smaller, the need for off-site storage presumably increases.” Thus, a self-service storage facility is consistent with the purpose of the CB zone.

A self-service storage facility would also help achieve several policies stated in the City’s Southeast Neighborhoods Subarea Plan, including the following:

Policy NE2: Create incentives to encourage innovative strategies to enhance the natural environment on and around developed sites (green roof and green wall techniques, hedgerow buffers, contiguous green zones through neighborhoods, green storm water conveyance systems).

Policy NE12: Use green buffers of specific buffer area to building height ratio between different land uses, especially where transition zoning is not possible.

Policy LU2: Create incentives to use vegetated buffers between types of land use, in addition to transition zoning or open space.

Comment: The Property currently has minimal vegetation and consists primarily of a large paved parking lot. Very little buffering exists between the Property and the adjacent properties. The self-service storage facility will be designed to comply with the City’s design requirements, which are likely to include the addition of trees and vegetation, including green buffers.

Policy LU10: Quality of life for current residents in the subarea should be considered in decision-making processes that involve new development in the community, even though decisions must also take into account overall land use goals and the economic needs of the City as a whole.

Comment: A self-service storage facility will provide the neighborhood with a secure offsite option for storage of possessions. The facility also will be well-maintained and a visual improvement from the existing use of the Property.

Policy T4: Improve automobile traffic flow on major arterial corridors to accommodate increased density.

Comment: A self-service storage facility generates very low traffic volumes. As such, a new self-service storage facility will result in a new, well-designed building that

also provides a neighborhood service, but without creating or exacerbating traffic problems.

Policy T9: As part of potential redevelopment of the commercial area on Bothell Way, address the east/west access issues to promote neighborhood connectivity to businesses, while protecting the residential neighborhood from cut-thru traffic.

Comment: Currently, the existing parking lot and Chinese restaurant provide the potential for cut-through traffic from the well-traveled thoroughfare Bothell WA NE through the Property and to NE 147th Avenue to the west, which is located in a residential neighborhood. Redevelopment of the Property with a self-service storage facility would likely eliminate cut-through traffic and provide greater security to the residential neighborhood west of the Property.

Policy ED2: Revitalize the local economy by encouraging new business that is beneficial to the community in terms of services, entertainment, and employment.

Policy CD2: Development & Land Use designs and patterns should contribute to the vitality of the area as a whole, serving the broader community and immediately adjacent neighbors, using compatibility criteria and incentives to be determined.

Policy CD3: Encourage planning of local “hubs” for provision of services and gathering places.

Comment: A self-service storage facility would benefit the local community by providing a needed service (storage) while also improving the look and feel of the businesses along Bothell WA NE. Allowing a facility to be located on the Property also would achieve Policy CD3 because the facility would be located adjacent to another self-service storage facility immediately south of the Property. This would create a hub for storage services in a concentrated location in the southeast portion of the City.

For the reasons described above, Mr. Sherry asks that the Commission adopt Option 2, which would allow self-service storage facilities in both the Mixed Business and Community Business zones. Further the Commission should not prohibit self-service storage facilities locating adjacent to other self-service storage facilities. The citizens of Shoreline would benefit from allowing these facilities in limited but geographically diverse areas of the City, which would allow for more equitable access and use as the City grows over the coming years.

Thank you for your time and attention to this issue.

Very truly yours,



Randall P. Olsen



Planning & Community Development.

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ADMINISTRATIVE ORDER#302157-080416

SITE – SPECIFIC DETERMINATION

**14553, 14555, 14561, 14707 Bothell Way NE and
14704 32nd Avenue NE**

CODE SECTIONS: 20.40.040, 20.20.046, 20.40.110, 20.40.130, 20.40.570

I. ISSUE

A Self-Service Storage Facility is not a listed use in SMC 20.40.130, the Nonresidential Use Table. Is a self-service storage facility a permitted use in the Community Business (CB) zone at 14553, 14555, 14561, 14707 Bothell Way NE and 14704 32nd Avenue NE?

II. FINDINGS:

A. Shoreline Municipal Code (SMC)

20.40.040 Nonresidential zones:

B. The purpose of the community business zone (CB) is to provide location for a wide variety of business activities, such as convenience stores, retail, personal services for the local community, and to allow for apartments and higher intensity mixed-use developments.

SMC 20.20.046

Self-Service Storage Facility *An establishment containing separate storage spaces that are leased or rented as individual units.*

SMC 20.40.110 Use Tables

G. *For the purposes of this Code, in most instances only broad use classifications that share similar characteristics are listed in the use tables. Where separate regulations or permit processes are necessary, uses are classified further. Some uses are identified with a detailed description provided in a referenced North American Industrial Classification System (NAICS) number. (This system classifies land uses by categories and provides subclassification for more detailed associated uses.) In case of a question as to the inclusion or exclusion of a particular proposed use, which is not identified in these tables, the use shall not be permitted unless allowed through a Code interpretation*

applying the criteria for Unlisted Use found in the Index of Supplemental Use Criteria (SMC 20.40.200 through 20.40.610). Temporary uses are allowed under criteria listed in SMC 20.30.295.

SMC 20.40.130 Nonresidential uses.

Table 20.40.130 Nonresidential Uses. This table lists permitted uses. Self-service storage facility is not listed.

SMC 20.40.570 Unlisted use.

A. Recognizing that there may be uses not specifically listed in this title, either because of advancing technology or any other reason, the Director may permit or condition such use upon review of an application for Code interpretation for an unlisted use (SMC 20.30.040, Type A action) and by considering the following factors:

- 1. The physical characteristics of the unlisted use and its supporting structures, including but not limited to scale, traffic, hours of operation, and other impacts; and*
- 2. Whether the unlisted use complements or is compatible in intensity and appearance with the other uses permitted in the zone in which it is to be located.*

B. A record shall be kept of all unlisted use interpretations made by the Director; such decisions shall be used for future administration purposes. (Ord. 706 § 1 (Exh. A), 2015; Ord. 238 Ch. IV § 3(B), 2000).

- The proposed site for a self-service storage facility is located at 14553 Bothell Way NE, 14555 Bothell Way NE, 14561 Bothell Way NE, 14707 Bothell Way NE and 14704 32nd Avenue NE and is zoned Community Business (CB).
- A self-service storage facility was permitted on the parcel just south of the subject site at 14535 Bothell Way NE on July 12, 2016.
- CB zoning is located to the North, South, and East of the site. Residential 48 dwelling units per acre (R-48) is located to the West.
- The surrounding uses include: self-service storage facility (South); small diner, automotive store and carpet storage/retail (North/East) and single family homes with multi-family zoning (West).
- The proposed project will have 29 parking spaces and two (2) loading spaces.
- A self-service storage facility is not permitted at 14553 Bothell Way NE, 14555 Bothell Way NE, 14561 Bothell Way NE, 14707 Bothell Way NE and 14704 32nd Avenue NE in the CB zone unless allowed through a Code Interpretation for the unlisted use.
- The proposed self-service storage facility will be required to meet the City's design standards for the CB zone. The facility is proposed to consist of four (4) stories and an accessory office.
- The proposed self-storage facility's hours of operation are anticipated to be similar to nearby commercial establishments.

III. CONCLUSIONS

A self-service storage facility is not permitted at 14553 Bothell Way NE, 14555 Bothell Way NE, 14561 Bothell Way NE, 14707 Bothell Way NE and 14704 32nd Avenue NE in the CB zone unless allowed through a Code Interpretation for the unlisted use.

The purpose of the community business zone (CB) is to provide location for a wide variety of business activities, such as convenience stores, retail, personal services for the local community, and to allow for apartments and higher intensity mixed-use developments.

14553 Bothell Way NE, 14555 Bothell Way NE, 14561 Bothell Way NE, 14707 Bothell Way NE and 14704 32nd Avenue NE are located in the CB zone. A self-service storage facility will provide the local community, both residential and commercial neighbors with a secure offsite option for storage of possessions, inventory, tools, etc. Also, as apartments become smaller, the need for off-site storage presumably increases.

In accordance with the factors/criteria required for consideration in determining if an unlisted use is permitted at a particular location:

A. The physical characteristics of the unlisted use and its supporting structures, including but not limited to scale, traffic, hours of operation, and other impacts, the City finds the following:

A self-service storage facility is expected to generate less impacts such as noise, traffic, parking needs and odors than many of the uses listed and permitted in the Nonresidential Use Table SMC 20.40.130.

1. The proposed self-service storage facility will be four (4) stories with an accessory office. The maximum allowable height in the CB zone is 60 feet, which will accommodate the proposed structure.
2. The proposed self-service storage facility will have hours that are similar to adjacent uses. It is also anticipated that the self-service storage facility will generate much fewer per day and hour trips than other uses allowed in the Community Business zone whereby limiting disturbance to neighboring properties.

B. Whether the unlisted use complements or is compatible in intensity and appearance with the other uses permitted in the zone in which it is to be located:

1. The proposed self-service storage facility project must be designed in compliance with the Commercial design requirements in SMC 20.50 Subchapter 4, SMC 20.50 Subchapter 6 Parking, Access and Circulation, and Landscaping Subchapter 7, which will ensure the proposed self-service storage facility use will be compatible in intensity and appearance with other uses in the zone.

IV. **DECISION:** Based on the information submitted as part of the Code Interpretation application 302157 for a self-service storage facility and a review of the purpose of the Community Business zone, a self-service storage facility is a permitted use at

14553 Bothell Way NE, 14555 Bothell Way NE, 14561 Bothell Way NE, 14707
Bothell Way NE and 14704 32nd Avenue NE.



Director's Signature

8-5-16

Date

302157