

From: [Randall Olsen](#)
To: [City Council](#)
Cc: [Michael Sherry \(msherry@sherryadvisors.com\)](mailto:msherry@sherryadvisors.com)
Subject: Proposed Ord. No. 765 - Ameding SMC 20.40 for Self-Storage Facilities
Date: Monday, November 28, 2016 9:26:15 AM
Attachments: [Ltr to City of Shoreline Council re Ordinance No. 765 \(03213963\).pdf](#)

Please see the attached letter to the City Council submitted on behalf of Sherry Development Company LLC.

Best regards,
Randall Olsen

CH& | Randall Olsen

Attorney

Cairncross & Hempelmann

524 Second Avenue | Suite 500 | Seattle, WA 98104-2323

d:206-254-4418 | f:206-587-2308 | [Bio](#)

Our website has a new look. Visit us today at www.cairncross.com.

A member of Mackrell International, a Global Network of Independent Law Firms.

This email message may contain confidential and privileged information. If you are not the intended recipient, please contact the sender by reply email and delete the original message without reading, disclosing, or copying its contents.

November 28, 2016

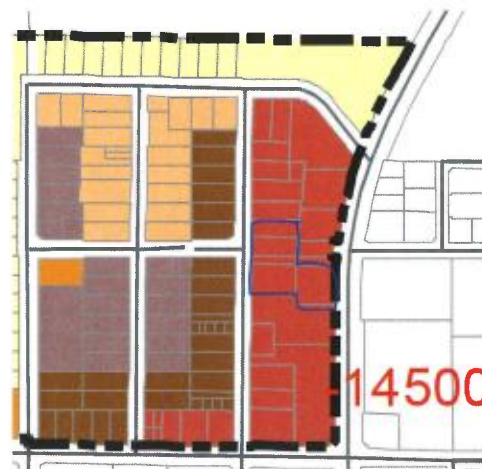
VIA EMAIL

City of Shoreline Council
17500 Midvale Avenue N
Shoreline, WA 98133-4905
Email: council@shorelinewa.gov

Re: Ordinance No. 765 – Amending SMC 20.40 for Self-Storage Facilities

Dear Councilmembers:

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 site is comprised of five tax parcels (Parcel Nos. 1568100586, 1568100490, 1568100495, 1568100500, and 1568100485) (the “**Property**”) and is located in the eastern portion of the Briarcrest neighborhood, immediately west of Bothell Way NE. The Déjà vu Rick’s strip club is located opposite the Property along Bothell Way NE. The property to the west is zoned for multifamily development (R-48) at 48 units per acre. A self-storage facility has been permitted and is under construction on the lot immediately south of the Property. The largest portion of the Property does not front on Bothell Way NE, but instead is located behind two existing businesses, Howard’s Automotive and Flo-Anna’s Diner, which are to remain. An aerial image of the Property and a map showing zoning in the area are below.



Sherry would first like to thank the City Staff and the Planning Commission for their careful review of this issue and their thoughtful recommendations which are included in the draft ordinance (Ord. No. 765) that is before the Council for approval. Sherry has been fully engaged throughout this process and has submitted written comments and made oral comments at all prior meetings. Sherry supports Ord. No. 765 as recommended by the Planning Commission. If the Council chooses to make any changes to the recommended Ordinance, Sherry asks that the Council carefully consider the impact those changes will have on existing projects.

The Planning Commission very deliberately evaluated the potential options for regulating self-storage uses and specifically chose not to include a “distance from” requirement that would prohibit self-storage facilities from being located near other self-storage facilities. Several jurisdictions have taken the opposite approach, choosing instead to concentrate self-storage facilities near the edges of the city limits and away from the city’s town center. The Commission questioned the need for a “distance from” requirement when market conditions would limit the number and size of self-storage facilities in a particular area. Also, prohibiting businesses to be located next to other similar businesses is an uncommon regulatory requirement—one typically reserved for uses the community finds particularly distasteful, such as strip clubs or adult video stores. Concentrating those uses often generates secondary illegal activities, which also justifies a “distance from” requirement. None of those things is true of self-storage facilities, which are well-designed and secure facilities that provide a valuable service the community.

Ultimately, the Commission concluded that a “distance from” requirement would be unfair to property owners, difficult to apply in practice, and simply is not necessary when a large concentration of self-storage facilities is unlikely to occur due to the depressing effects of competitive pricing. As a result, the Commission is recommending no “distance from” requirement in proposed Ord. No. 765. Sherry asks the Council to adopt Ord. No. 765, as recommended by the Commission.

Thank you for your time and attention to this important matter.

Very truly yours,



Randall P. Olsen

cc: Michael Sherry, Sherry Development Company LLC