

Carla Hoekzema

From: Steve Szafran
Sent: Monday, March 18, 2019 8:59 AM
To: Carla Hoekzema
Subject: FW: [EXTERNAL] Re: Enforce Business License Code Requirements (1510 & 1517 NE 170th St Rezone) - Comments for 3/18/19 Council Meeting

Can you add this one as well?

From: Save Shoreline Neighborhoods <saveshorelineneighborhoods@gmail.com>
Sent: Monday, March 18, 2019 8:32 AM
To: Steve Szafran <sszafran@shorelinewa.gov>; Paul Cohen <pcohen@shorelinewa.gov>; City Council <Council@shorelinewa.gov>; Debbie Tarry <dtarry@shorelinewa.gov>; CMO <CMO@shorelinewa.gov>; Rachael Markle <rmarkle@shorelinewa.gov>; Doris McConnell <dmccconnell@shorelinewa.gov>; Jessica Simulcik Smith <jsimulcik@shorelinewa.gov>; CRTeam <CRTeam@shorelinewa.gov>
Subject: [EXTERNAL] Re: Enforce Business License Code Requirements (1510 & 1517 NE 170th St Rezone) - Comments for 3/18/19 Council Meeting

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Resending as this did not go through the first time.

On Mon, Mar 18, 2019 at 8:30 AM Save Shoreline Neighborhoods <saveshorelineneighborhoods@gmail.com> wrote:
Councilmembers and City Staff,

After the Planning Commission Meeting on February, 7, 2019 our group had asked City staff why Shoreline has not enforced the residential zoning and business license requirements that Iron Brothers Construction has been violating at 1510 and 1517 NE 170th St, Shoreline, WA. City staff mentioned that Shoreline doesn't have a way to enforce these codes and that is why Irons Brothers Construction is allowed to continue operating illegally in the residential parcels and neighborhood.

After doing some research, that does not appear to be accurate. Under Shoreline Municipal Code (SMC) 5.05.050:

- ***(A.) Application for a business license shall be made by filing a master application through the clerk, giving such information as is deemed reasonably necessary to enable the enforcement of this chapter. Persons applying for a license must pay a fee, as established by the city council by ordinance, and the handling fee.***
 - The above text indicates that the City of Shoreline enforces business license requirements and the respective codes. Other SMC 5.05.050 sections referenced below detail enforcement, penalties, and compliance with building, zoning, and other laws.
 - Shoreline should enforce existing code equally, consistently, and equitably to all Shoreline businesses.

- ***(B.) A business license must be approved by the city before a business commences operation within the city. If business is transacted by one person at two or more separate locations within the city, a separate application must be filed for each business location and a separate license shall be obtained and displayed in each location.***

- There are multiple businesses operating at 1510 NE 170th St which require multiple and separate business licenses.
 - The new business operations location at 1517 NE 170th St requires a separate "business license must be approved by the city before a business commences operation..." at this location and the business license must be displayed at each location.
 - Per the SMC, if there are not two business licenses approved and displayed at 1510 NE 170th St then this is a SMC violation.
 - Per the SMC, if there is not a business license approved and displayed at 1517 NE 170th St, then this is a SMC violation.
 - Shoreline should enforce existing code equally, consistently, and equitably to all Shoreline businesses.
- ***(C.) The clerk may refer applications to the planning and development services department, the police department, or other governmental agencies for their review. Compliance with building, zoning and other laws is the business owner's responsibility and issuance of a business license is not a guarantee of compliance or a waiver of future enforcement by the city or other agency with jurisdiction.***
 - Per the SMC, the business must comply with building, zoning, and other laws. The company specifically bought a 4 unit apartment at 1510 and converted two of the units to a construction office and in 2018 bought 1517 and converted the use from single-family residence to a construction/utility yard and the owners don't even live at either location.
 - Per the SMC, a business license is not a guarantee of compliance.
 - Per the SMC, a business license is not a waiver of future enforcement by the city.
 - Shoreline should enforce existing code equally, consistently, and equitably to all Shoreline businesses.
- ***(D.) If more than one business is conducted or operated on premises, a separate license shall be required for each business. Each business owner must make a separate application for license.***
 - Per the SMC and SMC 5.05.025, two business licenses must be obtained (and displayed) for the two business operations at 1510 NE 170th St if they haven't already done so.
 - Shoreline should enforce existing code equally, consistently, and equitably to all Shoreline businesses.

Under **SMC 5.05.070 (Fee)**, does Irons Brothers Construction pay the business license fee or do they also ask for this fee to be waived similar to their ask for waiving the Comprehensive Plan Amendment and Rezone application fees? Shoreline should enforce existing code (including application of fees) equally, consistently, and equitable to all Shoreline businesses.

Per **SMC 5.05.090 (License – Suspension, denial or revocation.)**: 

- ***(A.) A business license may be denied, suspended or revoked by the clerk whenever the licensee or any of its officers, directors, agents, owners or employees fail:***

- 1. To maintain the licensed premises or business activity in compliance with applicable health, building, fire and safety laws, ordinances or regulations;***
- 2. To comply with the requirements of this chapter.***

- Per the SMC, the business license(s) may be suspended or revoked for not complying with ordinances or regulations.

- Per the SMC, the business license(s) may be suspended or revoked for not complying with requirements of this chapter, which include, but are not limited to compliance with building, zoning, and other laws (SMC 5.05.050 [C.]).
- Shoreline should enforce existing code equally, consistently, and equitably to all Shoreline businesses.

• ***(B.) The clerk shall, by certified mail, give written notice to the applicant of denial of a license or to the licensee of suspension or revocation of a license, including a summary of the complaints, objections and information considered by the clerk and the reason(s) for the action. Notice mailed to the mailing address on the application or most recent renewal shall be deemed received three days after mailing. The clerk's decision may be appealed to the city hearing examiner upon payment of the appropriate appeal fee.***

- This SMC specifically describes how Shoreline can enforce the business license code.
- Shoreline should enforce existing code equally, consistently, and equitably to all Shoreline businesses.

• ***(C.) Any suspension or revocation shall remain in effect until the conditions causing the suspension or revocation are cured and reasonable measures are taken to ensure that those conditions will not recur.***

- This SMC specifically describes how Shoreline can enforce the business license code.
- Shoreline should enforce existing code equally, consistently, and equitably to all Shoreline businesses.

• ***(D.) Appeals of any license suspension, revocation or denial shall be heard by the Shoreline hearing examiner. An appeal statement must be filed with the city clerk within 14 days of the decision being appealed. [Ord. 543 § 1, 2009]***

- Any waiver or changes to the requirements or enforcement of SMC 5.05 (Business Licenses) shall go to the Shoreline hearing examiner. Waivers, changes, and decisions not to enforce the SMC must be heard by the Shoreline hearing examiner. This should not be a staff level decision.
- Shoreline should enforce existing code equally, consistently, and equitably to all Shoreline businesses.

Per SMC 5.05.100 (Violation – Penalty.): ***Any violation of this chapter shall constitute a misdemeanor and the punishment shall be as provided by the laws of the state of Washington. [Ord. 543 § 1, 2009]***

- Shoreline should enforce existing code equally, consistently, and equitably to all Shoreline businesses.

Per SMC 5.05.110 (Additional enforcement.): *Notwithstanding the existence or use of any other remedy, the city attorney may seek legal or equitable relief to enjoin any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted. [Ord. 543 § 1, 2009]*

- The City, at all levels, should be enforcing existing Shoreline Municipal Code including existing Comprehensive Plan Designations, Zoning, and Business Licenses requirements instead of changing them for one business that got caught violating these requirements.
- Shoreline should enforce existing code equally, consistently, and equitably to all Shoreline businesses.

In addition to the business license enforcement, SMC 20.30, Subchapter 9, specifically codifies enforcement for code violations and declares "A code violation, as used in this subchapter, is declared to be a **public nuisance** and includes violations of the following: 1. Any City land use and development ordinances or public health ordinances;..." Subchapter 9 details how and what enforcement the City will apply to code enforcement.

In summary, Shoreline should enforce existing Shoreline regulations, laws, codes, Comprehensive Plan designations, and zoning instead of changing them to fix willful and repetitive violations of them. If Shoreline wants to delay enforcement during the rezone application period it should only be done for the office location at 1510 NE 170th St and not for the construction/utility yard operations that started in 2018 at 1517 NE 170th St and Shoreline must be prepared for the precedence that this will set. Shoreline should enforce existing code equally, consistently, and equitably to all Shoreline businesses to avoid the appearance of acting arbitrary and capricious.

Please post these public comments to the applicable 2/7/19 and 3/18/19 meetings regarding this rezone proposal.

Thank you for your consideration.

Curtis, Martinez-Ellsworth, McCoy, Rettmann, Rodriguez, Saheki, and Sakounthong Families/Households for the Save Shoreline Neighborhoods citizen group of over 200 neighbors opposing this specific Comprehensive Plan Amendment and Rezone