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**From:** [Save Shoreline Neighborhoods](#)

**Sent:** Monday, April 15, 2019 3:03:56 PM

**To:** Carla Hoekzema; City Council; Steve Szafran; Jessica Simulcik Smith; Heidi Costello

**Subject:** [EXTERNAL] Oppose 1510 & 1517 NE 170th St Comprehensive Plan Amendment & Rezone

**Sensitivity:** Normal

**Attachments:**

[NE 170th Comp Plan Criteria - Comments 04-15-19.pdf](#)  [E170th Rezone Criteria - Comments 04-15-19.pdf](#) 

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**CAUTION:** This email originated from outside of the City of Shoreline. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Councilmembers,

On behalf of over 200 Shoreline residents and voters, and an overwhelming majority of residents that live on NE 170th St( that were able to be contacted), we urge you to not put the above referenced amendment and rezone proposal on the Docket for further study and vote no and/or request this proposal be removed from the Docket. End this proposal now for the following reasons:

- Eliminate further impact on the residents and City staff that would have to study this proposal if it were put on the docket.
- For the general welfare and will of the Community. The number of Shoreline voters and residents on NE 170th St that have commented in opposition to this proposal make it clear that the Community does not want these residential lots permanently rezoned to business.
- This proposal amounts to a "spot rezone" and will only benefit one company in direct contradiction to the will and general welfare of the Community. Under Washington State case law this proposal is likely illegal and will not hold up to a legal challenge.
- This sets a bad precedent for changing the rules for violators of City laws instead of enforcing existing rules.
- This sets a bad precedent for changing residential lots to business lots in Shoreline neighborhoods.
- This is a permanent change that will impact the City and neighborhoods forever.
- This change will open up the use of these currently residential lots to any business use in the future after Irons Brothers leaves.
- This change will make the current illegal business impacts legal and will remain unmitigated.
- This change will increase traffic, parking, and environmental impacts associated with whatever types of businesses move into this neighborhood in the future.
- This proposal does not follow generally accepted land use, zoning, and planning principles, is limited in scope, and will only benefit one company while impacting the general welfare of the community as a whole.

This proposal does not meet the requirements of the Comprehensive Plan Amendment Criteria or the Rezone Criteria as documented in the attached comments.

We urge you to remove this proposal/amendment from the final Docket.

Thanks in advance,

Ellsworth-Martinez, Curtis, Dudman, McCoy, Rettmann, Rodriguez, Saheki, and Sakounthong families and households for [Save Shoreline Neighborhoods](#) Group (Citizen group of over 200 residents opposing this rezone. Group signatories submitted under separate cover. Confirmation of electronic member signatures available upon request by the Council.)

p.s., Please confirm receipt, post to the website, and distribute the email comments and both attachments.

# AMENDMENT OF THE COMPREHENSIVE PLAN

## SHORELINE CRITERIA

### Planning & Community Development

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1. **Purpose:** A Comprehensive Plan amendment or review is a mechanism by which the City may modify the text or map of the Comprehensive Plan in accordance with the provisions of the Growth Management Act, in order to respond to changing circumstances or needs of the City, and to review the Comprehensive Plan on a regular basis.
2. **Decision Criteria:** The Planning Commission may recommend and the City Council may approve, or approve with modifications an amendment to the Comprehensive Plan if:
  - a. The amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies, and the other provisions of the Comprehensive Plan and City policies; or

*Applicant's Response: The proposed Comprehensive Plan Amendment is consistent with the Countywide and City policies since it is a small shift in the boundary of the Mixed Use 2 designation. The specific City goals and policies include the following:*

**Goal LU I:** *Encourage development that creates a variety of housing, shopping, entertainment, recreation, gathering spaces, employment, and services that are accessible to neighborhoods.*

**LU7:** *Promote small-scale commercial activity areas within neighborhoods that encourage walkability, and provide opportunities for employment and "third places".*

**LU10:** *The Mixed-Use 2 (MU2) designation is similar to the MUI 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. The Mixed-Use 2 (MU2) designation applies to commercial areas not on the Aurora Avenue or Ballinger Way corridors, such as Ridgecrest, Briarcrest, Richmond Beach, and North City. This designation may provide retail, office, and service uses, and greater residential densities than are allowed in low-density residential designations, and promotes pedestrian connections, transit, and amenities.*

**Comment:** The Applicant incorrectly states that the proposal is consistent with the County and City policies. The proposed uses and all future business uses are not consistent with the current approved Shoreline Comprehensive Plan, Zoning, or Shoreline Municipal Code and community business uses are explicitly not allowed in Residential zoned areas.

Goal LU I is not relevant to a business that is in violation of Residential zoning codes on multiple parcels. This proposal would severely and negatively impact housing and residential neighborhoods. The business aspects of Goal LU I is already provided in the approved Comprehensive Plan designated areas and Zones including CB areas and the North City CB area.

Goal LU 7 is not relevant to a business that is in violation of Residential zoning codes on multiple parcels. These business aspects are already provided in the approved Comprehensive Plan designated areas and Zones including CB areas and the North City CB area.

Goal LU 10 is not relevant to a business that is in violation of Residential zoning codes on multiple parcels. CB allowed businesses, including the proposed business, is incompatible with Residential zoned properties and neighborhoods because these business uses generate unacceptable light, glare, noise, odor, parking, environmental, and social justice impacts on the neighborhood that are incompatible with Residential-zoned properties and neighborhoods. MU2 and business aspects are already provided in the approved Comprehensive Plan designated areas and Zones including CB areas and the North City CB area and greater residential densities as compared to low-density residential is already allowed on the two subject parcels as they are zoned R8.

This proposal is inconsistent and incompatible with Goal LU V (*Enhance the character, quality, and function of existing residential neighborhoods while accommodating anticipated growth.*) as this proposal significantly adversely impacts the character, quality, and function of the residential neighborhood. Anticipated growth is already accounted for in the current Comprehensive Plan and Zoning including the Comprehensive Plan amendment and rezoning to accommodate light rail and corridors. This amendment and rezone is unnecessary and inappropriate for a business that has been repeatedly violating Shoreline laws, regulations, Comprehensive Plan designations, and zoning.

This proposal is inconsistent and incompatible with Goal LU IX (*Minimize or mitigate potential health impacts of industrial activities on residential communities, schools, open space, and other public facilities.*) as this proposal will allow a wide range of allowable businesses with industrial activities that will create health impacts on residential communities, minorities, senior citizens, disabled persons, families/children, and at least one day care.

This proposal is inconsistent and incompatible with Residential Land Use Policy LU2 which provides Medium Density Residential areas in our community and neighborhoods. This proposal will permanently remove two parcels from this designation in our neighborhood and convert them to more impactful and incompatible business uses.

This proposal is inconsistent and completely incompatible with Residential Land Use Policy LU15 (*Reduce impacts to single-family neighborhoods adjacent to mixed-use and commercial land uses with regard to traffic, noise, and glare through design standards and other development criteria.*) as this proposal directly impacts the single-family neighborhood in this area through expansion and encroachment of the CB zone into the neighborhood which directly creates more traffic, noise, and glare, among other unacceptable light, odor, parking, environmental, and social justice impacts on the neighborhood that cannot be addressed by design standards alone. This proposal will also bring these impacts further into the center of the neighborhood.

b. The amendment addresses changing circumstances, changing community values, incorporates a sub area plan consistent with the Comprehensive Plan vision or corrects information contained in the Comprehensive Plan; or

**Applicant's Response:** None.

**Comment:** This proposed amendment does not address changing circumstances, changing community values, and does not incorporate a sub area plan. The community strongly wants to keep the neighborhood residential and not rezone any residential parcel to community business.

c. The amendment will benefit the community as a whole, will not adversely affect community facilities, the public health, safety or general welfare.

***Applicant's Response:** The proposed Comprehensive Plan Amendment will benefit the community as a whole since it will slightly expand the CB-Community Business area which will allow commercial/office uses to provide services, goods, and jobs to be accessible to the residents of the City.*

*Since purchasing the property, we have only improved our properties to make our City and our neighborhood a more desirable place to call home. The current use of the site at 1510 NE 1701h St. will continue as a mixed-use four-plex, with a business on the main floor and two residential apartment units above.*

*Over the last decade and prior to our purchase of the property in 2018, the site at 1517 NE 170<sup>l</sup> Street included a mix of uses including a dance studio, an auto mechanic, and rental units. It is currently being used as a garage with an ADU-Accessory Dwelling Unit and studio above the garage, along with a single-family residence which we currently have under construction and plan to use as a garage, storage building, and rental units.*

*The proposal will not affect current land uses on nearby or adjacent properties, nor do we have any intention of further development at the sites after the parcel is rezoned to CB-Community Business.*

**Comment:** The neighborhood and residents of Shoreline strongly disagree with the Applicant's answer as evidenced by all the opposing comments on this proposal. The Applicant misrepresents what the community wants and what they think will benefit the community. The community strongly wants to keep the neighborhood residential and not rezone any residential parcel to community business. The community believes that there are already enough areas that allow businesses to expand and flourish in Shoreline where designated and zoned appropriately. Shoreline's Comprehensive Plan states that existing conditions include over 8% of the community is commercial development and another 11% of the City's land is redevelopable; most of which is zoned commercial.

The Applicant imposes their view of their development actions as being representative of the community's view which is grossly inaccurate based on the January 23, 2019 Meeting Summary by Attendees and all the opposing public comments provided on this proposal. Most supporting comments available online are from those with an interest in the Applicant as an employee, customer, or friend and will not be directly impacted by the short term and long-term traffic, environmental, and social justice issues associated with this change as they do not appear to live next to these impacts.

The Applicant states that 1510 NE 170th St. will continue as a mixed-use four-plex, with a business on the main floor and two residential apartment units above; however, they fail to mention that the current use is incompatible with, and in violation of, the existing Comprehensive Plan designation and zoning.

The Applicant states that the site at 1517 NE 170th Street included a mix of uses including a dance studio, an auto mechanic, and rental units. This does not accurately represent past uses. The site was rented out to a resident that was handy with wrenches and fixed his own cars, but it was not a business. Only one resident rented the entire property and it was not “rental units”. The previous owner did occasionally conduct private dance lessons at the property. The Applicant also states that this property is being used as an ADU; however, that use is also in violation of the existing Comprehensive Plan designation, zoning, and Shoreline Municipal Code 20.40.210 (C and H) which requires the primary residence be occupied by the owner or an immediate family member and record a document with King County regarding the ADU and inhabitants.

The Applicant inaccurately states that the proposal will not affect current land uses on nearby or adjacent properties, nor do we have any intention of further development at the sites after the parcel is rezoned to CB-Community Business. The neighbors do not think this is accurate as this proposal will directly affect adjacent properties because the subject properties will have more impactful development standards (set backs, heights, etc.), opens the use to ANY allowable business use, and adjacent properties will be directly impacted by the short-term and long-term traffic, environmental, and social justice issues and resulting decreased property values and demand from residential buyers. This proposal will also set a precedent for all future businesses or code violators to just change the rules to meet their needs. In addition, nothing is permanent, and plans change. In addition, after the proposed business retires, sells their company, or sells out to major developers the properties could be used for any allowable business use and re-developed into other structures or businesses that have even more significant adverse impacts on the neighborhood and community.

In summary, the Applicant falls substantially short of adequately meeting the criteria for a Comprehensive Plan Amendment.

Submitted by Save Shoreline Neighborhoods citizen group on February 6, 2019.

# REZONE OF PROPERTY CRITERIA

## Planning & Community Development

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1. **Purpose:** A rezone is a mechanism to make changes to a zoning classification, conditions or concomitant agreement applicable to property. Changes to the zoning classification that apply to a parcel of property are text changes and/or amendments to the official zoning map.
2. **Decision Criteria:** The City may approve or approve with modifications an application for a rezone of property if:
  - a. The rezone is consistent with the Comprehensive Plan;

***Applicant's Response:** With the approval of the proposed Comprehensive Plan Amendment designating the parcels as Mixed Use 2, the proposed rezone to CB-Community Business will be consistent with the Comprehensive Plan.*

**Comment:** The rezone is not consistent with the Comprehensive Plan. The current Comprehensive Plan designation for both parcels is Medium Density Residential and both parcels are Zoned Residential, 8 units/ acres (R-8). The historic business activities have been illegal and continuing these business activities is illegal in this designation. The Comprehensive Plan and Zoning does not allow business activities in these residential areas except for very limited circumstances.

The Comprehensive Plan is a 20-year plan that articulates the community's vision and is a reflection of community values. The goals and policies included in this Plan provide a basis for the City's regulations and guide future decision making as well as address anticipated populations and employment growth and how facilities and services will be maintained or improved to accommodate the expected levels of growth. The Comprehensive Plan has gone through extensive study, professional review, public review, and environmental analysis. There is no reason or rule in the Comprehensive Plan that states that the City will re-designate and re-zone properties that owners have continuously violated the designations and zoning. Suggested amendments usually address changing conditions, not fixes for ongoing violations.

- b. The rezone will not adversely affect the public health, safety or general welfare;

***Applicant's Response:** The proposed rezone will allow the existing uses to continue operating with no change to the current uses. The current uses do not adversely affect the public health, safety, or general welfare. The rezone simply expands the CB zoning from the west side of the relatively small parcels to the east side of the parcels.*

**Comment:** The existing uses have been illegal performed on a Residential-zoned parcel for over 14 years at 1510 NE 170<sup>th</sup> St and the Applicant has recently purchased a second Residential-zoned parcel at 1517 NE 170<sup>th</sup> St and immediately began illegal business operations on this parcel as well which have created significant adverse environmental, traffic, and social justice impacts on the neighborhood that have gone un-mitigated. A Comprehensive Plan Amendment and Rezone is not an appropriate tool for enforcing existing designations and zoning and will only reward zoning violators and encourage other violators to seek the same resolution.

The current illegal business use is incompatible with Residential-zoned properties and neighborhoods and generates significant adverse, unacceptable, and incompatible light, glare, noise, odor, parking, traffic, environmental, and social justice impacts on the neighborhood and public health, safety, and general welfare. The rezone would allow for any allowable business use in the residential neighborhood in the future and all associated adverse impacts that go along with the businesses. Public and residents health and safety will be directly impacted by the air, odor, emissions, idling, hazardous/toxic chemical storage and use, traffic, and increased risk of fire and explosion. The general welfare of the neighborhood, citizens, and community will be adversely impacted as documented in the many opposing comments on this proposal. All of neighborhood's residents, minorities, senior citizens, disabled persons, families/children, and at least one day care will be significantly adversely impacted by this proposal.

The neighborhood does not believe that the proposal is just simply moving the line as this change will be a permanent change that will allow any business use in the future and the neighborhood will take the brunt of all of the significant adverse impacts that have been well documented elsewhere in the opposing comments.

c. The rezone is warranted in order to achieve consistency with the Comprehensive Plan;

*Applicant's Response:* With the approval of the proposed Comprehensive Plan Amendment designating the parcels as Mixed Use 2, the proposed rezone to CB-Community Business will be consistent with the Comprehensive Plan.

**Comment:** The Applicant's statement assumes that the Comprehensive Plan Amendment is valid, which is not true. The re-zone to CB is not valid as the Comprehensive Plan designates the parcels as Medium Density Residential which does not allow CB or CB type businesses.

d. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone; and

*Applicant's Response:* The rezone will not be detrimental to the uses in the vicinity and allows the existing uses to continue as they do today. Future development of the parcels will be required to adhere to the transition requirements between commercial and residential zones.

**Comment:** The neighborhood and community believe that the Applicant's answer is grossly inaccurate and false. The rezone is materially and significantly detrimental to adjacent uses (residential neighborhood) as a result of all of the air, odor, emissions, idling, hazardous/toxic chemical storage and use, traffic, parking congestion, increased risk of fire and explosion, environmental, and social justice impacts mentioned elsewhere by opposing comments. In addition, the rezone is materially and significantly detrimental to adjacent property (residential property) based on all of the opposing comment reasons that are mentioned herein and elsewhere on the record for the February 7, 2019 Planning Commission meeting.

The immediate vicinity property owners will receive significant detrimental social impacts (notwithstanding all of the environmental, health, and traffic impacts) by disproportionately impacting less advantaged residents, minorities, senior citizens/elderly, disabled persons, and young families/children that live closer to the edge of business zones and this proposal. These impacts are also financial (property values and lower demand for resale), as well as, all of the aforementioned business impacts.

The Applicant acknowledges that future development will happen and that only the future developments will adhere to any transition requirements. The Applicant does not state that they will adhere to the transition standards. But then again, then don't adhere to Shoreline's Comprehensive Plan Amendment or Zoning either.

e. The rezone has merit and value for the community.

***Applicant's Response:** The rezone allows the existing business to operate as it has over the last 20 years. The owners, Melissa and Joseph Irons, are very involved and connected with the Shoreline Community, both personally and professionally. They have taken efforts to be good neighbors with the nearby properties.*

**Comment:** The Applicant correctly points out that this proposal only selfishly benefits them and their business. It is well documented in the opposing comments and the January 23, 2019 Meeting Summary by Attendees that the neighborhood and community do not share the Applicant's opinion on the benefit, merit, or value of this proposal and do not view the Applicant as a good neighbor. A good neighbor would not push a Comprehensive Plan Amendment and Rezone onto their neighbors and demand that in addition to the amendment and rezone, the City does it for free. There is no merit in approving an amendment and rezone to satisfy a long term, repetitive violator of the Shoreline Comprehensive Plan, Zoning, municipal code, policies, laws, and regulations and this proposal has absolutely no value for the community. Shoreline should enforce the existing Comprehensive Plan and Zoning, not change the rules for violators. This will set a bad precedence for future violators demanding the same resolution to violations.

In summary, the Applicant does not adequately meet any of the criteria for a rezone.

Submitted by Save Shoreline Neighborhoods citizen group on February 6, 2019.