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Planning Commission  
City of Shoreline, City Hall  
17500 Midvale Avenue N  
Shoreline, WA 98133

August 30, 2019

Re: 2019 Comprehensive Plan Amendment #3

Dear Planning Commission:

### **2019 Comprehensive Plan Amendment #3**

*Amend Comprehensive Plan Policy LU2 to allow for professional offices in the R-8 and R-12 zones.*

#### **Property Background Information**

Melissa and Joseph Irons and Irons Brothers Construction, Inc. (“Irons Brothers”) respectfully requests the City recognize the long-standing use of these two parcels and approve Comprehensive Plan Amendment #3. Until 2018, Irons Brothers had no notice or knowledge that their occupation and use of the property was impermissible, despite having regularly acquired business licenses from the City based on operations at these two properties and operating in a very public and socially active manner for years. If they had known of this zoning concern earlier, Irons Brothers would have pursued an Amendment a few years ago during the City’s more broad, Comprehensive Plan review. Argument that approving the Amendment would reward Irons Brothers for bad behavior is misguided. The opponents of the Amendment are inviting conflict where none has existed for nearly 15 years, invoking fear of the demise of communities amidst a regional development boom. The fact that Irons Brothers has operated for well over a decade without concern and as a positive societal contributor overwhelmingly supports an alternative narrative—there is no systemic adverse effect on the neighborhood that warrants redress. Instead, the current situation is a direct result of the City and community’s longstanding acknowledgement and acquiescence to the operation of this business on these parcels.

Melissa and Joseph Irons purchased 1510 NE 170th St. in 2005, and have openly operated their entire business from this location since 2008. The existing four-unit-apartment-building was an existing non-conforming use, with no history of code enforcement. The Ironses applied for and received numerous permits for tenant improvements during their ownership of the property. The purpose of the office space was never a secret, and there was no mistaking this use for home occupation. Without objection or comment from the

August 30, 2019

Page 2

City, Irons Brothers committed significant resources to creating, maintaining and improving their property.

Improvements to the property include landscaping and the installation of a flagpole years later, applied for under the company name, and permitted by the city on the express condition that it not fly a company flag (in other words, clear recognition of the onsite business operations). Every step of the way, the City and the community have allowed continued use of this property for Irons Brothers' business. In comparison with other Community Business properties to the west, which lack landscaping, Irons Brothers maintains several large trees at 1510 that actually provide a visual buffer between CB and the neighborhood. The property is even a Certified Wildlife Habitat.

In stark contrast with Irons Brothers' stewardship, the former dance studio and truck repair that previously operated at 1517 NE 170<sup>th</sup> St. were a relative nuisance to the neighborhood. The dance studio and mechanic pre-existed Irons Brothers. Events at the dance studio regularly occupied every available parking space on the street, spilling over into nearby businesses. Only when the dance studio erected a sign did the City get involved, and then only as far as to have it covered up. The mechanic worked on vehicles, outside and in the open, for many years. Complaints were made, but the work continued. It is evident that neither the City nor community possessed the attentiveness to take action—until now, fifteen years later, when the bad actors have gone. Irons Brothers has owned this property since December 2017 and has had significantly less impact on the neighborhood than the former dance studio and mechanic.

All of the individual vehicles used by Irons Brothers meet the requirements of a Home Occupation. While some may appear to meet the definition of "commercial vehicle" due to their graphic advertising, they are standard vehicles operating most days on job sites and often driven home by employees. Irons Brothers will meet any criteria required by City Code.

This year, Irons Brothers celebrates its 20<sup>th</sup> Anniversary as a City of Shoreline business. They are proud to say that over 75% of their staff is comprised of Shoreline and Lake Forest Park residents. In 2014, their 15<sup>th</sup> Anniversary celebration was attended by community members, leaders, and City Staff, including councilmembers **on the property** itself. In 2012, the Shoreline City Manager presented the Rotarian Service Above Self award to Irons Brothers for their support of the City of Shoreline.

Approval of Amendment #3 would require some changes by Irons Brothers, but as demonstrated by their willingness to undertake this process, they are committed to meeting Code requirements.

These properties have hosted businesses for over a decade, and in all that time Irons Brothers has been open about their use and exemplary members of Shoreline's community. They are as much a part of the character of this neighborhood as the single-family homes.

Please acknowledge the part that all parties have played in bringing this matter to the planning commission, and approve the Comprehensive Plan Amendment and rezone.

### **Decision Criteria**

**Pursuant to SMC 20.30.340(B), the Planning Commission may recommend, and the City Council may approve, or approve with modifications, an amendment to the Comprehensive Plan if:**

1. 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.

The Planning Goals of the GMA, RCW 36.70A.020, favor higher density and a greater variety of uses in areas already characterized by urban development. The proposed Amendment furthers the goals of RCW 36.70A.020 (1) Urban Growth, (2) Reducing Sprawl, and (5) Economic Development.

While the Staff Report focuses on the conversion of single-family spaces into professional offices as being inconsistent with GMA Planning Goal (4), it is important to recognize that professional offices can coexist with residential uses, just like Irons Brothers and their current tenants do. Allowing professional offices in existing homes also preserves those homes for future continued residential use.

The same can be said for the King County Countywide Planning Policies, which generally favor mixed compatible uses that retain existing community character within urban growth areas. Several of these policies are analyzed below.

Any proposed Amendment, by definition, will be inconsistent with the current goals and policies to the extent it proposes change to future planned uses. Focusing on the intent within the goals and policies is more enlightening. Below, the Applicant provides greater detail on how the proposed Amendment furthers many Comprehensive Plan land use goals and policies, in addition to other criteria, some addressed and some not addressed by the Staff Report.

2. The amendment addresses changing circumstances, changing community values, incorporates a subarea plan consistent with the Comprehensive Plan vision or corrects information contained in the Comprehensive Plan.

As explained in the narrative above, this Amendment acknowledges existing circumstances that have been ignored, to the detriment of Irons Brothers, who have committed significant resources only to be told at this late hour by the City that they must leave or pursue an amendment. Approving this Amendment furthers the community values of fairness and responsibility. If there are changing values concerned here, it is a desire for the City to take a more thorough approach to reviewing land use applications to ensure that the proposal is consistent with current land use designations and zoning. This situation should never have come about, but since it has, approving the Amendment will correct and avoid further harm.

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

Putting this matter to rest by acknowledging the historical use of these properties and the benefits Irons Brothers provides to the community will benefit the community as a whole. Obviously, the greatest benefit is to the Ironses, but this will also benefit their employees and clientele in this community and it will restore the trust lost by the circumstances that created this situation. There is no adverse effect to community services. The MU2/CB properties immediately to the west demonstrate that there is also no threat to the public health, safety or general welfare.

**Pursuant to SMC 20.30.320(B), the City may approve or approve with modifications an application for a rezone of property if:**

1. The rezone is consistent with the Comprehensive Plan.
2. The rezone will not adversely affect the public health, safety or general welfare.
3. The rezone is warranted to achieve consistency with the Comprehensive Plan.
4. The rezone will not be materially detrimental to uses or property in the immediate vicinity of the subject rezone.
5. The rezone has merit and value for the community.

There is no reason to believe that the rezone will be materially detrimental to uses or property in the immediate vicinity. None of the CB properties to the west of Irons Brothers are materially detrimental to Irons Brothers or the tenants that live on their property. This is because CB and R-8 are compatible uses when design and operation standards are enforced. City Staff's research revealed three critical points:

- (1) there are very few complaints stemming from established commercial uses adjacent to single-family neighborhoods;
- (2) most of those complaints are for illegal dumping, lighting, and parking of commercial vehicles on neighborhood streets;
- (3) these issues are citywide in nature and not related to the subject parcels.

It is inappropriate to assume that future actors will engage in bad behavior. The Irons Brothers cooperation and neighborly relationships with the CB properties to the west demonstrate that this rezone is simply not the slippery slope that worry the opponents.

### **Analysis of Goals and Policies**

#### **King County Countywide Planning Policies:**

**Goal DP-2: Promote a pattern of compact development within the Urban Growth Area that includes housing at a range of urban densities, commercial and industrial development, and other urban facilities, including medical, governmental, institutional, and educational uses and parks and open space. The Urban Growth Area will include a mix of uses that are convenient to and support public**

**transportation in order to reduce reliance on single occupancy vehicle travel for most daily activities.**

Approving Amendment #3 would promote a more diverse array of urban densities with commercial and industrial development. This sort of mixed use near and within residential neighborhoods encourages the use of public transportation, walking, and carpooling as a primary means of transportation.

**Goal DP-5: Decrease greenhouse gas emissions through land use strategies that promote a mix of housing, employment, and services at densities sufficient to promote walking, bicycling, transit, and other alternatives to auto travel.**

Allowing professional offices in R-8 and R-12 zones will promote living close to work, thereby reducing overall vehicle trips.

**Goal DP-39: Develop neighborhood planning and design processes that encourage infill development, redevelopment, and reuse of existing buildings and that, where appropriate based on local plans, enhance the existing community character and mix of uses.**

Whereas current R-8 and R-12 standards might result in older single-family homes being replaced with modern developments, allowing their use as professional offices will promote their reuse, preserving the existing community character.

**Goal DP-41: Preserve significant historic, archeological, cultural, architectural, artistic, and environmental features, especially where growth could place these resources at risk. Where appropriate, designate individual features or areas for protection or restoration. Encourage land use patterns and adopt regulations that protect historic resources and sustain historic community character.**

In the long term, allowing professional offices in R-8 and R-12 zones will result in preserving those historic, single-family homes, that have the features and visual aesthetic small business owners look for on the edges of commercial centers. There are examples of this all over King County, where business have chosen to hand their shingles on single-family homes that have become surrounded by mixed-use residential and commercial buildings.

**Goal EC-5 (abbrev.): Help businesses thrive through: Transparency, efficiency, and predictability of local regulations and policies.**

Approving this Amendment would demonstrate the City's commitment to transparency and intent to provide predictable regulations for small businesses like Irons Brothers, rather than decade-long enforcement delays that result in substantial losses in investment.

**Comprehensive Plan Land Use Goals and Policies:**

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

Allowing professional offices in R-8 zones would allow for a greater variety of employment and services that are accessible to neighborhoods.

**Goal LU II: Establish land use patterns that promote walking, biking and using transit to access goods, services, education, employment, recreation.**

Creating professional office opportunities adjacent to neighborhoods encourages walking, biking and using transit to access goods, services, education, employment, recreation. Over 75% of Irons Brothers staff consists of Shoreline and Lake Forest Park residents. This likely to continue if the Amendment passes because of the close proximity of the Irons Brothers business to housing, goods and other public amenities. Approving Amendment #3 generally promotes living and working in the same general vicinity, requiring fewer car trips and lessening the burden on public transportation services.

**Goal LU V: Enhance the character, quality, and function of existing residential neighborhoods while accommodating anticipated growth.**

The proposed Amendment would enhance the character, quality, and function of existing residential neighborhoods because placing small businesses in and around these neighborhoods would provide greater access to goods and services.

**Goal LU VII: Plan for commercial areas that serve the community, are attractive, and have long-term economic vitality.**

Approving Amendment #3 would allow for the use of some single-family homes as professional offices, lessening the need for large, bulky, and unattractive commercial centers, and bringing services closer to the community.

**Policy LU5: Review and update infill standards and procedures that promote quality development, and consider the existing neighborhood.**

The existing neighborhood is one that has included the Irons Brothers and their business for over a decade. The existing neighborhood has had businesses on both of these parcels for at least that amount of time. Reviewing and updating the comprehensive plan to reflect this history promotes quality development and considers the existing neighborhood.

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

The R-8 and R-12 zones are intended to be buffers and/or transition areas between more intense commercial activity and more rural residential zones. Allowing professional offices in these transition zones would allow for small-scale commercial activity within these neighborhoods. This would also be more in line with the intent of a transitional zone than currently provided for, which only allows residential use.

**Comprehensive Plan Economic Development Goals & Policies:**

**Goal ED I (abbrev.): Maintain and improve the quality of life in the community by:**

- **Increasing employment opportunities and the job base;**
- **Supporting businesses that provide goods and services to local and regional populations; and**
- **Reducing reliance on residential property tax to fund City operations and capital improvements.**

Approving Amendment #3 absolutely meets every one of these criteria. The Amendment will increase employment opportunities, support a small business that directly serves clientele like the nearby single-family residences and creates more potential tax base.

**Goal ED II: Promote retail and office activity to diversify sources of revenue, and expand the employment base.**

The Amendment clearly promotes and furthers this goal. Additionally, the proposed Amendment will allow Irons Brothers to expand their business across the street.

**Goal ED VIII: Promote and support vibrant activities and businesses that grow the local economy.**

The Amendment clearly promotes and furthers this goal. Additionally, the proposed Amendment will allow Irons Brothers to expand their business across the street.

**Policy ED1 (abbrev): Improve economic vitality by promoting existing businesses.**

The Amendment clearly promotes and furthers this goal. Additionally, the proposed Amendment will allow Irons Brothers to expand their business across the street.

**Policy ED13: Support and retain small businesses, and create an environment where new businesses can flourish.**

The Amendment clearly promotes and furthers this goal. Additionally, the proposed Amendment will allow Irons Brothers to expand their business across the street.

August 30, 2019

Page 8

Yours,



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