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From: Save Shoreline Neighborhoods <saveshorelineneighborhoods@gmail.com>
Sent: Thursday, October 17, 2019 3:27 PM
To: Plancom; Steve Szafran
Subject: [EXTERNAL] Opposing Comments on Amendment 1 & 3 from City Meeting Minutes
Attachments: Public Comments Opposing Amendments 1 & 3 from City Meeting Minutes (10-17-19).pdf

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Dear Planning Commission,

Please see the attached file with public comments opposing land use re-designation and rezoning of 1510 & 1517 NE 170th St (Amendments 1 and 3 of 2019 Comprehensive Plan Amendment). These comments have been reproduced from the City of Shoreline Meeting Minutes for the referenced meetings and have been consolidated for your convenience.

Submitted by Save Shoreline Neighborhoods group of over 230 residents opposing Amendments 1 and 3.

Public Comments Opposing Re-designation and Rezoning of 1510 & 1517 NE 170th St (Amendments 1 and 3) Reproduced from the City of Shoreline Meeting Minutes

Submitted on October 17, 2019 by Save Shoreline Neighborhoods group of over 230 residents opposing Amendments 1 and 3.

February 7, 2019 Planning Commission Meeting (Minutes approved 2/21/19):

Justin Sakounthong, Shoreline, said he and his wife moved to their home on 15th Avenue NE in 2015 with the hopes of starting their family. They chose the neighborhood because of the convenient retail opportunities to the north. While he enjoys watching people walk to the businesses, he is concerned that the street is not designed to accommodate the higher level of traffic associated with the MU-2 land use designation and CB zoning. Currently, 15th Avenue NE feels like a neighborhood street, and rezoning the property would change that forever. If the current business on the subject parcels moves away, the proposed CB zoning would allow a variety of uses. He does not want to jeopardize the neighborhood's character and safety.

Mark Rettmann, Shoreline, said he was present to speak on behalf of the Save Shoreline Neighborhoods Group. He said he currently lives directly adjacent to the parcels that are the subject of Amendment 3. He asked the Commissioners how they would like to have residential properties next to their homes and for their neighborhoods to be permanently rezoned to allow any type of business. He asked how they would like all of the associated traffic, noise, odor, air quality, light, glare, toxic and hazardous chemical exposures, visual and other environmental impacts, increased risk of fire and explosion, social justice impacts, and many more dropped on their doorstep. He said that is what the residents on or near NE 170th Street face if Amendment 3 is approved.

Mr. Rettmann suggested that the Commission consider the proposed amendment from both a short and long-term perspective. According to the City's Comprehensive Plan, over 19% of the City's land area is available for commercial business. He said the Save Shoreline Neighborhoods Group is comprised of more than 60 neighbors, citizens and voters, as well as the North City Neighborhood Association. The group was able to identify many opposing residents by one morning's walk of a small area of the neighborhood. They will continue public outreach and anticipate many more opponents if the amendment goes forward to the City Council. Not everyone was able to attend the meeting for a variety of reasons, and he and his wife had to miss their son's music concert in order to attend the meeting and defend and save their neighborhood. He asked those in the audience who oppose the rezone to stand up or raise their hand. He summarized that he submitted written comments on behalf of the group, and the City received a number of additional comments that were not associated with the group. All of the comments demonstrate why Proposed Amendment 3 must be rejected. They need to keep the residential neighborhoods residential.

Mr. Rettmann summarized that there is absolutely no merit to the proposal, as it would only benefit one company that was caught violating laws continuously, as they have been illegally operating a business on one residential parcel for at least 11 years and recently started a commercial business on a second

residential parcel. The neighbors did not know that the property was not zoned to allow commercial business uses. However, the applicant cannot claim ignorance or that they didn't know, as they should be well versed in codes and laws if they follow them for their construction projects. Furthermore, the applicant has the audacity to protest the rezone fee and ask that the City process the amendment application for free, at the taxpayer's expense. The amendment has been proposed to fix the position the applicants (Irons Brothers Construction) put themselves in by the illegal activities on residential properties.

Mr. Rettmann asked that the City enforce the existing zoning laws and hold violators accountable. He cautioned against setting a precedent of changing the rules for all future violators. All of the proposal materials thus far demonstrate misrepresentations and inaccuracies of what the applicant has done and is doing, what the community likes, and what they think will benefit the community. He questioned why the neighborhood should be impacted by the applicant's ongoing, willful, illegal actions. He urged the Commission to keep the neighborhood residential. Based on his information, there are only two options for code enforcement on the subject parcels, the proposed amendment and rezone or compliance with current zoning. The amendment would be a permanent change that adversely affects the neighborhood forever. It would allow any business, including marijuana shops, gas stations, utility yards, night clubs, motels, car rentals, repair shops and mega condominiums. All of these uses would have significant adverse impacts and residents do not want them. Don't hurt the good of the many law-abiding neighbors for the benefit of one business that seeks to continue their illegal operations. He asked that they reject the proposal.

Kristy Rettman, Shoreline, said she has lived on NE 170th Street since 2008 and is opposed to Amendment 3. The City recognizes that the applicants have been operating a business (Irons Brothers Construction) out of an office that was converted from two apartments since 2004, yet they have been allowed to continue to do so for 15 years. Regardless of what the applicants say, if Amendment 3 is approved, nothing would stop them from applying for a permit to develop the property for any use allowed in the CB zone. If the property is sold, a developer could aggregate lots and construct a large commercial building or large apartment building. She urged the Commission to think about all future development possibilities when making a decision on a permanent rezone of residential lots. She said she likes small community businesses, but they should not be allowed to encroach into peaceful residential neighborhoods simply because they have overgrown their current location and it is easier to ask for a rezone than to relocate. She believes, as do most of the residents she has recently talked to, that community businesses that grow as large as Irons Brothers Construction should move to an appropriate commercial zone and not take away residential lots. She concluded that the noise, congestion and environmental impacts of the growing business are incompatible with a peaceful street. She asked that the Commission reject the rezone application and propose another appropriate solution other than a permanent loss of residential property.

Kimberly Steele, Shoreline, said she has been a resident of Shoreline for over 20 years and currently operates an in-home childcare business. She has been involved in the community as she raised her own children and as she serves the children in her care. She voiced concern that if Amendment 3 is approved, future use of the property could greatly affect the neighborhood families and children in various ways. She voiced opposition to Amendment 3.

Brian Ellsworth, Shoreline, said he has lived in the neighborhood near NE 170th Street since 1997 and owns the first R-6 zoned lot east of the buffer zone (R-8). He commented that regardless of the intentions of the current landowners, he is concerned about the finality of rezoning the properties to

CB. Given what is already taking place in the area, the proposed rezone would open the potential to create a huge parcel (57,000 square feet) for sale and redevelopment. He pointed out that a 240-unit apartment complex is currently being developed across from Safeway, and the neighborhood is already nervous about impacts associated with parking, speeding, and traffic in general. If approved, the rezone would allow the current owners to sell the properties so they can be aggregated with others and redeveloped.

Synth Hoffman, Shoreline, said he is a resident of Seattle and operated a small business on NE 170th Street until 2012 when he was told he would no longer be able to operate a commercial use on the site. At the time, he was given numerous reasons why, including environmental impacts and traffic congestion. Allowing Irons Brothers Construction to change the zoning brings up the question of what will become of 15th Avenue NE and how commercial it will become. The residential property owners want to keep their small community intact. If the current wastewater site changes, there will be a variety of new possibilities. If the rezone proposed in Amendment 3 is approved it will take away from what Shoreline has been able to hold onto for so long.

Allison Sakounthong, Shoreline, said she and her husband previously lived in Seattle, but decided to move to Shoreline because it was more affordable and they liked the small community feel and less traffic. She is worried that Amendment 3 would end up creating the same craziness they moved away from in Seattle. She suggested that rather than rezoning the subject parcels to allow Irons Brothers Construction to expand, a better option would be for them to relocate to somewhere more appropriate. She said she is opposed to proposed Amendment 3.

Kelly Martinez, Shoreline, read a letter into the record on behalf of her neighbor, Ramona Curtis, who has lived on NE 170th Street for 30 years. Ms. Curtis' letter voiced opposition to the proposed rezone on NE 170th Street (Amendment 3). She has good neighbors who talk, share, work and play together. She would like the neighborhood to stay as it is. She understands that growth is necessary, but not in the residential neighborhoods. In some of the applicants' information, they talk about what good neighbors are. However, it is important to understand that they are not neighbors and do not live in the neighborhood. They run a business from a lot that is zoned R-8. When the applicants purchased the property in 2005, it was not zoned for business. However, the City issued a variance that allowed the business to continue. This was the first step in changing the neighborhood. Now the applicants have purchased property across the street, also zoned R-8 and started to expand their business. They are out of compliance and behaving like they can break the rules and then have the City change the zoning so their use is in compliance. If the applicants' business is so successful, perhaps they need to find another location that is currently zoned for the purposes of their business. The zoning should not be changed to correct the City's map to be consistent with a use that was illegal to begin with.

Yoshiko Saheki, Shoreline, expressed very strong opposition to Amendment 3. She recalled that the City recently upzoned her Parkwood Neighborhood saying that it would benefit the future of Shoreline. The Planning Commission and City Council paid little or no attention to the compromises she proposed to the MUR-45' zone so that she could keep her forever home. In the end, in order to live in a more traditional neighborhood, she was forced to relocate to another home. She studied the zoning map prior to purchasing her current home in North City, which is about two blocks away from the subject parcel of Amendment 3. She voiced concern that the proposed amendment could be the start of "upzoning creep," and owners of adjacent parcels will ask for the same.

Ms. Saheki explained that the current R-8 zoning serves as a transition between the businesses along 15th Avenue NE and the R-6 homes to the east, and that is how zoning should work. She vehemently disagrees with the Staff Report that states that the proposed rezone would not be materially detrimental. To the contrary, reducing the transition would be most detrimental and the rezone has absolutely no merit or value to the surrounding R-6 neighborhood. If the applicants are such good neighbors, they would not ignore City code and run a business in a residential neighborhood. In fact, if they can ignore City code, she is wondering if she should have just ignored the MUR-45' rezone and done as she pleased to her home in Parkwood. If the amendment goes through, the best she can hope for is that she can sell what was to be her new forever home for what it cost her to move and remodel. In that case, she will never buy another home in Shoreline because the zoning maps cannot be trusted.

Michelle Chiu, Shoreline, said she was present to discuss Amendment 3 from both a legal and urban planning perspective. According to a Washington State case in 1983, the proposed amendment can potentially be considered "spot zoning," which refers to singling out a larger area or district surrounded by zoning of other kinds of land uses that are inconsistent with the classification of the area. In addition, the proposed amendment is the antithesis of urban planning because it is not consistent with the Comprehensive Plan. According to the Comprehensive Plan that was adopted in 2001, all the commercial activities were planned to the north of NE 172nd Street. The subject parcels are located south on NE 170th Street. She expressed opposition to proposed Amendment 3 and encouraged the Planning Commission to consider the legality of the amendment, together with its potential impacts to long-term urban planning.

Mark Rettmann, Shoreline, noted that according to the Comprehensive Plan, over 19% of Shoreline is already available for commercial business uses, and a good community member would move into appropriate zoning to run their business. A lot of community events are good tax write-offs. He said he purchased his home next to the subject parcels to raise his family, and he has been working hard with his neighbors to protect and save their neighborhood. They want to live in a neighborhood and not in a commercial business zone. His family and neighborhood should not be impacted to fix the applicants' legality problems and violations that they created themselves. Other businesses have to follow the rules, and the applicant should not get special treatment for not following the rules. He emphasized that the change proposed in Amendment 3 would be permanent and allow many different business uses that are incompatible with residential neighborhoods. All these businesses bring impacts to neighborhoods, including traffic, noise, odor, air quality, light glare, invasion of privacy by existing security cameras filming his back yard and children without consent, increased risk of fire explosion, social justice issues, decreased property values and demand, etc.

Ramona Curtis, Shoreline, said she has lived on NE 170th Street for 30 years. She suggested the issue is not whether or not Irons Brothers Construction is a good company. They do wonderful work. But the Commission must consider that the properties are part of a neighborhood that is zoned R-8. They want to keep it that way.

Commission Discussion:

Commissioner Maul pointed out that the City Council will make the final decision about which amendments are included on the final docket. He said he has some reservations about Amendment 3, but it is worth a greater discussion. Commissioner Malek agreed. He believes the testimony that Irons Brothers Construction is a great company, but if the zoning is changed, the company could move and another business could locate there. He is concerned about how a future business could impact the neighborhood. He is also concerned about "spot zoning." He thanked all those who provided heartfelt

and well-thought-out comments both in favor and in opposition to Amendment 3. He agreed that Amendment 3 should be included on the docket for further discussion.

Commissioner Davis said she is unsure whether Amendment 3 should be included on the 2019 Docket. The main convincing arguments favor the opposing side, and she is not sure it is worth including the amendment on the docket. Zoning is usually addressed on a much bigger scale, and it doesn't seem right to consider such a small-scale rezone.

Vice Chair Mork also thanked Ms. Keim for proposing and speaking in favor of Amendment 4, which would amend Natural Environment Goal NE-V.

Commissioner Malek asked what would happen to Amendment 3 if the Commission votes to not include it on the 2019 Docket. Assistant City Attorney Ainsworth-Taylor clarified that the Commission is simply making a recommendation to the City Council. The City Council will consider their recommendation when making the final decision about which items to include on the 2019 Docket.

February 25, 2019 Shoreline City Council Meeting (Minutes):

Allison Sakounthong, Shoreline resident and representative of the Save Shoreline Neighborhoods, said the organization opposes the proposed Comprehensive Plan Amendment and Rezone for 1510 and 1517 NE 170th Street. She said that the City should require businesses to be in existing business-zoned areas.

Mark Rettman, Shoreline resident, stated that he opposes the proposed rezone and Comprehensive Plan Amendment for 1510 and 1517 NE 170th Street. He shared details of the current business on-site and listed ways the rezone would negatively impact the neighborhood.

Justin Sakounthong, Shoreline resident, said he opposes the rezone of the Irons Brothers property. He shared the reasons the rezone would impact the community and asked Council to enforce the existing regulations.

March 4, 2019 Shoreline City Council Meeting (Minutes):

John McCoy, Shoreline resident, expressed concern over the impact the proposed rezone to Community Business at 1510 and 1517 NE 170th Street would have on his neighborhood.

Yoshiko Saheki, Shoreline resident, said she is opposed to the potential rezoning of 1510 and 1517 NE 170th Street, since it would set a precedent for more development change in her neighborhood.

March 18, 2019 Shoreline City Council Meeting (Minutes):

John McCoy, Shoreline resident, spoke on behalf of Save Shoreline Neighborhoods, and said commercial zoning should not erode the integrity of what makes Shoreline neighborhoods distinct. He displayed a map of households who are opposed to the rezone of 1510 and 1517 Northeast 170th Street and asked Council to deny the proposed rezone.

Mark Rettmann, Shoreline resident, said he opposes the proposed rezone at 1510 and 1517 Northeast 170th Street and asked the Council to review all the submitted comments opposing the rezone and to instead enforce the existing code.

Yuna McCoy, Shoreline resident, shared the reasons she moved to Shoreline and urged the Council to vote no on the rezone request from Iron Brothers Construction.

Kristi Rettmann, Shoreline resident, shared the short and long term impacts of the proposed rezone at 1510 and 1517 Northeast 170th Street and asked Council to deny Proposed Amendment #3.

Diane McCoy, Shoreline resident, shared the reasons she moved to Shoreline in 1985 and said that the traffic from Irons Brothers Construction has changed her neighborhood, and that a rezone would permanently change the area.

Kelly Martinez, Shoreline resident, shared her concerns for the proposed rezone at 1510 and 1517 Northeast 170th Street and listed the negative impacts it would have on her neighborhood.

Justin Sakounthong, Shoreline resident, shared his frustration with the impact of Irons Brothers Construction on his neighborhood. He asked the Council to deny the proposed rezone of 1510 and 1517 Northeast 170th Street.

Allison Sakounthong, Shoreline resident, said she is concerned for the safety of her street should the rezone at 1510 and 1517 Northeast 170th Street be approved.

Brian Ellsworth, Shoreline resident, said he opposes the proposed rezone at 1510 and 1517 Northeast 170th Street because he is concerned about preserving the small neighborhood feel of the street.

Yoshiko Saheki, Shoreline resident, shared her concerns about the proposed rezone of 1510 and 1517 Northeast 170th Street and listed the timeline of the zoning violations by Irons Brothers Construction.

Sandra Distefano, Shoreline resident, said that she opposes the proposed rezone of 1510 and 1517 Northeast 170th Street and shared reasons for her opinion.

March 25, 2019 Shoreline City Council Meeting (Minutes):

Mark Rettmann, Shoreline resident and member of Save Shoreline Neighborhoods, spoke against the proposed rezone at 1510 and 1517 NE 170th Street and described the organization's efforts for community outreach and communication on this topic. He displayed a map of the neighboring property owners who oppose the rezone and listed his concerns with City actions around the use of this property. He asked Council to oppose the proposed rezone.

April 1, 2019 Shoreline City Council Meeting (Minutes):

Mark Rettmann, Shoreline resident, speaking on behalf of the Save Shoreline Neighborhoods group, said they oppose the rezone at 1510 and 1517 Northeast 170th Street. He described the history of the business activity and City interactions at these properties and asked the City to reject the proposed rezone and enforce existing laws and codes.

Kristi Rettmann, Shoreline resident, described the impact on neighborhood life by Irons Brothers Construction. She shared stories of negative interactions with the business and asked Council to reject further consideration of the proposed rezone at 1510 and 1517 Northeast 170th Street.

Allison Sakounthong, Shoreline resident, said she opposes the proposed rezone at 1510 and 1517 Northeast 170th Street because of the changes it will bring to her neighborhood. She asked Council to reject consideration of the proposed rezone.

April 15, 2019 Shoreline City Council Meeting (Minutes):

John McCoy, Shoreline resident, said he requests that Councilmember McGlashan recuse himself from voting on Amendment No. 1 because the Councilmember has been a recipient of campaign donations from Irons Brothers Construction.

Justin Sakounthong, Shoreline resident, said he opposes Amendment No. 1, the proposed rezone at 1510 and 1517 Northeast 170th Street, because he does not feel it is right to change the zoning in an entire neighborhood for the benefit of one person or business.

Allison Sakounthong, Shoreline resident, said she opposes the proposed rezone in her neighborhood at 1510 and 1517 Northeast 170th Street because the business has been violating the current code and not been penalized. She said she wants the neighborhood kept residential.

Kristi Rettmann, Shoreline resident, said she lives next door to one of the parcels proposed for rezoning on Northeast 170th Street. She thanked Councilmember Roberts for his proposed amendment, said she is strongly opposed to the rezone, and asked Council to vote no to Amendment No. 1.

Yuna McCoy, Shoreline resident, said that safety and the wants and needs of the constituents of the neighborhood should be the focus of Council's decision-making regarding the proposed rezone at 1510 and 1517 Northeast 170th Street.

Mark Rettmann, Shoreline resident, said as part of the Save Shoreline Neighborhoods he is opposed to the rezone of 1510 and 1517 Northeast 170th Street. He said the **group of over 200 members** represents the community's desire for the neighborhood zoning to be kept as it currently stands. He urged Council to reject Amendment No. 1 from the Final Comprehensive Plan Docket. He requested that Councilmember McGlashan recuse himself from voting on the proposal, citing conflict of interest.

John Cole, Shoreline resident, said his concern with proposed Amendment No. 1 is that the request will turn into a citywide solution, leading to encroachment of businesses in residential areas.

Councilmember Robertson moved to amend the main motion to exclude Amendment No. 1 from the Docket. The motion was seconded by Councilmember Scully.

Councilmember Robertson said that Community Business Zones have no place next to Single Family Zones and elaborated that a rezone is a permanent change that would outlive any of the current uses on the property. She said responsible planning includes maintaining appropriate buffers to respect the needs and uses of everyone involved. A study will not change her belief that this zoning request should not be approved.

Councilmember Scully emphasized that the Council is constrained by what they can consider in this decision, and that the decision would be made based on the facts in the Development Code and criteria in the Comprehensive Plan policies. He said his view will not change with additional consideration and he urged Council to remove the Amendment No. 1 from the Docket.

August 1, 2019 Planning Commission Meeting (Minutes approved 9/5/19):

Yoshiko Saheki, Shoreline, voiced opposition to proposed Amendments 1 and 3 regarding the two properties on NE 170th Street. She expressed her belief that the amendments would set a bad precedent to change zoning so that a current, illegal use of property could be made legal. If the rezone is approved, it will send the message that anyone can change zoning by first using a property illegally and then saying that rezoning is necessary to accommodate the current use. This type of modus operandi would not reflect well on the City. She also pointed out that a large number of immediate and nearby neighbors are against the proposed rezone.

Ms. Saheki said her last comment has to do with the North City Neighborhood along and near 15th Avenue and NE 175th Street. They lost the post office to a future large apartment complex, and the former Texaco Station in the heart of the North City Business District will also become an apartment building. Both of these properties are zoned as CB. Mayor Hall has advised her that the City has a poor tax base because there aren't enough areas zoned for business, and residential property owners are reluctant to have their properties rezoned for business uses. He pointed out that, in the case of the two properties on NE 170th Street, a residential property owner wants to rezone for business, implying this is a rare and good opportunity. However, from her perspective, even though the amendment is all about the Comprehensive Plan, the whole of what the City is doing to North City doesn't make sense to her. The zoning laws should have required businesses on the ground floors of the two apartment complexes now under construction, and possibly even at Polaris and Arabella. If the City required areas in North City that are currently zoned as CB to actually have businesses, there would not be a shortage of commercial properties. At the same time, changing MDR properties on NE 170th Street to CB will only add to the zoning muddle in North City.

Kristy Rettmann, Shoreline, said she has lived in North City for over 10 years and is a member of the Save Shoreline Neighborhood Community Group, consisting of about 215 residents and counting. The group is in complete opposition to proposed Amendments 1 and 3. The applicant, Irons Brothers, has operated at 1510 NE 170th Street since 2008 completely out of compliance with the land use requirements of the Shoreline code. Rather than move to a business-zoned parcel, they invested significant dollars to intentionally expand their business on a lot that is currently zoned as R-8. Approval to continue studying Amendments 1 and 3 would send the message that the needs of a single business are greater than those of the surrounding neighborhood. It would do so using valuable taxpayer dollars and City staff time. Given all of the very quick and widespread development around Shoreline, the neighborhood is justifiably concerned about the level of redevelopment that could occur on these two parcels if they are rezoned to CB. Just because a current use has been implemented on a parcel for years, doesn't make it right. Nor does it excuse that practice. The precedence set by allowing Amendments 1 and 3 to be studied or approved sends the message that a business can do what it wants and after the fact request the Comprehensive Plan be changed solely for that business. It sends the message that the Comprehensive Plan and Development Code are simply words without merit. She said she hopes the City can be on the side of what is right and just. We need an unbiased and impartial message sent to the other code-abiding business owners and residents of Shoreline. She asked them to reject Amendments 1 and 3 from further review.

Tom Poitras, Shoreline, expressed his belief that Amendments 1 and 3 should not even be considered. It is absurd for someone to be able to break the zoning laws for several years without punishment, and then have the City bend over backwards to accommodate them.

Commission Discussion:

Chair Montero asked if the subject parcels were used as commercial prior to the applicant's occupancy in 2008. Director Markle said she was not aware of a commercial use on the site prior to 2008. She explained that once the City officially confirmed that Irons Brothers was operating on the site, staff informed them that they had to come into compliance or they would receive a Notice and Order and a deadline to correct the violation. Staff had discussions with the property owner about how to correct the violation, including ceasing operations or applying for a rezone. She referred to a letter that was included in the Staff Report, which started the enforcement process about 1.5 years ago.

Chair Montero asked if the City received any complaints about the property prior to the enforcement letter. Director Markle answered that the City received one complaint in 2014, notifying them that the property owner was operating a business. The complaint focused on parking. Mr. Szafran added that there was one complaint prior to 2014 that had to do with illegal dumping, but it was not specific to the business operation. Director Markle advised that the City has received a few more complaints about the property over the past year.

Commissioner Maul said he has a hard time with Amendments 1 and 3. The applicant does not currently comply with the 20-foot setback required between the R-6 and CB zones, and compliance would not be required if the properties are rezoned. He does not believe that would be fair to the neighbors who live next door. The code is intended to provide predictability so people know what they can do on their properties.

Mr. Szafran asked if the Commission would be interested in staff preparing an analysis for a potential change to a different zone or land use designation. Commissioner Maul referred to staff's earlier comment that this would not solve the applicant's problem. He questioned the expenditure of staff time to explore the option further. He said his business was previously located in a single-family house. As it grew over time, it became apparent that the business needed to relocate, and he found a legal place to put it. He commented that Amendment 3 is enticing. He would love to relocate his business to a house in the City that is not zoned commercial, but there are none. He said he does not agree that should be an option. Commissioner Davis said she understands that Irons Brothers is a good business and provides numerous benefits to the City, but she stands by the facts in the zoning code. A lot of time goes into figuring out how zoning will work best. She anticipates that a lot of development will occur in Shoreline over the next few years, and she doesn't want to set a precedent.

Commissioner Lin said that if the City is interested in accommodating more businesses, they should consider opportunities in a more holistic way rather than piecemeal.

Commissioner Malek concurred. Regardless of whether or not a business was operating on the site prior to the Irons Brothers moving in and there was a dance on the property across the street, that is not what the zoning allows. The two lots are part of the single-family zoning. He pointed out nearby R-48 and CB zoned properties that about R-8 zoned properties. He imagines that some type of landscape buffer was required in these locations. However, if the properties are rezoned as requested, the applicant would not be required to provide a landscape buffer unless the properties are redeveloped or significantly remodeled. While he is sympathetic to the Irons Brothers situation, he is concerned about setting a precedent that creates a lot of work for the staff and Commission to review applications from other property owners who want to do the same thing.

Vice Chair Mork said she agrees with Commissioner Lin that opportunities for providing more

commercial space should be considered holistically and not for a single property. She cannot imagine how the City would look the neighbors in the eye and approve a rezone to address an illegal situation.

September 5, 2019 Planning Commission Meeting (Draft Minutes):

Yoshiko Saheki, Shoreline, said she was present to speak to Amendment 1, which relates to two parcels on NE 170th Street. She said she is not entirely unsympathetic to the applicant (the Irons). At the March 18th City Council Meeting, it seemed to her the City sent mixed signals to the by issuing them a business license when there was an existing zoning violation. She can only conjecture that the City unit that issues business licenses doesn't consult with the Planning Department, and she is not sure if the burden in the situation lies with the City. However, ignorance of the law is not a defense. She said she hopes the Commissioners will stick with their unanimous consensus that Amendments 1 and 3 should not be adopted.

Justin Sakounthong, Shoreline, said he lives off of NE 170th Street, about five houses up from the properties that are the subject of Amendments 1 and 3. He voiced opposition to the proposed amendments because he doesn't want these two residential properties to be changed to commercial mixed use zoning. They already have a short supply of homes, and he questioned why the City would want to turn two perfectly good residential properties into commercial mixed use.

Kristy Rettman, Shoreline, said she lives next door to the two parcels on NE 170th Street that are the subject of Amendment 1 and 3. She is also a member of the Save Shoreline Neighborhoods community group, which strongly opposes the amendments. It is fantastic that the Iron Brothers do so much for the community and have enjoyed success, and she hopes they can continue to enjoy more. However, she takes issue with how they have operated at 1510 NE 170th Street since 2008 completely out of compliance. She takes issue that they outgrew their current location years ago; and rather than move to a lot that was already appropriately zoned for business, continued their code violation history at 1517 NE 170th Street. She takes issue that a company doing work that requires them to obtain permits and know what type of zone they are working in did not know they were operating illegally on a residential lot. She takes issue to using taxpayer money to review the amendments over the course of a year in order to obtain a very biased solution to a problem that they created. Approval of Amendments 1 and 3 would hold the needs of a single business over the needs of the entire neighborhood and set a precedent that a business can do what it wants and after the fact request the plan be changed to meet the needs of that single business. They need an unbiased and impartial message sent to the other code-abiding business owners and residents of Shoreline. She asked that the Commission recommend to keep her neighborhood residential and oppose Amendments 1 and 3.

Mark Rettman, Shoreline, said he was present to speak on behalf of Save Shoreline Neighborhoods, opposing the rezone on NE 170th Street (Amendments 1 and 3). He provided a map showing the distribution of the group's more than 200 Shoreline neighbors and voters. The numbers resulted from just a few hours of community outreach in the area, and almost 100% of those contacted opposed the rezone. After complaints in 2014, the City issued a code violation for 1510 NE 170th Street. The City issued another code violation in 2018 for 1510 NE 170th Street, and based on public records, City staff determined that "As it currently stands, this property is in violation of City development code." And "The bottom line is that the property is currently in complete violation of home occupation standards." In 2017, Iron Brothers bought a second residential lot at 1517 NE 170th Street and began operating a construction yard there, too. This was after they were already told by the City in 2014 that the use was illegal. The proposed change of use is a willful and blatant disregard for Shoreline code, laws and authority. The City has received a tremendous amount of opposing comments since Amendments 1 and 3 were made public in January 2019. He encouraged the Commissioners to review all of the written and oral comments that have been provided.

Mr. Rettman summarized that the issue is not whether Iron Brothers is a good company. It is strictly about whether it is appropriate to rezone two residential lots to commercial zoning to fix code violations that the violators caused themselves. On behalf of Save Shoreline Neighborhoods, he urged the Commission to recommend denial of Amendments 1 and 3 for the following reasons:

- It sets a bad precedent to reward violators by allowing them to change the rules instead of enforcing the rules. The violators, not the City and not the neighbors, willfully caused the problems by not following the code. It sets a bad precedent to allow businesses to expand into residential neighborhoods.
- It will permanently change the use of the two properties to any use in the future that is allowed under CB, and not just the current construction office yard that is proposed for the short-term. The amendment would be a long-term, permanent change that affects the neighborhood permanently.
- It would permanently bring business impacts into the neighborhood, including traffic, parking, noise, alarms, privacy and cameras, light and glare, dust, more impactful development standards and other environmental and social impacts.
- It is not fair to businesses that operate legally in Shoreline and have all the costs associated with operating legally on commercially-zoned properties.

Mr. Rettman summarized that Amendments 1 and 3 will cause more business impacts in residential neighborhoods citywide, and he is glad to hear that staff is not recommending Amendment 3. It is not fair to the residential neighborhoods and all the kids, families, minorities and residents that live in the area that will be permanently exposed to the permanent impacts that the proposed permanent change would cause. On behalf of over 200 neighbors opposing the rezone, he urged the Commission to reject Amendments 1 and 3 and not recommend their approval to the City Council.

Commission Discussion:

Chair Montero said he has known the Irons for a long time, and he appreciates everything they do for the community. However, he finds it hard to believe that a contractor would not review the zoning for a building he has been occupying, and further, purchase another building in 2017 that was also zoned for single-family. He reviewed a few permit applications they have applied for, which clearly show the zoning as single-family and multifamily. The Commission cannot ignore the 200 neighbors who say they don't support the proposed amendments. Looking at some of the historical data, he called a few of the prior owners who denied the properties were used for businesses. In his opinion, the property has been zoned as single-family and multifamily and was used as such for a long time. He finds it hard to believe that the property owners did not know that. He doesn't see why the City should make an exception at this point.

Commissioner Malek said his similar research completely corroborates and validates Chair Montero's observations. The properties have been zoned residential for a long time, and at most, they could each be subdivided into two residential lots. The properties were not previously used for business purposes. Chair Montero noted that a violation notice was issued by the City in 2014, and the matter was brought up in the Irons Brothers' application for permits in 2018 and should have been resolved at that point. He said he is inclined to recommend denial of Amendments 1 and 3.

Commissioner Craft agreed with Commissioners Malek and Montero. He explained that the Commission is tasked with providing a level of consistency, openness and honesty that creates predictability for all residents in the City when it comes to land use and other elements the City relies upon to establish itself as a community that all people can live in and enjoy. The amendment brings up the idea of trying to

change something that is, in his opinion, unfair to the neighbors in proximity to this specific location and creates a precedent and inconsistency in what the Planning Commission is trying to achieve. He said he would also vote to reject Amendments 1 and 3.

Commissioner Lin said she supports the comments made by Commissioners Malek, Montero and Craft. Commissioner Davis concurred. However, she also wanted to put some support behind proposed Amendment 2. They need to be looking to their experts and scientists to guide the City's policies. It is time to reevaluate the policies to be in alignment with expert data. Vice Chair Mork and Commissioner Montero concurred.

Mr. Szafran advised that staff would bring back a recommendation for each of the three amendments for a public hearing on October 3rd. He pointed out that the information in the Staff Report relative to the decision criteria provides background information on the two properties. Going forward, the request is to change the zoning to CB, and that is what the Commission will see in the decision criteria in the next Staff Report. The question is, should it be rezoned, not because of what is currently there, but is it warranted for that location to change the zoning.

Chair Montero asked that staff provide a copy of the code enforcement notice Number CRM18-000729 for the public hearing.

Commissioner Mork commented that none of the information provided in the Staff Report talks about the Irons Brothers business. It only talks about zoning issues. She agreed that Irons Brothers Construction has been a great community member, but the Commissioners' charge is to talk strictly about the question at hand.