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

February 3, 2020

Re: Development Code Amendment, Professional Offices in R-8 and R-12 Zones

Dear Planning Commission:

As you know, we represent Melissa and Joseph Irons and Irons Brothers Construction, Inc. regarding the approved City of Shoreline Comprehensive Plan Amendment to allow professional offices in the R-8 and R-12 zones. To assist the Planning Commission in reviewing the Development Code Amendments submitted by Staff, Melissa and Joseph offer the following public comments.

#### **Unnecessary Distinction Between Offices**

The newly created definitions for “Contractor Construction Services Office” and “Construction Services Office/Yard” are clearly intended to encompass the Irons Brothers’ business. However, the distinction between a “Contractor Construction Services Office” and other “Professional Offices” is arbitrary. The only difference in Code is the added condition that “Showrooms shall be limited to 50 percent of the net floor area of the building.” First, codifying this distinction merely because contractors require “a simple registration” compared with licenses obtained by architects and engineers is unjustified. Creating a distinction like this, with so many similarities and just one difference, can only lead to prejudice in the application of similar provisions to different permit holders. Second, the one added condition is not inconsistent with the other Professional Office examples.

It was always represented to Melissa and Joseph that, aside from the specific issues identified by code enforcement, Irons Brothers qualified as a Professional Office. Suddenly, contractors are being distinguished as something other than “Professional” with no practical effect. If the conditions for approval are the same, then the same Code should apply. If this unexplained distinction is codified, it will lead to applying the same textual condition to different uses in different ways, prejudicing one class of permit holders.

There is also no reason to believe that an architect would be any less likely to desire a showroom as part of their Professional Office. Architects often build physical models to present to clients and may meet them in office to show prior work. To complicate this, Irons Brothers does not have a “Showroom” such that the limitation to 50 percent of the building makes any practical sense. While Irons Brothers advertises having a showroom, their entire office is used for whatever purpose that room is intended, kitchen, conference, restroom, etc. It just so happens that some of the materials used are available for reproduction. It is totally unclear what qualifies as a showroom and who will decide on what criteria. Given that this is the only distinction between the proposed conditional uses, if it is to be maintained, this point should be elaborated on.

### **The Outdoor Storage Restriction is Too Broad**

The conditions for “Contractor Construction Services Office” and “Professional Office” require no outdoor storage. However, the definition of “Outdoor Storage” is so broad that this prohibition goes well beyond what an ordinary property owner is allowed. Further, the vague reference to “equipment” and “machinery” in the “Outdoor Storage” definition could include a standard pickup truck if labeled with business lettering.

Under the proposed Code sections, if an architect obtains a Conditional Use Permit, they cannot have *any* form of outdoor storage. Imagine a homeowner who is repainting their home or simply does not have room for a ladder in their garage. If the architect with a CUP stores that ladder on the side of the house, he will be in violation of the permit conditions; if his/her neighbor does the same, there is no problem. Not allowing outdoor storage is an understandable requirement, but it should not unreasonably limit the normal enjoyment of a permit holder’s property. Further, Melissa and Joseph’s 1510 NE 170th St. property has apartments above it. It is not unexpected to see ordinary residential uses in conjunction with these Conditional Use Permits. To accomplish this, Melissa and Joseph suggest adding the following to this condition:

Condition: No outdoor storage, except as otherwise permitted in that zone.

Under the “justification” section, Staff explains “a contractor’s office typically has commercial equipment and vehicles that must be stored outdoors.” This is likely the source of the no outdoor storage requirement, but there is no indication of what qualifies as “commercial” versus ordinary residential. Most contractor’s vehicles, including their daily driver, have the company logo and lettering on them. This ambiguity will certainly result in alleged violations on various property owners who are merely going about their lives outside of operating their office. To further the intent of the restriction, we suggest the following:

Outdoor Storage: The storage of any products, materials, equipment, machinery or scrap, outside the confines of a fully enclosed building (attached or detached), shed, or trailer. Excepted from this definition are vehicles that do not require a commercial license classification or commercial (e.g. CDL) endorsement to operate.

### **Hours of Operation**

Under the approval conditions for the CUP, the allowed hours of operation are unnecessarily limited. The concern is likely disturbance to the abutting neighborhood, but this concern is mitigated by other requirements. For instance, an office is only permitted on an arterial street or within 400 feet of an arterial street, and the subject parcel must abut an R-18 through R-48 zone or abutting a Neighborhood Business, Community Business, Mixed Business, or TC 1, 2, or 3 zone. These requirements ensure that traffic will funnel away from neighborhoods.

Irons Brothers usually entertains just one client appointment at a time, meaning that there is not a constant flow of traffic in and out. Further, many of their clients schedule their appointments before or after their own normal work hours. Irons Brothers is closed on weekends. The proposed hours are insufficient to allow any flexible business to stay in operation. During tax season, most accountants meet with clients late into the night. The important point is limiting traffic to appointments only, ensuring that activity will not disturb neighbors. Ordinary noise ordinances will still apply, like they do for the 24-hour convenience store abutting Melissa and Joseph's properties.

At a minimum, the normal hours should allow a twelve-hour work day, 7AM to 7PM. During the summer months when daylight is plenty, contractors often work later. It is not uncommon for an employee to return to the office after 8PM in the summer to drop off paperwork and go home. It is unclear whether this would violate the conditions.

Instead, Melissa and Joseph suggest allowing either (1) operation by appointment only outside the normal hours of 7AM to 7PM and/or (2) operation within applicable noise ordinances outside normal hours of 7AM to 7PM. Further, Code should clarify whether hours of operation means doors are open to the public, or whether it encompasses all business activity.

### **Parking**

Parking was the most cited issue by the public in response to the proposed comprehensive plan amendments. The only consideration in Code is that "parking areas shall be on a paved surface, pervious concrete, or pavers. No commercial parking is allowed in required side or rear setbacks" and "Parking areas shall be screened from adjacent single-family residential uses by either a 6-foot opaque fence or Type-1 landscape buffer." Melissa and Joseph are concerned that there is no definition for "commercial parking" and these regulations will not set a clear standard for permit holders and the public to interpret.

As explained above, "commercial" should not mean any vehicle used for business purposes. Most small business owners cannot afford to have dedicated work vehicles and most keep their vehicles looking clean, since it is their most visible advertising tool. Having logos on your vehicle is arguably far better than littering your windows and tailgate with bumper stickers. This example is crude, but it aptly demonstrates Melissa and Joseph's concern if the definition of commercial is too broad and why it would lead to unjust results.

It is far more reasonable to utilize the definition Melissa and Joseph offer above, limiting the restriction to vehicles that actually require a commercial endorsement or commercial license. These are the sort of vehicles that are intended only for business or commercial purposes and should not be on site in a residential neighborhood.

Thank you, for your consideration. Unfortunately, Melissa and Joseph Irons cannot attend the Planning Commission meeting this Thursday. However, they will send a representative to provide comments in person.

Yours,



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