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FEB 15 2019

City Manager's
Office

Michella Chiu
1533 NE 171st Street
Shoreline, WA 98155

February 8, 2019

City of Shoreline
Attn: Council, Planning Commission, and City Manager
17500 Midvale Ave N
Shoreline, WA 98133

Dear Sir/Madam,

RE: Objection to NE 170th Street Rezoning

I am writing with concerns regarding the Comprehensive Plan amendment and rezoning of two patches of small land commonly known as follows:

1510 NE 170th Street, Shoreline WA 98155, parcel 558930-0185.

1517 NE 170th Street, Shoreline WA 98155, parcel 558990-0145.

From a legal perspective, I would like to alert the City Council, the City Planning Commission, the City Manager, the City Project Manager, and the Planning & Community Development Director that this application of amendment is a ***de facto spot zoning-induced petition***. Since this application is part of the process of singling out a small parcel of land for a use classification completely different from that of the surrounding area – merely for the benefit of the property owner and to the detriment of other property owners in the same neighborhood – **I encourage representatives of the City of Shoreline to reject this amendment on a legal basis.**

Background

The City of Shoreline Comprehensive Plan¹ was first approved in 2001 and in accordance with the regulatory code SMC 20.30.340. Since then, the City of Shoreline proposed major planning of land patches along 15th Ave. For 18 years, the plan defines and assigns respective land use of different zones.

Recently, Irons Brothers Constructions (hereafter, "Iron Brothers,") applies to change the zoning of the abovementioned land parcels from Residential to Business and Community Business.

¹ For the full comprehensive plan, see <http://www.shorelinewa.gov/government/departments/planning-community-development/city-plans/comprehensive-plan-and-master-plans/comprehensive-plan>.

The legal definition of spot zoning

According to the case Smith v. Skagit Count, the legal definition of spot zoning is as follows:

Spot zoning has come to mean arbitrary and unreasonable zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from and inconsistent with the classification of surrounding land, and not in accordance with the comprehensive plan. Spot zoning is zoning for private gain designed to favor or benefit a particular individual or group and not the welfare of the community as a whole.²

This definition of spot zoning defines the legality and the potential community concerns regarding urban zoning. For neighbors or city dwellers with no legal background, such definition serves as the protective shield against overwhelming upzoning activities.

Basis of objection

Based on the legal definition of spot zoning, we believe that the amendment to the Comprehensive plan and rezoning applied by Irons Brothers Constructions is a spot zoning-induced application. There are three (3) reasons to support our argument:

1. The land patches, commonly known as 1510 NE 170th Street, Shoreline WA 98155 and 1517 NE 170th Street, Shoreline WA 98155, are small areas “singled out of a larger area or district and specially zoned for a use classification totally different from and inconsistent with the classification of surrounding land.”

This is evident by the fact that all neighboring land patches are residential lands, home to mostly single-family homes. Allowing small patches of land to change the land use is the very antithesis of planned zoning to begin.

2. The proposed amendment is “not in accordance with the comprehensive plan.”

A careful study of the Comprehensive Plan shows that Iron Brothers’ application is inconsistent with the policies and land use designations set out in the comprehensive plan. According to the Comprehensive plan,

15th Ave NE from the Safeway site south of NE 175th Street to the intersection of NE 190th Street serves as the service core for North City. Over time, it will be transformed into a “Main Street”, with a lively street character, and local services; similar to the Lake City area only with housing and/or offices above.³

²Smith v. Skagit County, 75 Wash.2d 715, 453 P.2d 832, 848 (1983).

³ “North City Sub-Area Plan, City of Shoreline, Washington”, Comprehensive Plan Amendment, July 2001, <http://www.shorelinewa.gov/home/showdocument?id=6038>, 4.

Although the concerned patches of land are close to 15th Ave, we need to consider its position on 170th Street. The Comprehensive Plan also defines where the “heart” of the business area is in North City:

The heart of the North City is along 15th Ave NE between NE 175th and NE 177th Streets. The corner of NE 175th Street is the gateway to the area. The new Walgreens, the renovated storefronts on the west side and the location of the neighborhood's street of NE 177th Street, give this segment the greatest retail potential.⁴

It is evident that the redevelopment plan of North City has never involved places south to 172nd Street. This speaks clearly about the intention of the City of Shoreline to keep places south to 172nd Street as residential areas.⁵ For the very same reason, Iron Brothers' rezoning application lacks conformity to the comprehensive plan.

3. The proposed amendment is “designed to favor or benefit a particular individual or group and not the welfare of the community as a whole.”

On February 7, 2019, many Shoreline residents attended the Planning Commission meeting at the Shoreline City Hall. Many spoke against the rezoning petition, expressing concerns regarding the degree of “public benefit” this petition could bring.⁶ One of the highlights of the meeting was whether the Iron Brothers' is a good-standing business is irrelevant to the issue. The crux of the issue is whether the Iron Brothers' petition is beneficial to the community as a whole. Many neighbors expressed their concerns and view the petition from a negative light.

Conclusion

As members of the neighborhood, we believe that Irons Brothers Constructions' application to change the zoning of the abovementioned land parcels from Residential to Business violates the rules against spot zoning. The approval of such an amendment can potentially upset the balance between the very existence of residential areas and business zones in the City of Shoreline.

When considering zoning map amendments, we understand respective authorities will closely scrutinize whether potential exists for spot zoning. In particular, the Planning

⁴ “North City Sub-Area Plan, City of Shoreline, Washington”, Comprehensive Plan Amendment, July 2001, <http://www.shorelinewa.gov/home/showdocument?id=6038>, 4.

⁵ “North City Sub-Area Plan, City of Shoreline, Washington”, Comprehensive Plan Amendment, July 2001, <http://www.shorelinewa.gov/home/showdocument?id=6038>, 14.

⁶ For full agenda, minutes, and videos of the meeting, see http://www.shorelinewa.gov/government/departments/planning-community-development/planning-commission/live-and-video-planning-commission-meetings?fbclid=IwAR09EwItsIrumL8qDHWpP9ODFTzFnhkQeuF0S188_fhs7BZdMhsEHIWAADO

Commission or board will determine whether the Petitioner has satisfactorily responded to the traditional standards in support of his/her/its application. In doing so, the City Council and the City Planning Commission look at the comprehensive plan and the surrounding uses to the property at issue.

I hope this letter is helpful in clarifying some legal issues related to spot zoning, and has properly expressed our concerns as residents and neighborhood members of the North City. We look forward to working with our gatekeepers – City Council, the City Planning Commission, the City Manager, the City Project Manager, and the Planning & Community Development Director – in identifying spot zoning as that such an issue may exist. Thank you.

Sincerely,
Michella Chiu, Ph.D.