

Good Evening. My name is Mark Rettmann, and my family and I live next to the Proposal. We are also with the over 200 residents of Save Shoreline Neighborhoods group **defending** our neighbors from this privately-initiated Spot Rezone. If everyone could make it today, we would be exceeding the (fire/occupancy capacity of this room) **and/or (there would be standing room only).**

Irons Brothers and their employees do not live at these locations or in the affected area. They did not grow a small business from their home. They believe that their business (or any future business) does not have any impacts on the community. However, if this was the case, why don't they rezone their home and their neighborhood?

The City has received a tremendous amount of opposing comments. I encourage you to review all of these comments.

This is not about whether the Company is a good company, or if they give back, and do outreach marketing to the community with bird houses and ramps. This proposal is strictly about if it is appropriate to rezone two residential lots to Business to fix code violations.

The Company should be glad that they got to stay and grow their company for 4 years since the City first discovered the violation and paused enforcement. Based on their successful growth and the overwhelming will of the directly impacted residents, it's time for the City to enforce the existing code, and for the Company to find an existing legal location where they can further grow and prosper without affecting neighborhoods.

**This is likely an illegal spot rezone under Washington State case law (AGLO 1973 No. 103), A few case law quotes include:**

- **"Spot zoning" merely for the benefit of one or a few or for the disadvantage of some, still remains censurable because it is not for the general welfare . . .'**
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- "No law shall be passed granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not equally belong to all citizens, or corporations."
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- "In the recent case of Pierce v. King Cy., 62 Wn.2d 324, 382 P.2d 628 (1963), we recognized that all 'spot zoning' is not illegal; however, we follow the general rule that **'spot zoning' is invalid when it is primarily for the private interest of the owner of the property affected, and not related to the general plan for the community as a whole. A zoning ordinance must have for its basis the public health, safety, morals, or general welfare; if not, it is arbitrary, capricious, unreasonable, and consequently void. . . .'** (pp. 199-200.)
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- "...the court in the Pierce case held as follows: . . . Where, as in the present situation, the zoning authority by official legislative action designates two lots for a gasoline service station in the heart of a neighborhood of single-family residences already served by commercial and business facilities or subject to be so served in accordance with a comprehensive plan or scheme, such designation is patently a spot zoning; and where the record discloses no basis for such a zoning in furtherance of the public health, safety, or morals, or a contribution either to the general welfare of the people in the area or at large, the zoning is so clearly a spot zoning as to make it arbitrary, capricious and unreasonable. It was, and is, therefore, void."

**Reject this Proposal, enforce existing code, and Save Shoreline Neighborhoods**

Based on complaints in 2014, City staff determined “SINCE THE BUSINESS HAS BEEN THERE SINCE 2008 AND WAS NEXT TO OTHER COMMERCIAL USE. WE ARE NOT ENFORCING THE ZONING AT THIS TIME, BUT IF THE SITE CONTINUES TO BE AN ISSUE, THEY HAVE BEEN TOLD WE WOULD PROCEED WITH ENFORCEMENT ACTION.” And the City stated that “ONLY ISSUE WE WERE ENFORCING AT THIS TIME WAS THE PARKING”.

In 2018 the Fire Department brought the zoning to the City’s attention again. After reviewing the situation, the City stated:

- “Professional offices, and other uses that would describe how a portion of the property is currently being used are not allowed in R-8 zones. As it currently stands, this property is in violation of city development code.”
- City Staff determined that “the current business occupation was illegal.”
- Current City Staff stated “The zoning of adjacent parcels has no bearing on the legal use of the property in question. The bottom line is that the property is currently in **complete violation** of home occupation standards.”
- The Fire Department brought the still present violation to the City’s attention.

In summary, the Company is in violation of the residential zoning and home occupation is not applicable based on they don’t live there, the office space is too large, and they have more than 2 employees.

Save Shoreline Neighborhoods