

March 17, 2019

City of Shoreline  
17500 Midvale Ave N  
Shoreline, WA 98133

Subject: Clarifications and Additional Information – Irons Brothers Construction’s Proposed Comprehensive Plan Amendment and Rezone

Dear City of Shoreline Councilmembers and Staff:

This letter provides comments on the Irons Brothers Construction (IBC) company’s proposed Comprehensive Plan Amendment and Rezone (Proposal) that would affect two parcels located at 1510 NE 170<sup>th</sup> St (parcel 558930-0185) and 1517 NE 170<sup>th</sup> St (parcel 558990-0145) in Shoreline, Washington. Both parcels are currently designated as Medium Density Residential in the Comprehensive Plan and are currently zoned Residential (R8). The Proposal, if approved, would change these parcels from Residential to Community Business (CB) and would have significant adverse impacts on the residential neighborhood. This proposed Comprehensive Plan Amendment and Rezone must be rejected for the reasons detailed in this letter.

Pam Cross submitted comments to the City regarding comments that were made at the Feb 7, 2019 Planning Commission meeting where Mark Rettmann, one of the public comment speakers, asked rhetorically:

"How would you like to have residential properties next to your home and in your neighborhood be permanently rezoned to business? Any business? Permanently. How would you like all the associated traffic, noise, odor, air quality, light, glare, toxic and hazardous chemical exposures, and visual and other environmental impacts, and increased risk of fire and explosion, and social justice impacts, and many more dropped on your doorstep and affect your neighborhood."

Mark Rettmann was speaking on behalf of the Save Shoreline Neighborhoods citizen group. At the time, there were 53 Shoreline citizens, neighbors, and voters signed on opposing this Proposal. To date, there are over 200 neighbors opposing this Proposal. As our comments couldn’t be detailed enough in the allotted public speaking time we are writing to provide a more detailed explanation of our comments which will hopefully help answer some of the questions and explain our concerns more clearly.

IBC has been operating a business from one residential (R8) lot (1510 NE 170<sup>th</sup> St) for an extended period in violation of the City of Shoreline Municipal Code (SMC) for zoning and business licenses. This business operation includes employee and customer traffic and parking, as well as, traffic and parking of their construction dump trucks and vans. They also hold large events occasionally at this location that takes up all the on-site parking and spills over to the public street which already has limited parking.

The second lot (1517 NE 170<sup>th</sup> St) is a residential (R8) lot that IBC bought in late 2017 and started business operations from this residential lot in 2018. This lot is used for parking construction dump trucks, vans, trailers and employee parking. The lot is also used for storing and staging construction materials and they load supplies and equipment from the storage building into numerous vans and

trucks typically twice a day, in the morning, and in the evening. IBC specifically bought this second residential lot to operate their business out of. Based on permitting that they must do for the construction work they do, the process and information provided for a Shoreline business license, and the real estate purchasing process (title reports, appraisals, etc.) IBC had to know that they were buying a residential lot and that operating a business of their size and type is not allowed in residential lots.

The IBC owners do not live at either of the two lots. It is not like they have grown a small single proprietary business into a larger company from their home. They have purposely purchased residential lots with the intent to operate their business out of them and avoid having the associated impacts at their house and in their neighborhood. Even if they did grow their company out of their house it would have successfully grown enough (based on their size and type of business) that it would be time for them to move to a Community Business-zoned property.

IBC is a general contractor that also does demolition and construction work. They are not solely general contractors or "paper contractors" as they do hands on work which requires the amount of equipment, tools, vans, and trucks that they have. They occasionally park their dump trucks on these lots uncovered and full of construction debris.

Pam Cross states that there is no reason to expect an office and showroom occupancy will result in toxic and hazardous chemical exposures, odor, air quality, light, glare and an increased risk of fire and explosion. This statement is inaccurate for several reasons. One, the lots are not used for "office and showroom occupancy" only. They are used as office and construction/utility yard and storing, staging, and transferring supplies, equipment, and tools. Two, the use as a construction/utility yard comes with storage of hazardous chemicals which can produce air quality and risk of fire and explosion. In addition, the amount of construction vehicles and employee/customer cars also affects air quality, noise, parking, traffic, walkability, and vehicle and pedestrian safety. In addition, the loading and offloading of construction vehicles and moving equipment and supplies creates noise impacts to the neighborhood. Those that live in the neighborhood already receive these unmitigated impacts from the illegal business operations in these residential lots. Finally, this statement reflects IBC's intent and preference to focus the public, City staff, and City Councilmembers on the narrow view of the short-term change by saying this Proposal will just allow IBC to operate (albeit, legally within the one residential lot) where they have been operating illegally against the SMC code. Furthermore, IBC is trying to further expand their business operations and impacts to the second residential lot that they recently purchased, and the City has not made them discontinue their business operations to come into compliance at either location.

Other residents, property owners, businesses, and contractors are held strictly to the Shoreline laws, regulations, code, and zoning so it is perplexing why the City does not hold IBC accountable.

This Proposal is a permanent Comprehensive Plan Amendment and Rezone that will have permanent effects and impacts on the neighborhood and those that live there. As detailed in the SMC 20.40 (Zoning and Use Provisions), specifically Table 20.40.120 (Residential Uses), Table 20.40.130 (Nonresidential Uses), and Table 20.40.140 (Other Uses), there is a whole multitude of additional residential, non-residential, and other uses that the rezone to CB would allow any time in the future. IBC will eventually grow bigger, retire, or sell their company/property which will open up the use of these properties for any allowed CB use in the future if it is rezoned from residential to CB. With the CB properties along 15<sup>th</sup> Ave NE these parcels may become a critical last piece to a larger re-development effort in the future. Some CB uses that would be allowed after this rezone include, but are not limited to, the following:

- Retail Marijuana operations
- Fuel & service stations
- Utility facilities, yards, and offices
- Retail trade & services, tattoo parlors, etc.
- Automotive repair service
- Automotive rental
- Apartment/Mixed Use complexes
- Trucking & courier service
- Nightclubs
- Light industrial/manufacturing
- Hotel/motel
- Book & video store/rental
- Brewpub, brewery, distillery
- Eating & drinking establishments
- Funeral home
- Office buildings
- Self-storage facilities
- And many more Business Uses...

The neighbors and neighborhood are looking at this Proposal comprehensively and in short-term and long-term perspectives as this Proposal will affect the neighborhood character, environment, and safety permanently. Opening up our residential neighborhood to all allowable businesses in these lots bring different types of impacts at varying degrees of impacts that we are not going to detail in depth in this letter.

IBC refers to the previous owner's and tenant's use of the property at 1517 as a mechanic's garage and try to argue that the property has always been used for business. These statements are not accurate. An owner or resident working on his cars or his friend's cars does not make them a "mechanic's garage". If that was the case, then many of Shoreline's residents are "mechanic's garages". Residential zoning allows cars to be parked at residential properties. Per SMC 20.40.400, a home occupation is allowed in residential zones.

The previous resident in question, Synth Hoffmann, spoke at the Planning Commission meeting on February 7, 2019 and provided a written comment opposing the rezone. Shortly after the February 7, 2019 meeting he was subjected to a "random" audit of his business by the State of Washington. Based on an email from the previous resident to us he stated that he carried a business license for his business and used the 1517 NE 170<sup>th</sup> St address as his primary residence and business filing address. His primary work was mobile repair, landscaping, and professional services as well as some internet sales. He did not have a retail store or any exterior signage at this address. He was a sole proprietor of his business and lived at the same address. He had a home occupation consistent with SMC 20.40.400. He stated his hobbies; car repair and horticulture shouldn't be interpreted as part of his business at that time nor construed as operating at the location as a storefront retail business. He stated he didn't post any signage, he didn't conduct a retail business there, and he didn't operate a "repair shop" as Iron Brother Construction states. He stated he did own multiple cars, mostly classics, and that all vehicles parked at 1517 NE 170<sup>th</sup> during his residence were either owned by himself or the other residents living at that location.

IBC has construed his home occupation and hobbies to be examples of previous community business use as an excuse why IBC has started operating a construction utility yard out of this address (1517) in 2018. Regardless, even if other business were operating illegally at a location it is not reason for a new company to move in and begin (and continue) new business operations, especially those that are as impactful to the neighborhood as a construction utility yard.

It has also been stated that “when IBC purchased these lots, they were not occupied as single-family dwellings. One was occupied as a rental fourplex, and the other housed a garage business and dance studio”. These statements are also not entirely accurate. 1517 NE 170<sup>th</sup> St was a single-family residence that was rented out by the owner and the renter moved out when the owner gave notice that they were going to liquidate the property. The owner had occasional private dance lessons inside the building. 1510 was a fourplex apartment that is allowed under SMC 20.40 for R8. When IBC bought the residential R8 fourplex they gutted out the two bottom units and purposely converted the residential space into business operations and business parking outside. Even if IBC lived at this address, SMC 20.40 (Home Occupation) only allows 25% of one unit to be used for business and only allows up to two FTEs (employees). IBC has converted 100% of two units to illegal business office space, and they have more than two FTEs, and they have never lived at this address and don’t live there now.

We support local businesses that operate by the Shoreline laws, regulations, code, and zoning (“the rules”). It is not fair to other businesses that have the cost of following “the rules” and it is not fair to the neighborhood where these violations and business impacts have occurred in the past, and if this Proposal is approved, it’s not fair to the neighborhood for the future.

In summary, keep residential neighborhoods, RESIDENTIAL! You are strongly encouraged to listen to the citizens of Shoreline, especially the neighbors who will be impacted the most by changing these Residential-zoned parcels to Business (CB)-zoned parcels. Do not hurt the good of the many within the residential neighborhood for the benefit of one business that has got caught violating Shoreline code. Reject the proposed Comprehensive Plan Amendment and Rezone now before wasting any more of the City’s time evaluating a non-compliant and non-compatible use.

We strongly urge you to reject the proposed Comprehensive Plan Amendment and Rezone,

Curtis, Ellsworth-Martinez, McCoy, Rettmann, Rodriguez, Sakounthong and Saheki Families/Households for Save Shoreline Neighborhoods, a citizen group of over 200 neighbors opposing this rezone