



Planning and Community Development

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October 25, 2018

Joseph and Melissa Irons
1510 NE 170th Street
Shoreline, WA 98155

RE: Office Use in a Residential (R-8) zone at 1510 NE 170th Street

Dear Mr. and Mrs. Irons:

As discussed when we met in August, the Irons Brothers Construction Design + Build Center (“Design + Build Center”) at 1510 NE 170th Street is in a Residential (R-8) zone. The Shoreline Municipal Code (SMC) Chapter 20.40 Zoning and Use Provisions states that the purpose of the R-8 zone “is to provide for a mix of single family homes, duplexes, triplexes, townhouses, and community facilities...” You have described the Design + Build Center as the office and showroom for your remodeling and construction services. SMC Table 20.40.130 Nonresidential Uses includes the use “professional office” but denotes that this use is not permitted in the R-8 zone. This means that your Design + Build Center is in violation of the SMC and requires corrective action.

The following are options staff have identified that may accomplish compliance with the SMC:

Option 1 – Site Specific Comprehensive Map Amendment and Concurrent Rezone.

Apply for a Comprehensive Plan Amendment to change the Land Use Designation for 1510 NE 170th Street from Medium Density Residential to Mixed Use 2 (MU 2) and a concurrent Rezone of the property to Community Business (CB). The MU 2 Land Use Designation and the Community Business (CB) zone permit office uses. This option would require the submittal of a complete Comprehensive Plan Site Specific Map Amendment and Concurrent Rezone application no later than **December 1, 2018**. In order to resolve the Code violation, this request would need to be approved by City Council. The base fee for the Comprehensive Plan Site Specific Map Amendment and Concurrent Rezone is currently \$25,233.00 (including public hearing and SEPA Checklist review).

Option 2 – Comprehensive Plan and Development Code Amendment

Apply for a General Comprehensive Plan Amendment to change LU2, a Residential Land Use Policy in the Land Use Element of the City’s Comprehensive Plan to allow for professional office uses. The Policy could be amended as follows:

2019 Comprehensive Plan Amendment - Att. F

LU2: The Medium Density Residential land use designation allows single-family dwelling units, duplexes, triplexes, zero lot line houses, townhouses, and cottage housing. Apartments and professional offices may be allowed under certain conditions. The permitted base density for this designation may not exceed 12 dwelling units per acre.

SMC 20.20.040 defines a “Professional Office” as: An office used as a place of business by licensed professionals, or persons in other generally recognized professions, which use training or knowledge of a technical, scientific or other academic discipline as opposed to manual skills, and which does not involve outside storage or fabrication, or on-site sale or transfer of commodity.

A concurrent amendment to SMC Table 20.40.130 Nonresidential Uses to permit a professional office in the R-8 zone subject to approval of a Conditional Use permit would also be needed. Allowing a professional office in the R-8 zone would match the permitting requirements for the same use in the R-18 to R-48 zones. This option would require the submittal of a complete Comprehensive Plan General Amendment and a complete Development Code Amendment application no later than **December 1, 2018**. There is currently no fee for either of these applications.

These requests would then need to be approved by the City Council and a Conditional Use Permit subsequently issued in order to resolve the Code violation.

If the Comprehensive Plan and Development Code amendments are approved by the City Council in 2019, the adopted process will likely include a requirement to obtain a Conditional Use permit to allow a professional office in the R-8 zone. The fee for a Conditional Use Permit is currently \$7,209.00. Therefore, you would be required to submit a complete Conditional Use Permit application within one month of the City Council’s approval of the proposed Comprehensive Plan and Development Code amendments to permit a professional office in an R-8 zone to avoid code enforcement action. If the Conditional Use Permit is approved and the use conforms to the conditions established through the Conditional Use Permit process and all other applicable sections of the Shoreline Municipal Code, then the professional office use at 1510 NE 170th Street would be in compliance with the SMC.

Note: Both Option 1 and Option 2 would follow the City’s annual 2109 Comprehensive Plan Docket and development code amendment process. There is no requirement that the City Council place a proposed amendment on the Docket or, if placed on the Docket, that it will be approved. If the City Council determines to approve such amendments, this generally would not occur until December 2019. Senior Planner, Steve Szafran processes the Comprehensive Plan and Development Code amendments if you have any questions related to those applications. He can be reached at (206) 801-2512 or sszafran@shorelinewa.gov.

Option 3. Discontinue using the property at 1510 NE 170th Street as a professional office.

2019 Comprehensive Plan Amendment - Att. F

If you choose not to submit complete applications as described in Options 1 and 2 by **December 1, 2018**, or the City Council does place your proposed Comprehensive Plan amendment on the Docket, then a Notice and Order to Correct will be issued setting a deadline to discontinue the professional office use at this address. Please contact Ryan Odegaard, Code Enforcement Officer at 206-801-226 if you choose this option.

1517 NE 170th Street

You also asked about the possibility of using the property you own across the street at 1517 NE 170th Street in conjunction with the Irons Brothers Design + Build center at 1510 NE 170th Street. You described possibly using the property at 1517 NE 170th Street for outside parking of vehicles and equipment; and indoor storage of equipment, materials, etc. associated with Irons Brothers Construction in the large detached garage. 1517 NE 170th is zoned R-8 and therefore subject to the same restrictions as described above for 1510 NE 170th Street. Option 1 could be used to request a land use change and rezone for both 1510 and 1517 NE 170th Street to MU-2 and Community Business to allow “General Retail Trade/Services”.

The use as described for 1517 NE 170th Street does not meet the definition of a professional office. Therefore, Option 2 does not provide a regulatory path to use this site for storing construction vehicles, equipment and materials.

Sincerely,

Rachael Markle
Planning and Community Development, Director
(206) 801-2531