

RECEIVED

JAN 24 2020

CITY CLERK
CITY OF SHORELINE

In re the Premises Located at: 19322 Richmond Beach Dr NW Shoreline, WA 98177	Case. <u>CE17-0034</u> NOTICE OF APPEAL
---	--

I. NOTICE OF APPEAL

In accordance with Shoreline Municipal Code 20.30.210 and SMC 20.30.220 and other applicable laws, Lynnwood Center LLC., by and through counsel, hereby Appeal the entirety of the NOTICE OF VIOLATION AND ORDER TO CORRECT of Ryan Odegaard, Code Enforcement Officer, City of Shoreline on January 22, 2020 in the above-captioned action to the City Hearing Officer. A copy of this decision is attached.

II. PARTY INITIATING APPEAL

Lynnwood Center LLC., seeks review of the NOTICE OF VIOLATION AND ORDER TO CORRECT dated January 8, 2020.

III. THE DECISION UNDER REVIEW

The Appellant seeks review of the entire NOTICE OF VIOLATION AND ORDER TO CORRECT dated January 8, 2020..

NOTICE OF APPEAL PAGE 1	Law Office of Jason Anderson 5355 Tallman Ave. NW #207 Seattle, WA 98107 206 706 2882 Jason@jasonandersonlaw.com
----------------------------	--

IV. LEGAL INTEREST OF APPELLANT

The Appellant is the fee simple owner of property commonly known as 19322 Richmond Beach Dr NW, Shoreline, WA 98177, that is the subject of the findings and order.

V. BRIEF STATEMENT OF THE ORDER OR ACTION PROTESTED, TOGETHER WITH ANY MATERIAL FACTS CLAIMED TO SUPPORT THE CONTENTIONS OF THE APPELLANT

The Appellant objects to each of the findings at issue except for those expressly admitted.

Principally, the Appellant objects to the current requirement to obtain a building permit because the City of Shoreline represented to the Appellant before the project was completed that no permit was needed. The Appellant relied on this representation when it commenced work.

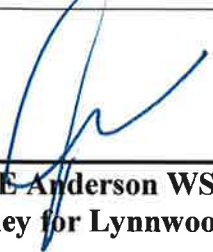
VI. BRIEF STATEMENT IN CONCISE LANGUAGE OF THE RELIEF SOUGHT, AND THE REASONS WHY IT IS CLAIMED THE PROTESTED ORDER OR ACTION SHOULD BE REVERSED, MODIFIED, OR OTHERWISE SET ASIDE

The Appellant seeks an order as follows:

An order finding the City if barred from issuing a Notice of Violation for conduct the Appellants pursued based on their discussions with the City that a permit was not needed.

NOTICE OF APPEAL PAGE 2	Law Office of Jason Anderson 5355 Tallman Ave. NW #207 Seattle, WA 98107 206 706 2882 Jason@jasonandersonlaw.com
----------------------------	--

VII. THE SIGNATURES OF ALL PARTIES NAMED AS APPELLANTS, AND THEIR OFFICIAL MAILING ADDRESSES:

 <hr/> Jason E. Anderson WSBA 32232 Attorney for Lynnwood Center LLC	
---	--

Attached is a copy of the signed decision from which the appeal is made.

NOTICE OF APPEAL PAGE 3	Law Office of Jason Anderson 5355 Tallman Ave. NW #207 Seattle, WA 98107 206 706 2882 Jason@jasonandersonlaw.com
--	---



City Manager's Office

17500 Midvale Avenue North
Shoreline, WA 98133-4905
(206) 801-2500 ♦ Fax (206) 801-2788

NOTICE OF VIOLATION AND ORDER TO CORRECT
WORK (CONSTRUCTION) WITHOUT PERMIT

January 8, 2020

Paul Opie - Lynnwood Center LLC
19322 Richmond Beach Dr NW
SHORELINE, WA. 98177

Re: Code Enforcement Case Number: CASE CE17-0034

Dear Mr. Opie and Lynnwood Center LLC:

You are hereby notified that the Director of Planning & Community Development has found you to be the responsible party for a code violation located at:

ADDRESS OF VIOLATION: **19322 RICHMOND BEACH DR NW, SHORELINE, WA.
98177**

PARCEL NUMBER: **727810-0930**

LEGAL DESCRIPTION: **RICHMOND BEACH REPLAT OF POR OF
PLat Block: 14, Plat Lot: 19-20 ACCORDING TO RECORDS OF KING
COUNTY, SHORELINE, WA.**

VIOLATION

An inspection has verified a violation at the subject property. The property was found to be in violation of the Shoreline Development Code that is Chapter 20 of the Shoreline Municipal Code. Violation of provisions of the City of Shoreline land use and development ordinance constitutes a public nuisance. The following are conditions that render the subject property a public nuisance.

Constructing or allowing the construction of the following without first obtaining the required permit(s) in accordance with the Shoreline Municipal Code chapter 15.05 which adopts the International Building

and the International Residential Code pursuant to RCW 19.27.031 and Shoreline Municipal Code 20.10.040, 20.20.040 and 20.30.740.A.3. WORK OBSERVED: REMODEL OF COMMERCIAL BUILDING; TO INCLUDE STRUCTURE DEFINED AS OUTDOOR DECK AND RE-MODEL OF KITCHEN.

Required Corrective Action

The Director has determined that the violations on the subject property must be corrected with the following actions:

1. Apply for and be issued the necessary permit(s)
(Attached is the letter provided by the City of Shoreline regarding corrections required for COM19-2275)

Case History

On May 12, 2017, the City of Shoreline posted a Stop Work at this business for a structure built without a permit (deck). An investigation inspection permit was obtained by Chris Hall. The inspection was done by Ray Allshouse and a corrections letter was issued to the contractor and property owner with corrective actions stating that plans and permits were required.

No further permits or actions have been taken by the ownership group or contractors performing work at the site. The City of Shoreline reviewed the open code enforcement case and scheduled a meeting with the contractor and ownership group on 7/24/2019. During the meeting all documents held prior to the date were re-issued to Paul Opie.

Application for COM19-2275 was made to resolve the outstanding problems identified at the commercial property on 9/12/2019 under the Lynnwood Center LLC. On 10/4/2019 the City of Shoreline issued a corrective actions letter issued by Steve McGlocklin to show guidance on how the property could return to compliance.

To date no actions have been taken to have the property come back into compliance.

Compliance Date

The required corrective actions, and final approval of the work must be completed on or before **(180) days after the permit is ready for issuance.**

The date set for compliance in this Notice and Order takes precedence over any date established for the expiration of any required permit(s) and will be subordinate only to written extension of the Notice and Order.

An extension of the compliance date(s) may be granted at the discretion of the Director. Substantial progress towards compliance is a condition for granting an extension. Requests for extensions must be made at least seven days before the

established compliance date. Requests for extensions should be made in writing and, directed to the Code Enforcement Officer, shall include a description of the work completed, the reason for the extension request and a detailed workplan with the proposed completion date. An inspection will be conducted to determine that substantial progress has been made toward compliance before an extension can be granted or denied.

ALTERNATE COMPLIANCE DATE SECTION

Compliance Dates

Within 7 business days (January 17th, 2020) of the date of service of this Notice and Order; submit and complete your application for permit COM19-2275 and make full payment for the permit.

After completion of the application complete any requests to the applications for all permits identified through the permitting process identified by the City of Shoreline within the timelines provided.

Complete all work and call for and pass required final inspections on or before (180) days from the date the permit or permits are ready to issue.

The date set for compliance in this Notice and Order takes precedence over any date established for the expiration of any required permit(s) and will be subordinate only to written extension of the Notice and Order.

An extension of the compliance date(s) may be granted at the discretion of the Department. Substantial progress towards compliance is a condition for granting an extension. Requests for extensions must be made at least seven days before the established compliance date. Requests for extensions should be made in writing and, directed to the Code Enforcement Officer, shall include a description of the work completed, the reason for the extension request and a detailed workplan with the proposed completion date. An inspection will be conducted to determine that substantial progress has been made toward compliance before an extension can be granted or denied.

Penalties

You are further notified that if the required corrective actions are not completed within the specified time, the Director may:

1. Issue class I civil infraction(s) in the amount of \$250.00 per violation.
2. Assess civil penalties in the amount of \$500.00 for the first fourteen-day period or portion thereof during which the violation is committed, continued, permitted or not corrected. The penalties for the next fourteen-day period shall be one hundred fifty percent of the initial penalties, and the penalties for the next fourteen-day period and each such period or portion thereafter, shall be

double the amount of the initial penalties. If any assessed civil penalty, fee or cost is not paid on or before the due date, the Director may charge the unpaid amount of the penalty as a lien against the property where a code violation occurred and as a joint and several personal obligation of all responsible parties;

3. Proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of all responsible parties;
4. Submit this matter to Superior Court for injunctive relief; and/or
5. Recommend to the City Attorney the filing of criminal misdemeanor charges.

Appeal

Any person named in this Order or having any record or equitable title in the property against which the Notice and Order is written may request an appeal of this Notice and Order. An Appeal must be filed in writing and the appeal must be prepared in accordance with Shoreline Municipal Code 20.30.210 and SMC 20.30.220. Written appeal statements must comply with, and appeal hearings are conducted in accordance with, *City of Shoreline Rules of Procedure for Administrative Hearings, Hearings before the Hearing Examiner*. More specific information on appeals is available through the City Clerk's Office online or at 17500 Midvale Avenue North, Shoreline, WA 98133. The written Appeal must be received by the City Clerk no later than 5:00 p.m. within fourteen days following service of this Notice and Order. *An appeal fee of \$533.00 is required at the time of filing an appeal.*

Failure to appeal within fourteen days renders the Notice and Order a final determination that the conditions described in the Notice and Order existed and constituted a code violation, and that the named party is liable as a responsible party.

This Notice and Order may be recorded against the property in the King County Office of Records and Elections.

As the responsible party, it is your duty to notify the Director of any actions taken to achieve compliance with the Notice and Order.

For additional information or clarification on the permit process please contact (206) 801-2500. For specific questions regarding compliance with this Order, please contact Ryan Odegaard, Code Enforcement Officer, at rodegaard@shorelinewa.gov or by calling 206.801.2700.

Sincerely,


Ryan Odegaard
Code Enforcement Officer



10/8/19

**SHORELINE
CITY COUNCIL**

Will Hall
Mayor

Doris McConnell
Deputy Mayor

Susan Chang

Betsy Robertson

Keith A. McGlashan

Chris Roberts

Keith Scully

Lynnwood Center LLC
19920 HWY 99
Lynnwood, WA 98036
Suite E

Re: Application # COM19-2275

Dear Mr. Opie,

As project manager, City of Shoreline staff has reviewed the application for the above-mentioned project for compliance with the City's adopted codes and ordinances. The following items came up during our reviews. Please respond to each item in writing and indicate where the corresponding revisions or additions can be found by **clouding the change**. Resubmit two (2) copies of revised plans and two (2) copies of all forms, reports, and structural calculations as required.

Codes and Regulations:

Shoreline Municipal Code (SMC)

Shoreline Comprehensive Plan (SCP)

2015 International Building Code (IBC) with Washington State Amendments

2015 International Existing Building Code (IEBC) with Washington State Amendments

ICC/ANSI A117.1-2009 Accessibility Requirements with Washington State Amendments

2015 International Mechanical Code (IMC) with Washington State Amendments

2015 International Energy Conservation Code with Washington State Amendments (WSEC)

2015 Uniform Plumbing Code (UPC) with Washington State Amendments

2015 International Fire Code (IFC) with Shoreline and Washington State Amendments

Project Data:

Current Zone: R-6

Comp Plan Designation: LDR

Stories: 1

SEPA Required: No

Construction Type: Assumed V-B

Occupancy classification: TBD

Seismic Design Category: D

Risk Category: III

Site Class: D

Wind Speed / Exposure: 110 mph / B

Soil Bearing Capacity: assumed 1500 psf

Sprinklers Required: No

Fire Alarm Required: TBD

**SHORELINE MUNICIPAL CODE AND COMPREHENSIVE PLAN
Nora Gierloff, AICP (206) 801.2551**

The Cabin Tavern was established in a residential zone in Richmond Beach prior to the incorporation of Shoreline and is therefore a non-conforming use and structure. The yard on the northeast side of the building contained a patio and deck, both used for outdoor dining. In approximately 2016 the existing deck on the northeast side of the

17500 Midvale Avenue N ♦ Shoreline, Washington 98133
(206) 801-2700 ♦ shorelinewa.gov

building was rebuilt and expanded significantly as well as covered with a trellis/awning. The property owner did not apply for permits for this work and the deck extends along the property line, occupying more of the required 5 foot side yard setback (SMC 20.50.020 A). Per SMC 20.30.280 C and D:

C. Continuation and Maintenance of Nonconformance. A nonconformance may be continued or physically maintained as provided by this Code.

3. **Repair or Reconstruction of Nonconforming Structure.** Any structure nonconforming as to height or setback standards may be repaired or reconstructed; provided, that:

- a. The extent of the previously existing nonconformance is not increased;
- b. The building permit application for repair or reconstruction is submitted within 12 months of the occurrence of damage or destruction; and
- c. The provisions of Chapter 13.12 SMC, Floodplain Management, are met when applicable.

4. **Modifications to Nonconforming Structures.** Modifications to a nonconforming structure may be permitted; provided, the modification does not increase the area, height or degree of an existing nonconformity. Modification of structures that are nonconforming with regards to critical areas may only be permitted consistent with SMC 20.80.040

D. Expansion of Nonconforming Use. A nonconforming use may be expanded subject to approval of a conditional use permit unless the indexed supplemental criteria (SMC 20.40.200) require a special use permit for expansion of the use under the Code. A nonconformance with the development standards shall not be created or increased and the total expansion shall not exceed 10 percent of the use area.

In conclusion: The use of outdoor dining in the yard is accessory to the tavern and considered non-conforming along with the business. The Cabin would be eligible to rebuild the prior deck as it was originally established or expand it in accordance with existing zoning dimensional standards (setbacks, height, coverage). This would not be an expansion of the use as the use of the yard has not changed. The current rebuilt deck does not meet the dimensional standards and the building permit cannot be approved until it is revised to show a modified design that is code compliant.

**CITY OF SHORELINE ENGINEERING DEVELOPMENT GUIDE
Danielle Angiono (206) 801.2529**

No comments at this time.

**INTERNATIONAL BUILDING CODE
Steve McGlocklin (206) 801.2542**

Nonstructural:

- I. A site visit and aerial photos indicate the deck has been expanded and a canopy built over the entire deck. Provide a site plan that shows the existing foot print of the building and deck. Provide a new site plan showing the property lines, proposed deck expansion (see SMC comment above). Please refer to the submittal checklist for other information required in the site plan.

2. Provide a revised application that includes the enlargement of the existing deck as well as the kitchen remodel in the scope of work. (see SMC comment above)
3. Remove all supportive framing for the canopy. See the comment under the SMC comments.
4. Provide a code reference sheet that provides the code information used for this project, the construction type, the occupancy classification and occupant load calculation.
5. Provide the chair and table seating arrangement for the bar, patio and the deck on the plans.
6. Provide the compliance method and classification of work from the 2015 IEBC. This directs the designer and plans examiner on how to design and review the work under this permit.
7. The valuation provided on the application appears to only include the deck work. Provide a revised valuation that also includes the canopy, the interior work and any other work required to correct any existing deficiencies found during this plan review. Please note that the building permit fees will be doubled per the SMC and the IBC.
8. There are a set of stairs that appear to lead up to the dwelling that are not code compliant. Provide code compliant guardrails and handrails with the extensions per sections 1014 and 1015 on both sides of the stair.
9. The handrail on the deck stairs do not meet the code criteria for profile, mounting height, number, the extensions at top and bottom and the handrail returns. See sections 1014 for the criteria.
10. The rise and run of the stairs exceed the maximum rise and run as found in section 1011.5. Provide stair details and section showing compliance.
11. The nosing on the treads does not provide the 1/2" radius as found in section 1011.5.5. Provide revised plan details.
12. Open risers are not allowed per section 1011.5.5.3.
13. The new and or replaced 4x 8 HF, PT #2 beams that span 10' are overspanned. The loading in WA. St. for decks in an assembly occupancy are higher than the IBC criteria. A larger beam or an additional pier pads will be required. Provide stamped calculations from an WA St licensed architect or engineer for the deck framing.
14. Provide a wall section of the new walls in the kitchen area.
15. Provide a ceiling section of the new ceilings in the kitchen area.
16. A 110V exit sign is required over the main entry/ exit per section 1013.
17. A 110V exit sign is required over the patio exit gate per section 1013.
18. Verify that the exit gate from the patio is fitted with panic hardware as required in section 1010.1.10 as amended by the State of Washington, unless you meet one of the exceptions.
19. Verify that all exit doors are fitted with panic hardware as required in section 1010.1.10 as amended by the State of Washington, unless you meet one of the exceptions.
20. Provide the emergency egress illumination as required in section 1008.
21. The new foundation for the expanded deck appears not to meet the frost depth for this region, 12" below grade. The pier pads sit on the existing patio slab with the slab poured on top of the existing soil. Provide a detail on how you propose to meet the code criteria.

ACCESSIBILITY

Steve McGlocklin (206) 801.2542

1. Based on the 2015 International Existing Building Code and the International Building Code, the compliance method and the classification of work needs to be established. This determination directs your designer on what level of accessibility will need to be incorporated into the improvements under this permit application. Please see the information in chapter 4 through 11 of the IEBC and provide the accessible features accordingly. This will dictate accessible parking, the accessible route to entrance and the accessibility route throughout the building and the deck. Revise the plans accordingly.

INTERNATIONAL MECHANICAL CODE

Steve McGlocklin (206) 801.2542

1. Provide a list of the cooking and food heating appliances. The equipment will dictate what type of mechanical hood ventilation is needed. If it is determined that a type I hood is required over any of the cooking equipment a type I exhaust hood and fire suppression system is required. While a type I hood may not be needed, a type II hood system will be required over any cooking or heating equipment, per section 507.1 through 508 unless the manufacturer has a testing report from an accredited test agency that specifically addresses the ventilation requirement. Provide all the details for the hood, shaft and grease duct on the plans.

WASHINGTON STATE ENERGY CODE

Steve McGlocklin (206) 801.2542

1. If any lighting has been added or new circuits run for lighting, fill out the WA. St. Energy forms for lighting. Indicate the changes on the plan.

UNIFORM PLUMBING CODE

Steve McGlocklin (206) 801.2542

1. Submit plans with the new kitchen layout to King Co Dept of Health for approval. We will not be able to issue the permit until we receive a copy of their approval of the remodeled areas. I contacted the KC health dept. and they had no record of the kitchen remodel. If additional plumbing fixtures are required by the health dept include those fixtures on the plumbing application; which then can be included under this permit application.

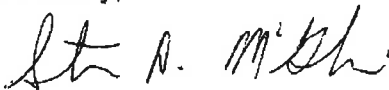
INTERNATIONAL FIRE CODE

Derek LaFontaine (206) 533-6571

1. Show the location of the 2A 10BC fire extinguishers on the floor plan. Please note that a type K fire extinguisher is required in the kitchen area.
2. If it is determined that a type I hood is required over any of the cooking equipment a type I exhaust hood and fire suppression system may be needed. While a type I hood may not be needed, a type II hood system will be required over any cooking or heating equipment unless the manufacturer has a testing report from a accredited test agency.

Your application has been placed on hold until we receive a complete resubmittal of all required items and revisions. Please contact the reviewers listed above if you have questions regarding specific comments. Feel free to contact me at (206) 801.2542 if you have general questions about the status of your application or the overall review process. Per City of Shoreline Municipal Code 20.30.110, applicants shall provide the requested information within 90 days of the request for the additional information. Failure to provide the requested information within this timeline will result in the permit application being deemed null and void."

Sincerely,



Steve A. McGlocklin

Plans Examiner III

206.801.2542

smcglocklin@shorelinewa.gov