



City Manager's Office

17500 Midvale Avenue North
Shoreline, WA 98133-4905
Telephone: (206) 801-2700

NOTICE OF VIOLATION AND ORDER TO CORRECT

September 25, 2023

MV Public Transportation, Inc.
Attn: John Gray, General Manager King County Access Services
16325 5th Avenue NE
Shoreline, WA 98155

Re: Code Enforcement Case No. 23-0262
Unpermitted Use of Property

On July 17, 2023, the Director of Planning and Community Development (Director) provided you with a Pre-Notification of Violation sent by email and certified mail. The Pre-Notification stated that the current use occurring on the subject property identified below was operating without an approved Special Use Permit in violation of the Shoreline Municipal Code (SMC). Per SMC 20.30.730(A), the Director finds that you, as tenant and operator under contract to King County Metro, to be a responsible party for the violations set forth in this Notice of Violation and Order to Correct (Notice and Order). The subject property is identified as follows:

Address: 16325 5th Avenue NE
Parcel Number: 730130-0185
Legal Description: RIDGE CREST PARK ADD DIV #2 TR A & 23 THRU 27 LESS
CO RD

VIOLATIONS:

In the July 17 Pre-Notification, the Director stated that the current use and operation of a “transit bus base,” as defined in SMC 20.20.048, was a violation of the Shoreline Municipal Code. The subject property is zoned as Community Business (CB) on the City’s Official Zoning Map. Pursuant to SMC 20.40.110 and 20.40.140, a transit bus base is only permitted in the CB zoning district after receiving approval of a Special Use Permit (SUP) (see also SMC 20.30.060). SMC 20.10.040 states that no development, which includes the use of land, shall occur except in compliance with the SMC and only after securing all required permits.

You do not have a Special Use Permit for a transit bus base to operate on the subject property. The operation and continued operation of the use renders the subject property a public nuisance.

SMC 20.10.040: Unpermitted use of land
SMC 20.40.140: Special Use Permit required for Transit Bus Base in CB
Zoning District
SMC 20.30.330: Special Use Permit procedures and criteria
SMC 20.30.740(A): Creating a public nuisance by violating land use code

Required Compliance Action and Compliance Date:

Within thirty (30) calendar days of the date of this Notice and Order, terminate the use.

Alternative Compliance Action and Compliance Date:

Within thirty (30) calendar days of the date of this Notice and Order, work with the City Attorney to develop a Consent Agreement and execute said Agreement. Such an Agreement must, at a minimum, provide the following provisions:

- a. Acknowledge that the use of the subject project as a transit bus base is an unpermitted use in violation of the SMC;
- b. Requires termination of the use by November 1, 2024;

- c. If a new lease agreement is entered into by MV Transportation or King County Metro with the property owner, Black Brandt, LLVC, subject to the City's approval, requires termination of the use by December 31, 2026;
- d. Agree that no extension will be granted beyond the December 31, 2026 deadline for termination;
- e. Establish penalties for failure to satisfy the compliance action(s) and deadlines set forth in the Agreement; and
- f. Authorize the City to enter the property and abate the use without a court order and to lien the subject property for any unpaid penalties, costs, and expenses related to this matter for violation of the terms and conditions of the Agreement.

If you fail to comply with the required compliance action or enter into the alternative compliance action by the stated deadline, the Director may proceed to abate the violation and charge the costs of such abatement as a lien against the subject property and as a joint and several personal obligation of all responsible parties. In addition, failure to correct the violations could lead to denial of subsequent City permit applications on the subject property.

Civil Penalties:

If the required corrective action is not completed within the specified compliance date, the Director may:

1. Issue class I civil infractions in the amount of \$250.00 per violation.
2. As provided in SMC 20.30.770(D)(1), assess civil penalties in the amount of \$500.00 per violation for the first fourteen-day period or portion thereof during which the violation is 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. Any civil penalty imposed shall be paid within thirty (30) calendar days following the City's determination that compliance has been achieved.
3. As provided in SMC 20.30.770(D)(3), assess a penalty of \$2,000 for a deliberate violation of the SMC.
4. Recommend to the City Attorney the filing of a civil abatement action and/or criminal misdemeanor charges.
5. If any assessed civil penalty, fee, or cost is not paid on or before the due date, including any costs or fees awarded by the court for abatement, the Director may

charge the unpaid amount as a lien against the property where the violation occurred and as a joint and several personal obligation of all responsible parties

APPEAL:

You, or any person having record or equitable title in the subject property, may appeal this Notice and Order by filing a written appeal statement in accordance with SMC 20.30.790 and the City of Shoreline Hearing Examiner Rules of Procedure. A written appeal must be filed with the City Clerk within fourteen (14) calendar days of the date of service of this Notice and Order. Appeals must be physically received by the City Clerk no later than 5:00 pm local time on the date due. An appeal fee of \$639.00 is required at the time of filing an appeal.

Failure to appeal within fourteen (14) calendar 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 parties are, jointly and severally, liable as a responsible party. **Your decision to undertake the required compliance action or the alternative compliance action does not stay the deadline for filing an appeal.**

This Notice and Order may be recorded against the subject property in the King County Recorder's Office.

As the responsible party, it is your duty to notify the Director of any actions taken to achieve compliance with the Notice and Order. You may request a compliance inspection by calling or emailing the Code Enforcement Officer at the phone number or email address provided below.

Sincerely,



Ryan Odegaard
Code Enforcement Officer
Phone 206-801-2266
rodegaard@shorelinewa.gov