



### **Major Conditional Use Permit (CUP) Staff Report**

**File Number(s):** CUP20-0002

**Project Name:** A1 Right Towing & Recovery Impound Lot

**Project Address:** 18451 Des Moines Memorial Dr, SeaTac, WA, 98148, PIN 3223049048

**Parcel Number:** 3223049048

**Project Summary:** Major conditional use permit (CUP) for operation of impound lot as registered tow truck operator for local and state law enforcement.

**Property Owner:** 18451 DM Drive LLC; 3033 W Viewmont W, Seattle, WA 98199

**Tenant:** AAAA LLC, DBA A1 Right Towing and Recovery; 18451 Des Moines Memorial Dr S, SeaTac, WA 98148

**Applicant (Subtenant):** Maria Resendes; 18451 Des Moines Memorial Dr S, SeaTac, WA 98148

**Designated Contact:** James Resendes; 18451 Des Moines Memorial Dr S, SeaTac, WA 98148

#### **I. Background**

##### **A. History**

In approximately August 2019 City Staff started conversations with the applicant and the current property tenant about the possibility of operating a towing and impound lot within the proposed site on parcel 3223049048 and within adjacent WSDOT right of way (ROW) space leased by AAAA LLC, DBA A1 Right Towing and Recovery. City Staff met with the applicant and current tenant on December 31, 2019 to provide notes and discuss their proposal in a pre-application meeting. On August 13, 2020 the applicant submitted an application for conditional use permit which was determined to be incomplete on August 28, 2020. On January 5, 2021 the applicant submitted the outstanding items, and the application was determined to be complete.

On March 10, 2021 the City was contacted by a WSDOT representative to inform the City that they have found evidence that a portion the area of ROW leased to A-1 Right Towing and within a wetland buffer had been illegally disturbed in January 2018 (exhibit I). The City is currently proceeding with the leasee to address this violation.

##### **B. Proposal**

The proposal is to designate the existing fenced area within parcel 3223049048 as an impound lot for local and state law enforcement, changing from the current use as vehicle storage. No physical alterations to the site are proposed by the applicant. The ROW directly west of parcel 3223049048 is not proposed to be used for an impound lot as part of this proposal.

## C. Site and Neighborhood

### 1. Site Description

The site is located west of 12<sup>th</sup> Ave S, south of the SR 509 off ramp onto Des Moines Memorial Drive, and east of WSDOT ROW for the SR 509 Phase II completion project. The site consists of a single parcel 28,386 square feet in size. The site is relatively flat, but gradually slopes downward from northeast to southwest, with a decrease in elevation of roughly five feet from an elevation of 310 feet to 305 feet. The only permanent structure on the site is an encroachment of the structure identified as “SERVICE BUILDING” in exhibit E, of approximately 500 total square feet along the eastern property line. The non-panhandle portion of the parcel is primarily asphalted parking area with limited vegetation and dirt surrounding this area and running alongside the access portion of the parcel.

The area surrounding this parcel includes numerous other automotive uses of similar site character. The WSDOT ROW area to the west of the parcel is known to contain significant amounts of wetland buffer exhibit I.

### Land Use

The land use for the site and adjacent properties are as follows:

- a. Site: Vehicle Storage
- b. North: Vehicle Storage
- c. South: Hertz Car Rental
- d. East: Auto Repair
- e. West: WSDOT ROW leased to A1 Right Towing for use of impounding vehicles.

### 2. Zoning

- a. Site: I (Industrial)
- b. North: I (Industrial)
- c. South: I (Industrial)
- d. East: I (Industrial)
- e. West: N/A (WSDOT ROW for SR 509 Phase II)

### 3. Comprehensive Plan Designations

- a. Site: I (Industrial)
- b. North: I (Industrial)
- c. South: I (Industrial)
- d. East: I (Industrial)
- e. West: N/A (WSDOT ROW for SR 509 Phase II)

### 4. Utilities, Services

The utilities and services for the site are as follows:

- a. Water District: Highline Water District
- b. Sewer District: Midway Sewer District
- c. School District: Highline School District
- d. Fire District: Puget Sound Regional Fire Authority

## D. Public Comments

A Notice of Application (NOA) was published in the Seattle Times on January 26, 2021 (exhibit C). The NOA was also posted on the site and mailed to property owners within 500 feet of the site. No public comments were received for the proposal.

## E. SEPA Review

This project was found to be exempt from SEPA review due to the lack of modifications proposed for the site or meeting other criteria thresholds.

## II. Findings

### A. Compliance with Development Standards

As part of the Conditional Use Permit review, City staff analyzed the proposal for compliance with the applicable development standards of the zoning code. As the tables below illustrate, the proposal complies with the applicable zoning code regulations with the exception of an encroachment from an adjacent building, and select landscaping requirements, for which staff has recommended conditions of approval.

#### Dimensional Standards

Standard	Requirement	Proposal	Complies?
Lot area, minimum	N/A	28,386 square feet	Yes
Development site area, minimum	N/A	N/A	N/A
<b>Setbacks</b>			
Front, minimum	10 feet	27 feet, no new structures proposed	Yes
Front, maximum	N/A	N/A	Yes
Rear, minimum	5 feet	18 feet	Yes
Side, minimum	5 feet	No new structures, or modification of existing structure proposed.	Yes, proposal does not increase the non-conforming structure encroaching on eastern property line.
Building lot coverage, maximum	85%	Less than 2%	Yes
Lot width, minimum	N/A	175 feet	Yes
Structure height, minimum	N/A	N/A	N/A
Structure height, maximum	75 feet	~15 feet	Yes

Landscaping Standards

Standard	Requirement	Proposal	Complies?
Street frontage	10 feet, Type II	5-10 feet of grass landscaping, no alteration proposed	Yes, to extent possible with staff recommendation
Building façade	N/A	N/A	Yes
Side/rear yards	5 feet, Type I	5-10 feet of grass landscaping, no alteration proposed	Yes, to extent possible with staff recommendation
Side/rear yards for non-compatible uses	N/A	N/A	N/A
Parking lot	N/A	No existing landscaping, no alteration proposed	Yes

Parking Standards

Standard	Requirement	Proposal	Complies?
Off-street parking spaces, minimum	N/A	N/A	N/A
Off-street parking spaces, maximum	N/A	N/A	N/A
Off-street loading spaces	N/A	N/A	N/A
Parking space dimension	8.5 feet by 18 feet	8.5 feet by 18 feet	Yes
Loading space dimension	N/A	N/A	N/A

**B. Applicable SeaTac Municipal Code**

Decision criteria for conditional use permits are found under SMC 15.115.020(D). The Applicant's and Staff's responses to the criteria are provided below.

**C. Conditional Use Permit Criteria**

1. The proposed use is listed as a conditional use under SMC 15.205.040, Use Chart.
  - a. *Applicant Comment:* No applicant response.
  - b. *Staff Findings:* "Towing Operation" is listed as a conditional use in the Industrial zone.

2. The site is adequate in size and shape for the proposed project and the use conforms to the general character of the neighborhood.
  - a. *Applicant Comment:* Yes, the proposed area is already an area used for parking vehicles, and has fence on all 4 sides with roll gate.
  - b. *Staff Findings:* Staff concurs that site conditions are similar to and conform with the general character of the neighborhood. This area contains numerous automotive uses, with storage and repair of vehicles the predominant uses in the area. The limited staff recommendations would not have marked impacts of the aesthetics of the site related to the character of the neighborhood.
3. The unique character of topography, arterial streets and adjacent land use complement the proposed conditional use.
  - a. *Applicant Comment:* The area around the proposed Impound Lot is already being used for commercial business, there is a Hertz rental car parking lot, trucking business, and automotive shops. The entrance coming into Impound Lot is also for business use for this lot only.
  - b. *Staff Findings:* The site has limited visibility from public streets and is obscured by the building to the east, trees and vegetation to the north, and nine acre Hertz site to the South. As part of Phase II of the WSDOT SR 509 Completion project, an extension of SR 509 will run alongside the western portion of the project area, likely increasing the noise experienced at this site. This completion project is tentatively projected to undertake construction in this area between 2025 and 2031.
4. The conditional use would not be detrimental to surrounding land use.
  - a. *Applicant Comment:* No, this would not affect any of the existing business around the proposed Lot.
  - b. *Staff Findings:* Staff concurs with the applicant that the proposed use would have limited impact, and not be detrimental to the surrounding land uses. The proposed use would require minimal site modifications and would function in a very similar manner as the existing vehicle storage.
5. Modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this code.
  - a. *Applicant Comment:* No modifications are needed to be made that would impact the standards of this code.
  - b. *Staff Findings:* The proposed lack of modifications to the site does not address non-conforming features, including the lack of perimeter landscaping and stormwater facilities. Staff has concerns that lack of these features may exacerbate potential for contamination from damaged vehicles, and includes addressing these issues as recommendations for conditions of approval.
6. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.
  - a. *Applicant Comment:* No applicant response.

*Staff Findings:* Staff does not anticipate this use to conflict with existing and anticipated vehicular and pedestrian traffic in this area. Access to the site is from 12<sup>th</sup> Ave S along the panhandle portion of the lot, and ends at the fenced off WSDOT ROW area. Staff anticipates that any limited additional traffic to the site will be able to be handled based on existing conditions, and this use will be unlikely to create a peak time corresponding to other uses with high evening commute traffic volumes. There is no anticipation of increased pedestrian traffic into the site or surrounding area.

7. The conditional use will be supported by adequate public facilities or services, and will not adversely affect public services to the surrounding area unless conditions can be established to mitigate adverse impacts.
  - a. *Applicant Comment:* No applicant response.
  - b. *Staff Findings:* The existing site does not have any stormwater facilities. Water appears to sheet flow across the site into the vegetated area along the access drive along the southern portion of the site. Staff has concerns that storing recently damaged and inoperable vehicles on a paved surface with no stormwater collection facilities, and in proximity of wetland buffers (exhibit I) presents the potential for infiltration of contaminants into the environment, and possibly groundwater. Staff is recommending that an STE permit be required to address these concerns, as overseen by the Public Works Department.

### **III. Staff Recommendations**

Staff recommends approval of the major conditional use permit subject to the following conditions:

- A. The Conditional Use Permit approval shall be valid for a period of one (1) year. If a site (STE) permit application is not made before the expiration of that period, a new Conditional Use Permit application will be required.
- B. The applicant shall coordinate with the City of SeaTac Public Works Department and apply for a site (STE) and ROW permits for the purpose of adequately addressing stormwater and mitigate the impacts of any potential spill events.
- C. Landscaping plans showing the width, type (e.g. Type I, Type II), planting plans and details (e.g. species, location, number, size, spacing, legend, notes), must be submitted with the STE permit to address deficiencies in plantings along the northern property line and access drive as a requirement for approval of the STE permit.

### **IV. Exhibits**

- A. Application
- B. Determination of Completeness
- C. Notice of Application (NOA)
- D. Vicinity map
- E. Site plan
- F. Aerial photos
- G. Site photos
- H. Public Works Comment Letter
- I. WSDOT Memo on clearing in wetland buffer

- J. Supplemental information from applicant
- K. Correspondence with property owner
- L. Public hearing notice

**Prepared by:** Neil Tabor, *Associate Planner*

**Prepared on:** 04/13/2021