

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATAC**

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|--|---|-----------------------------------|
| In the Matter of the Application of |) | Nos. CUP22-0001 and VAR22-0007 |
| |) | |
| Casey Kispert, on behalf of |) | Secure Space Self-Service Storage |
| Echo Four, LLC |) | |
| |) | |
| For a Major Conditional Use Permit and |) | FINDINGS, CONCLUSIONS, |
| <u>an Engineering Variance</u> |) | AND DECISION |

SUMMARY OF DECISION

The request for a major conditional use permit to allow for the construction of a five-story self-service storage facility, and for an engineering variance to deviate from local street frontage improvement requirements, on a 1.8-acre property located at the southwest corner of South 204th Street and 28th Avenue South, is **APPROVED**. Conditions are necessary to address specific impacts of the proposed development.

SUMMARY OF RECORD

Hearing Date:

The Hearing Examiner held an open record hearing on the request on November 16, 2022, using remote meeting technology.

Testimony:

The following individuals presented testimony under oath at the open record hearing:

Dennis Hartwick, City Senior Planner
Jenn Kester, City Planning Manager
Trevor Ralph, City Civil Engineer
Brian Sorensen, Applicant Representative

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated November 8, 2022
2. Application Materials:
 - A. Master Land Use Application, dated May 5, 2022
 - B. Conditional Use Permit Submittal Checklist, dated May 5, 2022
 - C. Multimodal Transportation Concurrency, undated
 - D. SEPA Environmental Checklist, dated May 5, 2022
 - E. Engineering Variance Application, dated August 23, 2022

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3. Plans:
 - A. Site Plan, dated October 12, 2022
 - B. Landscaping Plan, dated October 21, 2022
 - C. Building Elevations and Renderings, dated October 12, 2022
 - D. Sound Transit Easements, dated October 12, 2022
 - E. 28th Avenue South Plans, dated September 28, 2022
4. Maps:
 - A. Vicinity Map
 - B. Aerial Photograph
 - C. Zoning Map
 - D. Comprehensive Plan Map
5. Determination of Completeness, dated May 10, 2022
6. Final Staff Evaluation for Environmental Checklist, dated September 28, 2022
7. Traffic Impact Analysis, Kimley-Horn and Associates, Inc., dated April 2022
8. City Public Works Department Memorandum, dated November 8, 2022
9. Notice Materials:
 - A. Certification of Public Notice, dated November 4, 2022
 - B. Notice of Application, dated May 31, 2022
 - C. Determination of Nonsignificance, dated October 5, 2022
 - D. Notice of Public Hearing, dated November 2, 2022
10. Agency Comments:
 - A. Comment from Washington State Department of Ecology, dated June 14, 2022
 - B. Comments from Sound Transit, dated October 19 and 26, 2022
11. Policy CED-503, effective March 23, 2018
12. Staff PowerPoint

The Hearing Examiner enters the following findings and conclusions based upon the testimony and exhibits admitted at the open record hearing:

FINDINGS

Application and Notice

1. Casey Kispert, on behalf of Echo Four, LLC (Applicant), requests approval of a major conditional use permit to allow for the construction of an approximately 160,000 square foot self-service storage facility on a 1.8-acre property. The proposed storage facility would have five stories, including a basement story, and would include a leasing office and a caretaker dwelling unit. The facility would provide 11 parking spaces and six loading spaces. The Applicant also requests an engineering variance to deviate from local road requirements for half-street frontage improvements that would be required along 28th Avenue South, a dead-end street. 28th Avenue South is classified as a local road, which generally requires at least 60 feet of right-of-way to accommodate frontage improvements that include 11-foot travel lanes, five-foot bicycle lanes, four-foot landscaping zones, and a six-foot sidewalk. The existing right-of-way is only 40 feet

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wide with a 20-foot asphalt drive that meanders around three columns supporting Sound Transit's Link light rail aerial guideway. The Applicant, in consultation with the City of SeaTac (City), is proposing to widen the existing asphalt drive to create two 11-foot travel lanes, install an expanded landscaping zone to incorporate the northernmost column, and construct a six-foot sidewalk on the west side of 28th Avenue South. Access to the site would be provided from both South 204th Avenue and 28th Avenue South, which are classified as local roads. The property is located at the southwest corner of South 204th Street and 28th Avenue South.¹ *Exhibit 1, Staff Report, pages 1 and 6; Exhibit 2; Exhibit 3; Exhibit 8.*

2. The City determined that the application was complete on May 10, 2022.² On May 31, 2022, the City provided notice of the application by mailing notice to property owners within 500 feet of the property and to reviewing agencies, with a comment deadline of June 14, 2022. The same day, the City published notice of the application in *The Seattle Times* and posted notice on-site, on the City's website, at City Hall, and in the Washington State Department of Ecology (DOE) State Environmental Policy Act (SEPA) Register. On October 26, 2022, the City provided notice of the open record hearing associated with the application by mailing notice to property owners within 500 feet of the property, publishing notice in *The Seattle Times*, and posting notice on-site, on the City's website, and at City Hall. *Exhibit 1, Staff Report, pages 2 and 7; Exhibit 5; Exhibit 9.*
3. The City did not receive any comments on the proposal from members of the public in response to its notice materials. The City received a comment on the proposal from DOE, which noted that the project site is located in an area that may have been contaminated with heavy metals from the former Asarco smelter in north Tacoma. DOE recommended that, prior to the issuance of site development permits, the City require the Applicant to sample the soil and analyze it for presence of arsenic and lead, and, if lead and arsenic are found at concentrations above the Model Toxic Control Act (MTCA) cleanup levels, to develop a soil remediation plan and enter into the Voluntary Cleanup Program. *Exhibit 1, Staff Report, page 7; Exhibit 10.A.*

State Environmental Policy Act

4. The City acted as lead agency and analyzed the environmental impacts of the project as required by the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). After analyzing the Applicant's environmental checklist and other available information, the City determined that the project would not have a probable significant adverse impact on the environment. Accordingly, the City issued a

¹ The property is identified by tax parcel number 344500-0140. *Exhibit 1, Staff Report, page 1.*

² The conditional use permit was deemed complete on May 10, 2022. The engineering variance application was later submitted on August 23, 2022. *Exhibit 1, Staff Report, page 2; Exhibit 2.E; Exhibit 5.*

Determination of Nonsignificance (DNS) on October 5, 2022, with a comment deadline of October 19, 2022, and an appeal deadline of October 31, 2022. Sound Transit submitted a comment stating that the Applicant's SEPA environmental checklist did not identify the location of the Link light rail guideways on the parcel and that the construction of the proposed development would conflict with the temporary construction easement on the property for the aerial guideway. In response, the City provided Sound Transit with a site plan showing that the proposed development would be set back ten feet from Sound Transit's temporary construction easement and would be set back 45 feet from the permanent easement. City Senior Planner Dennis Hartwick explained at the hearing that Sound Transit met with City staff on October 26, 2022, and determined that the proposed development would not interfere with the agency's easements. Sound Transit did not further comment on the proposal and the DNS was not appealed. *Exhibit 1, Staff Report, pages 2 and 7; Exhibit 2.D; Exhibit 6; Exhibit 9.C; Exhibit 10.B; Testimony of Dennis Hartwick.*

Comprehensive Plan and Zoning

5. The property is designated "Regional Business Mix" by the City Comprehensive Plan. The Regional Business Mix designation is intended to "create a built environment which facilitates the compatible development of heavy commercial uses in tandem with people-intensive uses, while providing as appropriate transition between industrial areas and less intensive commercial, mixed use or residential zones." *City Comprehensive Plan, page LU-16.* The designation allows "a mix of employment activities primarily related to high intensity commercial uses including distribution/warehouse, light assembly, R&D testing, service commercial uses, office and related retail commercial uses." *City Comprehensive Plan, page LU-16. Exhibit 1, Staff Report, page 2; Exhibit 4.D.*
6. The property is located within the Regional Business Mix (RBX) zoning district. The purpose of the RBX zoning district is to "provide a higher intensity commercial zone providing areas for the compatible development of heavy commercial uses such as warehouse/distribution, light assembly and service commercial in tandem with people-intensive commercial uses, such as office and related retail uses." *SeaTac Municipal Code (SMC) 15.200.030.J.* The RBX zone is "a transitional zone between industrial areas and less intensive commercial, mixed use or residential zones." *SMC 15.200.030.J.* Self-service storage facilities are permitted in the RBX zoning district with a conditional use permit. *SMC 15.205.040.* A caretaker/manager dwelling unit is permitted outright in the RBX zone. *SMC 15.205.040. Exhibit 1, Staff Report, pages 2 and 4; Exhibit 4.C.*
7. Development standards for buildings within the RBX zoning district generally require a maximum building lot coverage of 75 percent and a maximum structure height limited by Federal Aviation Administration (FAA) regulations. *SMC 15.400.200.* The proposed self-storage facility building would cover 42 percent of the lot, consistent with the maximum building lot coverage requirement. During the open record hearing, Mr.

Hartwick testified that the FAA has approved a building height of 65 feet. Landscaping standards specific to self-service storage facilities require ten feet of Type III landscaping along the street frontage, five feet of Type V landscaping for the building façade, five feet of Type II landscaping for side and rear yards, and five feet of Type III landscaping for the perimeter of parking lots, with at least one landscape island for every seven parking spaces. *SMC 15.445.210; SMC 15.445.250*. City staff reviewed the Applicant's landscaping plan and determined that the proposal would comply with these landscaping requirements. Parking standards for self-service storage facilities require a minimum of one designated off-street parking space per employee and three off-street parking spaces for customers. *SMC 15.455.120*. City staff indicated that the proposed development would be required to have a minimum of six parking spaces to meet these standards. The proposed development would exceed this requirement by providing 11 off-street parking spaces and six loading spaces. *Exhibit 1, Staff Report, pages 3 and 4; Exhibit 3.B*.

Existing Site and Surrounding Uses

8. The 1.8-acre parcel generally slopes down to the southwest, with an additional downward slope near the center of the property to the south. The property is heavily forested and remained undeveloped until late 2021, when Sound Transit began construction of the aerial guideway for the Link light rail extension to Federal Way. Sound Transit has a permanent easement for the aerial guideway the covers approximately 4,000 square feet of the eastern portion of the subject parcel, extending 30 feet from the eastern boundary on the north end and 20 feet on the south end. The agency also has a 35-foot temporary construction easement, which will remain in place until June 4, 2024, that buffers the permanent easement. Adjacent property to the east is zoned Commercial Business in Urban Center and is currently vacant. Adjacent property to the south is zoned Mobile Home Park and is currently vacant. Property to the north, across South 204th Street, is zoned RBX and is developed with a professional office. Property to the west contains Washington State Department of Transportation (WSDOT) right-of-way for the future expansion of SR-509. *Exhibit 1, Staff Report, pages 1 and 2; Exhibit 3.D; Exhibit 4.A; Exhibit 4.B*.

Conditional Use Permit

9. As noted above, the Applicant requests a CUP to construct an approximately 160,000 square foot self-service storage facility, with a leasing office and caretaker dwelling unit. The Applicant's submitted materials addressed how the proposal would comply with the specific requirements for a CUP under SMC 15.115.020.D. Specifically, the Applicant contends:
 - Per SMC 15.205.040, self-service storage is listed as a conditional use in the RBX zone.
 - The project site consists of an approximately 71,134 square foot rectangular parcel located along the International Boulevard commercial corridor. The property is the ideal shape and size for self-service storage because it would allow

for a consolidated footprint with multiple points of entry to the building. Additionally, the self-service storage facility would enhance the commercial character of the neighborhood without impacting adjacent properties.

- Factors such as grade, access, and regional transit play a large role in shaping the development opportunities for the subject parcel. With more than 60 feet of elevation change from east to west, topography is a significant factor in determining the feasibility of uses on-site. The proposed storage facility would contain minimal parking and would take advantage of the topography by creating multiple levels of access. The proposed building would terrace into the grade to reduce the height and scale of the development without sacrificing interior space. Additionally, the site has limited access due to the dead-end at South 204th Street. More intense commercial developments would require significant improvements to both South 204th Street and 28th Avenue. The proximity of the Sound Transit light rail along the eastern edge of the property and the associated easements prevent the site area from being maximized.
- The proposed self-service storage facility would provide a benefit to local businesses and residents needing secure storage space. The proposed development is not anticipated to cause detriment to any surrounding uses.
- The proposed development is a relatively low-traffic use generating approximately 23 PM peak-hour trips. The limited increase of traffic in the area would not present a hazard to the current pedestrian and vehicle traffic in the neighborhood.
- The development would have a very low impact on public utilities such as water and sewer. The building would generate very little waste, utilize minimal amounts of water, and would manage stormwater on-site. The proposed facility would meet all building code standards for fire safety and would have a minimal impact on emergency services in the area.

Exhibit 1, Staff Report, pages 4 through 6.

10. City staff reviewed the proposal and determined that it would meet the criteria for approval of a conditional use permit under SMC 15.115.020.D. Specifically, City staff determined:
 - Self-service storage is a conditional use and a caretaker/manager dwelling unit is a permitted use in the RBX zone under SMC 15.205.040.
 - The 1.8-acre property would have 42 percent building lot coverage, well under the 75 percent maximum permitted in the RBX zone. The building would have generous building setbacks of approximately 90 feet from the western property line and 75 feet from the eastern property line. Setbacks from the northern and southern property lines would be 15 feet and 11 feet, respectively. Due to the parcel's topography and the proposed landscaping, views of the building would be limited from the east and northeast. A self-service storage facility comports with

the Comprehensive Plan designation that envisions high-intensity commercial uses.

- The parcel's sloping topography, proximity to International Boulevard, South 200th Street, and SR-509, and adjacent land uses would complement the proposed use. The parcel's elevation change would allow for multiple levels of access to the building, and the generally rectangular shape of the parcel would allow for a consolidated building design. International Boulevard, the City's main north-south principal arterial, is approximately 100 feet east of the site. South 200th Street, another principal arterial, is approximately 1,300 feet to the north. SR-509 is expected to be completed in 2025 and would be accessed off 26th Avenue South via South 200th Street. The surrounding land uses of professional office and WSDOT right-of-way for SR-509 would complement a self-service storage facility.
- The proposed use would not be detrimental to surrounding land uses. Self-service storage facilities do not generate significant numbers of vehicle trips, noise, air pollution, or other negative externalities that can impact adjacent land uses. Exterior lighting would be designed to reduce glare and light trespass.
- No modifications to dimensional standards of the zoning code are proposed.
- The proposed use would not create a hazard to the existing and anticipated pedestrian and vehicle traffic in the neighborhood. South 204th Street is a dead-end street that serves only the subject parcel and a parcel to the north, which is developed with a professional office building. 28th Avenue South is also a dead-end street that serves only the subject property and two vacant properties, which the Applicant has under contract to purchase from the Port of Seattle for expansion of the proposed self-service storage facility. The proposed development would improve pedestrian and vehicle traffic by installing a sidewalk, a landscaping zone, and on-street parking on the south side of South 204th Street, by installing a sidewalk and landscaping zone on the west side of 28th Avenue South, and by widening the travel lanes of 28th Avenue South from 8 feet to 11 feet.
- Adequate public facilities and services are available to serve the site. Water utilities would be provided by the Highline District. Sewer services would be provided by the Midway District. Puget Sound Regional Fire Authority would provide emergency services to the site. Access to the site would be provided from both South 204th Avenue and 28th Avenue South, which are local roads. South 204th Street connects to International Boulevard, the City's main north-south principal arterial. 28th Avenue South connects to South 200th Street, a principal arterial.

Exhibit 1, Staff Report, pages 4 through 6.

11. Kimley-Horn and Associates, Inc. submitted a traffic impact analysis (TIA) on behalf of the Applicant, dated April 2022. The TIA determined that the proposed development

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would generate 224 average daily trips (ADT), with 23 PM peak-hour trips. The report also determined that all studied intersections would continue to operate at level of service (LOS) A during the PM peak hour. The City set a traffic mitigation fee rate for mini-warehouse developments of \$635 per 1,000 square feet. The Applicant would pay a transportation impact fee of \$98,038.29 for the proposed development. Traffic impact fees would be applied to the proposal during building permit issuance. *Exhibit 7; Exhibit 8.*

Engineering Variance

12. The Applicant has requested a variance to deviate from the required half-street improvements for 28th Avenue South because of the location of the columns supporting Sound Transit's Link light rail aerial guideway and because 28th Avenue is a dead-end street that serves only four parcels. 28th Avenue is classified as a local road, which would generally require at least 60 feet of right-of-way (ROW) to allow for standard improvements that include 11-foot travel lanes, five-foot bicycle lanes, four-foot landscaping zones, and six-foot sidewalks. *SMC 11.05.100; City of SeaTac Addendum to Road Standards, Appendix D: Road Standard Sections.* As noted above, the existing right-of-way is only 40 feet wide, with a 20-foot asphalt drive that meanders around three columns supporting the Link light rail extension.

City staff analyzed the proposal against the requirements for approval of an engineering variance to the City's road standards and made the following determinations:

- The northernmost column is located 12 feet outside of the existing right-of-way. The second column, however, straddles the ROW and the parcel, and the third column is located fully within the ROW. The location of these columns would interfere with bicycle and vehicle lanes. The Applicant is proposing to widen the existing drive by two feet, creating two 11-foot travel lanes, and to install a six-inch curb, six-foot sidewalk, and 15.3-foot planter strip to incorporate the northernmost column on the west side of 28th Avenue South.
- The relevant portion of 28th Avenue is south of 204th Street and a dead-end. The road serves three parcels on the west side, including the subject property and two parcels owned by the Port of Seattle, and a parcel on the east side that owned by the City. The Applicant is in negotiations with the Port of Seattle to purchase the two western parcels for a potential expansion of the self-service storage facility. The City's parcel, which also has access from International Boulevard, has limited development potential because of steep terrain and its narrow triangular shape.
- City staff supports the deviation request because of the physical limitations created by the aerial guideway's support columns and because the ROW improvements would still provide adequate pedestrian vehicular access to the parcels located south of the subject property.

- The City Public Works Department submitted a memorandum on November 8, 2022, analyzing the application for the proposed development, including the variance request, and recommended approval, with conditions that have been incorporated in City staff's recommended conditions of approval.

Exhibit 1, Staff Report, pages 6 and 7; Exhibit 8.

Testimony

13. City Senior Planner Dennis Hartwick testified generally about the proposal, the review process that occurred, and how, with conditions, the proposal would be consistent with the City's Comprehensive Plan and zoning ordinances and would meet the requirements for approval of a conditional use permit and variance. He noted that the necessity for an engineering variance was not identified until review of the application began. Mr. Hartwick explained that the RBX zone has only two dimensional requirements, including the requirement that the building height be approved by the Federal Aviation Administration (FAA). He testified that the FAA approved the proposed 65-foot building height. Mr. Hartwick described how the subject property would be well suited for the proposed development, noting that the property's elevation would allow for multiple access points to the building and would screen part of the building. Mr. Hartwick stated that the proposed development would not be detrimental to surrounding land uses and would improve access to the area. He noted that two 11-foot travel lanes would be sufficient to serve the parcels south of the subject property on 28th Avenue South. Mr. Hartwick explained that the Applicant has been working with Sound Transit to ensure that the proposed development would be compatible with the agency's projects. Finally, he noted that the City's SEPA determination had not been appealed. *Testimony of Mr. Hartwick.*

14. City Planning Manager Jenn Kester testified that engineering variances are typically reviewed and approved administratively but that the variance was being reviewed by the Hearing Examiner under the City's consolidated review process. She noted that the need for a variance is usually not identified until construction permitting. Ms. Kester clarified that engineering variances specific to the City's road standards are reviewed under the criteria found in SMC 11.05.170. *Testimony of Ms. Kester.*

15. City Civil Engineer Trevor Ralph testified that he concurs with Planning Manager Kester's determination concerning the road standards variance. *Testimony of Mr. Ralph.*

16. Applicant Representative Brian Sorensen testified that the Applicant has been working closely with the City to design the proposed development. *Testimony of Mr. Sorensen.*

Staff Recommendation

17. Mr. Hartwick testified that City staff recommends approval of the applications for a conditional use permit and variance, with conditions. Mr. Sorensen testified that the

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Applicant understands and would comply with City staff's recommended conditions of approval. *Exhibit 1, Staff Report, pages 7 and 8; Testimony of Mr. Hartwick; Testimony of Mr. Sorensen.*

CONCLUSIONS

Jurisdiction

The City of SeaTac Hearing Examiner is authorized to hear and decide applications for a major conditional use permit and, through the City's consolidated permit process, applications for an engineering variance. *SMC 1.20.100; SMC 11.05.170; SMC 15.115.020.A; SMC 16A.19.010.*

Criteria for Review – Conditional Use Permit

The Hearing Examiner shall not grant a conditional use permit unless the Applicant shows that the proposed development satisfies all of the following criteria:

1. The proposed use is listed as a conditional use under SMC 15.205.040, Use Chart;
2. The site is adequate in size and shape for the proposed project and the use conforms to the general character of the neighborhood;
3. The unique character of topography, arterial streets and adjacent land use complement the proposed conditional use;
4. The conditional use would not be detrimental to surrounding land use;
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;
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; and
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.

SMC 15.115.020.D.

Criteria for Review – Engineering Variance

An engineering variance to deviate from road standards may be granted upon satisfying the following minimum criteria, which must be shown to be based on sound engineering principles:

1. The application for a variance clearly indicates those sections of the standards which are relevant to the proposed alternative, together with a clear explanation of how the requested variance meets the essential elements and intent of these standards.
2. The application for a variance includes a specific description of the proposed alternative to the standards along with supporting documentation

for the Director to make a determination as to whether the variance should be granted.

3. The variance is not contrary to the public interest.
4. Under the circumstances, compliance with the standards from which the variance is sought is not feasible.
5. The requested variance will not compromise safety, function, fire protection, transit needs, appearance and maintainability.
6. The requested variance complies with requirements of the international Fire Code and any other applicable codes.

SMC 11.05.170.

The criteria for review adopted by the SeaTac City Council are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with City development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

Conclusions

1. **With conditions, the proposed development would be consistent with the City Comprehensive Plan, applicable zoning ordinances and regulations, and would satisfy the specific criteria for approval of a conditional use permit.** The City provided reasonable notice and opportunity to comment on the proposal. The City did not receive any comments on the proposal from members of the public in response to its notice materials. DOE provided comments noting that the proposed development is located in an area that may have been contaminated with heavy metals from the former Asarco smelter in north Tacoma. DOE recommended that, prior to the issuance of site development permits, the City require that the Applicant conduct soil sampling and, if lead or arsenic is found at concentrations above the MTCA cleanup levels, the Applicant be required to develop a soil remediation plan.

The property is designated Regional Business Mix under the City Comprehensive Plan, and the proposed development would be consistent with this designation's purpose of accommodating high intensity commercial uses. The property is located in the RBX zoning district. Self-service storage facilities are allowed in the RBX zone with a conditional use permit, and caretaker/manager dwelling units are permitted outright. The proposed development would comply with development standards for maximum building lot coverage and building height in the RBX zone, as well as landscaping requirements specific to self-service storage facilities. The proposal includes 11 parking spaces and six loading spaces, which would exceed parking requirements for self-service storage uses.

The 1.8-acre parcel is generally rectangular and has more than 60 feet of elevation change from east to west. A permanent easement held by Sound Transit occupies

approximately 4,000 square feet of the eastern portion of the parcel, extending 30 feet from the parcel boundary on the north end and 20 feet on the south end. A 35-foot temporary construction easement buffers the permanent easement and would remain in place until June 4, 2024. The topography of the site and the easements limit the feasibility of uses on-site but would allow the proposed development to have a consolidated footprint with multiple levels of entry into the building. The elevation change would also obscure views of the building from the east and northeast. The building would be set back 10 feet from the temporary easement and 45 feet from the permanent easement. More intensive commercial development may not be compatible with these site conditions and with the dead-end conditions of the roads that provide access to the site, South 204th Street and 28th Avenue South.

City staff determined that the proposed development would not be detrimental to surrounding land uses, noting that self-service storage facilities do not generate significant vehicle trips, noise, air pollution, or other negative externalities. The proposed development would be compatible with existing uses surrounding the site, which include a professional office, WSDOT right-of-way for the planned extension of SR-509, and two vacant parcels owned by the Port of Seattle, which the Applicant is currently under contract to purchase for a potential future expansion of the proposed storage facility. The proposal does not include any modification to zoning standards. The TIA for the proposal determined that it would generate 23 PM peak-hour trips and that all studied intersections would continue to operate at a LOS A. Although the frontage improvements to 28th Avenue South would deviate from local road standards, as discussed in greater detail below, they would improve pedestrian and vehicle traffic by widening the travel lanes on 28th Avenue South and by installing sidewalks and landscaping zones on South 204th Street and on the west side of 28th Avenue South.

The City analyzed the environmental impacts of the proposal, determined that it would not have a probable significant adverse impact on the environment, and issued a DNS, which was not appealed. Sound Transit provided comments on the DNS, which raised concerns about the proposed development potentially conflicting with the agency's temporary construction easements on the property. The City thereafter met with Sound Transit and clarified that the proposed development would not interfere with the agency's easements. Adequate public water, sewer, and emergency services are available to serve the site. Conditions, as detailed below, are necessary to ensure that the Applicant obtains all necessary permits and approvals, develops the site in conformance with the submitted site plans, and completes the project in a timely manner. *Findings 1 – 11, 13 – 17.*

2. **With conditions, the proposed development would satisfy the specific criteria for approval of an engineering variance under SMC 11.05.170.** The Applicant requests an engineering variance to deviate from half-street frontage improvements that would be required along 28th Avenue South. 28th Avenue South is a local road that generally

requires 60 feet of right-of-way for standard improvements, including 11-foot travel lanes, five-foot bicycle lanes, four-foot landscaping zones, and six-foot sidewalks. The existing right-of-way, however, is only 40 feet wide, with a 20-foot asphalt drive. Two columns supporting the aerial guideway of Sound Transit's Link light rail expansion are located in or straddling the right-of-way, which would prevent the Applicant from constructing standard road improvements. The Applicant, in consultation with the City and Sound Transit, proposes to widen the existing asphalt drive to create two 11-foot travel lanes, and to install a six-foot sidewalk and an expanded landscaping zone to incorporate the northernmost column on the west side of 28th Avenue South. Although the Applicant's proposal deviates from standard road improvements, it would improve pedestrian and vehicle traffic. The proposed improvements would also adequately serve parcels south of the proposed development on 28th Avenue South, which include two vacant parcels that the Applicant is under contract to purchase from the Port of Seattle and a parcel owned by the City that also has access from International Boulevard. The Hearing Examiner determines that, with the conditions detailed below, the proposed engineering variance would not be contrary to the public interest; would not compromise safety, function, fire protection, transit needs, appearance, or maintainability; and would comply with other applicable code requirements. *Findings 1, 12 – 17.*

DECISION

Based on the above findings and conclusions, the request for a major conditional use permit to allow for the construction of a five-story self-service storage facility and for an engineering variance to deviate from local street frontage improvement requirements, at the southwest corner of South 204th Street and 28th Avenue South, is **APPROVED**, with the following conditions:

1. The conditional use permit approval shall be valid for a period of two (2) years. If a building permit application is not made before the expiration of that period, a new conditional use permit application will be required.
2. Site and building development shall substantially conform to the submitted site plan and building elevations.
3. The landscaping details (e.g., species, location, number, size, spacing, legend, notes) and irrigation have not been reviewed with the CUP and will be reviewed at the time of building permit. Only the landscaping widths and types were reviewed.
4. A landscaping maintenance bond would be required before the issuance of a certificate of occupancy.
5. The parking spaces for employees and the caretaker/manager shall be designated as such with signage.

6. The Applicant shall submit a STE Permit Application to comply with King County Surface Water Design Manual, King County Road Design and Construction Standards, and the City of SeaTac Addendum to King County Surface Water Design Manual, latest editions. It should include:
 - a. Technical Information Report,
 - b. Traffic Impact Analysis (updated for final unit counts and including appendices with Synchro information, particularly for the accesses),
 - c. Geotechnical Information Report,
 - d. Bond Quantity Worksheet (For on-site and right-of-way work),
 - e. Recorded Documents (i.e., easements, utility availability, access, right-of-way dedication documentation, etc.),
 - f. Declaration of Covenant for all Stormwater Facilities,
 - g. Frontage Improvements,
 - h. Traffic Control Plans to meet the minimum requirements of the Manual on Uniform Traffic Control Devices, the latest edition.

7. The Applicant shall submit a Right-of-Way Permit Application complying with the latest edition of the King County Road Design and Construction Standards for all work performed within the City's Right-of-Way.

DECIDED this 12th day of December 2022.



ANDREW M. REEVES
Hearing Examiner
Sound Law Center