

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

In the Matter of the Application of)	No. REZ21-0001
)	
Kyle Siekawitch, Bridge Development Partners, LLC)	Bridge Point SeaTac 300 Rezone
)	
)	
)	
<u>For a Zone Reclassification (Rezone)</u>)	FINDINGS, CONCLUSIONS, AND DECISION

SUMMARY OF DECISION

The request for a zone reclassification of two parcels, located at 1410 South 200th Street, from the Urban Low Density (UL-7,200) zoning designation to the Industrial (I) zoning designation, and for preliminary site plan approval related to proposed development on several parcels, including the two parcels subject to the rezone request, 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 access technology.

Testimony:

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

Jenn Kester, City Planning Manager
Kyle Siekawitch, Applicant Representative
Margaret Steenrod
Trevor Ralph, City Public Works Engineer

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated November 9, 2022
2. Application Materials:
 - A. Master Land Use Application, dated March 1, 2021
 - B. Project Narrative, dated November 4, 2022
3. Site Plan Set (23 Sheets), dated May 27, 2022
4. Determination of Completeness, dated March 31, 2021
5. Zoning/Comprehensive Plan Information:

Findings, Conclusions, and Decision
City of SeaTac Hearing Examiner
Bridge Point SeaTac 300 Rezone
No. REZ21-0001

- A. Zoning Map
- B. Comprehensive Plan Land Use Classification Map
- C. Policy CED-503, effective March 23, 2018
- 6. Public and Agency Comments:
 - A. Comment from Washington State Department of Ecology, dated May 13, 2021
 - B. Comment from Washington State Department of Archaeology and Historic Preservation, dated May 5, 2021
 - C. Comment from Curt Russell, dated April 22, 2021
 - D. Comment from John Whitney, dated April 16, 2021
 - E. Comment from James Payne, dated October 13, 2022
- 7. Mitigated Determination of Nonsignificance, dated August 22, 2022; Updated Traffic Impact Analysis, Transportation Engineering Northwest, dated June 3, 2022; SEPA Final Staff Evaluation for Environmental Checklist, dated August 22, 2022
- 8. Certification of Public Notice, dated November 8, 2022, with Notice Materials:
 - A. Notice of Application, dated April 8, 2021
 - B. Revised Notice of Application, dated August 10, 2021
 - C. Public Hearing Notice, dated November 2, 2021
- 9. City Public Works Department Memorandum, dated August 18, 2022
- 10. Vicinity Map

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. Kyle Siekawitch, of Bridge Development Partners, LLC (Applicant), requests a rezone of two parcels from the Urban Low Density (UL-7,200) zoning classification to the Industrial (I) zoning classification. The two parcels would be included as part of the planned redevelopment of 28 parcels (Maywood Industrial Development) that would entail the construction of two buildings (Building A and Building B), a total of 168 parking stalls, and associated improvements. The other 26 parcels that would comprise the approximately 17.38-acre redevelopment project site are already zoned Industrial. Tenants for the proposed buildings have not yet been identified, but the Applicant indicates that the buildings would likely be used as warehouses and associated office space. The Applicant would submit a lot line adjustment application to consolidate the 28 parcels into two parcels (Lot 1 and Lot 2) to accommodate each of the two proposed building sites prior to site development.

The 28-parcel site currently consists of a former school site, an athletic field, single-family residences, and vacant lots. Lot 2 would be developed with Building A, which would be one story, approximately 42 feet tall, and would total 171,282 square feet. Access to Building A would be provided by two driveways that would connect to South

200th Street. Eighty-eight parking stalls would be provided for Building A. Lot 1 would be developed with Building B, which would be one story, approximately 42 feet tall, and would total approximately 135,489 square feet. Access to Building B would be provided by two driveways that would connect to Des Moines Memorial Drive. Eighty parking spaces would be provided for Building B. The Applicant would install frontage improvements on South 200th Street and Des Moines Memorial Drive, including road widening, center turn lanes, sidewalks, landscaping, bike lanes, and lighting. City staff determined that the City does not require a preliminary site plan review application to be submitted separately from a proposed rezone and that the proposed redevelopment project should be reviewed for compliance with the zoning code as part of the zone reclassification application. The project site is located at 1410 South 200th Street.¹

Exhibit 1, Staff Report, pages 1, 2, and 7; Exhibit 2; Exhibit 3; Exhibit 5.A; Exhibit 10.

2. The City of SeaTac (City) determined that the application was complete on March 31, 2021. On April 8, 2021, the City provided notice of the application by mailing notice to property owners within 500 feet of the property, with a comment deadline of April 22, 2021. 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 August 10, 2021, the City issued a revised notice of application, which updated the number of parcels proposed for redevelopment from 25 to 28 and the number of buildings proposed to be constructed on the parcels from three to two. The City provided revised notice of the application in the same manner as it provided original notice of the application, with an extended comment deadline of August 24, 2021. On November 2, 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 3; Exhibit 4; Exhibit 8; Exhibit 10.
3. The City received two comments on the proposal from reviewing agencies in response to its notice materials. The agency comments, together with City staff's responses (in italics), are as follows:
 - The Washington State Department of Ecology (DOE) submitted a comment noting that the proposed development would be located in an area that may have

¹ The parcels subject to the rezone request are identified by Tax Assessor Parcels Nos. 7686202000 and 7686200295. *Exhibit 1, Staff Report, page 1.* The other 26 parcels that would be part of the industrial redevelopment project at 1410 South 200th Street are identified by Tax Assessor Parcels Nos. 0522049023, 3917400030, 3917400040, 7686200245, 7686200250, 7686200360, 7686200400, 7686200420, 7686200680, 7686200690, 7686200700, 7686200705, 7686200740, 7686200755, 7686200800, 7686200815, 7686200860, 7686200870, 7686200880, 7686200890, 7686200920, 7686200960, 7686201040, 7686201920, 7686201930, and 7686200345. *Exhibit 1, Staff Report, page 1.*

been contaminated with heavy metals from the former Asarco smelter in north Tacoma. DOE recommended that the proposal include conditions of approval that would 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 with DOE. *The City notified the Applicant of the concerns related to the Tacoma Smelter Plume.*

- The Washington State Department of Archaeology and Historic Preservation (DAHP) submitted a comment noting that the school building located on-site may be eligible for listing in the National Register of Historic Places (NRHP) and that several other buildings proposed for demolition may date to the historic period. DAHP recommended that any historic resource proposed for demolition be recorded and evaluated for eligibility for listing in the NRHP by a cultural resource professional. *On February 16, 2022, the school building was significantly damaged by a fire, and a permit was issued for its demolition on April 29, 2022.*

Exhibit 1, Staff Report, page 7; Exhibit 6.A; Exhibit 6.B.

4. The City also received comments on the proposal from members of the public in response to its notice materials. The comments from members of the public, together with City staff's responses (in italics), are as follows:

- Curt Russell raised concerns about traffic impacts, pedestrian safety, the loss of green space, and the compatibility of an industrial facility with the surrounding neighborhood. *The mitigation measures in the Mitigated Determination of Nonsignificance (MDNS) and proposed conditions of approval for frontage improvements are intended to mitigate the development and its traffic generation.*
- John Whitney echoed concerns about the compatibility of the proposed development with the surrounding neighborhood. *The MDNS contains a mitigation measure requiring the developer to paint the buildings on the site with neutral colors to limit the visual impact on the surrounding area.*
- James Payne requested that the development be landscaped with tall, building-obscuring trees. *Residential zoning abuts the southern development site along the west boundary and in the middle of the north boundary of the northern site. Ten feet of Type I landscaping would be required along the project perimeter adjacent to residential zoning under SMC 15.445.240.A. Under SeaTac Municipal Code (SMC) 15.445.110(A), Type I landscaping areas are for full screening of a development.*

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

State Environmental Policy Act

5. 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, with mitigation measures, the project would not have a probable significant adverse impact on the environment. Accordingly, the City issued a Mitigated Determination of Nonsignificance (MDNS) on August 22, 2022, with a comment deadline of September 5, 2022, and an appeal deadline of September 15, 2022. The City did not receive any comments on the MDNS, and the MDNS was not appealed. *Exhibit 1, Staff Report, page 3; Exhibit 7.*

6. The MDNS includes the following required measures to mitigate impacts of the proposal:

- The applicant shall be responsible for providing coring of the section of South 200th Street along the project frontage to determine if current road conditions meet Principal Arterial construction standards. If findings of these coring activities identify that Principal Arterial construction standards are deficient in this road section, the applicant shall be responsible for reconstruction of the section of South 200th Street along the project frontage. The applicant shall coordinate with the City's Public Works Department to conduct coring activities to best practice standards. Coring activities shall be completed prior to the issuance of a ROW permit for work that involves striping or structural changes to South 200th Street. If coring analysis demonstrates requirements for reconstruction of South 200th Street, this shall be permitted and completed prior to the issuance of certificate of occupancy for any buildings on the northern or southern sites.
- Prior to the issuance of certificate of occupancy for any building utilizing vehicular access points, truck access drives along Des Moines Memorial Drive and South 200th Street shall be striped for pedestrian crossing to support safe pedestrian crossings on access widths that exceed the standard maximum access with allowed within the 2016 King County Road Design and Construction Standards. Striping of these sections will be reviewed with right-of-way permits required for the project.
- To accommodate a southbound left turn pocket for truck traffic entering the northern portion of the project site to minimize queuing and disruptions of vehicles along Des Moines Memorial Drive, the applicant shall provide striping for the new lane orientation, which shall be reviewed with the right-of-way permit for the project. This shall be completed prior to the issuance of certificate of occupancy for the building on the northern site.
- Passenger vehicles entering the northern site shall exclusively use the northern access point. This shall be signed accordingly prior to the issuance of certificate of occupancy for the proposed structure on the northern site.

- The eastern access point into the southern site shall be designated for entry only and the western access point into the southern site shall be designated for exit only, for any non-emergency vehicles. Both shall be signed and demarcated on paved surfaces accordingly prior to the issuance of certificate of occupancy for the proposed structure on the southern site.
- The proposed buildings on the site shall select neutral colors in building design that will limit the visual impact on the surrounding area. Color selection for the building design shall be reviewed through the building permits for the proposed buildings. All design features to satisfy this condition shall be installed or painted prior to the issuance of certificate of occupancy for the individual building.

Exhibit 1, Staff Report, page 3; Exhibit 7.

Comprehensive Plan and Zoning

7. The entire project site, including the two subject parcels, is designated “Industrial” by the City Comprehensive plan. Accordingly, a rezone of the two subject parcels from the Urban Low Density zoning classification to the Industrial zoning classification would not require an amendment to the Comprehensive Plan. The Industrial land use designation provides for “industrial enterprises and activities involving manufacturing, assembly, fabrication, processing, bulk handling, storage, warehousing, and heavy trucking.” *City Comprehensive Plan, page LU-20.* Areas designated Industrial are “generally characterized by previously industrial uses and are immediately adjacent to industrial areas or the airport.” *City Comprehensive Plan, page LU-23. Exhibit 1, Staff Report, pages 2 and 6; Exhibit 5.B.*
8. As noted above, the subject parcels are currently zoned Urban Low Density (UL-7,200), a zone that is intended to “create a single-family residential environment that creates high quality housing, diversity and affordability.” *SMC 15.200.030.A.* The Applicant requests that the parcels be rezoned to the Industrial zoning district, a zone that is intended to “provide for the location and grouping of industrial enterprises, regional airport, airport related facilities, and activities involving manufacturing, assembly, fabrication, processing, bulk handling, storage, research, warehousing, and heavy trucking.” *SMC 15.200.030.K.* Approval of the requested rezone would allow the Applicant to proceed with the redevelopment of the approximately 17.38-acre project site with warehouses and associated improvements, which would not be allowed on the two subject parcels under applicable regulations for the UL-7,200 zoning designation because warehouses are not a permitted use in the UL-7,200 zone. *SMC 15.205.040.* In contrast, warehouses and associated professional offices are permitted outright in the Industrial zoning district. *SMC 15.205.040. Exhibit 1, Staff Report, pages 2 and 7; Exhibit 5.A.*
9. Development standards applicable to the Industrial zoning district generally require a maximum building lot coverage of 85 percent, a maximum building height of 75 feet, a

minimum front setback of ten feet, and minimum rear and side setbacks of five feet. *SMC 15.400.200*. As noted above, upon approval of the rezone, the Applicant would consolidate the 28 parcels into two parcels (Lot 1 and Lot 2). Lot 1 would contain Building B, which would have a front setback of over 62 feet, a rear setback of over 48 feet, side setbacks of over 40 feet, 37 percent building lot coverage, and a height of 42 feet. Lot 2 would contain building A, which would have a front setback of over 40 feet, a rear setback of over 60 feet, side setbacks of over 70 feet, 40 percent building lot coverage, and a height of 42 feet. *Exhibit 1, Staff Report, pages 3 through 5; Exhibit 9*.

10. Landscaping standards specific to distribution center/warehouse uses require ten feet of Type II 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 10 feet of Type I landscaping for side and rear yards adjacent to non-compatible uses. *SMC 15.445.210; SMC 15.445.240.A*. Parking lot landscaping standards for the proposed redevelopment would require at least ten percent of interior parking area to have landscaping, with five feet of Type IV parking lot landscaping and at least one landscape island for every seven parking spaces. *SMC 15.445.250*. City staff reviewed the Applicant's landscaping plan and determined that the proposed redevelopment project would comply with all applicable landscaping requirements. *Exhibit 1, Staff Report, pages 3 through 5; Exhibit 9*.
11. Off-street parking standards for distribution center/warehouse uses require a minimum of one parking space per 250 square feet of office, plus one parking space per 3,500 square feet of storage areas. *SMC 15.455.120*. In accordance with these requirements, Building A would require 81 parking spaces and Building B would require 64 parking spaces. As noted above, the Applicant is proposing to exceed these minimum parking requirements by installing 88 parking spaces for Building A and 80 parking spaces for Building B. The City Public Works Department, Engineering Review Division, submitted a memorandum on August 18, 2022, which stated that it had reviewed the proposal for compliance with applicable development regulations and recommends approval of the proposed development, with conditions. *Exhibit 1, Staff Report, pages 3 through 5; Exhibit 9*.

Existing Site and Surrounding Uses

12. The 17.38-acre project site is generally flat, with some slopes of up to 34 percent along the east side of the site. The project site includes 28 parcels and is located northwest of intersection of South 200th Street and Des Moines Memorial Drive. The largest of the 28 parcels was developed with Maywood Elementary School, which was recently demolished after a fire. Six of the parcels were developed with single-family homes, which have also been demolished. The northern portion of the site is forested. Properties to the north of the site include industrial uses, vacant land, and WSDOT land for the planned future extension of SR 509. Properties east of the site include vacant properties

owned by the Port of Seattle and additional WSDOT land for the planned future extension of SR 509. Properties to the south and west of the site contain single-family residences or are vacant. No critical areas have been identified on or in the vicinity of the subject parcels or development site. *Exhibit 1, Staff Report, page 2.*

13. The Applicant submitted a Traffic Impact Analysis (TIA), prepared by Transportation Engineering Northwest (TENW), dated June 3, 2022. The TIA determined that the planned development would generate 510 new average daily trips, with 61 new AM peak-hour trips and 61 new PM peak-hour trips. The TIA further determined that all studied intersections would continue to operate at acceptable levels of service following a full buildout of the redevelopment. The TIA also identified measures to mitigate impacts of the redevelopment, including frontage improvements on South 200th Street and Des Moines Memorial Drive South. Frontage improvements on South 200th Street would include a dedication of 12.5 feet of half-street right-of-way (ROW), installation of a center two-way left turn lane, and half-street improvements that would include a five-foot bike lane, curb, gutter, five-foot planter, and eight-foot sidewalk. Frontage improvements on Des Moines Memorial Drive South would include dedication of 8.5 feet of ROW, installation of a center two-way left turn lane, and half-street improvements that would include a five-foot bike lane, curb, gutter, six-foot planter, and eight-foot sidewalk. The Applicant would also be required to pay transportation mitigation fees at the time of building permit issuance. *Exhibit 7.*

Zone Reclassification (Rezone)

14. The Applicant submitted a project narrative addressing the specific rezone criteria of SMC 15.115.050.B. Specifically, the Applicant asserts that the rezone would be appropriate because:
 - The proposal would be consistent the Comprehensive Plan policies and land use map. The Comprehensive Plan land use map designates the entire development site, including the two parcels proposed to be rezoned, as Industrial. Adjacent land use designations include Industrial to the north and west, Airport to the north and east, and Residential Low Density across South 200th Street to the south. The proposed rezone of the two parcels from UL-7,200 to Industrial would implement the Comprehensive Plan provisions for the Industrial designation. The following Comprehensive Plan goals and policies are relevant to the proposed rezone:
 - Amend the Zoning Map to achieve the vision illustrated on the City's Land Use Map in accordance with the adopted criteria below. [Policy 2.1F]
 - Provide an appropriate level of manufacturing, industrial, and warehouse/distribution land uses within the city. [Goal 2.5]

- Concentrate manufacturing, industrial, and warehouse/distribution uses in specific and appropriate locations to provide services and protect existing residential and other commercial areas. [Policy 2.5A]
- Encourage a job mix that improves the city's economic strength and stability, prioritizes living wage jobs, and increases the tax base. [Policy 8.4E]
- The requested zone reclassification implements the Comprehensive Plan designation for the two parcels, creating consistency between the City's regulating documents. The public interest would be served by implementing the Comprehensive Plan, which was crafted with public input and aids in the city growing in accordance with its envisioned direction.
- The requested rezone is mostly adjacent to other Industrial-zoned properties, which ensures compatibility and like uses being clustered together. Where property boundaries abut residentially zoned parcels, the City design and development code requires landscaping buffer be provided to mitigate impacts to adjacent properties. The proposed development would be evaluated during the development review process to ensure that there would be no significant impacts on adjacent properties and that it would comply with the City's design and development standards. The requested reclassification is not expected to cause any hazardous conditions to the area.
- The two parcels requested to be rezoned to Industrial are part of a development comprised of 28 parcels total; the other 26 parcels are already zoned Industrial. The two parcels for which the rezone is requested represent a small fraction of the overall development. Additionally, the parcels have already been contemplated and planned for Industrial development by the land use designation in the Comprehensive Plan. The City has planned for the provision of public facilities in accordance with its established level of service to the properties as envisioned in the Comprehensive Plan. Therefore, the rezone would not be anticipated to pose any undue burdens on public facilities. Evaluation of impacts to public facilities is included in the TIA prepared by TENW, civil utilities plans, and the SEPA checklist. The Applicant would pay impact fees and connection charges as required.
- The Angle Lake Station Area Boundary, as mapped by the City, is 0.5 miles west along South 200th Street from the project site, providing easy access to the light-rail station. Comprehensive Plan mapping indicates that the future SR 509 right-of-way would be extended adjacent to the northeast of the site.

Exhibit 2.B.

15. City staff reviewed the rezone proposal and determined that it would satisfy the specific rezone criteria of SMC 15.115.050.B, noting:
 - The two parcels zoned UL-7,200 and requested to be rezoned to Industrial are designated as Industrial under the Comprehensive Plan. A rezone of the parcels

from UL-7,200 to Industrial and the proposed warehouse development would be consistent with the Comprehensive Plan.

- City staff concurs with the Applicant that the proposed zone reclassification would create consistency between the Comprehensive Plan and development regulations and would therefore be in the public interest. The proposed warehouse use and associated professional offices are permitted in the Industrial zoning district.
- As part of the zone reclassification review process, City staff considered the applicable development regulations and environmental impacts for the proposed warehouse development. Based on that review, the proposed reclassification would not be hazardous or have adverse impacts on adjacent properties provided the recommended conditions in the staff report and the mitigations measures required by the MDNS are met.
- Adequate public facilities and services are available to the site. Water utilities are provided by the Highline District, sewer utilities are provided by the Midway District, and emergency services are provided by the Puget Sound Regional Fire Authority. The Engineering Review Division of the Public Works Department has reviewed the proposed zone reclassification and development for impacts to transportation services and the City's stormwater utilities. They are recommending preliminary conceptual approval of the project subject to the recommended conditions of approval. Furthermore, through SEPA review, City staff has determined that there would not be any adverse impacts to public facilities, provided the mitigation measures in the MDNS are met.
- The subject parcels are not located within the Urban Center, and, therefore, the site would not need to have an adequate link to high-capacity transit.

Exhibit 1, Staff Report, pages 5 through 7.

Testimony

16. City Planning Manager Jenn Kester testified generally about the proposal and how, with conditions, it would comply with the requirements of a zone reclassification. She explained that, when the City provided notice of the application, the City had included two parcels that are not part of the project site: one that is a noncontiguous parcel with the same tax assessor number as a parcel included within project site and another parcel that is under different ownership. Ms. Kester noted that these two parcels are not included within the project site and that the exhibits identify the correct project site boundaries. She explained that a recent update to the Comprehensive Plan designated the subject parcels as Industrial in recognition that industrial uses would be more appropriate near airport property and the future extension of SR 509 and that the zoning code had not yet been updated to fully implement the Industrial designation. Ms. Kester noted that recent City capital improvement projects had identified parts of South 200th Street as not conducive to frequent freight traffic. She commented that the MDNS would require that the Applicant provide coring of the section of South 200th Street along their project

frontage to determine whether the road could withstand frequent freight traffic. Ms. Kester clarified that the City does not require submission of a separate preliminary site plan application for the proposed development and instead reviews the proposal for compliance with the zoning code as part of the rezone application. She noted that the City Public Works Department reviewed the proposal and recommends approval, with conditions. Ms. Kester explained that freight traffic would likely move through the intersection of South 200th Street and Des Moines Memorial Drive and that the MDNS would require that the Applicant install frontage improvements, which would include sidewalks and road widening to accommodate freight traffic and to mitigate impacts to traffic and pedestrian safety. *Testimony of Ms. Kester.*

17. Applicant Representative Kyle Siekawitch testified that trucks would access the sites from South 200th Street and Des Moines Memorial Drive. He noted that the Applicant would mitigate freight-traffic turning problems and traffic impacts by improving the right-of-way. *Testimony of Mr. Siekawitch.*
18. Margaret Steenrod expressed concerns that the freight trucks would be utilizing the intersection of South 200th Street and Des Moines Memorial Drive. She stated that residents of the area were told during a previous project that semi-trucks would be diverted down 26th Street, which had been specifically designed to accommodate freight traffic. Ms. Steenrod noted that existing freight traffic on South 200th Street and Des Moines Memorial Drive has previously taken out traffic light poles in the intersection and has caused accidents and that additional freight traffic would have a significant impact on the surrounding residential neighborhood. *Testimony of Ms. Steenrod.*
19. City Public Works Engineer Trevor Ralph testified that the Applicant submitted a thorough TIA, which determined that surrounding intersections, including the intersection of South 200th Street and Des Moines Memorial Drive, would continue to operate at an acceptable level of service following the proposed redevelopment project. He stated that he was not aware of any promises to divert freight traffic down South 26th Street and that frontage improvements on South 200th Street and Des Moines Memorial Drive would mitigate impacts from the anticipated increase in freight traffic. *Testimony of Mr. Ralph.*

Staff Recommendation

20. Ms. Kester testified that City staff recommends approval of the rezone application, with conditions. Mr. Siekawitch testified that the Applicant understands and would comply with City staff's recommended conditions. *Exhibit 1, Staff Report, pages 8 and 9; Testimony of Ms. Kester; Testimony of Mr. Siekawitch.*

CONCLUSIONS

Jurisdiction

The City of SeaTac Hearing Examiner is authorized to hear and decide applications for a zone reclassification and, through the City's consolidated permit review process, for preliminary site plan approval. *SMC 1.20.080; SMC 15.115.050; SMC 15.115.055; SMC 16A.19.010.*

Criteria for Review

Zone Reclassification (Rezone)

The Hearing Examiner may approve a zone reclassification if the Applicant shows that the following minimum criteria would be satisfied:

- (1) The proposal conforms with the Comprehensive Plan policies and land use map;
- (2) The requested reclassification is in the public interest;
- (3) The requested reclassification is not hazardous or will not have adverse impacts on adjacent properties;
- (4) The requested reclassification does not pose undue burdens on public facilities; and
- (5) For sites located within the designated urban center, the requested reclassification has, or will potentially have, an adequate link to a high-capacity transit mode.

SMC 15.115.050.B.

The Hearing Examiner's decision on rezone applications are appealable to the City Council, and must be filed within 14 calendar days of the date of the decision. If no appeal is filed, the Hearing Examiner's decision shall be considered as final and conclusive. *SMC 1.20.180.C; SMC 1.20.160.*

Preliminary Site Plan Review

"Preliminary site plan provides an administrative process by which a development project is reviewed to ensure conformance with applicable policies, codes and development standards. The process is separate from and precedes initial building or engineering permit review and issuance." *SMC 15.115.055.A.*

Upon the filing of a complete application, the Director or designee shall have the authority subject to the provisions of this section, to approve, approve with conditions or deny a preliminary site plan application. Approval may be subject to conditions as deemed necessary to ensure conformance with policies, codes and development standards.

SMC 15.115.055.C.

*Findings, Conclusions, and Decision
City of SeaTac Hearing Examiner
Bridge Point SeaTac 300 Rezone
No. REZ21-0001*

Conclusions

1. **With conditions, the proposed zone reclassification would satisfy the criteria for approval under SMC 15.115.050.B.** The two subject parcels are designated Industrial by the City Comprehensive Plan, but the zoning classification for the parcels has not yet been updated to implement this land use designation. City staff indicated that the Comprehensive Plan was updated to encourage appropriate uses on the properties, which are located adjacent to airport property and WSDOT right-of-way for the planned future extension of SR 509. Accordingly, the proposed rezone of the parcels from UL-7,200 to Industrial would create consistency between the Comprehensive Plan designation and the zoning classification for the subject parcels. The proposed rezone would also be consistent with several Comprehensive Plan policies, including policies related to amending the City's zoning map to achieve the vision illustrated on the City's Comprehensive Plan Land Use Map; providing an appropriate level of industrial and warehouse/distribution land uses within the City; concentrating industrial and warehouse/distribution uses in specific and appropriate locations to provide services and protect existing residential and commercial areas; and encouraging a job mix that improves the City's economic strength and stability, prioritizes living wage jobs, and increases the tax base. The Hearing Examiner determines that the proposed rezone, as conditioned, would serve the public interest by implementing the Comprehensive Plan designation for the parcels.

The other 26 parcels that comprise the development site are already located within the Industrial zoning district, and warehouses and offices are permitted outright in the Industrial zone. As proposed and conditioned, the requested rezone would be compatible with surrounding land uses. Properties to the north of the site include industrial uses, vacant land, and WSDOT land for the planned future extension of SR 509. Properties east of the site include vacant properties owned by the Port of Seattle and additional WSDOT land for the planned future extension of SR 509. Properties to the south and west of the site contain single-family residences or are vacant. The Applicant would paint the buildings proposed as part of the redevelopment project in neutral colors and would install required landscaping buffers to limit visual impacts on the surrounding area.

The City provided reasonable notice and opportunity to comment on the proposed rezone and the related redevelopment proposal. Several members of the public submitted comments or testified at the open record hearing. Comments on the proposal generally raised concerns about traffic impacts, pedestrian safety, the loss of green space, the compatibility of an industrial facility with the surrounding neighborhood, landscaping, and freight traffic at the intersection of South 200th Street and Des Moines Memorial Drive. The Applicant submitted a traffic impact analysis that determined that all studied intersections, including the intersection of south 200th Street and Des Moines Memorial Drive, would continue to operate at acceptable levels of service. The Applicant would be

required to mitigate traffic impacts by installing frontage improvements on South 200th Street that would include road widening, center turning lanes, eight-foot sidewalks, landscaping strips, five-foot bike lanes, lighting, and pedestrian crossings. The MDNS issued for the proposal, which was not appealed, would also require that the Applicant provide coring of the section of South 200th Street along the project frontage to determine if current road conditions meet principal arterial construction standards and could accommodate the anticipated increase in freight traffic.

Adequate public facilities and services are available to the property. The Engineering Review Division of the Public Works department reviewed the proposed zone reclassification and development for traffic and stormwater impacts and, with conditions, recommends approval. Conditions, as detailed below, are necessary to ensure that the proposal meets all applicable requirements for a zone reclassification and complies with all applicable federal, state, and local regulations. *Findings 1 – 20.*

2. **With conditions, the proposed development would comply with all applicable zoning code requirements and would therefore meet the requirements for preliminary site plan review approval.** Upon approval of the proposed rezone, the Applicant would consolidate the 28 parcels into two lots to accommodate the two proposed building sites. City staff reviewed the proposal for compliance with the development standards for warehouse uses in the Industrial zoning district and determined that it would meet applicable standards related to maximum building lot coverage, maximum building height, minimum setbacks, landscaping, and parking. The Hearing Examiner concurs with City staff's assessment. Conditions, as detailed below, are necessary to ensure that the proposal meets all applicable requirements for preliminary site plan approval and complies with all applicable federal, state, and local regulations. *Findings 1, 3, 4, and 8 – 20.*

DECISION

Based on the above findings and conclusions, the request for a zone reclassification of two parcels, located at 1410 South 200th Street, from the Urban Low Density (UL-7,200) zoning designation to the Industrial (I) zoning designation, and for preliminary site plan approval related to proposed development on several parcels, including the two parcels subject to the rezone request, is **APPROVED**, with the following conditions:

1. Site and building development shall substantially conform to the site plan set.
2. Further review of landscaping details (e.g., species, location, number, size, spacing, legend, notes) and irrigation will be required at time of building permit; only the landscaping widths and types were reviewed with this zone reclassification.

3. A landscaping maintenance bond will be required before the issuance of a certificate of occupancy, per SMC 15.445.160.
4. The mitigation measures contained in the MDNS shall be met.
5. Frontage Improvements on Des Moines Memorial Drive: The developer shall construct street frontage improvements consisting of an eight-foot sidewalk, a six-foot landscaping strip, five-foot bike lane, and lighting fixture per the city standard. This includes pedestrian crossing and full build out of the center turn land, in accordance with the system plans in Chapter 4 of the Transportation Master Plan and the submitted plan set.
6. Frontage Improvements on South 200th Street: The developer shall construct street frontage improvements consisting of an eight-foot sidewalk, a five-foot landscaping strip, a five-foot bike lane, and lighting fixture per the city standard. This includes pedestrian crossing and full build out of the center turn lane in accordance with the system plans in Chapter 4 of the Transportation Master Plan and submitted plan set.
7. Traffic Impact Fees: According to SMC 11.15.040, Traffic Impact Fees will be applied to the project at the BLD permit issuance.
8. The developer shall submit an STE, BLD, and ROW Permit Application to comply with 2016 King County Surface Water Design Manual, 2016 King County Road Design and Construction Standards, the City of SeaTac Addendum to King County Surface Water Design Manual and the City Municipal Code. Permits 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, ROW Dedication documentation, etc.)
 - f. Declaration of Covenant for all Stormwater Facilities
 - g. Frontage improvements as described above
 - h. Traffic Control Plans to meet the minimum requirements of the Manual on Uniform Traffic Control Devices, the latest edition.
9. The developer shall submit a Right-of-Way Permit Application complying with the 2016 edition of the King County Road Design and Construction Standards for all work performed within the City's right-of-way.
10. The developer may be required to submit a Haul Permit per SMC 11.10.080(D), RCW 70.105.010, and RCW 43.200.015 prior to site grading activities.

11. The Applicant shall record the lot line adjustment prior to the issuance of building permits for the proposed buildings.

DECIDED this 12th day of December 2022.

A handwritten signature in black ink, appearing to read "Andrew M. Reeves". The signature is fluid and cursive, with the first name "Andrew" and last name "Reeves" clearly distinguishable.

ANDREW M. REEVES
Hearing Examiner
Sound Law Center