



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2409659  
**Applicant Name:** Kathryn Rose for ET Towing  
**Address of Proposal:** 1616 West Bertona Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to change the use of an existing general manufacturing use (machine shop) to 51,000 square feet of outdoor storage/towing service (“ET Towing”). 12,000 sq. ft. of the site was previously changed to outdoor storage/towing services under Project #2409367.

The following approvals are required:

**SEPA – Environmental Determination** – (Chapter 25.05 SMC)

**SEPA DETERMINATION:**  Exempt  DNS  EIS

DNS with conditions

DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

**BACKGROUND DATA**

Site Description

The 51,000 square foot site is located in the Interbay area in a General Industrial 2 zone with a U/45’ height limit (IG2 U/45’). The site is mapped as an environmentally critical area (ECA) due to liquefaction and because it is located within 1,000 feet of the former Interbay landfill. The site is surrounded with a chain link fence and the former structures have been demolished. A permit was issued to ET Towing to use a portion of the site (11,997 square feet) as a storage lot for vehicles which have been towed and it is currently used as a towing lot.

### Area Development

Development in the vicinity consists of a mixture of industrial, commercial, and manufacturing uses. The Interbay railroad yard and railroad switching operation is located to the west. The Interbay Covenant Church is located one block to the south. There is a QFC grocery store two blocks to the southwest of the site. The owner of ET towing owns a warehouse on a neighboring site. There is residential development on Queen Anne Hill two blocks to the east and Magnolia to the west of the railroad yard.

### Public Comment

Eleven comment letters were received during the public comment period which ended February 16, 2005. Concerns were expressed about: the increase in demand for on-street parking by trucks and vehicles, increased traffic circulation by towing trucks and vehicles and traffic safety, inconsistency with both neighborhood and City-wide planning goals in terms of transitioning industrial uses to office/retail uses, potential loss of family wage jobs, exceeding the approved lot area of the existing permit, abandoned or “for sale” cars along West Bertona Street, adverse drainage impacts, flooding, and contamination on the adjoining property to the north, and deterioration of the business character and appearance of an area the business owners have invested in and improved during the past few years.

A group of property owners in the vicinity wrote that their biggest concern is that this facility not be allowed to expand “on the cheap”. Well managed with visual buffers, appropriate parking, sidewalks, quality fencing, quality site lighting and environmental consideration the facility could be a good neighbor. Detailed recommendations were provided by this group of property owners including screening landscaping, safety, lighting, drainage, street improvements, and prevent abandoned cars on the street.

### ANALYSIS – SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated December 27, 2004. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.554D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### Short Term Impacts

Construction activities to install street improvements and drainage could result in the following adverse impacts: construction dust, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers' vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) is adequately controlled with a street use permit through the Seattle Department of Transportation, and no further SEPA conditioning is needed.

Construction activities will include minor site alterations such as modifications to fencing, walkways and the driveway. Parking utilization along streets in the vicinity is somewhat high but not at capacity and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Although the scale of the project is moderate in size, this temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, construction workers will be required to park on the surface parking lot for the duration of construction. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist which warrant additional mitigation, per the SEPA Overview Policy.

### Long Term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased demand on public services and utilities; increased light and glare; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope. Additional land use impacts which may result in the long-term are discussed below.

### Drainage

Section 23.53.020C1 requires a pedestrian walkway when an existing street right-of-way abuts a lot and the street does not have curbs according to the Street Design Manual. Six foot wide asphalt pedestrian walkways will be required on the three street frontages adjoining the towing

lot site: West Bertona Street, Thorndyke Avenue West, and 16<sup>th</sup> Avenue West. The Grading and Drainage Ordinance requires drainage for 2,000 square feet or more of new or replaced impervious surface. The pedestrian walkways on the three street frontages will exceed 2,000 square feet so drainage will be required for the improvements in the street right-of-way. The width of the pedestrian walkway will allow enough room for automobiles to park in the right-of-ways adjoining the site so there will be no net loss of on-street parking spaces to serve the neighboring businesses.

### Earth

The site is mapped as an environmentally critical area (ECA) due to liquefaction. Compliance with the conditions and the requirements of the ECA Ordinance will be required prior to issuance of permits for the street improvements. No development is proposed on the site. Therefore, no mitigation of earth impacts will be required pursuant to Section 25.05.675 of the Seattle SEPA Ordinance.

### Height, Bulk, and Scale

The site is vacant and no structures are proposed on the site. A cyclone fence surrounds the site. Screening has been attached to the cyclone fence to screen the vehicles parked in the tow lot and mitigate the aesthetic appearance of the vehicles which have been towed and the tow trucks. No structures are proposed so air and light will not be blocked to the neighboring sites. The Land Use Code does not require landscaping in industrial zones. ET Towing leases the site from the property owner who has long term plans to redevelop the site with a structure at some time in the future. The towing lot is expected to be an interim use until the site is developed with a permanent structure. There are no sensitive height, bulk or scale impact issues which have not been addressed. Therefore, no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

### Traffic and Transportation

The owner of the towing company estimates they tow approximately 25 vehicles per day generating 100 vehicle trips per day: one trip for each towed vehicle and tow truck as they arrive at the lot, one trip for each tow truck departing the lot, and two trips for each owner arriving to pay for their car and then departing from the lot in their car. For each towed car, the owners of the cars usually arrive within 24 to 48 hours to pay the towing fee and drive their car away. Towing fees are paid at a warehouse owned by ET towing on a neighboring lot on 15<sup>th</sup> and Bertona. The vehicles towed to the 16<sup>th</sup> and Bertona lot are all operable vehicles which can be driven away from the lot. Vehicles which are involved in collisions are towed to a different ET Towing lot in north Seattle. Four tow trucks operate out of this tow lot and are intermittently parked on the lot when not in use. ET Towing is a 24 hour operation so vehicles can be towed over a 24 hour period. There are nine employees who generally do not own cars and arrive at the tow lot by bus or carpool due to the availability and proximity of transit to downtown along 15<sup>th</sup> Avenue West. The site is located one block from an arterial, 15<sup>th</sup> Avenue West, so the tow trucks do not need to circulate through the surrounding business area. The volume of traffic along 15<sup>th</sup> Avenue West is moderate and nearby intersections operates at acceptable levels of service. The amount of traffic expected to be generated by the proposed project is within the capacity of the streets in the immediate area. Therefore, no mitigation of traffic impacts is needed pursuant to the Seattle SEPA Ordinance.

### Parking

The parking policy in Section 25.05.675M of the Seattle SEPA Ordinance states that parking impact mitigation may be required only where on-street parking is at capacity as defined by the Seattle Transportation Department or where the development itself would cause on-street parking to reach capacity. Parking utilization in the vicinity appears to be near capacity during daytime working hours due to the number of businesses in the area. However, on-street parking can be found during the evening hours. The parking spaces provided on-site would meet the code requirement and are expected to accommodate the parking demand generated by the project. However, comments were submitted from the owners of neighboring businesses indicating that vehicles associated with the towing business have been parked in the street right-of-way with for sale signs or left as abandoned vehicles or blocking West Bertona Street where towing fees are paid. Therefore, a condition will be imposed that no operable or inoperable vehicles which have been towed, are for sale, or otherwise associated with the towing business shall be parked on the street right-of-ways. The authority to impose this condition is found in Section 25.05.675M of the Seattle SEPA Ordinance.

### Conclusion

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal which is non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

### **DECISION – SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
  
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

### **SEPA CONDITIONS**

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards

will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

Prior to MUP Issuance

1. Develop a system of allowing tow vehicles to access the site without temporarily blocking the street such as when vehicles wait for security barriers to be opened. This could include adding remote controlled gate access or recessing the gate to allow for queuing on-site but outside the security barrier. Revise the site plan to show how the site is designed to not cause on-street queuing of tow vehicles.

During Construction

2. Construction workers engaged in the installation of street improvements shall be required to park on the site, not in street right of way, for the duration of construction.

Prior to a Occupancy

3. Prior to occupancy of the site beyond the previously permitted 12,000 sq ft area, required street improvements for walkways must be completed on all street rights of way adjacent to the site per approved SDOT Street Improvement Permit.

Permanent for the Life of the Towing Lot

4. No operable or inoperable vehicles shall be parked on street right of way by the operator of the towing service facility or their employees.

Signature: \_\_\_\_\_ (signature on file) Date: January 30, 2006

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