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BEFORE THE HEARING EXAMINER FOR THE CITY OF RENTON

RE: CarMax Auto Superstore)	FINAL DECISION
Site Plan, Variance and Modifications)	
LUA15-000288)	
)	

Summary

The applicant requests site plan approval and approval of a variance and three modification applications for a 20,220 square foot CarMax Auto Superstore facility including a dealership, service building, and non-public car wash to be located at 3157 East Valley Rd. The applicant is requesting a parking modification from RMC 4-4-080 in order to exceed the maximum 48 parking stalls allowed to up to 352 parking spaces (as an interim measure) with 244 stalls upon full build-out. The applicant is requesting a lighting modification, from RMC 4-4-075, in order to increase the maximum average lighting levels of 0.9 foot-candles along the perimeter of the project boundary to 1.2 foot-candles. The applicant is also requesting a street modification, from RMC 4-6-060, in order to reduce the required dedication and improvements required along East Valley Rd and SW 41st St. Finally, the applicant is proposing a variance from RMC 4-4-100 in order to site a 40-foot high pylon sign along East Valley Rd. The site plan, modifications and variance are all approved subject to conditions.

Testimony

Rocale Timmons, Senior Planner, summarized the staff report. In response to examiner questions, Ms. Timmons noted that each phase of the proposal is self-contained and would satisfy all city standards even if subsequent phases were not completed. Existing street frontage improvements are consistent with adjoining improvements. The requested street modifications would not create any

1 inconsistency with street frontage on adjoining properties. The topographical justification for the
2 sign variance is limited to visibility from SR 167 and the fact that all adjoining projects are allowed
3 signs similar to that which would be enabled by the variance. The base of the sign will not interfere
with pedestrian access. Staff is just concerned with aesthetic pedestrian scale.

4 Amanda Steinle, applicant representative, agreed with staff's recommendations except for Condition
5 No. 4. The applicant would like the fence placed in the existing critical area buffer as opposed to the
6 buffer required by new code requirements. The proposal will not encroach any further into the
7 critical area buffer than it does today. Ms. Timmons agreed with the requested revision to Condition
No. 4, stating that the old wetland buffers still apply since the applicant proposes no further
encroachment into the wetland buffer.

8 Carl Kiminki, residential neighbor, inquired whether the sign would be digital and also asked if the
9 base of the sign would be a pyramid. Ms. Timmons clarified that City regulations would not allow a
digital sign.

10 **Exhibits**

11 The staff report Exhibits 1-17 identified at page 2 of the staff report were admitted into the
12 record during the hearing. The following exhibits were also admitted:

13 Exhibit 18 Staff report

14 Exhibit 19 Staff power point

15 Exhibit 20 6/27/15 letter from applicant

17 **FINDINGS OF FACT**

18 **Procedural:**

- 19 1. Applicant. CarMax Superstores
- 20 2. Hearing. A hearing was held on the application on October 14, 2014.
- 21 3. Project Description. The applicant requests site plan approval and approval of variance and
22 modification applications for a 20,220 square foot CarMax Auto Superstore facility including a
23 dealership, service building, and non-public car wash to be located at 3157 East Valley Rd. The
24 applicant is requesting a parking modification from RMC 4-4-080 in order to exceed the
25 maximum 48 parking stalls allowed to up to 352 parking spaces with 244 stalls upon full build-
26 out. The applicant is requesting a lighting modification, from RMC 4-4-075, in order to
increase the maximum average lighting levels of 0.9 foot-candles along the perimeter of the
project boundary to 1.2 foot-candles. The applicant is also requesting a street modification,
from RMC 4-6-060, in order to reduce the required dedication and improvements required along

1 East Valley Rd and SW 41st St. Finally, the applicant is proposing a variance from RMC 4-4-
2 100 in order to site a 40-foot high pylon sign along East Valley Rd.

3 The project site totals 12.28 acres in area. The site currently contains a 74,000 square foot theater
4 facility, which is proposed for removal. There are two primary access points on East Valley
5 Road; a secondary access point on SW 41st St; and a third access point to the west which
6 connects the site to Lind Ave SW. An approximate 2.0 acres would be dedicated to customer
7 and employee parking areas containing 244 parking stalls upon full build-out. The overall sales
8 display parking area would be approximately 4.07 acres, containing 610 sales spaces upon full
9 build-out.

10 The project will be built in three phases. The primary and first phase of sales display area would
11 contain 423 spaces, located on the east side of the property fronting onto East Valley Rd, and
12 secured by highway guardrail and embassy-style security gates. The Phase II Sales Lot contains
13 84 spaces and is located at the northwest corner of the primary sales lot. The Phase III Sales Lot
14 contains 108 spaces and is located at the southeast corner of the property at the corner of SW
15 41st Street and East Valley Rd. Existing parking and landscaping islands in the southwest corner
16 of the site (Phase III Sales Lot) are proposed to remain, for customer and employee parking, until
17 CarMax proceeds with the Phase III sales lot. All new structures would be located central to the
18 site. The service building would be located west of the sales building and sales display.

19 4. Adequacy of Infrastructure/Public Services. The project will be served by adequate/appropriate
20 infrastructure and public services. The adequacy of infrastructure and services is more
21 specifically addressed as follows:

22 A. Water and Sewer Service. Sewer and water are provided by the City of Renton. Water
23 and sewer lines already serve the project site.

24 B. Fire and Police. The City of Renton will provide fire and police service. Fire and police
25 department staff have determined that existing facilities are adequate to serve the
26 development with the comment that the project include a fire apparatus road and fire lane
signage (as conditioned by this decision).

C. Drainage. The applicant has submitted a preliminary drainage report, Ex. 8, that staff has
found to be acceptable for site plan review. A staff finding of consistency with applicable
drainage standards, absent any contrary evidence, is sufficient for a finding of adequate
drainage facilities.

1 The existing stormwater facilities include a detention pond, three water quality ponds, and
2 two grass-lined swales just east and south of the wetlands. The existing site also includes
3 a storm drainage system designed to collect stormwater at strategically placed catch basins
4 throughout the site. The stormwater is then conveyed through underground pipes to a
5 swale at the rear of the theater building. After traveling through one of the two swales,
6 runoff passes through the existing stormwater detention/treatment facilities and enters the
7 City's stormwater system at Lind Ave SW. This system continues north for
8 approximately 1,300 feet, before heading west approximately 450 feet to the discharge
9 point of Springbrook Creek.

10 The applicant proposes to utilize the existing stormwater system for conveyance, water
11 quality, detention, and flow control systems and provide improvements to conveyance and
12 water quality as required. A conveyance system consisting of catch basins and storm
13 pipes is proposed to be constructed in the parking areas to collect drainage from
14 impervious surfaces and convey runoff to the proposed water quality facilities. Additional
15 flow control facilities are not required by City regulations, since the proposal doesn't
16 increase the 100-year peak flow by more than 0.1 cfs and it is not expected to significantly
17 impact a critical area, or cause severe flooding or erosion problems.

18 D. Parks/Open Space. City development standards do not impose any park or open space
19 requirements for commercial uses and no legal justification is found in the administrative
20 record. Proposed and conditioned landscaping would provide passive recreation
21 opportunities for CarMax customers.

22 E. Off-Site Transportation. Off site transportation facilities are adequate to serve the site.
23 No significant off-site transportation impacts are anticipated and no off-site mitigation is
24 necessary. The applicant submitted a Traffic Impact Analysis ("TIA") prepared by
25 TENW, dated April 6, 2015 (Exhibit 9). The analysis of the report, approved by staff,
26 determined that the completed project is anticipated to generate -1,623 net new weekday
daily trips, 39 net new weekday AM peak hour trips, and -124 net new weekday PM peak
hour trips. The net new trip generation was calculated by subtracting the trips from the
movie theater to be removed from the trips generated by the proposed CarMax. The
results of the LOS analysis showed that all affected intersections would operate at
acceptable levels (LOS D or better) in 2017 with or without the proposed project.
However, it was noted in the TIA that existing weekday AM peak hour traffic counts were
collected by All Traffic Data, Inc.; but, this information was not included in the TIA
appendices. Therefore, a condition of approval requires that the TIA be revised to include
the traffic counts referenced from All Traffic Data, Inc. The revised TIA shall be

1 submitted to, and approved by, the Plan Reviewer prior to engineering construction permit
2 approval.

3 G. Parking (vehicular and bicycle). As conditioned, the proposal provides for adequate
4 vehicular and bicycle parking. The applicant is proposing significantly more vehicular
5 parking spaces than allowed by City code, which is the basis of the applicant's requested
6 parking modification, approved by this decision. As detailed in the staff report, the City
7 code authorizes a maximum of 48 parking spaces. Depending upon the phase of
8 development, the applicant proposes up to 352 parking spaces, with a total of 244 stalls
upon completion of the final phase of development. Since the applicant's parking
modification is approved, it is determined that the proposed parking is adequate.

9 It is unclear if the proposal includes bicycle parking. Therefore the conditions of approval
10 require that the applicant submit bicycle parking detail demonstrating compliance with the
11 bicycle requirements outlined in RMC 4-4-080(F)(11)(c) for fixed structures. The bicycle
12 parking detail shall be submitted to and approved by the Current Planning Project
Manager prior to building permit approval.

13 H. Vehicular and Pedestrian Access and Internal Circulation. The proposal is served by safe
14 and efficient pedestrian and vehicular access points and internal circulation.

15 There are four access driveways connecting the site that are proposed to remain
16 unchanged and are shared with neighboring commercial businesses. Two full access
17 driveways are located along East Valley Rd, one full access driveway is located on SW
18 41st St, and another full access (signalized) driveway is located west of the site at the
19 intersection of Lind Ave SW / SW 39th St. Trucks would access the site by entering the
20 north driveway on East Valley Rd and exiting at the south driveway on East Valley Rd.
Customers and employees would primarily use the southern driveway on East Valley Rd
and the driveway on SW 41st St, with minor usage of the driveway on Lind Ave SW.

21 Internal pedestrian connections to the public sidewalk network are proposed in order to
22 provide safe and efficient pedestrian access throughout the site and to abutting sites.
23 However, an additional pedestrian connection should be provided from the proposed
24 entrance across the central drive aisle to the southern portion of the site. Pedestrian
25 crosswalks, between the front façade and the parking lot, appear to be differentiated in
26 some areas while other areas have no striping or differentiation at all. In order to provide
safe and efficient pedestrian connectivity on site staff recommends the applicant be
required to provide an additional pedestrian connection from the proposed entrance across
the center drive aisle to the southern portion of the site. Additionally, all designated

1 pedestrian areas shall be differentiated, in material, from drive aisles. A revised site plan
2 shall be submitted to and approved by the Current Planning Project Manager prior to
3 construction permit approval.

- 4 I. Landscaping. The applicant's preliminary landscaping plan has been found to comply
5 with City standards by staff and in fact significantly exceeds those standards. A
6 conceptual landscape plan was submitted with the project application and approved by
7 staff subject to the conditions adopted by this decision. Absent evidence to the contrary,
8 compliance with City landscaping standards and staff recommendations for additional
9 landscaping provides for adequate landscaping.

10 The conceptual landscape plan illustrates materials that would be used to enhance the
11 visual character of the building and site. The planting schedule includes a variety of trees,
12 shrubbery, groundcover, and grasses. Perimeter landscaping along East Valley Rd is
13 proposed at a width ranging from 3 to 15 feet west of the sidewalk. SW 41st St would
14 have a landscape strip width of approximately 10 to 15 feet. In the surface parking area,
15 the applicant is proposing intervening landscaping on average every 12 parking stalls.
16 Landscaping is not proposed within the sales parking areas.

17 Within the proposed employee/customer surface parking lot, 35 square feet of landscaping
18 per parking space would be required. Based on the proposal of 352 surface parking stalls
19 (244 stalls after future car sales parking expansion), a minimum of 12,320 square feet of
20 landscaping would be required within the surface parking areas (8,540 square feet would
21 be required after future car sales parking expansion). The submitted landscape analysis
22 indicates that a total of 12,700 square feet of landscaping would be provided interior to the
23 site.

24 While the proposed the parking lot landscaping would exceed the minimum landscape
25 frontage in some areas, and the interior parking lot landscaping requirement is met, it is
26 not the intent of City's landscaping regulations that rigid and inflexible design standards
be imposed, but rather minimum standards be set. Higher standards can be substituted as
long as fencing and vegetation do not exceed height limits specified in RMC 4-4-040.
Additionally, Policy CD-39 encourages quality development by supporting site plans
which incorporate landscaping standards that reflect unity of design and create a distinct
sense of place. There are also several guidelines and standards within Design District 'D'
which serve to require landscaping to enhance the urban character of development.

The scale of the surface parking area, while located in an industrial zone, is very large and
requires a parking modification in order to exceed the maximum number of stalls. The

1 parking areas are located along heavily used primary arterials and would have a visual
2 impact on the pedestrian environment and abutting/adjacent properties without adequate
3 landscape buffers. Wide landscape buffers along the perimeter of the site, specifically
4 along East Valley Rd and the northwest corner of the SW 41st/East Valley Rd intersection
5 would serve as a visual buffer between the proposed development/large surface parking
6 area and the smaller scale development surrounding the site and the pedestrian
7 environment. Additionally, the location of utilities within the East Valley Rd right-of-way
8 would preclude the planting of much needed street trees to aesthetically buffer the parking
9 area.

10 Given the aesthetic impacts of the proposed development on less intense neighboring
11 properties and adjacent streets, this decision adopts a condition that the applicant be
12 required to provide on-site landscape buffers along the perimeter of the site adjacent to
13 SW 41st St and East Valley Rd to a minimum width of 15 feet in order to accommodate a
14 variety of vegetation. Additionally, a minimum 1,000 square foot gateway/landscape area
15 shall be provided at the corner of SW 41st St and East Valley Rd. All perimeter parking lot
16 landscaping shall be revised to include the following: trees planted along the street
17 frontage in clusters; shrubs planted at the minimum rate of one per 20 square feet of
18 landscaped area; ground cover in sufficient quantities to provide at least 90% coverage of
19 the landscaped area within 3 years of installation. Existing healthy mature trees which are
20 located within perimeter landscape buffers shall be maintained to the maximum extent
21 possible and protected during construction unless determined by an Arborist that such tree
22 is dead, diseased, or dangerous. A revised landscape plan shall be submitted to, and
23 approved by, the Current Planning Project Manager prior to construction permit approval.

24 Underground sprinkler systems are required to be installed and maintained for all
25 landscaped areas. The sprinkler system shall provide full water coverage of the planted
26 areas specified on the plan. A detailed landscape plan and irrigation plan will need to be
submitted and approved prior to building permit approval.

- 21 J. Refuse and Recycle Enclosure. As outlined in the staff report, the proposal provides for
22 445 feet for a refuse and recycle area, which exceeds the 120 square feet required by City
23 code. The proposal provides for adequate refuse and recycle.
- 24 K. Recreation. There is no code requirement or other legal justification to require any
25 recreational space for the project. The significant amount of landscaping of the proposal
26 provides for passive recreation.

1 L. Transit and Bicycles. The record does not contain any information on the availability of
2 transit. Given that the proposal involves the sale of automobiles, it does not appear likely
3 that many transit users would be accessing the site, therefore no transit improvements
4 could be required of the applicant. As to bicycle facilities, the conditions of approval
5 require the applicant to submit a bicycle parking plan that demonstrates compliance with
6 city bicycle parking standards. For these reasons, it is determined that the facility is
7 served by adequate transit and bicycle facilities.

8 5. Adverse Impacts. There are no significant adverse impacts associated with the project. Few
9 adverse impacts are anticipated since the proposal only serves to replace an existing area already
10 developed for a theater and the proposed construction will only result in an increase of
11 approximately one acre of pollution generating impervious surface at the 12 acre site. Adequate
12 infrastructure serves the site as determined in Finding of Fact No. 4. Impacts are more
13 specifically addressed as follows:

14 A. Compatibility. The proposal is fully compatible with surrounding uses. The proposal is
15 surrounded by commercial and industrial uses, including another car dealership to the
16 north. Landscaping that exceeds code requirements is required for the perimeter of the
17 project to buffer the excessive parking of the site.

18 B. Lighting. The applicant has requested a modification to applicable lighting standards,
19 approved by this decision, in order to increase authorized perimeter lighting from 0.9
20 candles to 1.2 candles. This amount of lighting will not adversely affect adjoining
21 properties. Fixtures use flat lens and are downcast to reduce light spill onto adjacent
22 properties. Additionally, all perimeter fixtures have full cut-off shields to reduce glare.
23 The exterior lighting would be reduced after operating hours. Finally, the project site is
24 bordered by commercial and industrial uses and would not share boundaries with any
25 residential uses.

26 C. Aesthetics. As conditioned, the proposal incorporate sufficient screening to prevent
adverse aesthetic impacts to neighboring properties and the general public.

The applicant did not provide details for surface or roof mounted equipment and/or
screening identified for such equipment. As such this decision adopts a condition that the
applicant provide a detailed plan identifying the location and screening provided for
surface and roof mounted equipment. The screening plan shall be submitted to, and
approved by, the Current Planning Project Manager prior to building permit approval.

As identified in the landscaping discussion of Finding of Fact No. 4, perimeter
landscaping exceeding code requirements is imposed by the conditions of approval in
order to ensure adequate screening of the excess parking proposed by the applicant.
Further, the applicant is also proposing the use of an embassy-style security gate and
guardrail around the perimeter of the car sales parking area. The proposed steel guardrail,

1 along East Valley Rd, would not serve as a creative screening feature for the proposed car
2 sales display area as required in the design district. Therefore the conditions of approval
3 require the applicant to replace the proposed guardrail with ornamental fencing. A revised
4 landscape plan, with alternative fencing, shall be submitted to, and approved by, the
5 Current Planning Project Manager prior to construction permit approval. The applicant
6 has submitted a bollard alternative to the guardrail which would serve to comply with the
7 condition of approval.

- 8 D. Privacy and Noise. The proposal will not create any significantly adverse noise or privacy
9 impacts.

10 Privacy is not anticipated to be a problem since there are no residential uses close to the
11 proposal.

12 Noise is also not anticipated to be significant. Existing noise within the vicinity of the
13 subject site is primarily composed of vehicles on adjacent streets (SW 41st St and East
14 Valley Rd). Temporary construction noise is anticipated as a result of the subject project.
15 Based on the provided construction mitigation description the applicant has indicated that
16 construction is anticipated to last approximately eight months and commencement of
17 construction is to be determined. At this time, the applicant has indicated that
18 construction work would occur during typical construction hours. Furthermore, the site is
19 surrounded by industrial activity and/or commercial development. Therefore, the
20 temporary noise impacts are anticipated to be minimal and limited in duration. In addition,
21 the project would be required to comply with the City's noise ordinance regarding
22 construction hours.

- 23 E. Natural Systems Features/Critical Areas. The only protected natural system
24 feature/Critical Area on the project site are two Category 3 wetlands located along the
25 western border of the project site. The proposal does not involve any encroachment into
26 the buffers of these wetlands. Staff have not found any impacts to the wetlands at this
time. However, if the proposal will affect the wetlands a condition requires a mitigation
plan. The conditions of approval also require fencing along the buffers of the wetlands.

- F. Views. No views are disrupted by the proposal. There are no territorial views for which
to maintain visual accessibility. Staff received no comments from adjacent properties
regarding views.

- G. Public Access. The proposal does not interfere with any public access to the shoreline.
No shorelines are in the vicinity of the proposal.

Conclusions of Law

1. Authority. RMC 4-9-200(B)(2) requires site plan review for all areas designated as EAV by
the comprehensive plan, which applies the subject parcel. Hearing examiner review of site plans is
required because the proposal involves more than 300 parking spaces and more than 10 acres of

1 development as specified in RMC 4-9-200(D)(2)(b). RMC 4-8-080(G) classifies hearing examiner
2 site plan review as Type III permits and modifications as Type I permits. The site plan, variance
3 application and modification requests of this proposal have been consolidated. RMC 4-8-080(C)(2)
4 requires consolidated permits to each be processed under “the highest-number procedure”. The site
5 plan has the highest numbered review procedures, so the site plan, variance and modification requests
6 must be processed as Type III applications. As Type III applications, RMC 4-8-080(G) grants the
7 Examiner with the authority to hold a hearing and issue a final decision on them, subject to closed
8 record appeal to the City Council.

9 2. Zoning/Comprehensive Plan Designations. The subject property is zoned Commercial
10 Arterial (CA) and Medium Industrial (IM) and its comprehensive plan designation is Employment
11 Area Valley (EAV).

12 3. Review Criteria/Adoption of Staff Report Variance and Modification Findings and
13 Conclusions. Site plan review standards are governed by RMC 4-9-200(E)(3). Applicable criteria are
14 quoted below in italics and applied through corresponding conclusions of law. The staff report
15 findings of fact and conclusions of law for the three requested development standard modifications
16 (Staff Report Finding 28, 29 and 30) and variance (Staff Report Finding 31) are adopted by this
17 reference as if set forth in full.

18 **RMC 4-9-200(E)(3): *Criteria: The Administrator or designee must find a proposed project to be in***
19 ***compliance with the following:***

20 ***a. Compliance and Consistency: Conformance with plans, policies, regulations and approvals,***
21 ***including:***

22 ***i. Comprehensive Plan: The Comprehensive Plan, its elements, goals, objectives, and***
23 ***policies, especially those of the applicable land use designation; the Community Design***
24 ***Element; and any applicable adopted Neighborhood Plan;***

25 ***ii. Applicable land use regulations;***

26 ***iii. Relevant Planned Action Ordinance and Development Agreements; and***

iv. Design Regulations: Intent and guidelines of the design regulations located in RMC 4-
3-100.

27 4. The proposal is consistent with applicable comprehensive plan policies and zoning regulations
28 as outlined in Finding 26 and 27 of the staff report, which is adopted by this reference as if set forth
29 in full, including the findings and conclusions. No planned action ordinance or development
30 agreement applies to the proposal. The CA portion of the project (which contains no structures) is
subject to the RMC 4-3-100 design regulations. See RMC 4-3-100(B)(1)(b). The proposal is found

1 to be consistent with these regulations for the reasons identified in Finding 32 of the staff report,
2 adopted by this reference as if set forth in full, including findings and conclusions.

3 **RMC 4-9-200(E)(3)(b): *Off-Site Impacts: Mitigation of impacts to surrounding properties and***
4 *uses, including:*

5 *i. **Structures:** Restricting overscale structures and overconcentration of development on a*
6 *particular portion of the site;*

7 *ii. **Circulation:** Providing desirable transitions and linkages between uses, streets,*
8 *walkways and adjacent properties;*

9 *iii. **Loading and Storage Areas:** Locating, designing and screening storage areas,*
10 *utilities, rooftop equipment, loading areas, and refuse and recyclables to minimize views*
11 *from surrounding properties;*

12 *iv. **Views:** Recognizing the public benefit and desirability of maintaining visual*
13 *accessibility to attractive natural features;*

14 *v. **Landscaping:** Using landscaping to provide transitions between development and*
15 *surrounding properties to reduce noise and glare, maintain privacy, and generally*
16 *enhance the appearance of the project; and*

17 *vi. **Lighting:** Designing and/or placing exterior lighting and glazing in order to avoid*
18 *excessive brightness or glare to adjacent properties and streets.*

19 5. As determined in Finding of Fact No. 4 and 5, the proposal will not create any significant off-
20 site impacts, including the impacts specifically addressed in the criteria above.

21 **RMC 4-9-200(E)(3)(c): *On-Site Impacts: Mitigation of impacts to the site, including:***

22 *i. **Structure Placement:** Provisions for privacy and noise reduction by building placement,*
23 *spacing and orientation;*

24 *ii. **Structure Scale:** Consideration of the scale of proposed structures in relation to natural*
25 *characteristics, views and vistas, site amenities, sunlight, prevailing winds, and pedestrian*
26 *and vehicle needs;*

*iii. **Natural Features:** Protection of the natural landscape by retaining existing vegetation*
and soils, using topography to reduce undue cutting and filling, and limiting impervious
surfaces; and

1 **iv. Landscaping:** *Use of landscaping to soften the appearance of parking areas, to provide*
2 *shade and privacy where needed, to define and enhance open spaces, and generally to*
3 *enhance the appearance of the project. Landscaping also includes the design and*
4 *protection of planting areas so that they are less susceptible to damage from vehicles or*
5 *pedestrian movements.*

6 6. As determined in Finding of Fact No. 4 and 5, the proposal will not create any significant on-
7 site impacts, including those specifically addressed in the criteria above.

8 **RMC 4-9-200(E)(3)(d): Access and Circulation:** *Safe and efficient access and circulation for*
9 *all users, including:*

10 **i. Location and Consolidation:** *Providing access points on side streets or frontage streets*
11 *rather than directly onto arterial streets and consolidation of ingress and egress points on*
12 *the site and, when feasible, with adjacent properties;*

13 **ii. Internal Circulation:** *Promoting safety and efficiency of the internal circulation system,*
14 *including the location, design and dimensions of vehicular and pedestrian access points,*
15 *drives, parking, turnarounds, walkways, bikeways, and emergency access ways;*

16 **iii. Loading and Delivery:** *Separating loading and delivery areas from parking and*
17 *pedestrian areas;*

18 **iv. Transit and Bicycles:** *Providing transit, carpools and bicycle facilities and access; and*

19 **v. Pedestrians:** *Providing safe and attractive pedestrian connections between parking*
20 *areas, buildings, public sidewalks and adjacent properties.*

21 7. As determined in Finding of Fact No. 4, the proposal provides for adequate access and
22 circulation as required by the criterion above.

23 **RMC 4-9-200(E)(3)(e): Open Space:** *Incorporating open spaces to serve as distinctive project*
24 *focal points and to provide adequate areas for passive and active recreation by the occupants/users*
25 *of the site.*

26 8. The proposal provides for adequate open space as required by the criterion above as
 determined in Finding of Fact No. 4.

RMC 4-9-200(E)(3)(f): Views and Public Access: *When possible, providing view corridors to*
 shorelines and Mt. Rainier, and incorporating public access to shorelines.

 9. As determined in Finding of Fact No. 5, no view corridors are adversely affected. No
 shorelines are in the vicinity for purposes of requiring public access.

1 **RMC 4-9-200(E)(3)(g): *Natural Systems: Arranging project elements to protect existing natural***
2 ***systems where applicable.***

3 10. Natural systems will not be adversely affected by the proposal as determined in Finding of
4 Fact No. 5.

5 **RMC 4-9-200(E)(3)(h): *Services and Infrastructure: Making available public services and***
6 ***facilities to accommodate the proposed use.***

7 11. The project is served by adequate services and facilities as determined in Finding of Fact No.
8 4.

9 **RMC 4-9-200(E)(3)(i): *Phasing: Including a detailed sequencing plan with development phases***
10 ***and estimated time frames, for phased projects.***

11 12. The staff report and application materials contain a detailed phasing plan.

12 **DECISION**

13 The site plan, light standard modification, street standard modification, parking modification and
14 sign variance are approved subject to the following conditions:

- 15 1. The applicant shall comply with the one mitigation measure issued as part of the
16 Determination of Non-Significance Mitigated, dated June 1, 2015.
- 17 2. The applicant shall be required to provide on-site landscape buffers along the perimeter
18 of the site adjacent to SW 41st St and East Valley Rd to a minimum width of 15 feet in
19 order to accommodate a variety of vegetation. Additionally, a minimum 1,000 square
20 foot gateway/landscape area shall be provided at the corner of SW 41st St and East
21 Valley Rd. All perimeter parking lot landscaping shall be revised to include the
22 following: trees planted along the street frontage in clusters; shrubs planted at the
23 minimum rate of one per 20 square feet of landscaped area; ground cover in sufficient
24 quantities to provide at least 90% coverage of the landscaped area within 3 years of
25 installation. Existing healthy mature trees which are located within perimeter landscape
26 buffers shall be maintained to the maximum extent possible and protected during
construction unless determined by an Arborist that such tree is dead, diseased, or
dangerous. Underground sprinkler systems are required to be installed and maintained
for all landscaped areas. The sprinkler system shall provide full water coverage of the
planted areas specified on the plan. A revised landscape and irrigation plan shall be
submitted to, and approved by, the Current Planning Project Manager prior to
construction permit approval.
3. The applicant shall provide a detailed plan identifying the location and screening
provided for surface and roof mounted equipment. The screening plan shall be submitted

1 to, and approved by, the Current Planning Project Manager prior to building permit
2 approval.

- 3 4. The applicant shall be required to provide wetland signage and split rail fencing plan
4 along the existing wetland buffer to the Current Planning Project Manager prior to
5 engineering permit approval. The construction of the split rail fencing and signage shall
6 occur prior to Temporary Occupancy.
- 7 5. If the proposal significantly and adversely impacts critical areas as determined by staff
8 prior to final plat approval, the applicant shall be required to submit a mitigation plan
9 complying with RMC 4-3-050 and include baseline information for the Act III Theater
10 Mitigation Plan (dated September 16, 1991). The mitigation plan, if necessary, shall be
11 submitted to and approved by the Current Planning Project Manager prior to construction
12 permit approval.
- 13 6. The applicant shall be required to submit a final sign package which indicates the
14 approximate location of all exterior building signage. Proposed signage shall be
15 compatible with the building's architecture and exterior finishes and contribute to the
16 character of the development. The base for the proposed pylon sign shall include design
17 elements which minimize impacts on the pedestrian environment. The sign package shall
18 be submitted to, and approved by, the Current Planning Project Manager prior to building
19 permit approval.
- 20 7. The applicant shall be required to replace the proposed guardrail with ornamental
21 fencing. A revised landscape plan, with alternative fencing, shall be submitted to, and
22 approved by, the Current Planning Project Manager prior to construction permit approval.
23 The applicant has submitted a bollard alternative to the guardrail which would serve to
24 comply with the recommended condition of approval (Exhibit 16).
- 25 8. The applicant shall be required to provide an additional pedestrian connection from the
26 proposed entrance across the center drive aisle to the southern portion of the site.
Additionally, all designated pedestrian areas shall be differentiated, in material, from
drive aisles. A revised site plan shall be submitted to and approved by the Current
Planning Project Manager prior to construction permit approval.
9. The applicant shall submit a materials board subject to the approval of the Current
Planning Project Manager prior to building permit approval. The board shall include
color and materials for the following: façade treatments, windows/frames, and columns.
10. The applicant shall provide a lighting plan that adequately provides for public safety
without casting excessive glare on adjacent properties; at the time of building permit
review. Pedestrian scale and downlighting shall be used in all cases to assure safe
pedestrian and vehicular movement, unless alternative pedestrian scale lighting has been
approved administratively or is specifically listed as exempt from provisions located in
RMC 4-4-075 Lighting, Exterior On-Site.
11. The applicant shall submit bicycle parking detail demonstrating compliance with the
bicycle requirements outlined in RMC 4-4-080F.11.c for fixed structures. The bicycle

1 parking detail shall be submitted to and approved by the Current Planning Project
2 Manager prior to building permit approval.

3 12. The applicant shall revise the TIA to include the traffic counts referenced from All
4 Traffic Data, Inc. The revised TIA shall be submitted to, and approved by, the Plan
5 Reviewer prior to engineering construction permit approval.

6 13. Fire department apparatus access roadways are required within 150 feet of all points on
7 the building. Fire lane signage is required for the on-site roadway.

8 DATED this 8th day of July, 2015.

9 
10 Phil A. Olbrechts

11 City of Renton Hearing Examiner

12 **Appeal Right and Valuation Notices**

13 RMC 4-8-080 provides that the final decision of the hearing examiner is subject to appeal to the
14 Renton City Council. RMC 4-8-110(E)(14) requires appeals of the hearing examiner's decision to be
15 filed within fourteen (14) calendar days from the date of the hearing examiner's decision. A request
16 for reconsideration to the hearing examiner may also be filed within this 14 day appeal period as
17 identified in RMC 4-8-110(E)(13) and RMC 4-8-100(G)(9). A new fourteen (14) day appeal period
18 shall commence upon the issuance of the reconsideration. Additional information regarding the
19 appeal process may be obtained from the City Clerk's Office, Renton City Hall – 7th floor, (425) 430-
20 6510.

21 Affected property owners may request a change in valuation for property tax purposes
22 notwithstanding any program of revaluation.
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26