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BEFORE THE HEARING EXAMINER FOR THE CITY OF RENTON

RE: Renton Dental Arts)
)
) FINAL DECISION
Site Plan, Parking and Street)
Modification)
)
LUA17-000289, ECF, SA-H, MOD,)
MOD)
)

Summary

The applicant has applied for site plan approval two development standard modifications for the construction of a new 7,796 square foot building proposed to house a dental office at 17816 108th Avenue SE. One modification is a request to increase the maximum number of authorized parking spaces from 39 to 49 spaces. The other modification involves providing for frontage improvements consistent with the existing curb line as opposed to conforming to the street section required by City code. The site plan and two modification applications are approved subject to conditions.

Testimony

Jill Ding, senior planner for City of Renton, summarized the proposal. Ms. Ding identified a couple errors in the staff report. She noted that the building needs to be setback an additional 2 feet six inches instead of the 3 feet six inches identified in the staff report to comply with front setback requirements. In the third paragraph of the landscaping section of the staff report, the correct dimension for the interior parking lot should be 9x13 feet. There was also some confusion about the dedication required for 108th street. The dedication is dependent upon the amount of construction necessary for frontage improvements. The amount required could vary.

1 **Exhibits**

2 The July 25, 2017 Staff Report Exhibits 1-14 identified at Page 2 of the staff report were admitted into
3 the record during the hearing. The following exhibits were also admitted during the hearing:

- 4 Exhibit 15: Staff powerpoint
5 Exhibit 16: City of Renton COR maps
6 Exhibit 17: Google earth aerial photographs
7

8 **FINDINGS OF FACT**

9 **Procedural:**

- 10 1. Applicant. Franklin Ng, Architectural Werks, Inc., 11416 9th Avenue NE, Suite 200, Kirkland,
11 WA 98033
- 12 2. Hearing. A hearing was held on the application on July 25, 2017 11:00 am in the City of
13 Renton Council Chambers.
- 14 3. Project Description. The applicant has applied for site plan approval for the construction of a
15 new 7,796 square foot building to house a dental office at 17816 108th Avenue SE. The applicant also
16 requests approval of a street and a parking modification. The parking modification is to RMC 4-4-080
17 to increase the maximum number of authorized parking spaces from 39 to 49 spaces. The street
18 modification is to the frontage improvements required by RMC 4-6-60(F)(2) to construct frontage
19 improvements that remain within the existing curb line instead of complying with the street section
20 required by City code. The project site totals 36,927 square feet in area. Access to the site is proposed
21 via one curb cut off 108th Avenue SE. There is a 60-foot conservation easement located along the
22 eastern portion of the project site that will not be encroached by the project. An existing Wendy's
23 building would be removed from the project site. No critical areas are mapped on the project site.
- 24 4. Adequacy of Infrastructure/Public Services. The project will be served by adequate
25 infrastructure and public services as follows:
- 26 A. Water and Sewer Service. Water and sewer service will be provided by Soos Creek
Water and Sewer District.
 - B. Fire and Police. The City of Renton will provide police service and the Renton Fire
Authority will provide fire service. Fire and police department staff have determined that
existing facilities are adequate to serve the development in conjunction with the fire impact
fees and building code requirements applicable to the development.

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C. Drainage. Public works staff have determined that the preliminary design and technical drainage review submitted by the applicant are consistent with adopted city standards. The drainage review was submitted as Ex. 3, the "Preliminary Drainage Plan and Technical Information Report" (TIR), dated May 2017. The project is required to comply with the 2017 Renton Surface Water Design Manual. The development is required to provide enhanced water quality treatment prior to discharge. Project water quality treatment will consist of conveyance to a Modular Wetland System preceding the proposed detention system prior to connection to the existing 24-inch concrete stormwater main located in 108th Ave SE.

D. Parks/Open Space. The applicant is proposing a widened pedestrian plaza with benches for seating between the front of the building and the sidewalk. To further enhance the pedestrian environment within this plaza area, a condition of approval requires that landscape planters be added within the plaza area.

E. Transportation and Circulation. Public works staff have determined that the preliminary design for traffic circulation and improvements satisfies applicable city standards. The applicant submitted a traffic analysis prepared by Jake Traffic Engineering, Inc., dated May 2, 2017 (Exhibit 4). Since the proposal is replacing a Wendy's, the project will reduce trip generation of the site. Weekday peak hour AM trips would generate a reduction of 81 new vehicle trips. Weekday peak hour PM trips would generate a reduction of 50 net new vehicle trips. As detailed in the report the proposed project is not expected to lower the levels of service of the surrounding intersections included in the traffic study. The proposed development is expected to generate less than 20 net new vehicle trips during the AM and PM peak hours so a Traffic Impact Analysis is not required by City standards.

The proposed vehicular and pedestrian circulation system is safe and efficient. The proposed project is proposing only one curb cut onto the project site, which should result in minimal impacts to pedestrian circulation. To further enhance pedestrian safety, a delineated pedestrian concrete sidewalk is proposed around the front, side, and rear of the building with a connection to 108th Avenue SE as well as to the surface parking lot. The interior pedestrian walkway is proposed at a width of 5-feet. In addition, a pedestrian plaza is proposed on the west side of the project site between the front of the building and the public sidewalk to be constructed along 108th Avenue SE. This plaza would have a width of 15-feet between the main portion of the building and the front property line.

1 F. Schools. As a dental care facility, it is not anticipated that the proposal will create any
2 increased demand for school services or facilities.

3 G. Refuse and Recycling. RMC 4-4-090 sets the standard for adequate refuse and recycling
4 facilities. Under this standard, at a total gross building floor area of 7,796 sf, the proposed
5 development is required to provide 15.6 sf of recyclable deposit area and 31.2 sf of refuse
6 deposit area for a total area of 46.8 sf. A total minimum of 100 sf would be required for
7 refuse and recycling deposit areas. The applicant has proposed a refuse and recyclable
8 deposit area, which would total approximately 226 sf, which exceeds the minimum 100 sf
9 required.

10 H. Parking. The City's parking standards set the standard for adequacy of parking. RMC 4-4-
11 080(F)(10)(d) requires that dental offices provide a minimum and maximum of 5 parking
12 space for every 1,000 square feet of net floor area. This results in a total of 39 spaces
13 required for the project. The applicant has requested a modification, approved by this
14 decision, to increase the number of spaces to 49.

15 Per RMC 4-4-080F.11.a bicycle parking spaces are required at 10% of the number of
16 required off-street parking spaces. Based on a requirement for 39 parking spaces, 4 bicycle
17 parking spaces would be required. The applicant has not identified bicycle parking in its
18 application materials. Therefore, a condition of approval requires that the required bicycle
19 parking be provided in compliance with RMC 4-4-080F to the Current Planning Project
20 Manager at the time of Building Permit Review.

21 I. Landscaping. City staff have determined that, with recommended conditions adopted by
22 this decision, the proposal complies with the City's landscaping standards. The applicant
23 has submitted a conceptual landscape plan (Exhibit 6). The landscape plan includes an
24 onsite landscape strip along all street frontages. The onsite street frontage landscape strip
25 exceeds the minimum width of 10-feet. The city landscaping standards require 735 square
26 feet of landscaping for the parking, which has far exceeded by the proposed 2,385 sf of
perimeter landscaping and 7,454 sf of interior landscaping for a total of 9,839 square feet of
parking lot landscaping. The conditions of approval require the submission of a more
detailed landscaping plan to assure compliance with City standards regarding number and
type of required trees and shrubs as well as landscaping setback and minimum dimensional
requirements.

5. Adverse Impacts. There are no significant adverse impacts associated with the proposal.
Adequate infrastructure serves the site as determined in Finding of Fact No. 4. Impacts are more
specifically addressed as follows:

A. Aesthetics. According to the staff report, the proposal will not adversely affect
neighboring views or view corridors to shorelines and Mount Rainier. The proposed

1 building is one story with a maximum height of 28 feet, it is not anticipated that the
2 proposed building would adversely impact views of surrounding properties.

3 The conditions require that all on-site surface mounted utility equipment shall be screened
4 from public view. The conditions of approval require that screening shall consist of
5 equipment cabinets enclosing the utility equipment, solid fencing or a wall of a height at
6 least as high as the equipment it screens, or a landscaped visual barrier allowing for
7 reasonable access to equipment. Equipment cabinets, fencing, and walls shall be made of
8 materials and/or colors compatible with building materials. All rooftop mechanical
9 equipment is required to be screened from public review in compliance with RMC 4-4-
10 095 with roof wells, clerestories, or parapets, walls, solid fencing, or other similar solid,
11 nonreflective barriers or enclosures. The submitted materials do not show the locations of
12 any utility or rooftop mechanical equipment. Therefore, a condition of approval requires
13 that the applicant provide sufficient information to the Current Planning Project Manager
14 at the time of Building Permit review demonstrating that any ground mounted utility
15 equipment and rooftop mechanical equipment would be screened from public view. A
16 condition of approval also requires the applicant to screen the north side of the refuse and
17 recycling area with landscaping to fully screen it from view. The refuse/recycling area is
18 already landscaped on two other sides.

- 13 B. Compatibility. The proposed use is compatible with the scale and character of the
14 neighborhood. Surrounding uses are composed of commercial uses to the north,
15 south and west. Single-family use is located to the east, at the rear of the building,
16 but is separated by a 60-foot conservation easement and 109th Ave SE.
- 16 C. Light and glare. The conditions of approval require the applicant to submit a lighting plan
17 that conforms to the requirements of RMC 4-4-075. Conformance to these standards will
18 assure that the proposal will not generate light and glare that is excessive, as the standards
19 prohibit light trespass and require light cut-offs.
- 19 D. Noise. Noise impacts would be minimal. As a dental office, the proposal would generate
20 a nominal amount of traffic, which would be the only source of noise. The proposed
21 building would be located on the northwest corner of the project site away from the single
22 family, R-8 zoned, properties to the east and would be further separated from the
23 residential use by the conservation easement.
- 22 E. Critical Areas and Natural Features. The proposal will not adversely affect any critical
23 areas or significant natural features. This is to be expected since the project site has
24 already been developed for a Wendy's restaurant. The staff report notes there are no
25 critical areas on the project site but acknowledges the existence of a conservation
26 easement. It's unclear what the conservation easement protects, but at any rate the
proposal will not encroach into the easement.

1 A total of 15 significant trees have been identified on the project site. The City's tree
2 retention standards require the applicant to retain 10% of existing trees, which is two trees
3 for this project. The applicant is proposing to retain 10 trees along the eastern portion of
4 the project site within the 60-foot conservation area, which exceeds the minimum tree
5 retention requirements.

6 **Conclusions of Law**

7 1. Authority. RMC 4-9-200(B)(2)(c) requires hearing examiner site plan review (Type III review
8 under RMC 4-8-080(G)) for all commercial projects that abut residential development. RMC 4-8-
9 080(G) classifies modification review as Type I review, which assigns final decision making to staff,
10 subject to appeal to the hearing examiner. RMC 4-8-080(C)(2) requires consolidated permits to each
11 be processed under "the highest-number procedure". The site plan and modification applications are
12 consolidated. The Type III site plan review is the "highest-number procedure" and therefore must be
13 employed for the consolidated site plan and modification review. As outlined in RMC 4-8-080(G),
14 the hearing examiner is authorized to hold hearings and issue final decisions on Type III applications
15 subject to closed record appeal to the Renton City Council.

16 2. Zoning/Comprehensive Plan Designations. The subject property is within the Commercial
17 Mixed Use (CMU) Comprehensive Plan land use designation and the CA zoning classification.

18 3. Review Criteria. Site plan review standards are governed by RMC 4-9-200(E)(3). Applicable
19 standards are quoted below in italics and applied through corresponding conclusions of law. The two
20 modification requests identified in Finding of Fact No. 3 are governed by RMC 4-9-250(D). Both
21 modification requests are concluded to meet all applicable review criteria for the reasons identified in
22 Staff Report Findings of Fact No. 18 and 19.

23 **Site Plan**

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

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

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

ii. Applicable land use regulations;

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.*

1 4. The proposal is consistent with the City's comprehensive plan and development regulations
2 for the reasons identified in Finding of Fact 15 and 16 of the staff report. The proposal is located
3 within Design District "D" and is required to comply with the design standards specified in RMC 4-3-
100(E). All applicable design standards are met for the reasons identified in Finding of Fact No. 17
4 of the staff report. No planned action ordinance or development agreement applies to the project.

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

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

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

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

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

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

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

21 5. As conditioned, the criteria quoted above are met. The proposal does not involve over-scale
22 development or overconcentration of development. As shown in the site plan of Exhibit 5, the
23 building only takes up a little more than a quarter of the project site and will be comparable in size
24 to other buildings in the vicinity as shown in the aerial photograph of the staff report. The proposal
25 provides for safe and efficient transportation with separated pedestrian walkways linked to
26 surrounding sidewalks as determined in Finding of Fact No. 5 and shown in Exhibit 5. The
proposal does not involve any loading or storage areas except for refuse and recycling, which is
adequately screened as conditioned as determined in Finding of Fact No. 5(A). The proposal
provides for significantly more landscaping than required by the City's landscaping standards as
determined in Finding of Fact No. 4(I). This landscaping, in conjunction with the vegetation
retained in the conservation easement, provides for significant buffering to the residential uses to the
east and will serve to reduce noise, glare, maintain privacy and enhance appearance as required by
the criterion above. The proposal is conditioned to avoid excess brightness and glare as determined
in Finding of Fact No. 5(C).

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

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

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

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

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

14 6. The criterion quoted above are met. As determined in Finding of Fact No. 5, the proposal has
15 been well designed to provide for privacy and noise reduction. There is nothing in the record to
16 reasonably suggest that the scale, spacing and orientation of the project could be modified to
17 provide for more privacy and noise reduction without unreasonably interfering with the utility of the
18 project. As determined in Finding of Fact No. 5, the proposal does not create any adverse aesthetic
19 impacts and is fully compatible with adjoining uses. As determined in Finding of Fact No. 4 and
20 shown in Ex. 5, the proposal provides for safe and efficient vehicular and pedestrian circulation and
21 is well integrated into adjoining vehicular and pedestrian improvements, thus providing for a well-
22 integrated project scale and design with vehicular and pedestrian needs. As further determined in
23 Finding of Fact No. 4 and 5, as conditioned, the landscaping for the proposal provides for better
24 aesthetics and helps define parking areas and open spaces. There is nothing in the record to
25 reasonably suggest that the scale of the project is incompatible with sunlight, prevailing winds or
26 natural characteristics.

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

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

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

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

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

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

4 7. The proposal as conditioned provides for safe and efficient access and circulation and
5 adequate bicycle parking as required by the criterion above for the reasons identified in Finding of
6 Fact No. 4. The proposal does not necessitate any significant loading or delivery of materials, so
7 no separate loading and delivery areas are necessary.

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

11 8. The proposal provides for a widened pedestrian plaza with benches for seating between the
12 front of the building and the sidewalk. This plaza satisfies the criterion above for a distinctive
13 project focal point for passive and active recreation. To further enhance the pedestrian environment
14 within this plaza area, a condition of approval requires that landscape planters be added within the
15 plaza area.

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

18 9. There are no view corridors to shorelines or Mt. Rainier affected by the proposal as
19 determined in Finding of Fact No. 5(A).

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

22 10. There are no natural systems at the site or that would be affected by the proposal as
23 determined in Finding of Fact No. 5(E).

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

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

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

12. The project is not phased.

DECISION

1 As conditioned below, for the reasons identified in the Conclusions of Law above, the proposed site
2 plan and two modifications comply with all applicable criteria and should be approved.

3 1. The location of the building shall be shifted back 2-feet 6-inches, to bring the main
4 portion of the building into compliance with the 15-foot minimum front yard setback. The
5 modulation proposed at the southwest corner of the building may project 3-feet 6-inches
6 into the minimum required front yard setback area. To accommodate the building
7 relocation, the dimensions of the surface parking area to the rear of the building shall be
8 reduced. The revised site plan shall be submitted for review and approval by the current
9 planning project manager prior to building permit issuance.

10 2. The parking area on the east side of the project site shall be required to comply with the
11 structure parking stall dimensional requirements as outlined in RMC 4-4-080F.8.

12 3. A detailed landscape
13 plan and analysis, including, but not limited to, demonstration of compliance with the
14 following landscaping requirements shall be provided:

15 a. Shrubs are required at a minimum rate of 1 per every 20 sf of landscaped area. Up
16 to 50% of the shrubs may be deciduous. This analysis shall be provided to the
17 Current Planning Project Manager for review and approval at the time of building
18 permit review.

19 b. Trees shall be two inches (2") in diameter at breast height (dbh) for multi-family,
20 commercial, and industrial uses. At least one tree for every six (6) parking spaces
21 within the lot interior shall be planted.

22 c. The interior parking lot landscaped areas shall be revised to comply with the
23 minimum dimensional requirements of 9-feet by 13-feet as well as ensure that no
24 parking space is more than 50-feet from an interior parking lot landscaped area. A
25 landscaped tree island shall be installed within the 10 parking spaces proposed on
26 the eastern portion of the project site.

d. Landscaping shall be installed along the north side of the proposed refuse and
recycling deposit area.

e. Landscape planters shall be added within the plaza area between the building and
the sidewalk.

The detailed landscape plan and analysis shall be provided to the Current Planning
Project Manager at the time of Building Permit review for review and approval.

4. A site lighting plan shall be provided at the time of building permit review demonstrating
compliance with the standards outlined in RMC 4-4-075. The site lighting plan shall be
submitted to the Current Planning Project Manager for review and approval.

5. The applicant shall provide sufficient information to the Current Planning Project
Manager at the time of Building Permit review demonstrating that any ground mounted
utility equipment and rooftop mechanical equipment would be screened from public view

1 pursuant to the standards specified in Finding of Fact No. 5(A) of this decision and other
2 applicable development standards.

- 3 6. A revised site plan shall be submitting showing the location of the 4 required bicycle
4 parking spaces and a bicycle parking detail, in compliance with RMC 4-4-080F, shall be
provided to the Current Planning Project Manager at the time of Building Permit Review.

5 DATED this 9th day of August, 2017.

6 
7 Phil A. Olbrechts

8 City of Renton Hearing Examiner
9

10 **Appeal Right and Valuation Notices**

11 RMC 4-8-080(G) classifies the application(s) subject to this decision as Type III applications
12 subject to closed record appeal to the City of Renton City Council. Appeals of the hearing
13 examiner's decision must be filed within fourteen (14) calendar days from the date of the decision.
14 A request for reconsideration to the hearing examiner may also be filed within this 14-day appeal
15 period.

16 Affected property owners may request a change in valuation for property tax purposes
17 notwithstanding any program of revaluation.
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