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66874-9

IN THE COURT OF APPEALS  
OF THE STATE OF WASHINGTON  
DIVISION I

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NO. 66874-9-I

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RENTON NEIGHBORS FOR HEALTHY GROWTH,

Appellant,

v.

PACLAND; JEFF CHAMBERS, P.E.; BONNELL FAMILY, LLC;  
PETER BONNELL; CITY OF RENTON,

Respondents,

and

WAL-MART STORES, INC.,

Intervenor-Respondent.

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OPENING BRIEF OF APPELLANT

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## I. INTRODUCTION

The City of Renton recently approved a proposal by intervenor Wal-Mart Stores, Inc. to expand its existing Wal-Mart Discount Store into a Superstore. Renton Neighbors for Healthy Growth, a group of Renton citizens, have appealed that decision because it allows an illegal expansion of a non-conforming structure in violation of the City Code. The structure, as it stands, is non-conforming, which means that it is currently in violation of regulations in the Code. For example, while the maximum frontage setback requirement in the Code is 15 feet, the Wal-Mart's frontage setback is 555 feet.

Under the Renton Code, a non-conforming structure cannot be expanded unless it is made conforming. RMC 4-10-050A. Wal-Mart has proposed to expand the existing illegal structure without bringing it into conformance with the Code. The Renton City Council approved the expansion despite the prohibition against such expansion in RMC 4-10-050A.

The proposed design of the new Superstore also violates the City of Renton's design regulations. The Code contains mandatory rules that prescribe how the Wal-Mart structure must be designed. The Hearing Examiner's own decision reveals that the Wal-Mart proposal violates several

of those minimum standards in the design regulations, yet he approved the project nonetheless. The City Council adopted that approval, apparently believing that adherence to the design regulations is optional when it is not. To the contrary, those provisions are mandatory and the Wal-Mart proposal should have been denied.

Rather than require that Wal-Mart conform to the Code requirements, the Examiner opined that “it might be nice” if Wal-Mart would comply with the current Code and expressed a hope that the “next remodel” would be better. CP 1003. RNHG requests that this Court reverse the City of Renton’s approval of the Wal-Mart expansion proposal and issue an order requiring that the proposal be denied.

## II. ASSIGNMENTS OF ERROR

Appellants assign error to the King County Superior Court’s Final Order and Judgment issued on February 22, 2011.

## III. ISSUES PRESENTED

The issues presented in this matter are:

1. Whether the City of Renton’s decision approving the Wal-Mart expansion should be reversed because the Wal-Mart proposal is an illegal expansion of a non-conforming structure per RMC 4-10-050A.

2. Whether the Hearing Examiner decision approving the Wal-Mart expansion proposal should be reversed because it violates the City's design regulations applicable to District D in RMC 4-3-100 (*see* Appendix B).

#### IV. STATEMENT OF THE CASE

##### A. The Wal-Mart Expansion Proposal

On behalf of Wal-Mart Stores, Inc., Pacland filed an application on February 8, 2010 for Site Plan review of a proposal to expand and convert the existing Wal-Mart Discount Store located at 743 Rainier Avenue South in Renton into a Superstore. CP 1175-1177. *See also* Appendix C (CP 670 – Site Plan). The project site is approximately 13.6 acres and is located within the Commercial Arterial (CA) and Medium Industrial (IM) zoning designations within Urban Design District “D.” CP 1016.

The existing Wal-Mart store was built approximately fifteen years ago. CP 399; CP 142. Needless to say, the City of Renton's regulations have changed since the original store was built. For example, the City adopted a maximum frontage setback requirement of 15 feet for the site after the Wal-Mart was built. Ordinance 5437 (2008) (amending RMC 4-2-120A). In addition, the City adopted new design regulations. Ordinance 5286 (2007).

While the existing Wal-Mart was presumably consistent with the City of Renton Code when it was originally built, today it is no longer consistent with the Code. It is, therefore, a “non-conforming” structure.

The existing Wal-Mart contains 134,352 square feet of retail space with an additional 9,000 square feet used for the Garden Center. CP 1016. The proposal for the new expanded Superstore proposes to add 16,000 square feet to the retail space and reduce the Garden Center by 4,000 square feet. CP 1018. The completed project would result in a 150,244 square foot retail building, 745 surface parking stalls, and a 4,701 square foot Garden Center. CP 1019. Thus, Wal-Mart proposes to expand its non-conforming structure.

B. The City’s Review of the Proposal

As mentioned above, Pacland submitted its application for Wal-Mart site plan review on February 8, 2010. CP 1175-1177. On February 22, 2010, the City notified Pacland that its application was complete according to the submittal requirements and was, therefore, accepted for review. CP 1170. This letter confirmed that the proposal had vested to the laws in effect on February 22, 2010.

Following review by City staff and by the City of Renton’s Environmental Review Committee, the Department of Community and

Economic Development issued a preliminary report to the Hearing Examiner on April 27, 2010. CP 1016-1035.

A public hearing was held before the City of Renton Hearing Examiner on Tuesday, April 27, 2010. CP 986. During the hearing, the Hearing Examiner described the proposal as a “sea of asphalt” and when Wal-Mart’s attorney attempted a different characterization, the Hearing Examiner responded “it’s hard to not call a sea of asphalt, a sea of asphalt, frankly. There is a lot of asphalt out there.” CP 142.

After hearing testimony and reviewing evidence, the Examiner issued a decision approving the Wal-Mart Expansion Site Plan on May 13, 2010. *See* CP 986-1004 (Appendix D). In his decision, the Examiner acknowledged that the project was inconsistent with provisions in the Renton Code, but approved it nonetheless. CP 1001 (¶ 3); CP 1003 (¶ 16). He stated that “while it might be nice to start again and comply with newer Code provisions,” the proposed expansion was modest and enhances the existing building’s appearance. CP 1003 (¶ 16). In his decision, he stated “maybe the next remodel will include an elevated parking structure to reduce the sea of asphalt.” *Id.*

Renton Neighbors for Healthy Growth (RNHG) became aware of the project on or about May 17, 2010. The group filed a request for reconsideration on May 27, 2010 with the Hearing Examiner asking that the Examiner reconsider his decision on several grounds. *See* CP 864-CP 867. The Examiner responded to that request on June 10, 2010 indicating that he would not alter the original decision and that he was denying RNHG's request for reconsideration. *See* CP 932-CP 934 (Appendix E).

RNHG appealed the Hearing Examiner's decision to the City Council on May 27, 2010. CP 862-863. The Planning and Development Committee of the Renton City Council held a hearing for oral argument on appeal. CP 154. With little discussion on the matter, the Planning and Development Committee recommended that the full City Council affirm the decision of the Hearing Examiner. CP 696. The Renton City Council adopted the recommendation of the Planning and Development Committee affirming the decision of the Hearing Examiner at a regular Council meeting on August 16, 2010. CP 695-CP 696. RNHG filed its LUPA appeal in Superior Court shortly thereafter.

## V. ARGUMENT

### A. Standard of Review

The Land Use Petition Act (LUPA), RCW 36.70C.130, sets forth the standard of review that this Court must apply in its review of the Renton City Council's decision to approve the Wal-Mart expansion site plan proposal. Review is appellate review on the administrative record created before the Hearing Examiner. *HJS Dev. Inc. v. Pierce County ex rel. Dept. of Planning and Land Services*, 148 Wn.2d 451, 467, 61 P.3d 1141 (2003). In reviewing an administrative decision, an appellate court stands in the same position as the Superior Court. *Wenatchee Sportsmen Association v. Chelan County*, 141 Wn.2d 169, 176, 4 P.3d 123 (2000).

The City Council's decision must be reversed if:

- (a) The body or officer that made the land use decision engaged in unlawful procedure or failed to follow prescribed process, unless the error was harmless;
- (b) The land use decision is an erroneous interpretation of the law, after allowing for such deference as is due the construction of a law by a local jurisdiction with expertise;
- (c) The land use decision is not supported by evidence that is substantial when viewed in light of the whole record before the Court;
- (d) The land use decision is a clearly erroneous application of the law to the facts; . . .

RCW 36.70C.130(1).

When the Court is reviewing a question of law, the standard is *de novo* review. RCW 36.70C.130(1)(b). For example, the City Council's interpretation of RMC 4-10-050, or other code provisions, being a question of law, would be reviewed under the *de novo* standard. *Milestone Homes, Inc. v. City of Bonney Lake*, 145 Wn. App. 118, 126, 186 P.3d 357 (2008).

When the Court is reviewing an application of facts to the law, the "clearly erroneous" standard applies. RCW 36.70C.130(1)(c); *Cingular Wireless, LLC v. Thurston County*, 131 Wn. App. 756, 768, 129 P.3d 300 (2006). Even if some evidence supports the City's decision, a decision is clearly erroneous when the reviewing court is left with the definite and firm conviction that a mistake has been committed. *Norway Hill Preservation and Protection Association v. King County Council*, 87 Wn.2d 267, 274, 552 P.2d 674 (1976). The "clearly erroneous" standard allows the Court broader discretion than the often used "arbitrary and capricious" standard. *Id.* Review under the "clearly erroneous" standard also requires the Court to consider the public policy of the laws that authorize the decision. Thus, consideration of public policy is part of the review.

Where the Court considers the credibility of findings of fact only, the standard of review is “substantial evidence.” RCW 36.70C.130(1)(c); *Thornton Creek Legal Defense Fund v. City of Seattle*, 113 Wn. App. 34, 61, 52 P.3d 522 (2002). “Substantial evidence” is a sufficient quantity of evidence to persuade a fair-minded person of the truth or correctness of the determination of fact. *Id.*

B. The Wal-Mart Proposal is an Illegal Expansion of a Non-Conforming Structure

The City of Renton’s decision approving the Wal-Mart expansion should be reversed because the Wal-Mart proposal is an illegal enlargement of an existing non-conforming structure under RMC 4-10-050 (Appendix A) as is explained below.

1. Non-conforming structures may not be expanded unless they are made conforming

A “non-conforming structure” is “a lawful structure that does not comply with the current development standards (yard setbacks, lot size, lot coverage, height, etc.) for its zone, but which complied with applicable regulations at the time it was established.” RMC 4-11-112 (Definition N).

The policy of zoning legislation is to phase out non-conforming uses. *City of University Place v. McGuire*, 144 Wn.2d 640, 648, 30 P.3d 453

(2001).<sup>1</sup> Lawful non-conformances are allowed to continue for some period of time, though the local government may regulate or even terminate the non-conforming use. *Id.*

“Commentators agree that non-conforming uses limit the effectiveness of land use controls, imperil the success of community plans, and injure property values.” *Rhod-A-Zalea & 35<sup>th</sup>, Inc. v. Snohomish County*, 136 Wn.2d 1, 8, 959 P.2d 1024 (1998). “For these reasons, non-conforming uses are uniformly disfavored and courts have repeatedly acknowledged the desirability of eliminating such uses.” *Id.*

Under Washington common law, non-conformances may be intensified, but not expanded. *Id.* The City of Renton’s ordinance is consistent with this rule of common law -- it prohibits the expansion of non-conforming structures unless they are made conforming. RMC 4-10-050(A).

A non-conformance is subject to all regulations that are reasonably related to the health, safety, and welfare of the community and the application of such ordinances to a non-conforming use or structure will be upheld regardless of the economic impact and even when an ordinance “completely

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<sup>1</sup> “The term non-conforming use is commonly applied to non-conformances that are not strictly uses, such as non-conformances from setback requirements and other deviations from bulk and height restrictions, though the word ‘non-conformances’ is more precise.” 17 *Wash. Prac.*, Real Estate § 4.21 (2010 2d. ed.).

prohibits the beneficial use to which the property has previously been devoted.” *Goldblatt v. Town of Hempstead, New York*, 369 U.S. 590, 82 S.Ct. 987, 8 L.Ed.2d 130 (1962).

A legally established building or structure may remain if it does not conform with the provisions of the Renton Municipal Code, but only if certain conditions are met, including the following:

**3. Alterations:** A legal nonconforming structure shall not be altered beyond the limitations specified below:

**a. Structures With Rebuild Approval Permits:** Alteration work exceeding an aggregate cost of one hundred percent (100%) of the value of the building or structure shall be allowed if:

(1) the building or structure is made conforming by the alterations; or

(2) the alterations were imposed as a condition of granting a rebuild approval permit; or

(3) alterations are necessary to restore to a safe condition any portion of a building or structure declared unsafe by a proper authority. Alterations shall not result in or increase any non-conforming conditions unless they were specifically imposed as a condition of granting a rebuild approval permit, pursuant to RMC 4-9-120.

**b. Other Legal Nonconforming Structures:** The cost of the alterations shall not exceed an aggregate cost of fifty percent (50%) of the value of the building or structure, based upon its most recent assessment or appraisal, unless the amount over fifty percent (50%) is used to make the building

or structure more conforming, or is used to restore it to a safe condition any portion of a building or structure declared unsafe by a proper authority. Alterations shall not result in or increase any nonconforming condition.

**4. Enlargement:** The structure shall not be enlarged unless the enlargement is conforming or it is consistent with the provisions of a rebuild approval permit issued for it.

RMC 4-10-050(A) (*see* Appendix A). This provision provides conditions for two different types of actions: the “alteration” of a structure and the “enlargement” of a structure. The provision concerning “enlargement” is the relevant provision in this case because Wal-Mart is enlarging its existing structure. Therefore, RMC 4-10-050(A)(4) applies here. That provision forbids enlarging a non-conforming structure unless the enlargement is conforming or unless it is consistent with conditions of a rebuild approval permit. Here, Wal-Mart did not have a rebuild approval permit and, therefore, the proposal for enlargement must bring the structure into conformance with the Code.

2. The existing Wal-Mart is a non-conforming structure

The existing Wal-Mart is a non-conforming structure under the Renton City Code. The Wal-Mart site is designated Commercial Arterial

(CA) and Medium Industrial (IM) on the City of Renton zoning map.<sup>2</sup> The CA zoning designation requires a maximum front yard setback of 15 feet. RMC 4-2-120A.

As it stands, there is an enormous parking lot between Hardy Avenue SW/Rainier Avenue S. and the entrance to the Wal-Mart. CP 693. The front street for the Wal-Mart is Hardy Avenue SW and Rainier Avenue S. /SR 167. *Id.* There is far more than 500 feet between the front street and the building. *Id.* Therefore, the Wal-Mart is in violation of the maximum front yard setback of 15 feet. The existing Wal-Mart is also in violation of the City's design regulations as is explained in more detail in Section C below.

3. The proposed Wal-Mart expansion does not conform with code requirements

RMC 4-10-050(A)(4), the provision quoted above, does not allow Wal-Mart to expand its non-conforming structure as proposed. That provision makes it clear that enlargements are not allowed unless they make the structure conforming or unless it is consistent with a rebuild approval permit. Wal-Mart is not seeking, nor has it received, a rebuild approval

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<sup>2</sup> Because only a small portion of the site is Medium Industrial (IM), the staff decided to review the project only under the Commercial Arterial (CA) requirements. RNHG does not necessarily agree with this approach, but, for practical purposes, it did not ultimately affect the project.

permit. Therefore, the proposal must bring the structure into conformance with the Code.

The proposal does not do that. The proposed Wal-Mart structure, after expansion, would be setback from the front property line approximately 555 feet at the closest point, from the garden center to Hardy Avenue SW. CP 991 (§ 20); CP 670 (Appendix C). Therefore, the proposed structure does not comply with the maximum front yard setback of 15 feet. *Id.* In addition, as explained in Section C of this brief, the proposal violates several minimum standards in the design regulations in the Code. The enlargement is, therefore, non-conforming.

At the very beginning of the hearing, the Examiner questioned the expansion of this non-conforming use. *See* CP 987. He stated:

HEARING EXAMINER: May – I don't know if this is the appropriate time – what triggers conforming or non-conforming – there are a number of areas in the project where you've indicated things are non-conforming . . . can a non-conforming – legal non-conforming use be expanded under our Code? And is there some trigger factor?

TIMMONS: As long as it's not more than a 50 percent expansion. . . . In terms of the actual structure, we have a 140,000 square foot structure existing. The applicant is only proposing a 16,000 square foot addition.

CP 129 (lines 9-18).

From reading this exchange, it is evident that the City staff interpreted RMC 4-10-050(A) incorrectly. The City staff was referring to the Code requirements for “alterations” as if those were the conditions for “expansion.”

But the conditions regarding the cost of 50 percent of the value of the building or structure do not apply to expansion, only alterations. Unfortunately, the Hearing Examiner and the City Council relied on that incorrect interpretation of the City Code.

The Examiner’s Decision, which was affirmed by the Council, states:

The existing use, a large “big box” establishment does not meet current code requirements for the setback along its frontage street, the Hardie-Rainier complex. Only an incredibly large expansion or complete rebuild could move the front of the store to the street and parking to the rear. The proposed approximately 16,000 square foot expansion cannot be expected to accomplish the maximum front yard setback of 15 feet. As a practical matter, the tradeoff is allowing a reasonably well-designed expansion and revitalized store or probably permitting no change weighs in favor of the excessive setback. The building and expansion in its other particulars, height, other setbacks and lot coverage meets the Zoning Code. Similarly, the parking lot landscaping standards would require complete redesign of the parking area for what is a modest remodel.

CP 1001 (§ 3). There is no reference to or acknowledgment of RMC 4-10-050 by the Examiner in his conclusion.

Because this involves interpretation of the Code, review of this issue by this Court is under *de novo* review pursuant to RCW 36.70C.130(1)(b). RNHG requests that the Court reverse the decision of the City on the grounds that it erred in its interpretation of the Code and, therefore, erred in approving this illegal expansion of a non-conforming structure.

4. The City's design regulations do not supersede Code provisions that prohibit the illegal expansion of a non-conforming structure

Seeing that the Examiner had interpreted the Code improperly, RNHG requested reconsideration and pointed out that the proposal constituted an illegal expansion of a non-conforming use. CP 895-898. In response to Renton Neighbors' argument in its request for reconsideration and appeal, the Hearing Examiner made the remarkable argument that RMC 4-10-050(A)(4) does not apply to the Wal-Mart project because the City's design regulations somehow supersede provisions of the Renton Municipal Code, including the non-conforming provisions. *See* CP 859-861 (Appendix E). That is an incredible statement that has no support whatsoever in the Code. It is a tortured reading of RMC 4-3-100.

The question of whether the design regulations somehow take "precedence" over the provision prohibiting expansion of non-conforming

structures is a question of statutory interpretation and questions of statutory interpretation are reviewed *de novo*. *Whatcom County Fire Dist. No. 21 v. Whatcom County*, 151 Wn. App. 601, 610, 215 P.3d 956 (2009). The objective in interpreting a statute is to determine the Legislature's intent. *Id.* If a statute's meaning is plain on its face, the court must give effect to that plain meaning as an expression of legislative intent. *Id.* These principles apply to interpretations of local ordinances. *Id.*

At issue is the proper interpretation of the relationship between two provisions of the City of Renton Code: RMC 4-10-050(A) (non-conforming uses) (*see* Appendix A) and RMC 4-3-100 (design regulations) (*see* Appendix B).

The section referred to by the Examiner (RMC 4-3-100) says, in so many words, that all development in the commercial arterial (CA) zone, including Big Box, is required to comply with the urban design regulations. RMC 4-3-100(B)(2) and (4). That means that a proposal to enlarge a non-conforming structure must comply with the design regulations. This provision cannot possibly be read to say that the design regulations supersede RMC 4-10-050. Design regulations are meant to be an "overlay" to other regulations that set forth standards for design. The Urban Design Regulations

exist *in addition to* and on top of other regulations in the Code. Not even the staff report adopts this incredible idea that somehow projects are exempt from the non-conforming provisions by the Urban Design Regulations.

Relying on RMC 4-3-100(B)(2), respondents argued below that the design regulations supersede other “conflicting” provisions in the Renton Code. Wal-Mart and Renton referred to the “conflict” provision in the design regulations, which states:

Where there are conflicts between the design regulations of this section and other sections of the Renton Municipal Code, the regulations of this section shall prevail.

RMC 4-3-100(B)(2). According to respondents, the design regulations trumped the non-conforming provision because of a supposed conflict.

The question becomes, therefore, what is the statutory language that is purportedly in “conflict?” The first provision at issue is RMC 4-10-050(A).

That provision states:

The [non-conforming] structure shall not be enlarged unless the enlargement is conforming or it is consistent with provisions of a rebuilt approval permit issued for it.

RMC 4-10-050(A). The second provision that supposedly “conflicts” with this provision was not identified by respondents. Neither Wal-Mart, nor Renton, identified any provision in the design regulations that conflicts with

the prohibition against expansion. Instead they vaguely argued that the Examiner's reliance on RMC 4-3-100 to approve the project overrides the prohibition on expansion of non-conforming uses because of a conflict. Their argument begs the question: Where is the conflict? Where is there a conflict between a minimum standard in the Design Regulations and the non-conforming structure prohibition?

There is no conflict. The only "conflict" that exists is the proposal's conflict with the legal requirements in the code. To say that the design regulations somehow trump the non-conformance ordinance because of a conflict between the two is a red herring argument.

C. The Wal-Mart Proposal Violates the City's Design Regulations

Stepping away from the issue of non-conformance, the second issue presented to this Court is whether the Hearing Examiner decision to approve the Wal-Mart expansion proposal should be reversed because the proposal violates the City's design regulations applicable to District D in RMC 4-3-100.

1. The design regulations envision a vibrant, walkable, pedestrian friendly commercial area

The City of Renton has set forth a regulatory vision for the area referred to as “District D” in its design regulations. The requirements were adopted with an eye towards replacing the current strip mall, traffic-oriented look of commercial areas in District “D” with more vibrant, walkable, pedestrian-friendly retail areas that have unique architectural design. A village for people rather than a parking lot for cars.

That vision echoes the goal and intent of the CA zoning. *See* RMC 4-2-020(L). The purpose of the CA zone is to evolve from “strip commercial” linear business districts to business areas characterized by enhanced site planning and pedestrian orientation, incorporating efficient parking lot design, coordinated access, amenities and boulevard treatment with greater densities. RMC 4-2-010(L).

The intent and goals of these requirements are expressed in each section. Some of the relevant sections state:

(Site design and building locations) Intent: To ensure that buildings are located in relation to streets and other buildings so that the Vision of the City of Renton can be realized for high density urban environment; so that businesses enjoy visibility from public rights-of-way; and to encourage pedestrian activity throughout the district.

(Building location and orientation) Intent: To ensure visibility of businesses, establish active, lively uses along sidewalks and pedestrian pathways; organize buildings in such a way that pedestrian use of the district is facilitated; encourage siting of structures so that natural light and solar access are available to other structures and open space; enhance the visual character and definition of streets within the district; provide an appropriate transition between buildings, parking areas, and other land uses in the street; and increase privacy for residential uses located near the street.

(Building entries) Intent: To make building entrances convenient to locate and easy to access, and ensure that building entries further the pedestrian nature of the fronting sidewalk and the urban character of the district.

(Pedestrian environment) Intent: To enhance the urban character of development in the Urban Center and the Center Village by creating pedestrian networks and by providing strong links from the streets and drives to building entrances; make the pedestrian environment safer and more convenient, comfortable, and pleasant to walk between businesses, on sidewalks, to and from access points, and through parking lots; and promote the use of multi-modal and public transportation systems in order to reduce other vehicular traffic.

(Pedestrian amenities) Intent: To create attractive spaces that unify the building and street environments and are inviting and comfortable for pedestrians; and provide publicly accessible areas that function for a variety of activities, at all times of the year, and under typical seasonal weather conditions.

(Building architectural design) Intent: To encourage building design that is unique and urban in character, comfortable on a human scale, and uses appropriate building materials that are

suitable for the Pacific Northwest climate. To discourage franchise retail architecture.

(Parking and vehicular access) Intent: To maintain active pedestrian environments along streets by placing parking lots primarily in back of buildings.

RMC 4-3-100. These are just a few samples of the intent statements throughout the design requirements. They provide a general feeling of the vision that Renton has for this area. The intent statements are followed by minimum standards and guidelines to carry out the vision.

The goal is to establish active, lively uses along sidewalks and pedestrian pathways. RMC 4-3-100. Businesses are meant to enjoy visibility from public rights-of-way and pedestrian activity is to be encouraged through design. *Id.* Buildings are to be oriented in such a way that pedestrian use of the district is facilitated. *Id.* Buildings entries should be designed to further the pedestrian nature of the fronting sidewalk. *Id.* The visual impact of parking lots is to be minimized and active pedestrian environments maintained by placing parking lots primarily in back of buildings. *Id.* Franchise architecture is to be discouraged. *Id.*

2. The minimum standards set forth in the design regulations are mandatory

The Wal-Mart expansion is subject to compliance with these design regulations in RMC 4-3-100. *See* RMC 4-2-060; RMC 4-2-080(A)(72). The design regulations apply to all development in the CA zone. RMC 4-3-100(B)(5). Big box retail in the Commercial Arterial zone is required to comply with the design regulations applicable for District D. RMC 4-3-100(B)(2).

The Urban Design Regulations were established in accordance with and to implement policies established in the Land Use and Community Design Elements of the Renton Comprehensive Plan. RMC 4-3-100(A)(1).

The minimum standards set forth in the design regulations are mandatory. The design regulations state that they are meant to:

Establish two (2) categories of regulations:

(a) “Minimum standards” **that must be met**, and

(b) “Guidelines” that, while not mandatory, are considered by the Development Services Director in determining if the proposed action meets the intent of the Design Guidelines.

RMC 4-3-100(A)(8) (emphasis supplied).<sup>3</sup>

3. The Wal-Mart proposal violates several minimum standards in the design regulations

The Wal-Mart expansion does not meet the City's vision nor does it meet the specific regulatory requirements that were enacted to carry out this vision. The proposal is for *exactly the opposite* of what the City requires in its regulations. The proposal is for a typical Wal-Mart Big Box expanding into a typical Wal-Mart Superstore that will be designed with franchise retail architecture. CP 673-676. There will be a "sea of asphalt" located between the building and the front property line, inviting cars, not pedestrians. CP 670. Wal-Mart placed a "pedestrian" path in the parking lot as an afterthought, but it is not a pedestrian-oriented design by any measure. It is a traffic-oriented design. *Id.* The formulaic design of an enormous big box Wal-Mart flies in the face of encouraging pedestrian activity; establishing active, lively uses along the sidewalk; enhancing visual character within the district; and ensuring that building entries further the pedestrian nature of the

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<sup>3</sup> The design regulations that are applicable to the Wal-Mart proposal are attached hereto as Appendix B to this Opening Brief. These are the regulations that were in effect when the Wal-Mart proposal was deemed complete for vesting purposes and these are the regulations that were relied on by the Renton Development Services staff and the City of Renton Hearing Examiner in their review of the Wal-Mart proposal. *See* CP 908-912; CP 1027-1035. The urban design regulations were amended on March 8, 2010, after the Wal-Mart project vested. Respondents inappropriately relied on the amended version in the

fronting sidewalk. Approval of the proposal undermines the attempt to change the character of the area.

The record could not be more clear – the Wal-Mart proposal is inconsistent with several minimum standards in the design regulations. In the Preliminary Report to the Examiner, the staff incorporated a table in its review of compliance with District D Design Guidelines. *See* CP 1027-1035. Throughout the table, the staff reported repeatedly that the project is “not compliant” with various minimum standards listed. *Id.* The Examiner’s Decision incorporates the table that sets forth the staff’s analysis of the proposal’s compliance with Design District ‘D’ guidelines. CP 992-CP 1001. The table shows that the Wal-Mart proposal is not compliant with many minimum standards in the Design Regulations.

Among other things, the parking lot location violates the minimum standard that states:

No surface parking shall be located between the building and the front property line or the building and side property line on the street side of a corner lot. . . .

RMC 4-3-100(F)(1)(a). In obvious violation of this standard, the Wal-Mart proposal will have a massive parking lot between the building and the front

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briefing before the Superior Court. This belated attempt to rely on the later enacted provisions that do not apply to the Wal-Mart proposal was inappropriate.

property line. *See* CP 670 (Appendix C). This prohibition against surface parking between the building and the front property line is a “minimum standard” that “must be met.” *See* RMC 4-3-100(A)(8).

Another minimum standard requires that the applicant shall:

Plant at least one tree for every six (6) parking spaces. Permitted tree species are those that reach a mature height of at least thirty-five (35’) feet. Minimum height or caliper at planting shall be eight (8) feet (8’) or two inch (2”) caliper (as measured four feet (4’) from the top of the root ball) respectively.

RMC 4-3-100(H)(1)(a)(vi)(e)(3). Again, this “minimum standard” “must” be met, but has not been. RMC 4-3-100(A)(8). The staff comments state that the proposal could not be brought into conformity with this requirement. CP 783. The City staff made the legal conclusion (and the Examiner adopted it) that, because the situation is existing, a modification for this minimum standard was not necessary. *Id.*

This conclusion was legal error. There is nothing in the code that states that existing structures are not required to meet the minimum standard requirements. In fact, the code states the opposite. With an expansion of a non-conforming structure, the proposal must meet the minimum standards (*i.e.*, it must be brought into conformance with the code). RMC 4-10-050(A).

With respect to building architectural design, another minimum standard in the code requires that “[a]ll building facades shall include modulation or articulation at intervals of no more than forty feet (40’).” RMC 4-3-100(I)(1)(a). The Wal-Mart proposal is not compliant with this minimum standard. The staff comment indicates that the applicant would not be required to comply with the modulation requirements for the southern and western facades because the applicant was not altering those facades with the project. CP 998. Those that are being expanded, the north and eastern facades, will also not be required to comply because Wal-Mart is pursuing other different miscellaneous design improvements (not what is required by the minimum standard). The Examiner did not require that either the north or eastern façade meet the minimum standard for modulation or articulation at intervals of no more than forty feet (40’). Again, it was legal error for the City staff and Hearing Examiner to conclude that the project could be approved without adherence to this minimum standard.

Overall, the proposal should have been denied because of these failures to meet the mandatory minimum standard design requirements.

4. Wal-Mart did not apply for, nor did the City grant, modifications to the design standards

Respondents argued below that the Hearing Examiner's decision to approve the Wal-Mart proposal despite its inconsistency with minimum standards of design regulations was proper because the City has authority to approve "modifications" to the minimum standards. RMC 4-3-100 (both versions) does include a provision that allows "modification" of minimum standards, but that provision was not invoked by the applicant, the staff, or the Examiner. In fact, the decision makers made the legal conclusion that a modification was not necessary and, therefore, did not require any evidence that criteria had been met to obtain a modification.

The modification provision states:

The Reviewing Official shall have the authority to modify the minimum standards of the design regulations, **subject to the provisions of RMC 4-9-250(D), Modification Procedures,** and the following requirements:

- (a) The project as a whole meets the intent of the minimum standards and guidelines in subsections E, F, G, H, I, J, and K of the design regulations;
- (b) The requested modification meets the intent of the applicable design standard;
- (c) The modification will not have a detrimental effect on nearby properties and the City as a whole;

- (d) The deviation manifests high quality design; and
- (e) The modification will enhance the pedestrian environment on the abutting and/or adjacent streets and/or pathways.

RMC 4-3-100(2) (emphasis supplied) (this provision is in both versions of RMC 4-3-100).

RMC 4-9-250(D), referred to in the quote above, contains the requisite procedures for reviewing “modifications.” That provision states:

**Modification Procedures:**

(1) Application Time and Decision authority: Modification from standards, either in whole or in part, shall be subject to review and decision by the Planning/Building/Public Works Department upon submittal in writing of jurisdiction for such modification.

(2) Decision Criteria: Whenever there are practical difficulties involved in carrying out the provisions of this Title, the Department Administrator may grant modifications for individual cases provided he/she shall first find that a specific reason makes the strict letter of this code impractical, that the intent and purpose of the governing land use designation of the Comprehensive Plan is met and that the modification is in conformity with the intent and purpose of this Code, and that such modification:

(a) Substantially implements the policy direction of the policies and objectives of the Comprehensive Plan Land Use Element and the Community Design Element and the proposed modification is the minimum adjustment necessary to implement these policies and objectives;

(b) Will meet the objectives and safety, function, appearance, environmental protection and maintainability intended by the Code requirements, based upon sound engineering judgment;

(c) Will not be injurious to other properties in the vicinity;

(d) Conforms to the intent and purpose of the Code;

(e) Can be shown to be justified and required for the use and situation intended; and

(f) Will not create adverse impacts to other propert(ies) in the vicinity.

RMC 4-9-250(D). As is obvious from the language above, a modification request must be filed with the Planning, Building, or Public Works Department, not the Examiner. It is a separate administrative procedure that requires a specific application that must be filed with the Planning, Building, or Public Works Department. The decision maker reviews the application for its consistency with the legal criteria listed above.

It is plainly evident from the record that Wal-Mart is aware of the process required for a modification because Wal-Mart filed an application for a modification of refuse area requirements in the code. CP 769-771. Wal-Mart submitted a modification request to the Planning Department on March 4, 2010 requesting a modification from the City's refuse and recyclable

regulations, RMC 4-4-090. *Id.* A formal analysis was conducted by the Planning Department staff pursuant to the modification procedures provision in RMC 4-9-250(D). *Id.* The Planning Department staff looked at each of the criteria listed above and ultimately granted the modification request. As is stated in the Hearing Examiner's Decision:

The applicant has applied for a Refuse Modification in order to reduce the refuse area from 1,500 square feet to 30 cubic yards. The modification was granted administratively due to the proposed compacter that is engineered for high volume usage.

CP 774. As was done in this case for the refuse area, modification requests are dealt with administratively through the formal process as set forth in RMC 4-9-250(D). The City made a legal conclusion that a modification was not required for the design violations and Wal-Mart did not, therefore, apply for or prove that it qualified for modification of the minimum standards in the design regulations. Respondents cannot belatedly attempt to excuse the violations of the code after-the-fact when this process was not pursued.

## VI. CONCLUSION

In conclusion, RNHG requests that the Court reverse the City of Renton's Decision on the Wal-Mart Expansion Site Plan approval for the reasons stated above and order that the Wal-Mart proposal be denied.

Dated this 22<sup>nd</sup> day of June, 2011.

Respectfully submitted,

BRICKLIN & NEWMAN, LLP

By: 

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Claudia M. Newman, WSBA No. 24928  
Attorneys for Appellant Renton Neighbors  
For Healthy Growth

RNHG\Appeals\Opening Brief

## **APPENDIX A**

**4-10-050 NONCONFORMING STRUCTURES:****A. NONCONFORMING STRUCTURES – GENERAL:**

Any legally established building or structure may remain, although such structure does not conform with the provisions of the Renton Municipal Code, provided the following conditions are met:

**1. Not Vacant or Left Abandoned:** The nonconforming buildings or structures do not have historic significance, and have not been vacant for two (2) or more years, or have not been abandoned.

**2. Unsafe Structures:** The structure is kept in a safe and secure condition.

**3. Alterations:** A legal nonconforming structure shall not be altered beyond the limitations specified below:

**a. Structures with Rebuild Approval Permits:** Alteration work exceeding an aggregate cost of one hundred percent (100%) of the value of the building or structure shall be allowed if: (1) the building or structure is made conforming by the alterations; or (2) the alterations were imposed as a condition of granting a rebuild approval permit; or (3) alterations are necessary to restore to a safe condition any portion of a building or structure declared unsafe by a proper authority. Alterations shall not result in or increase any nonconforming conditions unless they were specifically imposed as a condition of granting a rebuild approval permit, pursuant to RMC 4-9-120.

**b. Other Legal Nonconforming Structures:** The cost of the alterations shall not exceed an aggregate cost of fifty percent (50%) of the value of the building or structure, based upon its most recent assessment or appraisal, unless the amount over fifty percent (50%) is used to make the building or structure more conforming, or is used to restore to a safe condition any portion of a building or structure declared unsafe by a proper authority. Alterations shall not result in or increase any nonconforming condition.

**4. Enlargement:** The structure shall not be enlarged unless the enlargement is conforming or it is consistent with the provisions of a rebuild approval permit issued for it.

**a. Wireless Towers and Antennas:** Towers that are constructed, and antennas that are installed, in accordance with the provisions of this Title shall not be deemed to constitute the expansion of a nonconforming use or structure.

**5. Restoration:** Nothing in this Chapter shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure to its same size, location, and height when damaged by fire, explosion, or act of God, subsequent to the date of these regulations and subject to the following conditions:

**a. Legal Nonconforming Structures with Rebuild Approval Permits:** Restoration or reconstruction work exceeding one hundred percent (100%) of the latest appraised value of the building or structure closest to the time such damage occurred shall be allowed if it is: (1) a condition of granting the rebuild approval permit pursuant to RMC 4-9-120; and/or (2) necessary to allow the structure to be rebuilt to its condition prior to the damage considering construction costs; and/or (3) required to strengthen or restore to a safe condition any portion of a building or structure declared unsafe by a proper authority; and/or (4) necessary to conform to the regulations and uses specified in this Title.

**b. Other Legal Nonconforming Structures:** The work shall not exceed fifty percent (50%) of the latest assessed or appraised value of the building or structure at the time such damage occurred, unless required to strengthen or restore to a safe condition any portion of a building or structure declared unsafe by a proper authority otherwise any restoration or reconstruction shall conform to the regulations and uses specified in this Title.

**c. Single Family Dwellings:** Any legally established single family dwelling damaged by fire or an act of God may be rebuilt to its same size, location, and height on the same site, subject to all relevant fire and life safety codes. Restoration improvements shall commence within two years of the damage, and shall continue in conformance with approved building or construction permits, otherwise the structure shall lose its restoration authorization and status.

**B. R-10 AND R-14 ZONE RESIDENTIAL STRUCTURES CONSIDERED CONFORMING:**

Residential structures that existed or that were developed in accordance with vested land use permits prior to the effective date of this section (6-17-1996) shall be considered to be conforming structures.

*Exhibit C*

APPENDIX A

CP 1290

Such structures may be replaced, renovated, and/or expanded pursuant to the provisions of the R-14 Zone. (Ord. 4963, 5-13-2002)

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**This page of the Renton Municipal Code is current through Ordinance 5556, passed October 11, 2010.**

Disclaimer: The City Clerk's Office has the official version of the Renton Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://rentonwa.gov/>  
(<http://rentonwa.gov/>)  
City Telephone: (425) 430-6502  
Code Publishing Company  
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## **APPENDIX B**

# DEVELOPMENT REGULATIONS

Title 4

REVISED AND COMPILED ORDINANCES

City of

**RENTON**

**WASHINGTON**



1998



*Code Publishing Company  
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Seattle, Washington 98115-1164*

Telephone: 206-527-6831 Fax: 527-8411 E-mail: [codepublishing@qwest.net](mailto:codepublishing@qwest.net)

Contact Renton City Clerk Division at 425-430-6510 with questions concerning the City Code.

EXHIBIT A  
APPENDIX B

CP 1297

**CITY OF RENTON**

**INCORPORATED SEPTEMBER 6, 1901**

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**CITY OF RENTON MISSION STATEMENT**

The City of Renton, in partnership with residents, business and government, is dedicated to:

*Providing a healthy atmosphere in which to live and raise families, encourage responsible growth and economic vitality, and create a positive work environment;*

Resulting in a quality community where people choose to live, work and play.

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**N. AMENDMENTS TO SHORELINE MASTER PROGRAM:**

1. **Time:** The City shall review this Master Program every four (4) years hereafter, or sooner if necessary. (Ord. 3758, 12-5-1983, Rev. 7-22-1985 (Min.), 3-12-1990 (Res. 2787), 7-16-1990 (Res. 2805), 9-12-1993 (Min.), Ord. 4716, 4-13-1998)

2. **Review Process:** Any amendments to this Master Program shall be reviewed first by the Planning Commission, which shall conduct one public hearing on the proposed amendment. The Planning Commission shall make a recommendation to the City Council, which may hold one public hearing before making a determination. Any proposed amendment shall be submitted to the Washington State Department of Ecology for approval in accordance with the Shoreline Management Act of 1971. (Ord. 3758, 12-5-1983, Rev. 7-22-1985 (Min.), 3-12-1990 (Res. 2787), 7-16-1990 (Res. 2805), 9-12-1993 (Min.), Ord. 4716, 4-13-1998)

**O. VIOLATIONS OF THIS CHAPTER AND PENALTIES:**

Unless otherwise specified, violations of this Chapter are misdemeanors subject to RMC 1-3-1. (Ord. 4722, 5-11-1998; Ord. 5159, 10-17-2005)

**P. APPEALS:**

See RMC 4-8-110H. (Ord. 4722, 5-11-1998)

**4-3-095 (Deleted by Ord. 5286, 5-14-2007)**

**4-3-100 URBAN DESIGN REGULATIONS:**

**A. PURPOSE:**

The purpose of this Section is to:

1. Establish design review regulations in accordance with policies established in the Land Use and Community Design Elements of the Renton Comprehensive Plan in order to:

a. Maintain and protect property values;

b. Enhance the general appearance of the City;

c. Encourage creativity in building and site design;

d. Achieve predictability, balanced with flexibility; and

e. Consider the individual merits of proposals.

2. Create design standards and guidelines specific to District 'A' that ensure design quality of structures and site development implementing the City of Renton's Comprehensive Plan Vision for portions of the Urban Center – Downtown zoned Center Downtown and Residential Multi-Family Urban Center. This Vision is of a downtown that will continue to develop into an efficient and attractive urban city. The Vision of the Downtown Core is of mixed uses with high-density residential living supported by multi-modal transit opportunities. Redevelopment will be based on the pattern and scale of established streets and buildings. (Ord. 5355, 2-25-2008)

3. Create design standards and guidelines specific to District 'B' (the South Renton Neighborhood) that ensure design quality of structures and site development implementing the City's South Renton Neighborhood Plan. The South Renton Neighborhood Plan, for a residential area located within the Urban Center – Downtown, maintains the existing, traditional grid street plan and respects the scale of the neighborhood, while providing new housing at urban densities. The South Renton Neighborhood Plan supports a residential area that is positioned to capitalize on the employment and retail opportunities increasingly available in the Downtown Core.

4. Create design standards and guidelines specific to the Urban Center – North (District 'C') that ensure design quality of structures and site development that implements the City of Renton's Comprehensive Plan Vision for its Urban Center – North. This Vision is of an urban environment that concentrates uses in a "grid pattern" of streets and blocks. The Vision is of a vibrant, economically vital neighborhood that encourages use throughout by pedestrians.

5. Create design standards and guidelines applicable to the use of "big-box retail" as defined in RMC 4-11-180, Definitions.

6. Create design standards and guidelines specific to the Center Village commercial core (District 'D') that ensure design quality of structure and site development that implements the City of Renton's Comprehensive Plan Vision for the Center Village designation. Uses within this district include business and professional offices, services, retail, restaurants, recreational businesses, mixed-use commercial and residential building, and multi-family residential. This portion of the Center Village is intended to provide a vital business district serving the local neighborhood and beyond.

7. Create design standards and guidelines specific to the residential portion of the Center Village (District 'E') that ensure design quality of structure and site development that implements the City of Renton's Comprehensive Plan Vision for the Center Village designation. A variety of housing options allows economic and lifestyle diversity in the Center Village, with design regulations to tie the range of styles and types together.

8. Establish two (2) categories of regulations: (a) "minimum standards" that must be met, and (b) "guidelines" that, while not mandatory, are considered by the Development Services Director in determining if the proposed action meets the intent of the design guidelines. Set specific minimum standards and guidelines may apply to all districts, or certain districts only (Districts 'A,' 'B,' 'C,' 'D,' or 'E'), as indicated herein. (Ord. 5029, 11-24-2003; Ord. 5124, 2-7-2005; Ord. 5286, 5-14-2007)

## B. APPLICABILITY AND CONFLICTS:

### 1. Applicability:

a. **Mapped Overlays:** This Section shall apply to all development occurring in design districts as indicated on the Urban Design Districts map, subsection B3 of this Section. To clarify the map, the Center Downtown (CD) Zone is located in District 'A,' South Renton is District 'B,' and the Urban Center – North Zones are located within District 'C.' District 'C' also

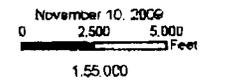
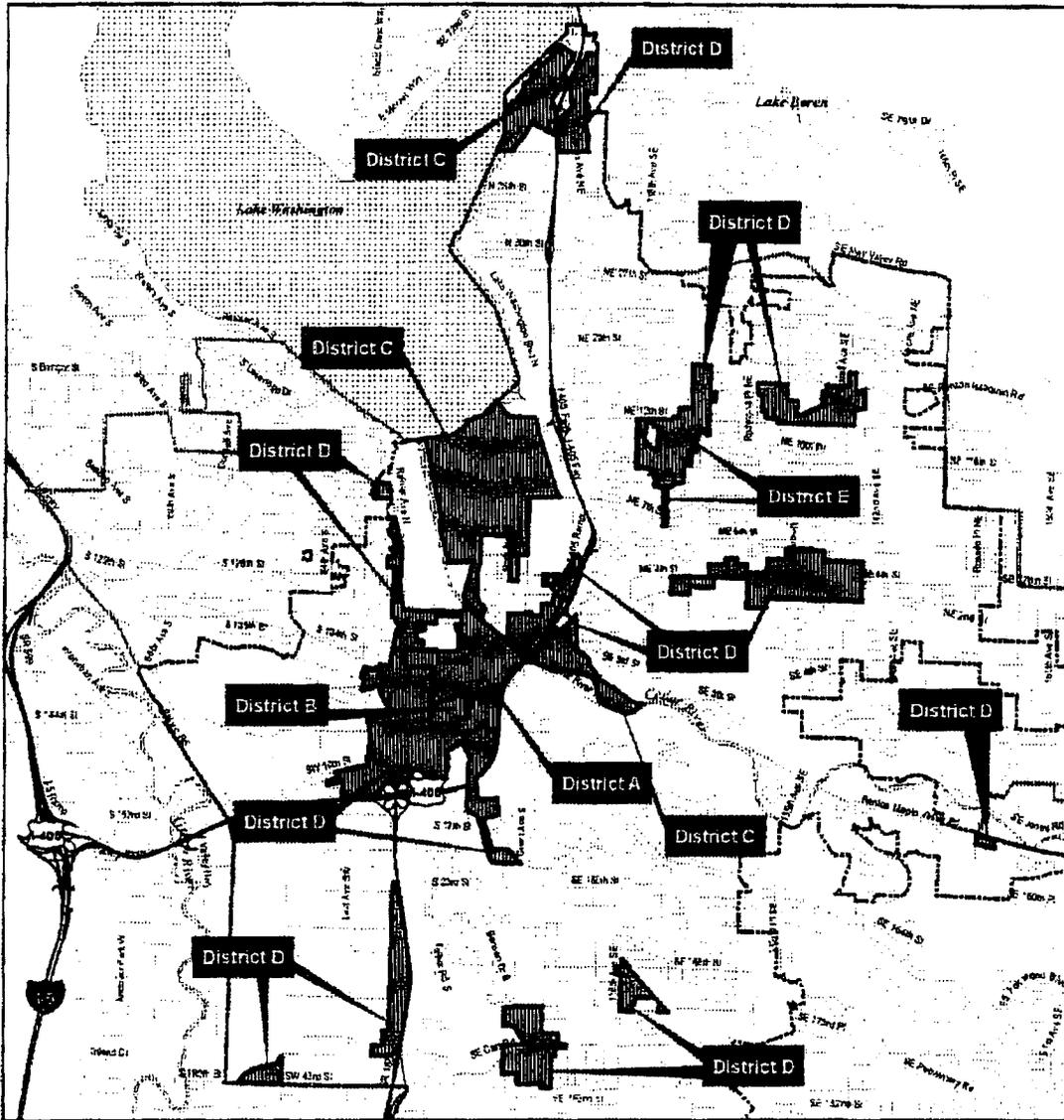
includes the Commercial/Office/Residential (COR) Zone. Areas within Center Village Land Use Designation zoned Center Village (CV) shall comprise District 'D.' Areas within the Center Village Land Use Designation zoned Residential Multi-Family (RMF) shall be in District 'E.'

b. **Big Box Retail:** This Section shall also apply to big-box retail use. In the Commercial Arterial (CA) zone, big-box retail uses are subject to compliance with design regulations applicable to District 'D,' except in the Employment Area – Valley (EAV) south of Interstate 405, where big-box retail uses must comply with design standards and guidelines specific to the Urban Center – North (District 'C'). Big-box retail uses in the EAV south of Interstate 405 outside of the CA zone are not subject to Urban Design Regulations.

c. **CA Zone:** This Section shall also apply to all development in the Commercial Arterial (CA) Zone. For the purposes of the design regulations, the zone shall be in District 'D.'

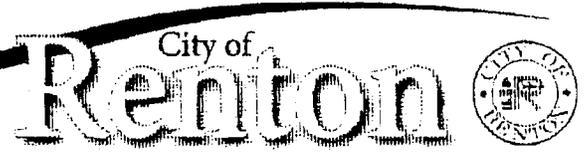
2. **Conflicts:** Where there are conflicts between the design regulations of this Section and other sections of the Renton Municipal Code, the regulations of this Section shall prevail. Where there are conflicts between the map in subsection B3 of this Section and the text in this Section, the text shall prevail.

3. Urban Design Districts Map:



# Urban Design Districts

Community & Economic Development  
 Alex Pietsch, Administrator  
 Debra Kline, Assistant Services  
 Adrienne A. Johnson, Patrick Kujala



(Amd. Ord. 4991, 12-9-2002; Ord. 5029, 11-24-2003; Ord. 5124, 2-7-2005; Ord. 5191, 12-12-2005; Ord. 5286, 5-14-2007; Ord. 5331, 12-10-2007; Ord. 5355, 2-25-2008; Ord. 5369, 4-14-2008; Ord. 5437, 12-8-2008; Ord. 5518, 12-14-2009)

**C. EXEMPTIONS:**

The design regulations shall not apply to:

**1. Interior Remodels:** Interior remodels of existing buildings or structures provided the alterations do not modify the building facade.

**2. Aircraft Manufacturing:** Structures related to the existing use of aircraft manufacturing in District 'C.' (Ord. 5124, 2-7-2005; Ord. 5286, 5-14-2007)

**D. ADMINISTRATION:**

**1. Review Process:** Applications subject to design regulations shall be processed as a component of the governing land use process.

**2. Authority:** The Reviewing Official shall have the authority to approve, approve with conditions, or deny proposals based upon the provisions of the design regulations. In rendering a decision, the Official will consider proposals on the basis of individual merit, will consider the overall intent of the minimum standards and guidelines, and encourage creative design alternatives in order to achieve the purposes of the design regulations. (Amd. Ord. 4991, 12-9-2002; Ord. 5029, 11-24-2003; Ord. 5124, 2-7-2005; Ord. 5286, 5-14-2007)

**E. SITE DESIGN AND BUILDING****LOCATION:**

**Intent:** To ensure that buildings are located in relation to streets and other buildings so that the Vision of the City of Renton can be realized for a high-density urban environment; so that businesses enjoy visibility from public rights-of-way; and to encourage pedestrian activity throughout the district.

**1. Site Design and Street Pattern:**

**Intent:** To ensure that the City of Renton Vision can be realized within the Urban Center Districts; plan districts that are organized for efficiency while maintaining flexibility for future development at high urban densities and intensities of use; create and maintain a safe, convenient network of streets of varying dimensions for vehicle circulation; and provide service to businesses.

**a. Minimum Standard for Districts 'A' and 'B':** Maintain existing grid street pattern.

**b. Minimum Standards for Districts 'C' and 'D':**

i. Provide a network of public and/or private local streets in addition to public arterials.

ii. Maintain a hierarchy of streets to provide organized circulation that promotes use by multiple transportation modes and to avoid overburdening the roadway system. The hierarchy shall consist of (from greatest in size to smallest):

**(a) High Visibility Street.** A highly visible arterial street that warrants special design treatment to improve its appearance and maintain its transportation function.

**(b) Arterial Street.** A street classified as a principal arterial on the City's Arterial Street Plan.

**(c) Pedestrian-Oriented Streets.** Streets that are intended to feature a concentration of pedestrian activity. Such streets feature slow moving traffic, narrow travel lanes, on-street parking, and wide sidewalks.

**(d) Internal or local roads** (public or private).

**2. Building Location and Orientation:**

**Intent:** To ensure visibility of businesses; establish active, lively uses along sidewalks and pedestrian pathways; organize buildings in such a way that pedestrian use of the district is facilitated; encourage siting of structures so that natural light and solar access are available to other structures and open space; enhance the visual character and definition of streets within the district; provide an appropriate transition between buildings, parking areas, and other land uses and the street; and increase privacy for residential uses located near the street.

**a. Minimum Standards for Districts 'A', 'B' and 'D':**

- i. Orient buildings to the street with clear connections to the sidewalk.
- ii. The front entry of a building shall not be oriented to a drive aisle, but instead a public or private street or landscaped pedestrian-only courtyard.

**b. Minimum Standards for District 'C':**

- i. Buildings on designated pedestrian-oriented streets shall feature "pedestrian-oriented facades" and clear connections to the sidewalk (see illustration, RMC 4-3-100E7a). Such buildings shall be located adjacent to the sidewalk, except where pedestrian-oriented space is located between the building and the sidewalk. Parking between the building and pedestrian-oriented streets is prohibited.
- ii. Buildings fronting on pedestrian-oriented streets shall contain pedestrian-oriented uses.
- iii. Nonresidential buildings may be located directly adjacent to any street as long as they feature a pedestrian-oriented facade.
- iv. Buildings containing street-level residential uses and single-purpose residential buildings shall be set back from the sidewalk a minimum of ten feet (10') and feature substantial landscaping between the sidewalk and the building (see illustration, RMC 4-3-100E7b).
- v. If buildings do not feature pedestrian-oriented facades they shall have substantial landscaping between the sidewalk and building. Such landscaping shall be at least ten feet (10') in width as measured from the sidewalk (see illustration, RMC 4-3-100E7c).

**c. Guideline Applicable to District 'C':** Siting of a structure should take into consideration the continued availability of natural light (both direct and reflected) and direct sun exposure to nearby buildings and open space (except parking areas).

**d. Guideline Applicable to Districts 'C' and 'D':** Ground floor residential uses located near the street should be raised above street level for residents' privacy.

**3. Building Entries:**

**Intent:** To make building entrances convenient to locate and easy to access, and ensure that building entries further the pedestrian nature of the fronting sidewalk and the urban character of the district.

**a. Minimum Standards for Districts 'A', 'B', 'D' and 'E':**

- i. A primary entrance of each building shall be located on the facade facing a street, shall be prominent, visible from the street, connected by a walkway to the public sidewalk, and include human-scale elements.
- ii. Multiple buildings on the same site shall provide a continuous network of pedestrian paths and open spaces that incorporate landscaping to provide a directed view to building entries.
- iii. Ground floor units shall be directly accessible from the street or an open space such as a courtyard or

garden that is accessible from the street.

iv. Secondary access (not fronting on a street) shall have weather protection at least four and one-half feet (4-1/2') wide over the entrance or other similar indicator of access.

v. Pedestrian access shall be provided to the building from property edges, adjacent lots, abutting street intersections, crosswalks, and transit stops.

**b. Minimum Standards for District 'C':**

i. On pedestrian-oriented streets, the primary entrance of each building shall be located on the facade facing the street.

ii. On non-pedestrian-oriented streets, entrances shall be prominent, visible from surrounding streets, connected by a walkway to the public sidewalk, and include human-scale elements.

iii. All building entries adjacent to a street shall be clearly marked with canopies, architectural elements, ornamental lighting, and/or landscaping. Entries from parking lots should be subordinate to those related to the street for buildings with frontage on designated pedestrian-oriented streets (see illustration, RMC 4-3-100E7d).

iv. Weather protection at least four and one-half feet (4-1/2') wide and proportional to the distance above ground level shall be provided over the primary entry of all buildings and over any entry adjacent to a street.

v. Pedestrian pathways from public sidewalks to primary entrances or from parking lots to primary entrances shall be clearly delineated.

**c. Guidelines Applicable to Districts 'A', 'B' and 'C':**

i. Multiple buildings on the same site should provide a continuous network of pedestrian paths and open spaces that incorporate landscaping to provide a directed view to building entries.

ii. Ground floor units should be directly accessible from the street or an open space such as a courtyard or garden that is accessible from the street.

iii. Secondary access (not fronting on a street) should have weather protection at least four and one-half feet (4-1/2') wide over the entrance or other similar indicator of access.

iv. Pedestrian access should be provided to the building from property edges, adjacent lots, abutting street intersections, crosswalks, and transit stops.

v. Features such as entries, lobbies, and display windows should be oriented to a street or pedestrian-oriented space; otherwise, screening or decorative features such as trellises, artwork, murals, landscaping, or combinations thereof should be incorporated into the street-oriented facade.

**d. Guidelines Applicable to Districts 'A' and 'D':**

i. For projects that include residential uses, entries should provide transition space between the public street and the private residence such as a porch, landscaped area, terrace, common area, lobby, or similar feature.

ii. Features such as entries, lobbies, and display windows should be oriented to a street; otherwise, screening or art features such as trellises, artwork, murals, landscaping, or combinations thereof should be in-

corporated into the street-oriented facade.

iii. Entries from the street should be clearly marked with canopies, architectural elements, ornamental lighting, or landscaping. Entries from parking lots should be subordinate to those related to the street for buildings within District 'A'.

**e. Guideline Applicable to Districts 'B' and 'E':** Front yards should provide transition space between the public street and the private residence such as a porch, landscaped area, terrace, or similar feature.

**f. Guideline Applicable to District 'C':** For projects that include residential uses, entries should provide transition space between the public street and the private residence such as a porch, landscaped area, terrace, common area, lobby, or similar feature.

#### **4. Transition to Surrounding Development:**

**Intent:** To shape redevelopment projects so that the character and value of Renton's long-established, existing neighborhoods are preserved.

**a. Minimum Standards for Districts 'A' and 'D':** Careful siting and design treatment are necessary to achieve a compatible transition where new buildings differ from surrounding development in terms of building height, bulk and scale. At least one of the following design elements shall be considered to promote a transition to surrounding uses:

i. Setbacks at the side or rear of a building may be increased by the Reviewing Official in order to reduce the bulk and scale of larger buildings and so that sunlight reaches adjacent yards;

ii. Building proportions, including step-backs on upper levels;

iii. Building articulation to divide a larger architectural element into smaller increments; or

iv. Roof lines, roof pitches, and roof shapes designed to reduce apparent bulk and transition with existing development.

**b. Minimum Standards for Districts 'B' and 'E':** Careful siting and design treatment are necessary to achieve a compatible transition where new buildings differ from surrounding development in terms of building height, bulk, and scale. At least one of the following design elements shall be considered to promote a transition to surrounding uses:

i. Setbacks at the side or rear of a building may be increased in order to reduce the bulk and scale of larger buildings and so that sunlight reaches adjacent yards; or

ii. Building articulation provided to divide a larger architectural element into smaller pieces; or

iii. Roof lines, roof pitches, and roof shapes designed to reduce apparent bulk and transition with existing development.

**c. Minimum Standards for District 'C':**

i. For properties along North 6th Street and Logan Avenue North (between North 4th Street and North 6th Street), applicants shall demonstrate how their project provides an appropriate transition to the long-established, existing neighborhood south of North 6th Street known as the North Renton Neighborhood.

ii. For properties located south of North 8th Street, east of Garden Avenue North, applicants must demonstrate how their project appropriately provides transitions to existing industrial uses.

## 5. Service Element Location and Design:

**Intent:** To reduce the potential negative impacts of service elements (i.e., waste receptacles, loading docks) by locating service and loading areas away from high-volume pedestrian areas, and screening them from view in high visibility areas.

### a. Minimum Standards for All Districts:

i. Service elements shall be located and designed to minimize the impacts on the pedestrian environment and adjacent uses. Service elements shall be concentrated and located where they are accessible to service vehicles and convenient for tenant use (see illustration, RMC 4-3-100E7e).

ii. Garbage, recycling collection, and utility areas shall be enclosed, consistent with RMC 4-4-090, Refuse and Recyclables Standards, and RMC 4-4-095, Screening and Storage Height/Location Limitations.

iii. In addition to standard enclosure requirements, garbage, recycling collection, and utility areas shall be enclosed on all sides, including the roof and screened around their perimeter by a wall or fence and have self-closing doors (see illustration, RMC 4-3-100E7f).

iv. The use of chain link, plastic, or wire fencing is prohibited.

v. If the service area is adjacent to a street, pathway, or pedestrian-oriented space, a landscaped planting strip, minimum three feet (3') wide, shall be located on three (3) sides of such facility.

**b. Guideline Applicable to All Districts:** Service enclosure fences should be made of masonry, ornamental metal or wood, or some combination of the three (3).

## 6. Gateways:

**Intent:** To distinguish gateways as primary entrances to districts or to the City; provide special design features and architectural elements at gateways; and ensure that gateways, while they are distinctive within the context of the district, are compatible with the district in form and scale.

### a. Minimum Standards for Districts 'C' and 'D':

i. Developments located at district gateways shall be marked with visually prominent features (see illustration, subsection E7g of this Section).

ii. Gateway elements shall be oriented toward and scaled for both pedestrians and vehicles (see illustration, subsection E7h of this Section).

iii. Visual prominence shall be distinguished by two (2) or more of the following:

(a) Public art;

(b) Monuments;

(c) Special landscape treatment;

(d) Open space/plaza;

(e) Identifying building form;

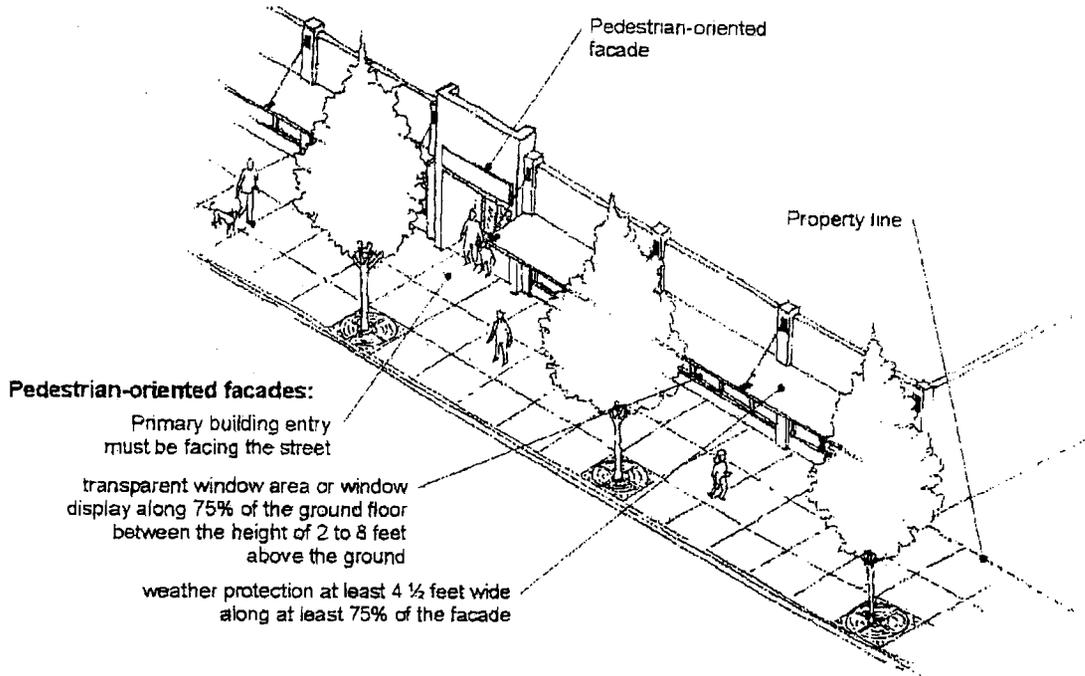
(f) Special paving, unique pedestrian scale lighting, or bollards;

(g) Prominent architectural features (trellis, arbor, pergola, or gazebo);

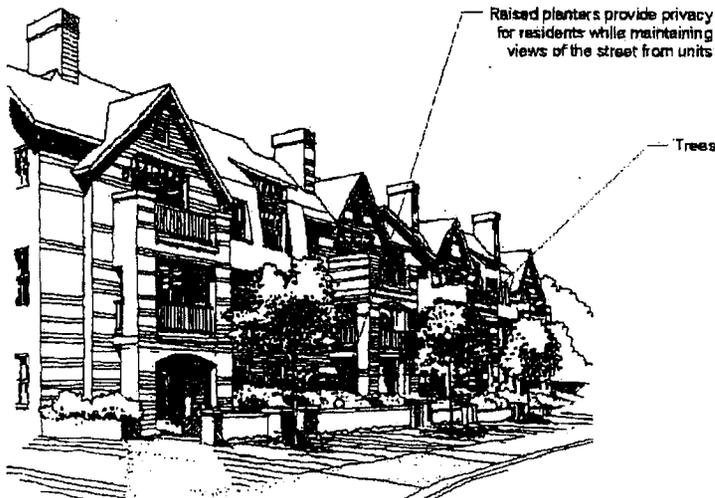
(h) Signage, displaying neighborhood or district entry identification (commercial signs are not allowed).

7. Illustrations.

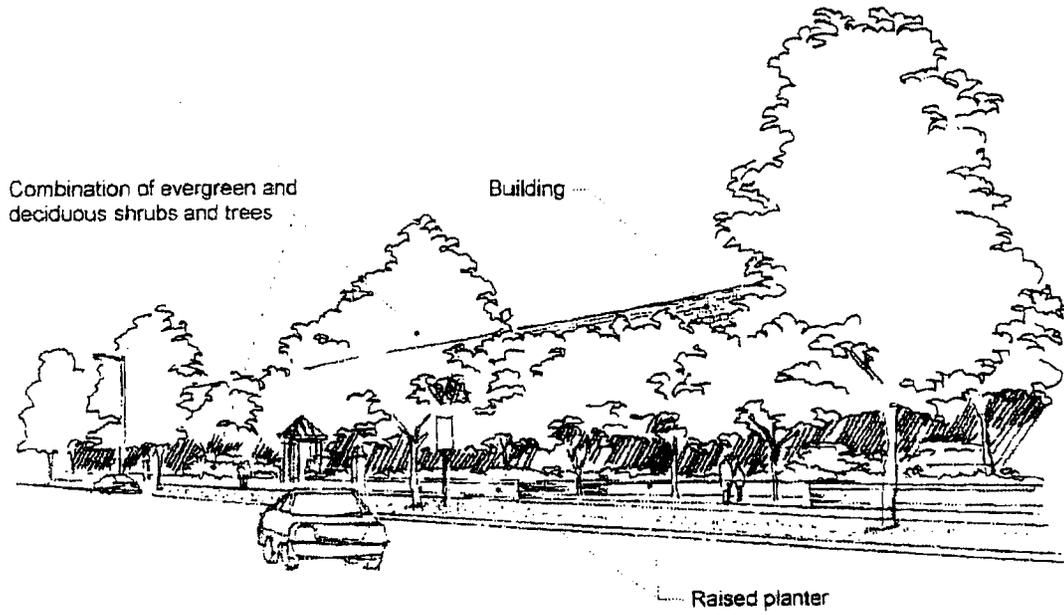
a. Pedestrian-oriented facades (see subsection E2b(i) of this Section).



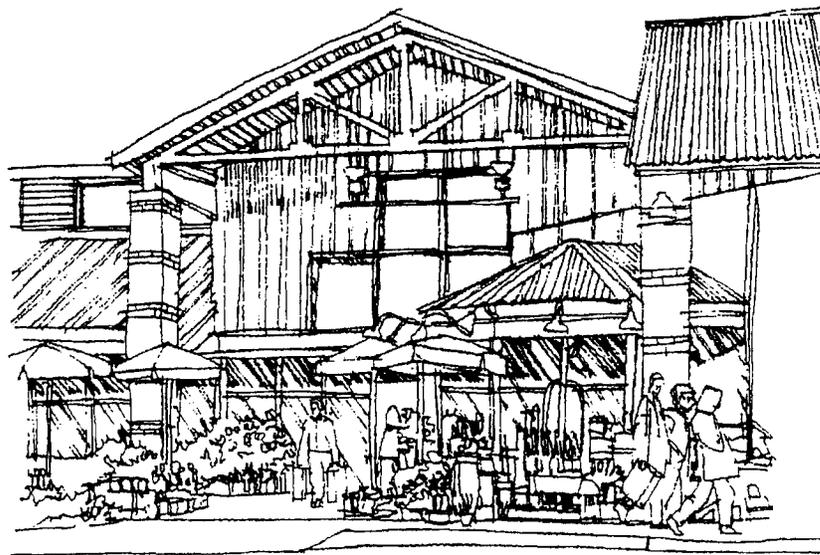
b. Street-level residential (see subsection E2b(iv) of this Section).



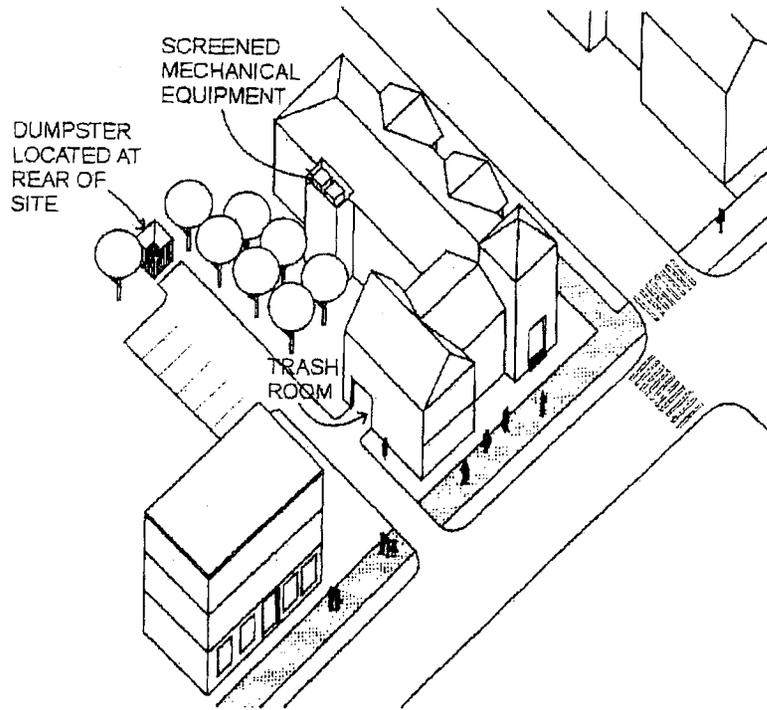
c. Buildings without pedestrian-oriented uses (see subsection E2b(v) of this Section).



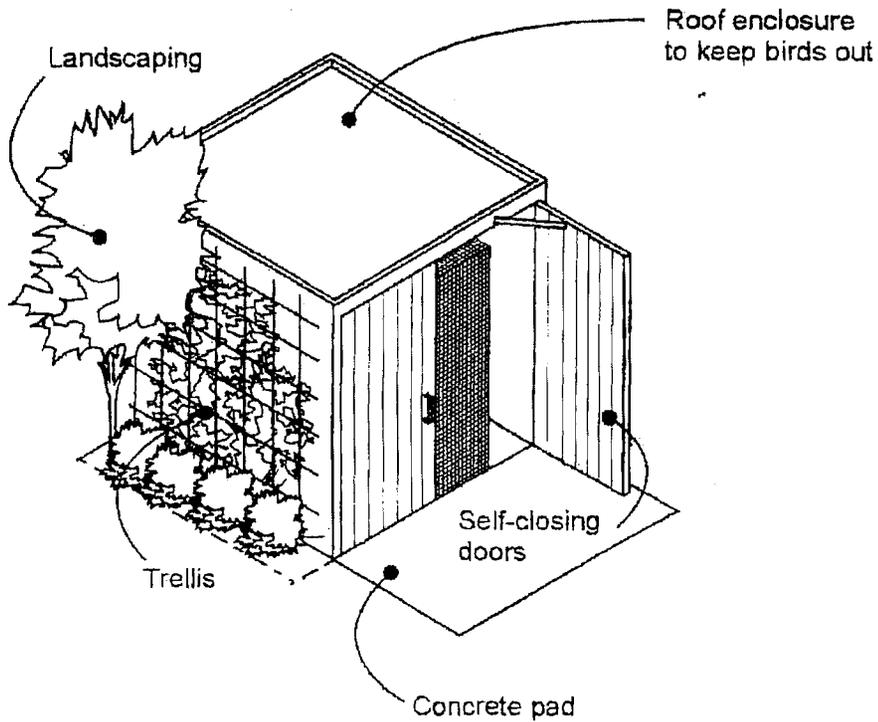
d. Building entries (see subsection E3b(iii) of this Section).



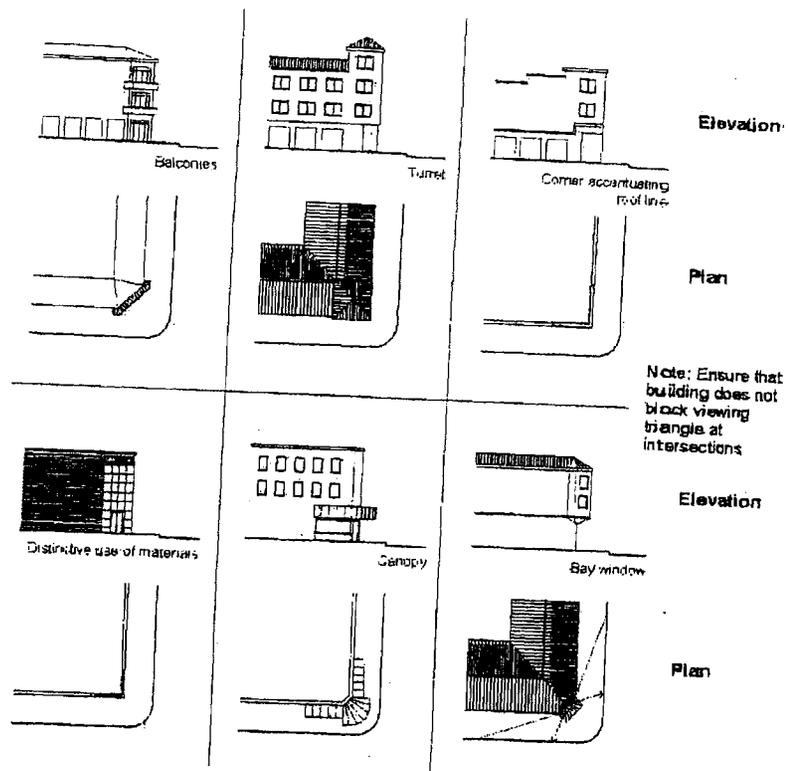
e. Service elements located to minimize the impact on the pedestrian environment (see subsection E5a(i) of this Section).



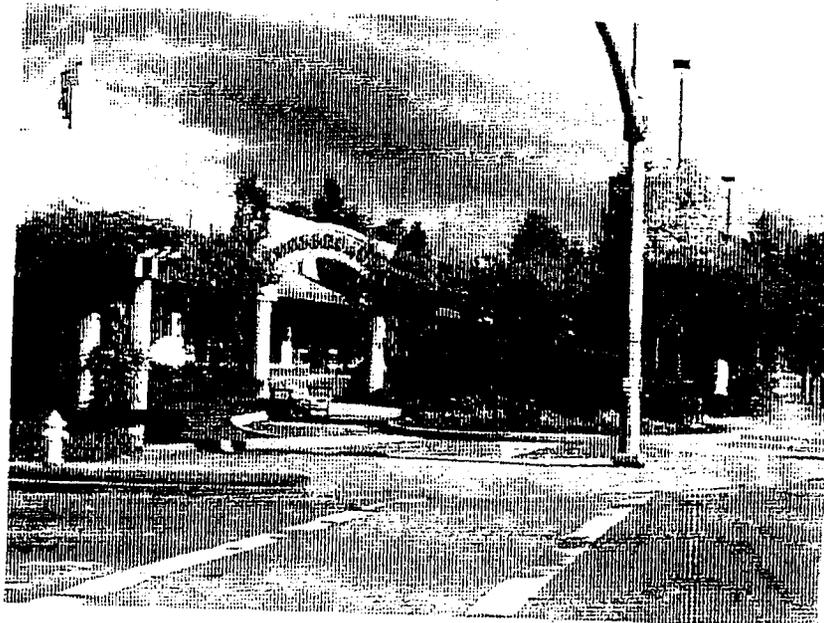
f. Service enclosure (see subsection E5a(iii) of this Section).



g. Distinguishable building form appropriate for gateway locations (see subsection E6a(i) of this Section).



h. Gateway landscaping, open space, pedestrian amenities and signage that identifies the commercial area (see subsection E6a(ii) of this Section).



(Ord. 5029, 11-24-2003; Ord. 5124, 2-7-2005; Ord. 5286, 5-14-2007)

**F. PARKING AND VEHICULAR ACCESS:**

**Intent:** To provide safe, convenient access to the Urban Center and the Center Village; incorporate various modes of transportation, including public mass transit, in order to reduce traffic volumes and other impacts from vehicles; ensure sufficient parking is provided, while encouraging creativity in reducing the impacts of parking areas; allow an active pedestrian environment by maintaining contiguous street frontages, without parking lot siting along sidewalks and building facades; minimize the visual impact of parking lots; and use access streets and parking to maintain an urban edge to the district.

**1. Location of Parking:**

**Intent:** To maintain active pedestrian environments along streets by placing parking lots primarily in back of buildings.

**a. Minimum Standard for Districts 'A', 'B' and 'D':** No surface parking shall be located between a building and the front property line or the building and side property line on the street side of a corner lot.

**b. Minimum Standards for District 'C':**

**i. On Designated Pedestrian-Oriented Streets:**

(a) Parking shall be at the side and/or rear of a building, with the exception of on-street parallel parking. No more than sixty feet (60') of the street frontage measured parallel to the curb shall be occupied by off-street parking and vehicular access.

(b) On-street parallel parking spaces located adjacent to the site can be included in calculation of required parking. For parking ratios based on use and zone, see RMC 4-4-080, Parking, Loading and Driveway Regulations.

(c) On-street parallel parking shall be required on both sides of the street.

ii. All parking lots located between a building and street or visible from a street shall feature landscaping between the sidewalk and building; see RMC 4-4-080F, Parking Lot Design Standards.

**iii. Surface Parking Lots:** The applicant must successfully demonstrate that the surface parking lot is designed to facilitate future structured parking and/or other infill development. For example, an appropriate surface parking area would feature a one thousand five hundred foot (1,500') maximum perimeter area and a minimum dimension on one side of two hundred feet (200'), unless project proponent can demonstrate future alternative use of the area would be physically possible. Exception: If there are size constraints inherent in the original parcel (see illustration, subsection F5a of this Section).

**c. Minimum Standards for District 'E':**

i. No surface parking shall be located between a building and the front property line or the building and side property line on the street side of a corner lot.

ii. Parking shall be located off an alley if an alley is present.

**d. Guideline Applicable to Districts 'A', 'B', 'C' and 'D':** In areas of mixed use development, shared parking is recommended.

**e. Guidelines Applicable to District 'C':**

i. If a limited number of parking spaces are made available in front of a building for passenger drop-off and pick-up, they shall be parallel to the building facade.

ii. When fronting on streets not designated as pedestrian-oriented, parking lots should be located on the interior portions of blocks and screened from the surrounding roadways by buildings, landscaping and/or gateway features as dictated by location.

## 2. Design of Surface Parking:

**Intent:** To ensure safety of users of parking areas, convenience to businesses, and reduce the impact of parking lots wherever possible.

### a. Minimum Standards for Districts 'A', 'C' and 'D':

i. Parking lot lighting shall not spill onto adjacent or abutting properties (see illustration, subsection F5b of this Section).

ii. All surface parking lots shall be landscaped to reduce their visual impact (see RMC 4-4-080F7, Landscape Requirements).

### b. Guidelines Applicable to Districts 'A', 'C' and 'D':

i. Wherever possible, parking should be configured into small units, connected by landscaped areas to provide on-site buffering from visual impacts.

ii. Access to parking modules should be provided by public or private local streets with sidewalks on both sides where possible, rather than internal drive aisles.

iii. Where multiple driveways cannot be avoided, provide landscaping to separate and minimize their impact on the streetscape.

## 3. Structured Parking Garages:

**Intent:** To more efficiently use land needed for vehicle parking; encourage the use of structured parking throughout the Urban Center and the Center Village; physically and visually integrate parking garages with other

uses; and reduce the overall impact of parking garages when they are located in proximity to the designated pedestrian environment.

### a. Minimum Standards for Districts 'C' and 'D':

#### i. Parking Structures Fronting Designated Pedestrian-Oriented Streets:

(a) Parking structures shall provide space for ground floor commercial uses along street frontages at a minimum of seventy five percent (75%) of the frontage width (see illustration, subsection F5c of this Section).

(b) The entire facade must feature a pedestrian-oriented facade.

#### ii. Parking Structures Fronting Non-Pedestrian-Oriented Streets:

(a) Parking structures fronting non-pedestrian-oriented streets and not featuring a pedestrian-oriented facade shall be set back at least six feet (6') from the sidewalk and feature substantial landscaping. This includes a combination of evergreen and deciduous trees, shrubs, and ground cover. This setback shall be increased to ten feet (10') adjacent to high visibility streets.

(b) The Director may allow a reduced setback where the applicant can successfully demonstrate that the landscaped area and/or other design treatment meets the intent of these standards and guidelines. Possible treatments to reduce the setback include landscaping components plus one or more of the following integrated with the architectural design of the building:

(1) Ornamental grillwork (other than vertical bars);

(2) Decorative artwork;

- (3) Display windows;
- (4) Brick, tile, or stone;
- (5) Pre-cast decorative panels;
- (6) Vine-covered trellis;
- (7) Raised landscaping beds with decorative materials; or
- (8) Other treatments that meet the intent of this standard.

(c) Facades shall be articulated architecturally, so as to maintain a human scale and to avoid a solid wall. Vehicular entrances to nonresidential or mixed use parking structures shall be articulated by arches, lintels, masonry trim, or other architectural elements and/or materials (see illustration, subsection F5d of this Section).

**b. Minimum Standards for District 'D':**

- i. Parking structures shall provide space for ground floor commercial uses along street frontages at a minimum of seventy five percent (75%) of the frontage width (see illustration, subsection F5c of this Section).
- ii. The entire facade must feature a pedestrian-oriented facade.
- iii. Facades shall be articulated architecturally, so as to maintain a human scale and to avoid a solid wall. Vehicular entrances to nonresidential or mixed use parking structures shall be articulated by arches, lintels, masonry trim, or other architectural elements and/or materials (see illustration, subsection F5d of this Section).

**c. Guidelines Applicable to Districts 'A', 'C' and 'D':**

- i. Parking garage entries should be designed and sited to complement, not subordinate, the pedestrian en-

try. If possible, locate the parking entry away from the primary street, to either the side or rear of the building.

ii. Parking garage entries should not dominate the streetscape.

iii. The design of structured parking at finished grade under a building should minimize the apparent width of garage entries.

iv. Parking within the building should be enclosed or screened through any combination of walls, decorative grilles, or trellis work with landscaping.

v. Parking garages should be designed to be complementary with adjacent buildings. Use similar forms, materials, and/or details to enhance garages.

vi. Parking service and storage functions should be located away from the street edge and generally not be visible from the street or sidewalks.

**d. Guidelines Applicable to Districts 'B' and 'E':**

i. Attached personal parking garages at-grade should be individualized and not enclose more than two (2) cars per enclosed space. Such garages should be architecturally integrated into the whole development.

ii. Multiple-user parking garages at-grade should be enclosed or screened from view through any combination of walls, decorative grilles, or trellis work with landscaping.

iii. Personal parking garages should be individualized whenever possible with separate entries and architectural detailing in character with the lower density district.

iv. Large multi-user parking garages are discouraged in this lower density district and, if provided,

should be located below grade whenever possible.

ii. Curb cuts should be minimized whenever possible through the use of shared driveways.

#### 4. Vehicular Access:

**Intent:** To maintain a contiguous, uninterrupted sidewalk by minimizing, consolidating and/or eliminating vehicular access off streets within pedestrian environments and/or designated pedestrian-oriented streets.

**a. Minimum Standard for Districts 'B' and 'E':** Parking lots and garages shall be accessed from alleys when available.

**b. Minimum Standards for District 'C':**

i. Parking garages shall be accessed at the rear of buildings or from non-pedestrian-oriented streets when available.

ii. Surface parking driveways are prohibited on pedestrian-oriented streets.

iii. Parking lot entrances, driveways, and other vehicular access points on high visibility streets shall be restricted to one entrance and exit lane per five hundred (500) linear feet as measured horizontally along the street.

**c. Guidelines Applicable to Districts 'A' and 'D':**

i. Parking lots and garages should be accessed from alleys or side streets.

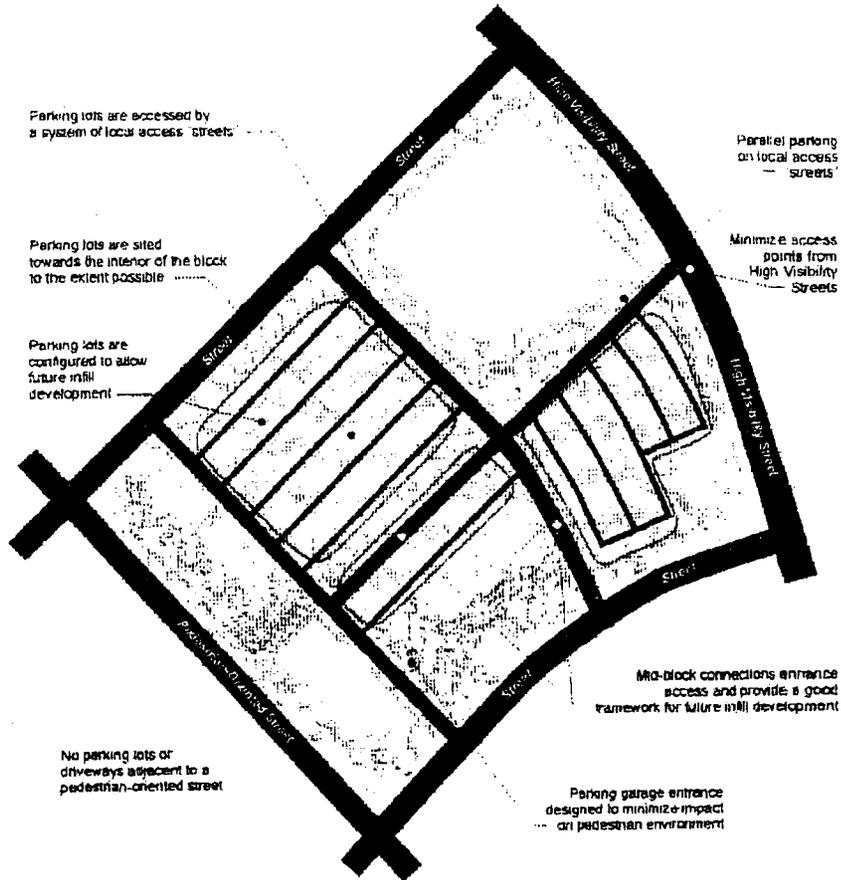
ii. Driveways should be located to be visible from the right-of-way, but not impede pedestrian circulation on-site or to adjoining properties. Where possible, minimize the number of driveways and curb cuts.

**d. Guidelines Applicable to Districts 'B' and 'E':**

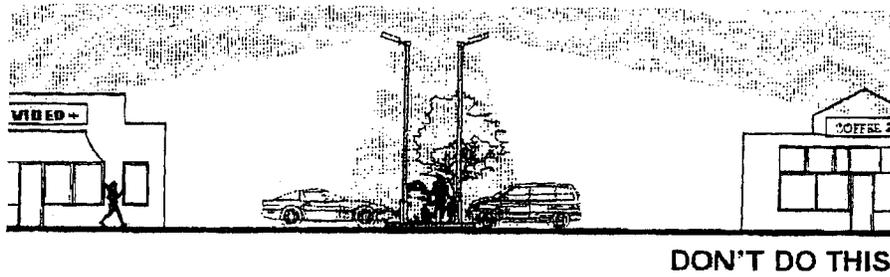
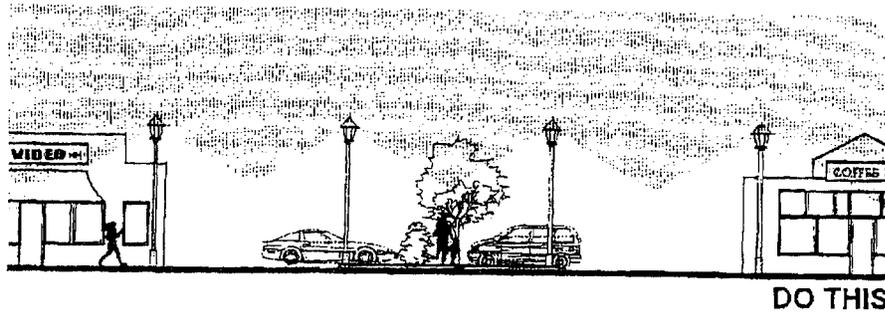
i. Garage entryways and/or driveways accessible only from a street should not impede pedestrian circulation along the sidewalk.

5. Illustrations.

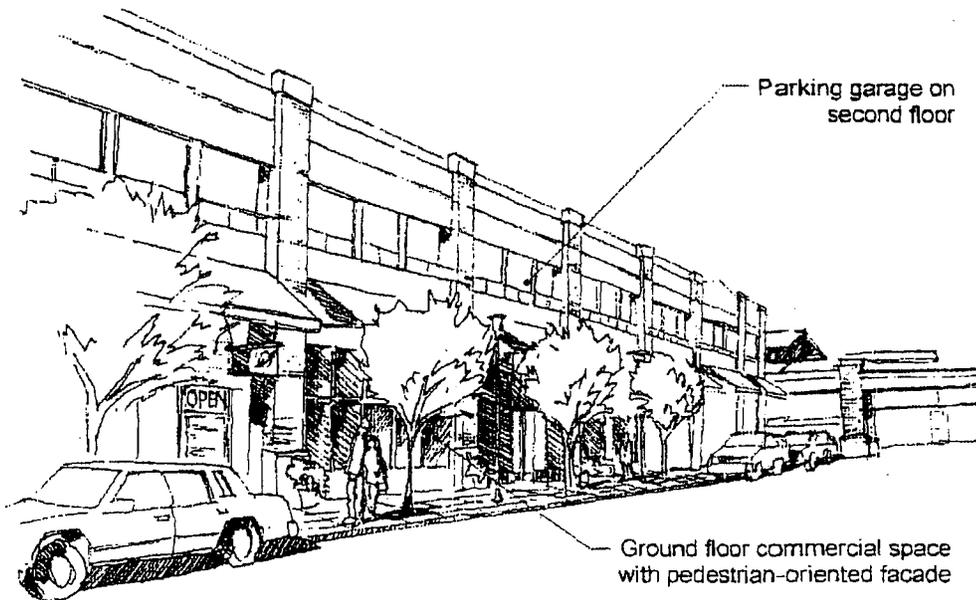
a. Parking and vehicular access in District 'C' (see subsection F1b(iii) of this Section).



b. Parking lot lighting (see subsection F2a(i) of this Section).



c. Parking structure fronting on pedestrian-oriented street with pedestrian-oriented uses and facades along the ground floor (see subsection F3a(i)(a) of this Section).

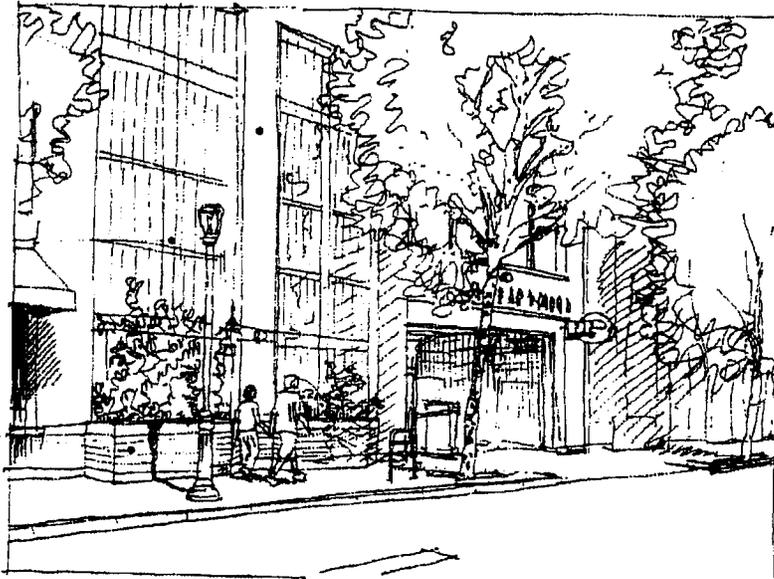


d. Parking structure designed to enhance streetscape (see subsection F3a(ii)(c) of this Section).

Articulation of facade components to reduce scale and add visual interest

Decorative trellis structure for vines

Raised planting bed adjacent to sidewalk



(Ord. 5029, 11-24-2003; Ord. 5124, 2-7-2005; Ord. 5286, 5-14-2007)

**G. PEDESTRIAN ENVIRONMENT:**

**Intent:** To enhance the urban character of development in the Urban Center and the Center Village by creating pedestrian networks and by providing strong links from streets and drives to building entrances; make the pedestrian environment safer and more convenient, comfortable, and pleasant to walk between businesses, on sidewalks, to and from access points, and through parking lots; and promote the use of multi-modal and public transportation systems in order to reduce other vehicular traffic.

**1. Pathways through Parking Lots:**

**Intent:** To provide safe and attractive pedestrian connections to buildings, parking garages, and parking lots.

**a. Minimum Standards for Districts 'C' and 'D':**

i. Clearly delineated pedestrian pathways and/or private streets shall be provided throughout parking areas.

ii. Within parking areas, pedestrian pathways shall be provided perpendicular to the applicable building facade, at a maximum distance of one hundred and fifty feet (150') apart (see illustration, subsection G4a of this Section).

**2. Pedestrian Circulation:**

**Intent:** To create a network of linkages for pedestrians to improve safety and convenience and enhance the pedestrian environment.

**a. Minimum Standards for Districts 'A', 'C' and 'D':**

i. Developments shall include an integrated pedestrian circulation system that connects buildings, open space, and parking areas with the adjacent street sidewalk system and adjacent properties (see illustration, subsection G4b of this Section).

ii. Sidewalks located between buildings and streets shall be raised above the level of vehicular travel.

iii. Pedestrian pathways within parking lots or parking modules shall be differentiated by material or texture from adjacent paving materials (see illustration, subsection G4c of this Section).

iv. Sidewalks and pathways along the facades of buildings shall be of sufficient width to accommodate anticipated numbers of users. Specifically:

(a) Sidewalks and pathways along the facades of mixed use and retail buildings one hundred (100) or more feet in width (measured along the facade) shall provide sidewalks at least twelve feet (12') in width. The walkway shall include an eight foot (8') minimum unobstructed walking surface and street trees (see illustration, subsection G4d of this Section).

(b) To increase business visibility and accessibility, breaks in the tree coverage adjacent to major building entries shall be allowed.

(c) For all other interior pathways, the proposed walkway shall be of sufficient width to accommodate the anticipated number of users. A ten to twelve foot (10' – 12') pathway, for example, can accommodate groups of persons walking four (4) abreast, or two (2) couples passing one another. An eight foot (8') pathway will accommodate three (3) individuals walking abreast, whereas a smaller five to six foot (5' – 6') pathway will accommodate two (2) individuals.

v. Locate pathways with clear sight lines to increase safety. Landscaping shall not obstruct visibility of walkway or sight lines to building entries.

vi. All pedestrian walkways shall provide an all-weather walking surface unless the applicant can dem-

onstrate that the proposed surface is appropriate for the anticipated number of users and complementary to the design of the development.

**b. Guidelines Applicable to All Districts:**

i. Delineation of pathways may be through the use of architectural features, such as trellises, railings, low seat walls, or similar treatment.

ii. Mid-block connections are desirable where a strong linkage between uses can be established.

iii. Decorative fences, with the exception of chain link fences, may be allowed when appropriate to the situation.

**c. Guidelines Applicable to District 'C' Only:**

i. Through-block connections should be made between buildings, between streets, and to connect sidewalks with public spaces. Preferred location for through-block connections is mid-block (see illustration, subsection G4e of this Section).

ii. Between buildings of up to and including two (2) stories in height, through-block connections should be at least six feet (6') in width.

iii. Between buildings three (3) stories in height or greater, through-block connections should be at least twelve feet (12') in width.

iv. Transit stops should be located along designated transit routes a maximum of one-quarter (0.25) mile apart.

v. As an alternative to some of the required street trees, developments may provide pedestrian-scaled light fixtures at appropriate spacing and no taller than fourteen feet (14') in height. No less than one tree or light fixture per thirty (30) lineal feet of the

required walkway should be provided.

### 3. Pedestrian Amenities:

**Intent:** To create attractive spaces that unify the building and street environments and are inviting and comfortable for pedestrians; and provide publicly accessible areas that function for a variety of activities, at all times of the year, and under typical seasonal weather conditions.

#### a. Minimum Standards for District 'C':

- i. On designated pedestrian-oriented streets, provide pedestrian overhead weather protection in the form of awnings, marquees, canopies, or building overhangs. These elements shall be a minimum of four and one-half feet (4-1/2') wide along at least seventy five percent (75%) of the length of the building facade facing the designated pedestrian-oriented street, a maximum height of fifteen feet (15') above the ground elevation, and no lower than eight feet (8') above ground level.
- ii. Site furniture provided in public spaces shall be made of durable, vandal- and weather-resistant materials that do not retain rainwater and can be reasonably maintained over an extended period of time.
- iii. Site furniture and amenities shall not impede or block pedestrian access to public spaces or building entrances.

#### b. Minimum Standards for District 'D':

- i. Provide pedestrian overhead weather protection in the form of awnings, marquees, canopies, or building overhangs. These elements shall be a minimum of four and one-half feet (4-1/2') wide along at least seventy five percent (75%) of the length of the building facade, a maximum height of fifteen feet (15') above the

ground elevation, and no lower than eight feet (8') above ground level.

- ii. Site furniture provided in public spaces shall be made of durable, vandal- and weather-resistant materials that do not retain rainwater and can be reasonably maintained over an extended period of time.

- iii. Site furniture and amenities shall not impede or block pedestrian access to public spaces or building entrances.

#### c. Minimum Standards for District 'E' Only:

- i. Site furniture provided in public spaces shall be made of durable, vandal- and weather-resistant materials that do not retain rainwater and can be reasonably maintained over an extended period of time.

- ii. Site furniture and amenities shall not impede or block pedestrian access to public spaces or building entrances.

#### d. Guidelines Applicable to Districts 'C', 'D' and 'E':

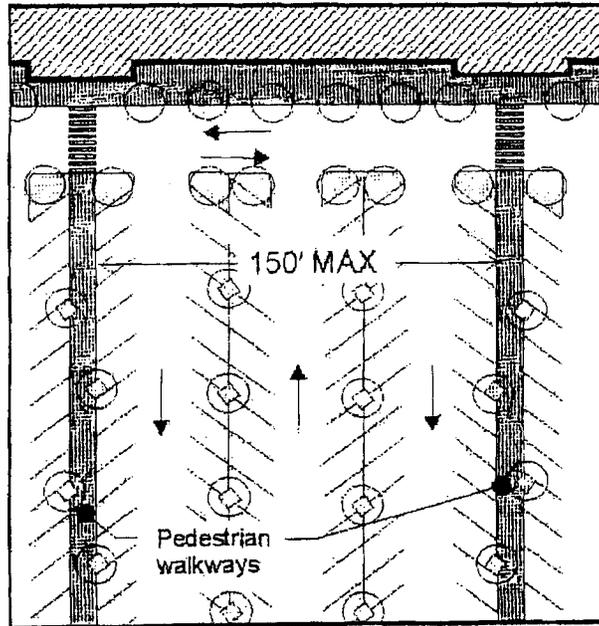
- i. Transit shelters, bicycle racks, benches, trash receptacles, and other street furniture should be provided.

- ii. Street amenities such as outdoor group seating, kiosks, fountains, and public art should be provided.

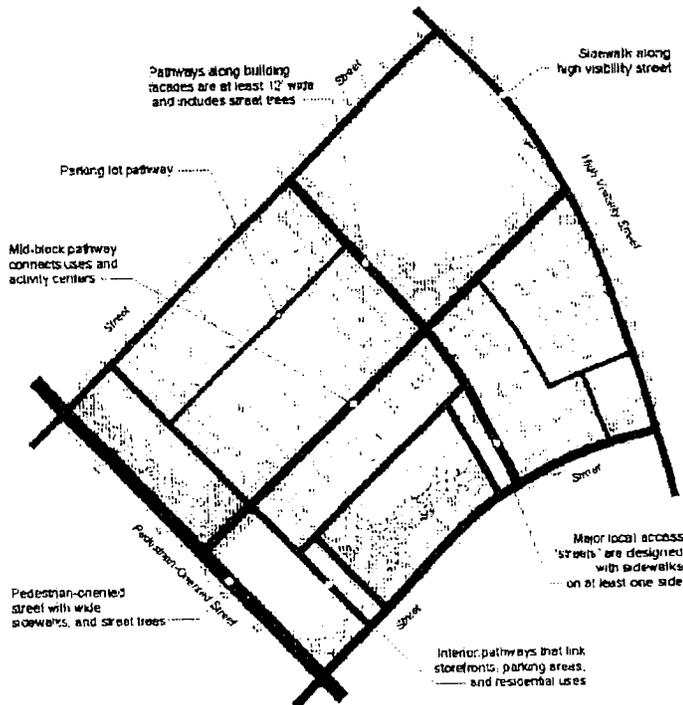
- iii. Architectural elements that incorporate plants, such as facade-mounted planting boxes or trellises or ground-related or hanging containers are encouraged, particularly at building entrances, in publicly accessible spaces, and at facades along pedestrian-oriented streets (see illustration, subsection G4f of this Section).

4. Illustrations.

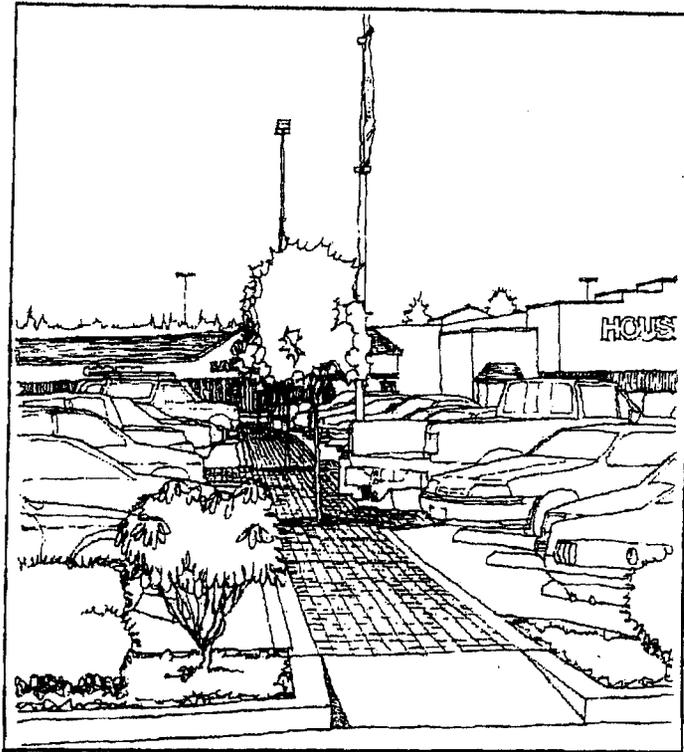
- a. Pedestrian walkways within parking lots (see subsection G1a(ii) of this Section).



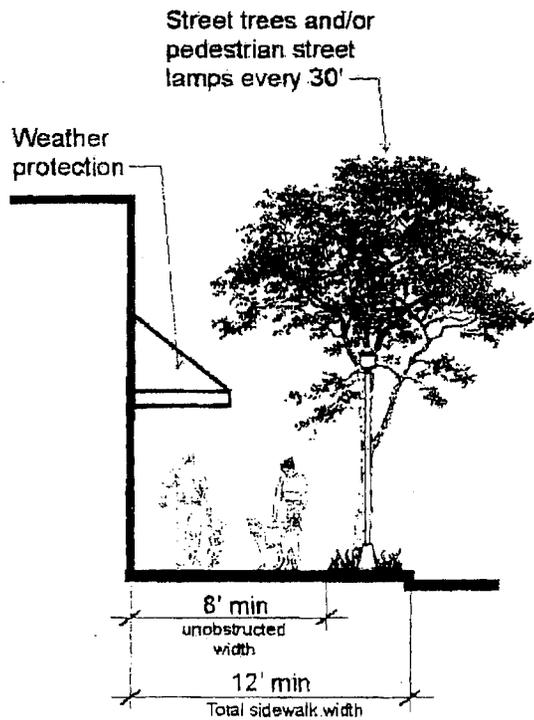
- b. Integrated pedestrian access system (pathways are shown in solid black lines) (see subsection G2a(i) of this Section).



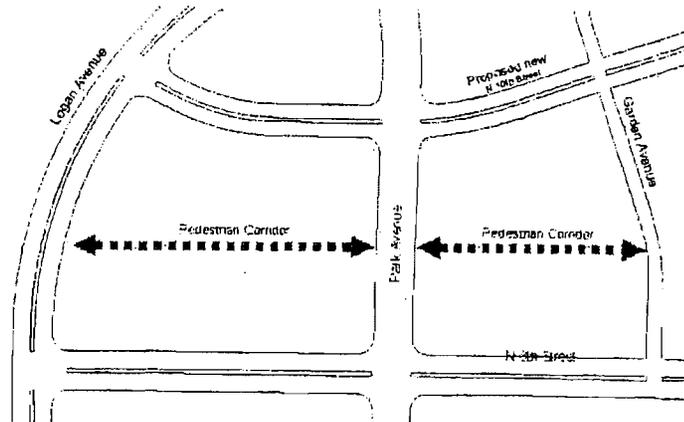
- c. Parking lot pedestrian interior walkway (see subsection G2a(iii) of this Section).



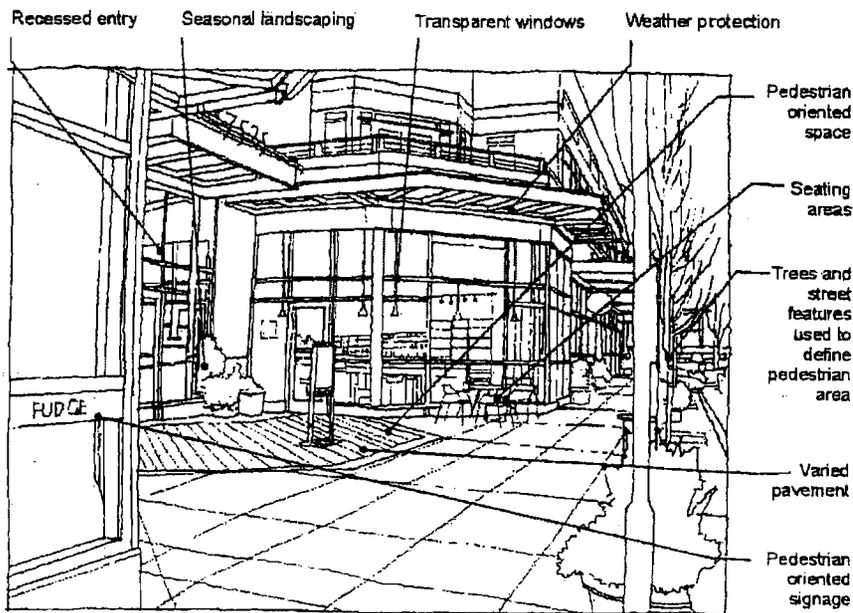
- d. Sidewalks along retail building facade (see subsection G2a(iv)(a) of this Section).



e. Through-block pedestrian connections (see subsection G2c(i) of this Section).



f. Pedestrian amenities incorporated into development (see subsection G3d(iii) of this Section).



(Ord. 5029, 11-24-2003; Ord. 5124, 2-7-2005; Ord. 5286, 5-14-2007)

**H. LANDSCAPING/RECREATION AREAS/Common Open Space:**

**Intent:** To provide visual relief in areas of expansive paving or structures; define logical areas of pedestrian and vehicular circulation; and add to the aesthetic enjoyment of the area by the community. To have areas suitable for both passive and active recreation by residents, workers, and visitors; provide these areas in sufficient amounts and in safe and convenient locations; and provide the opportunity for community gathering in places centrally located and designed to encourage such activity.

portunity for community gathering in places centrally located and designed to encourage such activity.

**1. Landscaping:**

**Intent:** Landscaping is intended to reinforce the architecture or concept of the area; provide visual and climatic relief in areas of expansive paving or structures; channelize and define logical areas of pedestrian and vehicular circulation; and provide the opportunity for community gathering in places centrally located and designed to encourage such activity.

ular circulation; and add to the aesthetic enjoyment of the area by the community.

**a. Minimum Standards for All Districts:**

i. All pervious areas shall be landscaped (see RMC 4-4-070, Landscaping).

ii. Street trees are required and shall be located between the curb edge and building, as determined by the City of Renton.

iii. On designated pedestrian-oriented streets, street trees shall be installed with tree grates. For all other streets, street tree treatment shall be as determined by the City of Renton (see illustration, subsection H3a of this Section).

iv. The proposed landscaping shall be consistent with the design intent and program of the building, the site, and use.

v. The landscape plan shall demonstrate how the proposed landscaping, through the use of plant material and nonvegetative elements, reinforces the architecture or concept of the development.

vi. Surface parking areas shall be screened by landscaping in order to reduce views of parked cars from streets (see RMC 4-4-080F7, Landscape Requirements). Such landscaping shall be at least ten feet (10') in width as measured from the sidewalk (see illustration, subsection H3b of this Section). Standards for planting shall be as follows:

(a) Trees at an average minimum rate of one tree per thirty (30) lineal feet of street frontage. Permitted tree species are those that reach a mature height of at least thirty five feet (35'). Minimum height or caliper at planting shall be eight feet (8') or two inch (2") caliper (as measured four

feet (4') from the top of the root ball) respectively.

(b) Shrubs at the minimum rate of one per twenty (20) square feet of landscaped area. Shrubs shall be at least twelve inches (12") tall at planting and have a mature height between three feet (3') and four feet (4').

(c) Ground cover shall be planted in sufficient quantities to provide at least ninety percent (90%) coverage of the landscaped area within three (3) years of installation.

(d) The applicant shall provide a maintenance assurance device, prior to occupancy, for a period of not less than three (3) years and in sufficient amount to ensure required landscape standards have been met by the third year following installation.

(e) Surface parking with more than fourteen (14) stalls shall be landscaped as follows:

**(1) Required Amount:**

Total Number of Spaces	Minimum Required Landscape Area*
15 to 50	15 square feet/parking space
51 to 99	25 square feet/parking space
100 or more	35 square feet/parking space

\* Landscape area calculations above and planting requirements below exclude perimeter parking lot landscaping areas.

(2) Provide trees, shrubs, and ground cover in the required interior parking lot landscape areas.

(3) Plant at least one tree for every six (6) parking spaces. Permitted tree species are those that reach a mature height of at least thirty five feet (35'). Minimum height or caliper at planting shall be eight feet (8') or two inch (2") caliper (as measured four

feet (4') from the top of the root ball) respectively.

(4) Plant shrubs at a rate of five (5) per one hundred (100) square feet of landscape area. Shrubs shall be at least sixteen inches (16") tall at planting and have a mature height between three feet (3') and four feet (4').

(5) Up to fifty percent (50%) of shrubs may be deciduous.

(6) Select and plant ground cover so as to provide ninety percent (90%) coverage within three (3) years of planting; provided, that mulch is applied until plant coverage is complete.

(7) Do not locate a parking stall more than fifty feet (50') from a landscape area.

vii. Regular maintenance shall be provided to ensure that plant materials are kept healthy and that dead or dying plant materials are replaced.

viii. Underground, automatic irrigation systems are required in all landscape areas.

**b. Guidelines Applicable to all Districts:**

i. Landscaping should be used to soften and integrate the bulk of buildings.

ii. Landscaping should be provided that appropriately provides either screening of unwanted views or focuses attention to preferred views.

iii. Use of low maintenance, drought-resistant landscape material is encouraged.

iv. Choice of materials should reflect the level of maintenance that will be available.

v. Seasonal landscaping and container plantings are encouraged, par-

ticularly at building entries and in publicly accessible spaces.

vi. Window boxes, containers for plantings, hanging baskets, or other planting feature elements should be made of weather-resistant materials that can be reasonably maintained.

vii. Landscaping should be used to screen parking lots from adjacent or neighboring properties.

**c. Guidelines Applicable to Districts 'B' and 'E':**

i. Front yards should be visible from the street and visually contribute to the streetscape.

ii. Decorative walls and fencing are encouraged when architecturally integrated into the project.

**2. Recreation Areas and Common Open Space:**

**Intent:** To ensure that districts have areas suitable for both passive and active recreation by residents, workers, and visitors and that these areas are of sufficient size for the intended activity and in convenient locations; create usable, accessible, and inviting open space that is accessible to the public; and promote pedestrian activity on pedestrian-oriented streets particularly at street corners.

**a. Minimum Standards for Districts 'A', 'C' and 'D':**

i. Mixed use residential and attached housing developments of ten (10) or more dwelling units shall provide a minimum area of common space or recreation area equal to fifty (50) square feet per unit. The common space area shall be aggregated to provide usable area(s) for residents. The location, layout, and proposed type of common space or recreation area shall be subject to approval by the Director. The required common open space shall be satisfied with one or more of the elements listed below. The Director may require more than one of the follow-

ing elements for developments having more than one hundred (100) units.

- (a) Courtyards, plazas, or multi-purpose open spaces;
- (b) Upper level common decks, patios, terraces, or roof gardens. Such spaces above the street level must feature views or amenities that are unique to the site and are provided as an asset to the development;
- (c) Pedestrian corridors dedicated to passive recreation and separate from the public street system;
- (d) Recreation facilities including, but not limited to, tennis/sports courts, swimming pools, exercise areas, game rooms, or other similar facilities; or
- (e) Children's play spaces.

ii. In mixed use residential and attached residential projects, required landscaping, driveways, parking, or other vehicular use areas shall not be counted toward the common space requirement or be located in dedicated outdoor recreation or common use areas.

iii. In mixed use residential and attached residential projects required yard setback areas shall not count toward outdoor recreation and common space unless such areas are developed as private or semi-private (from abutting or adjacent properties) courtyards, plazas or passive use areas containing landscaping and fencing sufficient to create a fully usable area accessible to all residents of the development (see illustration, subsection H3c of this Section).

iv. Private decks, balconies, and private ground floor open space shall not count toward the common space/recreation area requirement.

v. In mixed use residential and attached residential projects, other required landscaping and sensitive area buffers without common access links, such as pedestrian trails, shall not be included toward the required recreation and common space requirement.

vi. All buildings and developments with over thirty thousand (30,000) square feet of nonresidential uses (excludes parking garage floorplate areas) shall provide pedestrian-oriented space (see illustration, subsection H3d of this Section) according to the following formula:

1% of the lot area + 1% of the building area = Minimum amount of pedestrian-oriented space

vii. To qualify as pedestrian-oriented space, the following must be included:

(a) Visual and pedestrian access (including barrier-free access) to the abutting structures from the public right-of-way or a nonvehicular courtyard;

(b) Paved walking surfaces of either concrete or approved unit paving;

(c) On-site or building-mounted lighting providing at least four (4) foot-candles (average) on the ground; and

(d) At least three feet (3') of seating area (bench, ledge, etc.) or one individual seat per sixty (60) square feet of plaza area or open space.

viii. The following features are encouraged in pedestrian-oriented space (see illustration, subsection H3e of this Section) and may be required by the Director:

(a) Provide pedestrian-oriented uses on the building fa-

cade facing the pedestrian-oriented space.

(b) Spaces should be positioned in areas with significant pedestrian traffic to provide interest and security – such as adjacent to a building entry.

(c) Provide pedestrian-oriented facades on some or all buildings facing the space.

(d) Provide movable public seating.

ix. The following are prohibited within pedestrian-oriented space:

(a) Adjacent unscreened parking lots;

(b) Adjacent chain link fences;

(c) Adjacent blank walls;

(d) Adjacent dumpsters or service areas; and

(e) Outdoor storage (shopping carts, potting soil bags, firewood, etc.) that do not contribute to the pedestrian environment.

x. The minimum required walkway areas shall not count as pedestrian-oriented space. However, where walkways are widened or enhanced beyond minimum requirements, the area may count as pedestrian-oriented space if the Director determines such space meets the definition of pedestrian-oriented space.

**b. Minimum Standard for Districts 'B' and 'E':** Attached housing developments shall provide a minimum area of private usable open space equal to one hundred fifty (150) square feet per unit of which one hundred (100) square feet are contiguous. Such space may include porches, balconies, yards, and decks.

**c. Minimum Standard for District 'C':** The location of public open space shall

be considered in relation to building orientation, sun and light exposure, and local micro-climatic conditions.

**d. Minimum Standards for Commercial Arterial Zone Public Plazas:**

At each corner of the intersections listed below, there shall be provision of a public plaza of no less than one thousand (1,000) square feet with a minimum dimension of twenty feet (20') on one side abutting the sidewalk. The public plaza must be landscaped consistent with RMC 4-4-070, including at minimum street trees, decorative paving, pedestrian-scaled lighting, and seating. These public plazas are to be provided at all of the following intersections:

i. Benson Area: Benson Drive S./ 108th Avenue S.E. and S.E. 176th.

ii. Bronson Area: Intersections with Bronson Way North at:

(a) Factory Avenue N./ Houser Way S.;

(b) Garden Avenue N.; and

(c) Park Avenue N. and N. First Street.

iii. Cascade Area: Intersection of 116th Avenue S.E. and S.E. 168th Street.

iv. Northeast Fourth Area: Intersections with N.E. Fourth at:

(a) Duvall Avenue N.E.;

(b) Monroe Avenue N.E.; and

(c) Union Avenue N.E.

v. Grady Area: Intersections with Grady Way at:

(a) Lind Avenue S.W.;

(b) Rainier Avenue S.;

(c) Shattuck Avenue S.; and

(d) Talbot Road S.

vi. Puget Area: Intersection of S. Puget Drive and Benson Road S.

vii. Rainier Avenue Area: Intersections with Rainier Avenue S. at:

(a) Airport Way / Renton Avenue S.;

(b) S. Second Street;

(c) S. Third Street / S.W. Sunset Boulevard;

(d) S. Fourth Street; and

(e) S. Seventh Street.

viii. North Renton Area: Intersections with Park Avenue N. at:

(a) N. Fourth Street; and

(b) N. Fifth Street.

ix. Northeast Sunset Area: Intersections with N.E. Sunset Boulevard at:

(a) Duvall Avenue N.E.; and

(b) Union Avenue N.E.

**e. Guideline Applicable to Districts 'A', 'C' and 'D':**

i. Common space areas in mixed use residential and attached residential projects should be centrally located so they are near a majority of dwelling units, accessible and usable to residents, and visible from surrounding units.

ii. Common space areas should be located to take advantage of surrounding features such as building entrances, significant landscaping, unique topography or architecture, and solar exposure.

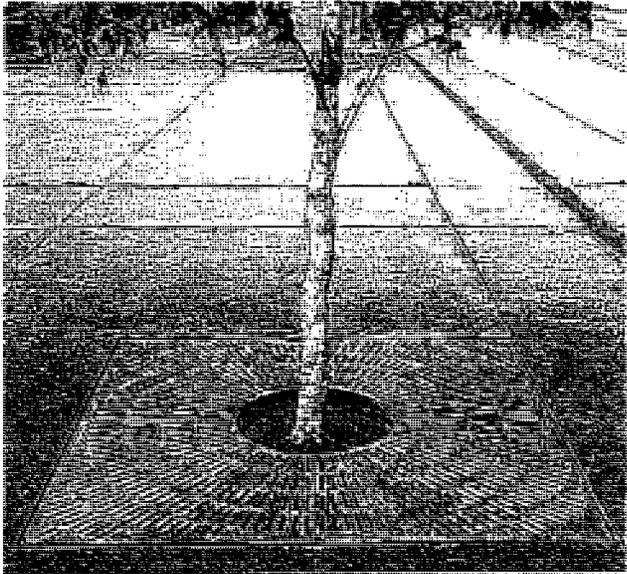
iii. In mixed use residential and attached residential projects children's play space should be centrally lo-

cated, visible from the dwellings, and away from hazardous areas like garbage dumpsters, drainage facilities, streets, and parking areas.

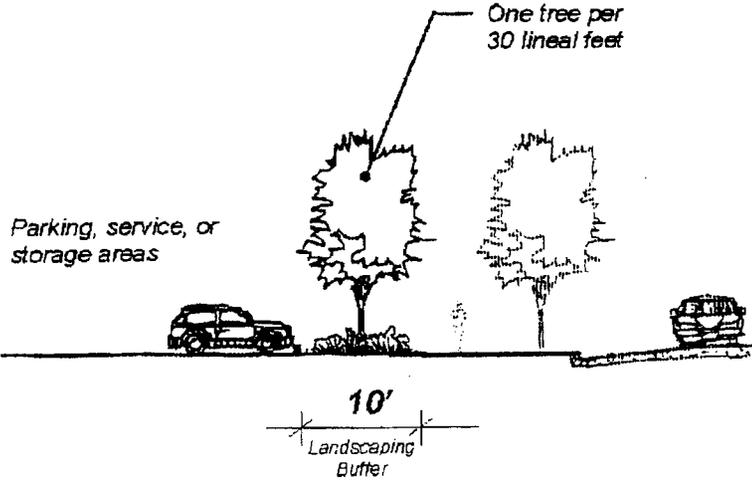
**f. Guideline Applicable to District 'C':** Developments located at street intersections corners on designated pedestrian-oriented streets are encouraged to provide pedestrian-oriented space adjacent to the street corner to emphasize pedestrian activity (see illustration, subsection H3f of this Section).

3. Illustrations.

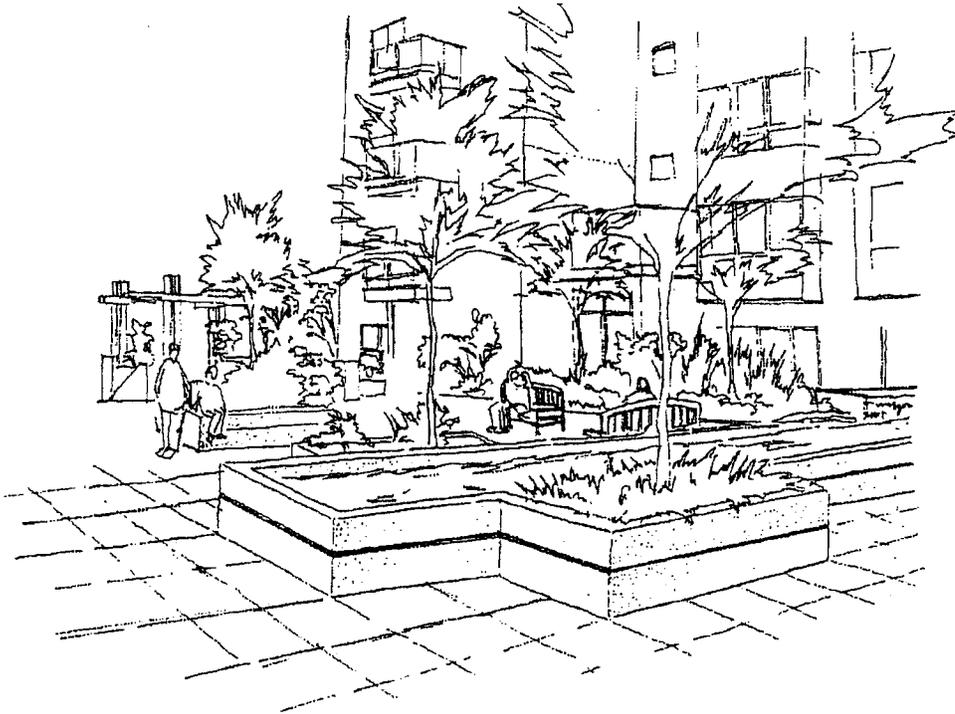
- a. Street tree installed with tree grate (see subsection H1a(iii) of this Section).



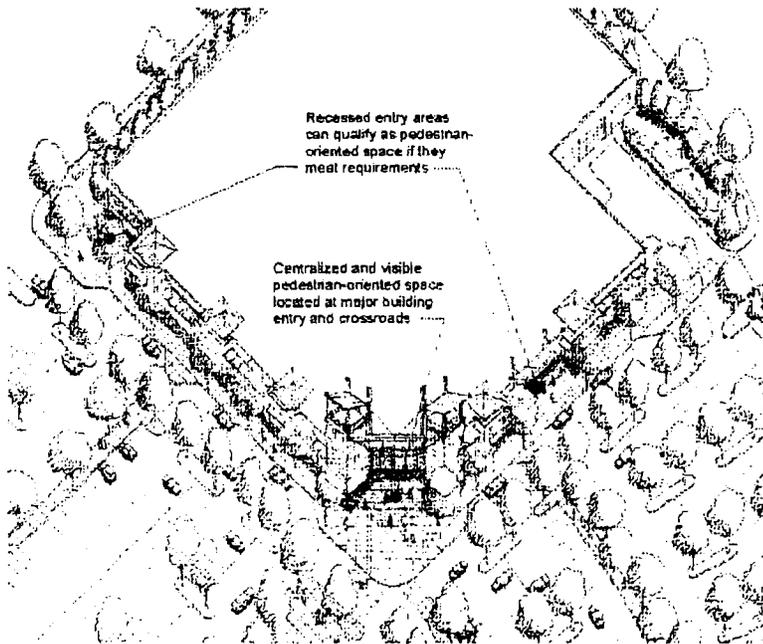
- b. Parking lot landscaped buffer (see subsection H1a(vi) of this Section).



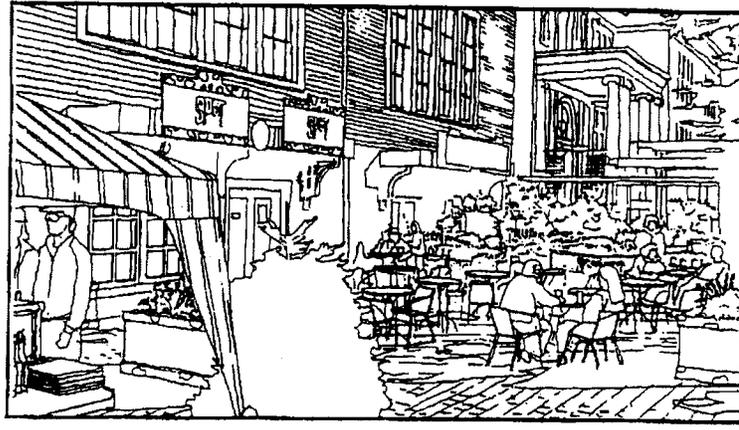
c. Visible and accessible common area featuring landscaping and other amenities (see subsection H2a(iii) of this Section).



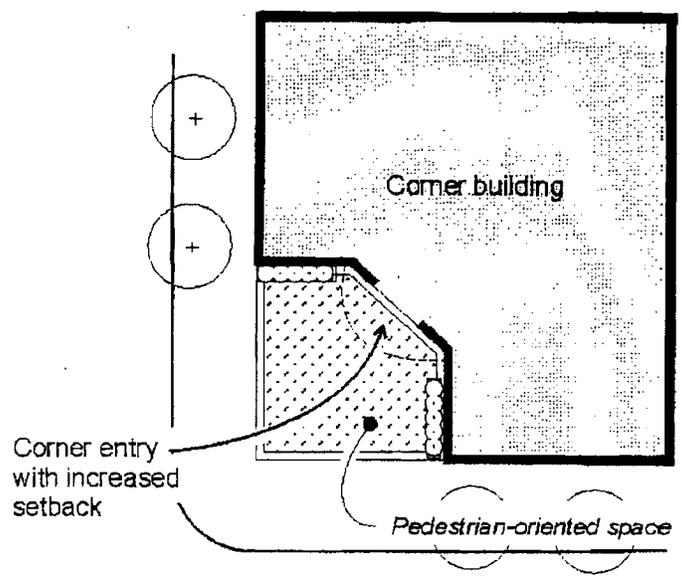
d. Pedestrian-oriented space associated with a large-scale retail building (see subsection H2a(vi) of this Section).



e. Pedestrian-oriented spaces, visible from the street, including ample seating areas, movable furniture, special paving, landscaping components and pedestrian-oriented uses (see subsection H2a(viii) of this Section).



f. Building setbacks increased at street corners along pedestrian-oriented streets to encourage provisions for pedestrian-oriented spaces (see subsection H2e of this Section).



(Ord. 5029, 11-24-2003; Ord. 5124, 2-7-2005; Ord. 5286, 5-14-2007; Ord. 5437, 12-8-2008)

**I. BUILDING ARCHITECTURAL DESIGN:**

**Intent:** To encourage building design that is unique and urban in character, comfortable on a human scale, and uses appropriate building materials that are suitable for the Pacific Northwest climate. To discourage franchise retail architecture.

**1. Building Character and Massing:**

**Intent:** To ensure that buildings are not bland and visually appear to be at a human scale; and ensure that all sides of a building, that can be seen by the public, are visually interesting.

**a. Minimum Standard for Districts 'A' and 'D':** All building facades shall include

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modulation or articulation at intervals of no more than forty feet (40').

**b. Minimum Standard for Districts 'B' and 'E':** All building facades shall include modulation or articulation at intervals of no more than twenty feet (20').

**c. Minimum Standards for District 'C':**

i. All building facades shall include measures to reduce the apparent scale of the building and add visual interest. Examples include modulation, articulation, defined entrances, and display windows (see illustration, subsection 15a of this Section).

ii. All buildings shall be articulated with one or more of the following:

- (a) Defined entry features;
- (b) Window treatment;
- (c) Bay windows and/or balconies;
- (d) Roof line features; or
- (e) Other features as approved by the Director.

iii. Single purpose residential buildings shall feature building modulation as follows (see illustration, subsection 15b of this Section):

- (a) The maximum width (as measured horizontally along the building's exterior) without building modulation shall be forty feet (40').
- (b) The minimum width of modulation shall be fifteen feet (15').
- (c) The minimum depth of modulation shall be the greater of six feet (6') or not less than two-tenths (0.2) multiplied by the height of the structure (finished grade to the top of the wall).

**d. Guidelines Applicable to Districts 'A', 'B', 'D' and 'E':**

i. Building facades should be modulated and/or articulated with architectural elements to reduce the apparent size of new buildings, break up long blank walls, add visual interest, and enhance the character of the neighborhood.

ii. Articulation, modulation, and their intervals should create a sense of scale important to residential buildings.

iii. A variety of modulations and articulations should be employed to add visual interest and to reduce the bulk and scale of large projects.

**e. Guideline Applicable to Districts 'B' and 'E':** Building modulations should be a minimum of two feet (2') in depth and four feet (4') in width.

**f. Guidelines Applicable to Districts 'A' and 'D':**

i. Building modulations should be a minimum of two feet (2') deep, sixteen feet (16') in height, and eight feet (8') in width.

ii. Alternative methods to shape a building such as angled or curved facade elements, off-set planes, wing walls, and terracing will be considered; provided, that the intent of this Section is met.

**g. Guidelines Applicable to District 'C':**

i. Although streetfront buildings along designated pedestrian streets should strive to create a uniform street edge, building facades should generally be modulated and/or articulated with architectural elements to reduce the apparent size of new buildings, break up long blank walls, add visual interest, and enhance the character of the neighborhood.

ii. **Style:** Buildings should be urban in character.

iii. Buildings greater than one hundred and sixty feet (160') in length should provide a variety of techniques to reduce the apparent bulk and scale of the facade or provide an additional special design feature such as a clock tower, courtyard, fountain, or public gathering place to add visual interest (see illustration, subsection 15c of this Section).

## 2. Ground-Level Details:

**Intent:** To ensure that buildings are visually interesting and reinforce the intended human-scale character of the pedestrian environment; and ensure that all sides of a building within near or distant public view have visual interest.

### a. Minimum Standards for All Districts:

i. Untreated blank walls visible from public streets, sidewalks, or interior pedestrian pathways are prohibited. A wall (including building facades and retaining walls) is considered a blank wall if:

(a) It is a ground floor wall or portion of a ground floor wall over six feet (6') in height, has a horizontal length greater than fifteen feet (15'), and does not include a window, door, building modulation or other architectural detailing; or

(b) Any portion of a ground floor wall having a surface area of four hundred (400) square feet or greater and does not include a window, door, building modulation or other architectural detailing.

ii. Where blank walls are required or unavoidable, blank walls shall be treated with one or more of the following (see illustration, subsection 15d of this Section):

(a) A planting bed at least five feet (5') in width containing trees, shrubs, evergreen ground cover, or vines adjacent to the blank wall;

(b) Trellis or other vine supports with evergreen climbing vines;

(c) Architectural detailing such as reveals, contrasting materials, or other special detailing that meets the intent of this standard;

(d) Artwork, such as bas-relief sculpture, mural, or similar; or

(e) Seating area with special paving and seasonal planting.

iii. Treatment of blank walls shall be proportional to the wall.

iv. Provide human-scaled elements such as a lighting fixture, trellis, or other landscape feature along the facade's ground floor.

v. Facades on designated pedestrian-oriented streets shall have at least seventy five percent (75%) of the linear frontage of the ground floor facade (as measured on a true elevation facing the designated pedestrian-oriented street) comprised of transparent windows and/or doors.

vi. Other facade window requirements include the following:

(a) Building facades must have clear windows with visibility into and out of the building. However, screening may be applied to provide shade and energy efficiency. The minimum amount of light transmittance for windows shall be fifty percent (50%).

(b) Display windows shall be designed for frequent change of merchandise, rather than permanent displays.

(c) Where windows or storefronts occur, they must principally contain clear glazing.

(d) Tinted and dark glass, highly reflective (mirror-type) glass and film are prohibited.

**b. Guidelines Applicable to Districts 'A', 'C' and 'D':**

i. The primary building entrance should be made visibly prominent by incorporating a minimum of one of the following architectural features from each category listed (see illustration, subsection 15e of this Section):

**(a) Facade Features:**

- (1) Recess;
- (2) Overhang;
- (3) Canopy;
- (4) Trellis;
- (5) Portico;
- (6) Porch;
- (7) Clerestory.

**(b) Doorway Features:**

- (1) Transom windows;
- (2) Glass windows flanking door;
- (3) Large entry doors;
- (4) Ornamental lighting;
- (5) Lighted displays.

**(c) Detail Features:**

- (1) Decorative entry paving;
- (2) Ornamental building name and address;
- (3) Planted containers;

(4) Street furniture (benches, etc.).

ii. Artwork or building ornamentation (such as mosaics, murals, grillwork, sculptures, relief, etc.) should be used to provide ground-level detail.

iii. Elevated or terraced planting beds between the walkway and long building walls are encouraged.

**c. Guideline Applicable to Districts 'B' and 'E':** Use of material variations such as colors, brick, shingles, stucco, and horizontal wood siding is encouraged.

**3. Building Roof Lines:**

**Intent:** To ensure that roof forms provide distinctive profiles and interest consistent with an urban project and contribute to the visual continuity of the district.

**a. Minimum Standards for Districts 'A', 'C' and 'D':**

i. Buildings shall use at least one of the following elements to create varied and interesting roof profiles (see illustration, subsection 15f of this Section):

- (a) Extended parapets;
- (b) Feature elements projecting above parapets;
- (c) Projected cornices;
- (d) Pitched or sloped roofs.

ii. Locate and screen roof-mounted mechanical equipment so that the equipment is not visible within one hundred fifty feet (150') of the structure when viewed from ground level.

iii. Screening features shall blend with the architectural character of the building, consistent with RMC 4-4-095E, Roof-Top Equipment.

iv. Match color of roof-mounted mechanical equipment to color of exposed portions of the roof to minimize visual impacts when equipment is visible from higher elevations. (Ord. 5355, 2-25-2008)

**b. Guidelines Applicable to Districts 'B' and 'E':**

i. Buildings containing predominantly residential uses should have pitched roofs with a minimum slope of one to four (1:4). Such roofs should have dormers or intersecting roof forms that break up the massiveness of a continuous, uninterrupted sloping roof.

ii. Roof colors should be dark.

**c. Guideline Applicable to District 'C':** Building roof lines should be varied to add visual interest to the building.

**4. Building Materials:**

**Intent:** To ensure high standards of quality and effective maintenance over time; encourage the use of materials that reduce the visual bulk of large buildings; and encourage the use of materials that add visual interest to the neighborhood.

**a. Minimum Standards for All Districts:**

i. All sides of buildings visible from a street, pathway, parking area, or open space shall be finished on all sides with the same building materials, detailing, and color scheme, or if different, with materials of the same quality.

ii. Materials, individually or in combination, shall have an attractive texture, pattern, and quality of detailing for all visible facades.

iii. Materials shall be durable, high quality, and reasonably maintained.

**b. Minimum Standard for Districts 'A', 'C' and 'D':** Buildings shall employ material variations such as colors, brick

or metal banding, patterns, or textural changes.

**c. Guidelines Applicable to All Districts:**

i. Building materials should be attractive, durable, and consistent with more traditional urban development. Appropriate examples would include brick, integrally colored concrete masonry, pre-finished metal, stone, steel, glass, and cast-in-place concrete.

ii. Concrete walls should be enhanced by texturing, reveals, snap-tie patterns, coloring with a concrete coating or admixture, or by incorporating embossed or sculpted surfaces, mosaics, or artwork.

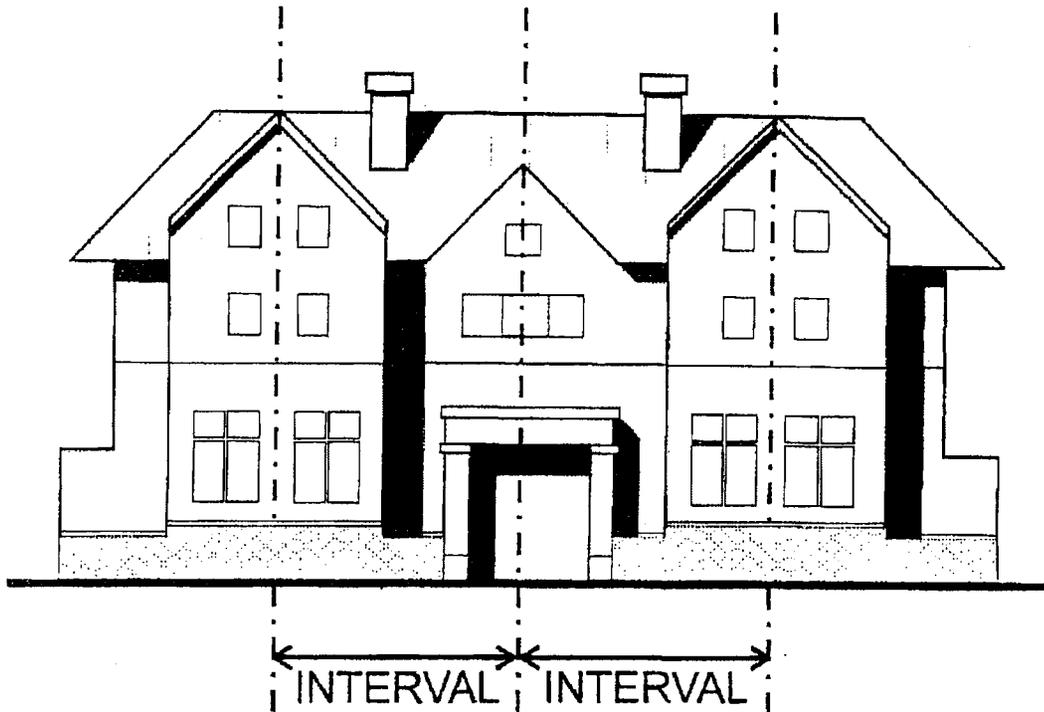
iii. Concrete block walls should be enhanced with integral color, textured blocks and colored mortar, decorative bond pattern and/or incorporate other masonry materials.

iv. Stucco and similar troweled finishes should be used in combination with other more highly textured finishes or accents. They should not be used at the base of buildings between the finished floor elevation and four feet (4') above.

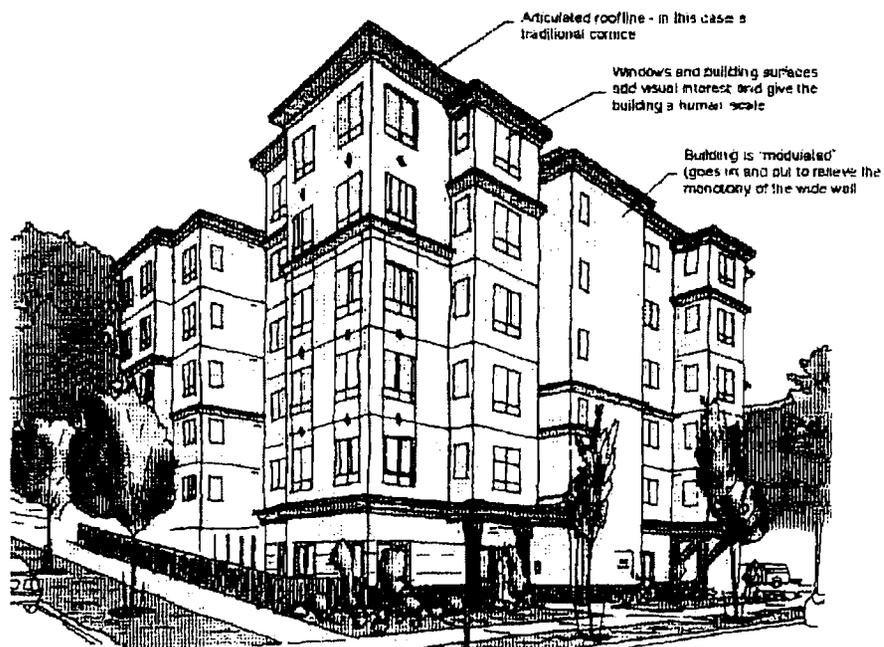
**d. Guideline Applicable to Districts 'B' and 'E':** Use of material variations such as colors, brick or metal banding or patterns, or textural changes is encouraged.

## 5. Illustrations.

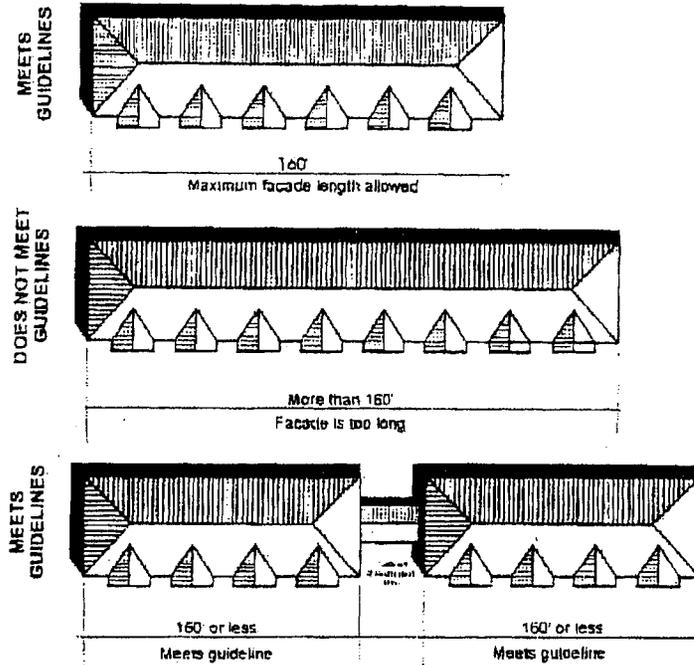
- a. Building modulation and articulation (see subsection 11c(i) of this Section).



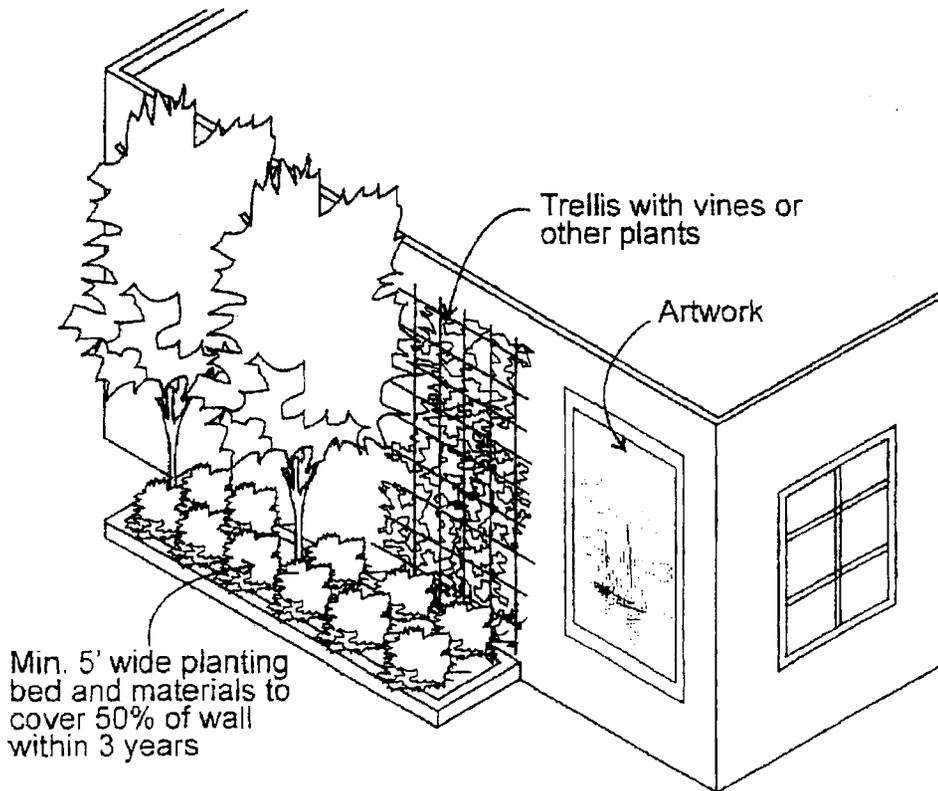
- b. Single purpose residential building featuring building modulation to reduce the scale of the building and add visual interest (see subsection 11c(iii) of this Section).



c. Reducing scale of long buildings (see subsection I1g(iii) of this Section).

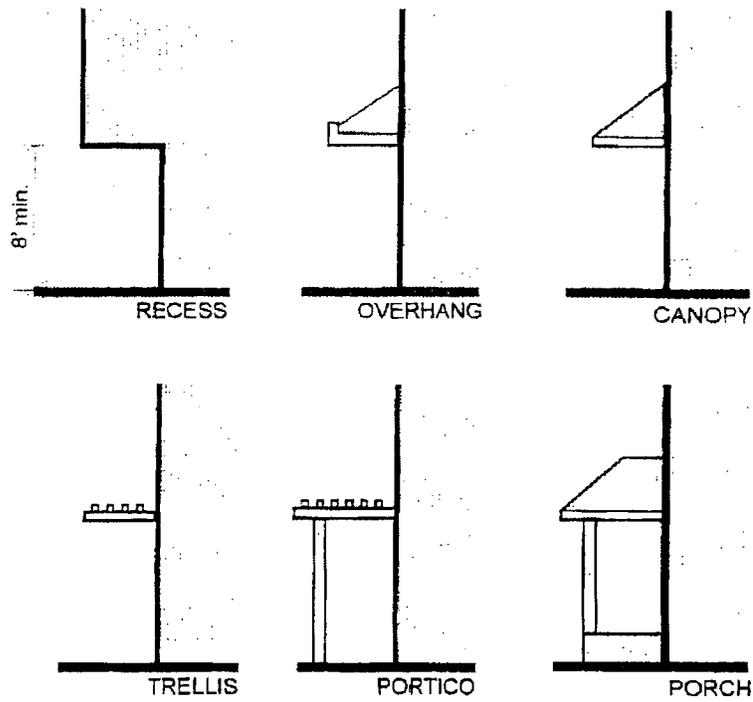


d. Acceptable blank wall treatments (see subsection I2a(ii) of this Section).

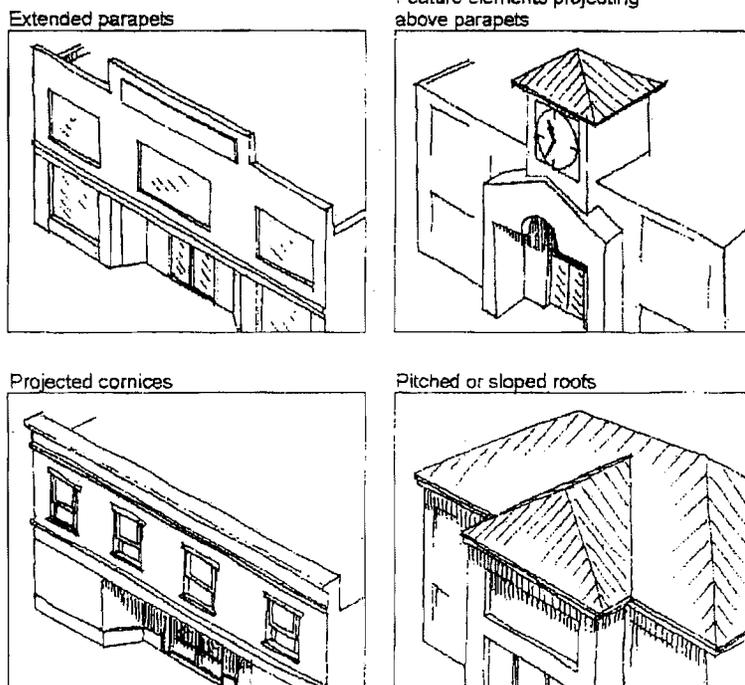


e. Building facade features (see subsection I2b(i) of this Section).

4'-6" min.



f. Preferred roof forms (see subsection I3a of this Section).



(Ord. 5029, 11-24-2003; Ord. 5124, 2-7-2005; Ord. 5286, 5-14-2007)

**J. SIGNAGE:**

**Intent:** To provide a means of identifying and advertising businesses; provide directional assistance; encourage signs that are both clear and of appropriate scale for the project; encourage quality signage that contributes to the character of the Urban Center and the Center Village; and create color and interest.

**1. Minimum Standards for Districts 'C' and 'D':**

- a. Signage shall be an integral part of the design approach to the building.
- b. Corporate logos and signs shall be sized appropriately for their location.
- c. Prohibited signs include (see illustration, subsection J3a of this Section):
  - i. Pole signs;
  - ii. Roof signs;
  - iii. Back-lit signs with letters or graphics on a plastic sheet (can signs or illuminated cabinet signs).  
Exceptions: Back-lit logo signs less than ten (10) square feet are permitted as are signs with only the individual letters back-lit.
- d. In mixed use and multi-use buildings, signage shall be coordinated with the overall building design.
- e. Freestanding ground-related monument signs, with the exception of primary entry signs, shall be limited to five feet (5') above finished grade, including support structure. All such signs shall include decorative landscaping (ground cover and/or shrubs) to provide seasonal interest in the area surrounding the sign. Alternately, signage may incorporate stone, brick, or other decorative materials as approved by the Director.
- f. Entry signs shall be limited to the name of the larger development.

**2. Guidelines Applicable to Districts 'C' and 'D':**

- a. Alteration of trademarks notwithstanding, corporate signage should not be garish in color nor overly lit, although creative design, strong accent colors, and interesting surface materials and lighting techniques are encouraged.
- b. Front-lit, ground-mounted monument signs are the preferred type of freestanding sign.
- c. Blade type signs, proportional to the building facade on which they are mounted, are encouraged on pedestrian-oriented streets.

### 3. Illustrations.

- a. Acceptable and unacceptable signs (see subsection J1c of this Section).

**Typical “can signs”  
are not acceptable**



Plastic or  
translucent  
sheet

Sheet  
metal  
box

**Internally lit letters  
or graphics are acceptable**



Only the individual  
letters are lit

(Ord. 5029, 11-24-2003; Ord. 5124, 2-7-2005; Ord. 5286, 5-14-2007)

### K. LIGHTING:

**Intent:** To ensure safety and security; provide adequate lighting levels in pedestrian areas such as plazas, pedestrian walkways, parking areas, building entries, and other public places; and increase the visual attractiveness of the area at all times of the day and night.

#### 1. Minimum Standards for all Districts:

- a. Lighting shall conform to on-site exterior lighting regulations located in RMC 4-4-075, Lighting, Exterior On-Site.
- b. Lighting shall be provided on-site to increase security, but shall not be allowed to directly project off-site.
- c. 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 (i.e., signage, governmental flags, temporary holiday or decorative lighting, right-of-way lighting, etc.).

d. Pedestrian-scale lighting shall be provided, for both safety and aesthetics, along all streets, at primary and secondary building entrances, at building facades, and at pedestrian-oriented spaces.

#### 2. Guidelines Applicable to Districts 'C' and 'D':

- a. Accent lighting should be provided at focal points such as gateways, public art, and significant landscape features such as specimen trees.

- b. Additional lighting to provide interest in the pedestrian environment may include sconces on building facades, decorative street lighting, etc. (Ord. 5029, 11-24-2003; Ord. 5124, 2-7-2005; Ord. 5286, 5-14-2007; Ord. 5472, 7-13-2009)

**L. MODIFICATION OF MINIMUM STANDARDS:**

1. The Reviewing Official shall have the authority to modify the minimum standards of the design regulations, subject to the provisions of RMC 4-9-250D, Modification Procedures, and the following requirements:

- a. The project as a whole meets the intent of the minimum standards and guidelines in subsections E, F, G, H, I, J, and K of the design regulations;
- b. The requested modification meets the intent of the applicable design standard;
- c. The modification will not have a detrimental effect on nearby properties and the City as a whole;
- d. The deviation manifests high quality design; and
- e. The modification will enhance the pedestrian environment on the abutting and/or adjacent streets and/or pathways.

2. **Exceptions for Districts 'A' and 'B':** Modifications to the requirements in subsections E2a and E3a of this Section are limited to the following circumstances:

- a. When the building is oriented to an interior courtyard, and the courtyard has a prominent entry and walkway connecting directly to the public sidewalk; or
- b. When a building includes an architectural feature that connects the building entry to the public sidewalk; or
- c. In complexes with several buildings, when the building is oriented to an internal integrated walkway system with prominent connections to the public sidewalk(s). (Ord. 5124, 2-7-2005; Ord. 5286, 5-14-2007)

**M. VARIANCE:**

(Reserved). (Ord. 5124, 2-7-2005; Ord. 5286, 5-14-2007)

**N. APPEALS:**

For appeals of administrative decisions made pursuant to the design regulations, see RMC 4-8-110, Appeals. (Ord. 4821, 12-20-1999; Amd. Ord. 4971, 6-10-2002; Ord. 5029, 11-24-2003; Ord. 5124, 2-7-2005; Ord. 5286, 5-14-2007)

**4-3-105 (Deleted by Ord. 4992, 12-9-2002)**

**4-3-110 URBAN SEPARATOR OVERLAY REGULATIONS:**

**A. PURPOSE:**

The purpose of this Section is to implement the urban separators policies in the Community Design Element of the Comprehensive Plan and the King County Countywide Planning Policies. The intent is to provide physical and visual distinctions between Renton and adjacent communities, define Renton's boundaries and create contiguous open space corridors within and between urban communities, which provide environmental, visual, recreational and wildlife benefits. Urban separators shall be permanent low-density lands that protect resources and environmentally sensitive areas. (Ord. 5132, 4-4-2005)

**B. APPLICABILITY:**

This Section shall apply to subdivisions and building permits on lands within designated urban separators as shown in the urban separators maps. (Ord. 5132, 4-4-2005)

**D. ADMINISTRATION:**

1. **Review Process:** Applications subject to urban separator regulations shall be processed as a component of the governing land use process.
2. **Authority:** The reviewing official shall have the authority to approve with conditions or deny proposals based on the provisions of the Urban Separator Overlay regulations. (Ord. 5132, 4-4-2005)

**E. URBAN SEPARATOR OVERLAY REGULATIONS:**

1. **Contiguous Open Space Corridor Established:** A designated contiguous open space corridor is established as shown on the Urban Separators Overlay Map in subsection C of this Section.
2. **Dedication of Open Space Required.**
  - a. Approval of a plat, and/or building permit on an undeveloped legal lot in the Urban Separator Overlay shall require dedication of fifty percent (50%) of the gross land area of the parcel or parcels as a non-revocable open space tract retained by property owner, or dedicated to a homeowners association or other suitable organization as determined by the reviewing official. Acreage in tracts may include critical areas and/or critical area buffers. At a minimum, open space shall be connected to another contiguous open space parcel by a fifty foot (50') corridor.
  - b. Existing residences, existing accessory uses and structures, existing above ground utilities located in the tract at the time of designation and new small and medium utilities shall not count toward the fifty percent (50%) gross land area calculation for open space except for storm water ponds designed with less than 3:1 engineered slopes and enhanced per techniques and landscape requirements set forth in the publication the "Integrated Pond" King County Land and Water Resources Division.

- c. Approval of a building permit for an addition of three hundred (300) square feet for a primary use structure or five hundred (500) square feet for an accessory structure shall require recordation of a conservation easement, protective easement or tract and deed restriction on critical areas and critical area buffers located within the contiguous open space corridor pursuant to RMC 4-3-050E4, Native Growth Protection Areas.

- d. Land dedicated as open space shall be located within the mapped contiguous open space corridor unless a modification is approved pursuant to subsection E6 of this Section.

**3. Uses Allowed in Contiguous Open Space.**

- a. Passive recreation with no development of active recreation facilities except within a municipal park.
- b. Natural surface pedestrian trails.
- c. Animal husbandry (small, medium and large); provided, that fencing is subject to the conditions in subsection E3g of this Section.
- d. Existing residences and accessory uses and structures.
- e. Small and medium utilities and large underground utilities.

**f. Access Easements.**

- i. Utilities easements and emergency service access roads may be located within contiguous open space corridors for the limited purpose of providing service to parcels platted after March 2005, for which there is no practical alternative way to provide service. Utilities and emergency service easements shall be developed with permeable surface treatment.
- ii. Private access easements for ingress and egress may be located within contiguous open space in the limited instance where there is no al-

## **APPENDIX C**



## **APPENDIX D**

May 13, 2010

OFFICE OF THE HEARING EXAMINER  
CITY OF RENTON

Minutes

OWNER: Peter Bonnell  
Bonnell Family LLC  
10047 Main Street, #509  
Bellevue, WA 98004

CONTACT/APPLICANT: Jeff Chambers  
PACLAND  
1505 Westlake Ave N, Ste. 305  
Seattle, WA 98109

PROJECT NAME: Walmart Expansion Site Plan Approval  
File No.: LUA 10-009, ECF, SA-H

LOCATION: 743 Rainier Ave S

SUMMARY OF REQUEST: Site Plan Review for the construction of a additions to the existing Walmart retail facility, which would include 16,000 square feet of additions to the retail space and a reduction of 4,000 square feet in the Garden Center and an approximate 16,000 square foot area for outdoor retail sales.

SUMMARY OF ACTION: Development Services Recommendation: Approve

DEVELOPMENT SERVICES REPORT: The Development Services Report was received by the Examiner on April 20, 2010.

PUBLIC HEARING: After reviewing the Development Services Report, examining available information on file with the application, field checking the property and surrounding area; the Examiner conducted a public hearing on the subject as follows:

MINUTES

*The following minutes are a summary of the April 27, 2010 hearing.  
The legal record is recorded on CD.*

The hearing opened on Tuesday, April 27, 2010, at 9:00 a.m. in the Council Chambers on the seventh floor of the Renton City Hall. Parties wishing to testify were affirmed by the Examiner.

The following exhibits were entered into the record:

Exhibit No. 1: Project file containing the original application, reports, staff comments and other documentation pertinent to this request.

Exhibit No. 2: Zoning and Neighborhood Detail Map

<u>Exhibit No. 3: Site Plan</u>	<u>Exhibit No. 4: Landscape Plan</u>
<u>Exhibit No. 5: Tree Inventory Plan</u>	<u>Exhibit No. 6: East and West Elevations</u>
<u>Exhibit No. 7: North and South Elevations</u>	<u>Exhibit No. 8: Large Page Short Plat Plan (9 pages)</u>

The hearing opened with a presentation of the staff report by Rocale Timmons Associate Planner, Community and Economic Development, City of Renton, 1055 S Grady Way, Renton, Washington 98057. The site is located just west of Rainier Avenue S and Hardie Avenue SW between SW 7<sup>th</sup> Street and S Grady Way. The site is 13.6 acres and is zoned Commercial Arterial and is located within the Commercial Land Use Designation.

The applicant is proposing an expansion of the existing Walmart retail facility in the amount of 16,000 square feet. The applicant is further proposing a reduction in the Garden Center from 9,000 square feet to approximately 4,000 square feet. An area would be set aside just north of the expansion area for outdoor retail sales.

The Examiner questioned conforming or non-conforming, parking is an example of non-conforming as well as other aspects of the project. Can a legal non-conforming use be expended under the Code?

Ms. Timmons stated that as long as it is not more than a 50% expansion; with relation to the parking stalls there are approximately 618 existing, the applicant is proposing only 127 new parking stalls.

The applicant is proposing improvements to existing landscaping, lighting and drainage from the site.

Access would continue via the current curb cuts along the perimeter streets.

The Environmental Review Committee issued a Determination of Non-Significance – Mitigated with 6 measures. No appeals were filed.

The project does comply with all policies within the Commercial Corridor Comprehensive Plan designation. The project is located within the Commercial Arterial Zoning designation and this project is permitted within this zone. Lot coverage for this site is limited to 65%, the applicant is proposing 840,000 square foot footprint on the site, which results in a lot coverage of 25.3%. CA zone requires a 10-foot minimum front yard setback with a maximum 15-foot setback. There are no other setbacks required in this zone. The front yard setback would be assessed from Hardie Avenue SW and Rainier Avenue S. The proposal does not comply with the maximum front yard setback; however the expansion does increase the conformity of the project in that it moves closer towards Hardie Ave SW and Rainier Ave S, which then does not require a variance.

A short plat was recently approved for the site which would allow Walmart to site structure on its own building pad. The short plat has not been recorded and this must be done.

Height in the CA zone is limited to 50 feet; the applicant has proposed a maximum height of 32' 4". The applicant has provided various roof shapes and heights along the eastern façade to break up the massing of the structure.

There are 99 existing trees on site; the applicant proposes to remove 15 trees. Mature vegetation on site should be retained as much as possible. The existing parking layout presented a challenge to the layout; the spacing of the landscape islands could not be reorganized. The CA zone requires a 10-foot landscape strip along all street

frontages. The applicant has proposed to enhance all existing landscaping in the interior as well as the perimeter of the site. Approximately 55 feet of landscaping would be provided along Rainier Ave as well as 20 feet of landscaping along SW 7<sup>th</sup> Street. The code requires intervening landscaping every six parking stalls and that is being done in the parking area. Thirty-five feet of landscaping must be provided for each parking stall, 745 parking stalls are proposed, which requires 26,000 square feet in landscaping. The applicant has proposed 30,000 square feet of landscaping thereby meeting the requirements.

Fire and Traffic mitigation fees have been imposed by ERC.

The applicant has applied for a Refuse Modification in order to reduce the refuse area from 1,500 square feet to 30 cubic yards. The modification was granted administratively due to the proposed compactor that is engineered for high volume usage. No screening detail has been provided and must be submitted to show compliance with refuse and recycle standards.

Staff has received several letters as well as a petition that demonstrate the community support for this expansion.

Property values in the area are anticipated to be maintained or increased as a result of the project.

Vehicular circulation was looked at and found that the access would remain the same as currently used by the retail facility. There was one existing pedestrian connection that runs from the center of the east elevation to Rainier Ave S, the applicant has proposed to increase the width of that pedestrian walkway as well as enhance it with pedestrian scale lighting. An additional pedestrian connection has been proposed from the northern portion of the structure to SW 7<sup>th</sup> Street.

The applicant has proposed 3-5 additional parking lot lighting poles with a height of 40-feet that will match the existing lights on site and surrounding properties. A lighting plan needs to be provided showing both existing and new lighting plans that conform with spillover requirements of the Code.

A drainage report has been submitted stating that the proposed project improvements generate less than .5 cubic feet per second; therefore, the project is exempt from the flow control requirements. Water quality treatment has been provided in the form of a new bio-swale just north of the expanded parking lot area.

The project is located within Design District D, which includes minimum design standard that are to be met and if not met, they must demonstrate how they meet the intent of the code. The proposal complies with the Urban Design District D.

The proposed elevations meet the Site Design and Building Location minimum standards with the exception of refuse and recycle elevations. Those were discussed earlier. The proposal does not comply with the minimum standards for parking and vehicular access mainly due to the location of existing surface parking. The situation is existing and the applicant has met the intent to reduce the visual impacts of the parking lot with the use of landscaping. The proposal does comply with all minimum standards within the pedestrian environment. Most of the minimum standards have been met for landscaping. A landscaping maintenance surety device and an irrigation plan must be provided.

There are many limitations on building architecture due to the need for altering an existing structure, the intent for the front elevation has been met due to the visual interest provided with the exception of the human scale element. Additional elements could be provided in the area and staff has recommended that that be done.

Additional elements need to be provided to the eastern elevation of the façade. A building materials and colors board must be provided to staff in order to insure that quality materials have been provided.

Jack McCullough, McCullough & Hill, 701 5<sup>th</sup> Avenue, Ste. 7220, Seattle, WA 98104 stated that the applicant looked at a larger expansion, the site is very tight and decided that they could not make it work. The proposal presented today seems appropriate for the site.

There has been a lot of attention to the landscaping, some of the planters have been expanded rather than building more landscape bays. The parking requirements of the code do create a range within which the project must fall, one is to look at code compliance for this project and then looking at parking from a demand point of view. The 745 stalls proposed for this site are necessary in order to provide an adequate level of parking to support this facility.

Jeff Chambers, PACLAND, 1505 Westland Ave N, Ste. 305, Seattle, WA 98109 stated he wanted to discuss some of the items previously brought forward.

In relation to landscaping, during the discussions with staff they expressed interest in definitely keeping as many of the mature trees as possible on the site. The current sidewalk is approximately 3-4 feet wide, that walkway would be widened out and some compact stalls were created in that location. The landscape islands went from approximately six feet wide to approximately 12 feet wide. Rather than adding additional islands to the site, which constrains the stall size, they agreed with staff to expand the existing islands to 10-12 feet wide. By doing that they do meet all code requirements. Some parking stalls were lost along Hardie with the proposed new landscaping. Other parking stalls were lost with the additional landscaping along 7<sup>th</sup>, which was part of the request from staff.

The proposed trash compactor is widely used by many large stores and has been working very efficiently in those facilities. In addition to the compactor there is a bale and pallet area for additional storage.

The existing 40-foot lights give a more uniformed lighting level across the site. Industry standard encourages parking areas around four foot candles and front of store areas around 10-foot candles. The current parking lot meets that uniformity. When 25-foot lights are used the spacing ends up about 50-feet apart, the uniformity of the lighting goes from one foot candle to about 8-9 foot candles throughout the parking lot. This creates a bigger safety concern with lighting being too bright and too dark. The number of lighting standards would increase, there would be more conduits and circuits added to the parking lot. The only lights being added to this site are in the area where the Billy McHale's restaurant was located.

Usunobun Osagie, Larry D. Craighead Architects, 211 N Record Street, Ste. 222, Dallas, TX 75202 stated that they would be able to make the suggested changes to the façade with a variety of colors for a more pleasant look.

The refuse area will meet the screening requirements as well as gates and a roof on the compactor area. The design of this area does allow for a portion of the roof to remain open for ventilation. They will continue to work with staff to create a workable resolution in regards to the elevation, providing pedestrian amenities and finalize a workable solution that will make everyone happy. They want the City to be happy with this expansion.

Jack McCullough stated that they were going to take an existing facility that is non-conforming in some respects and make it better. Code does not require full conformance. They are consistently working with staff to make the project better.

Kayren Kittrick, Community and Economic Development stated that most utilities were covered under the Short Plat. All the issues regarding storm drains etc have been worked out to the City's satisfaction. It is still subject to final review and permitting.

*Parking lot lighting usually does not come under her control, at the time the Walmart was originally built, they were subject to the foot candles being at a level that was common throughout the City at that time. It mostly was a matter of a nice even distribution of light. A lighting plan should be provided, showing that the light is not going to wander off the property. There is some concern about excess lighting on the drainage swale on the west, that lighting should not be increased as it could interfere with the existing bioswale as well as the new one.*

The **Examiner** called for further testimony regarding this project. There was no one else wishing to speak, and no further comments from staff. The hearing closed at 10:56 am.

### FINDINGS, CONCLUSIONS & RECOMMENDATION

Having reviewed the record in this matter, the Examiner now makes and enters the following:

#### **FINDINGS:**

1. The applicant, Jeff Chambers for PACLAND, filed a request for a Site Plan approval.
2. The yellow file containing the staff report, the State Environmental Policy Act (SEPA) documentation and other pertinent materials was entered into the record as Exhibit #1.
3. The Environmental Review Committee (ERC), the City's responsible official issued a Determination of Non-Significance - Mitigated (DNS-M).
4. The subject proposal was reviewed by all departments with an interest in the matter.
5. There was no opposition from the public regarding the subject proposal.
6. The subject site is located at 743 Rainier Avenue South. The subject site includes the existing Walmart store and parking area as well as the former Billy McHale's building and parking area. The site does not include other buildings or parking areas to the north, south and east that includes the Columbia Bank and Jimmy Mac's.
7. The map element of the Comprehensive Plan designates the area in which the subject site is located as suitable for the development of commercial corridor uses and employment area valley use, but does not mandate such development without consideration of other policies of the Plan.
8. The subject site is currently zoned CA (Commercial Arterial) and IM (Medium Industrial). The vast majority of the subject site is zoned for commercial uses with the most westerly portion of the site limited to IM uses. The subject site is also governed by the Urban Design District D guidelines.
9. The subject site was annexed to the City with the adoption of Ordinance 1745 enacted in February 1959.
10. The underlying ownership has submitted a short plat to separate the existing and future Walmart areas from surrounding properties. That short plat has been approved but not recorded.
11. The subject site is approximately 594,553 square feet or 13.6 acres.
12. The subject site is essentially level.

13. The subject site contains 99 significant trees. Code requires 10% of the trees be retained. The applicant proposes removing 5 coniferous trees and 10 deciduous trees or 15 trees in total. The trees that would be removed are in the expansion areas north and east of the main building. Additional landscaping is proposed (see below).
14. Access to the subject site will be unchanged.
15. The applicant proposes remodeling and expanding the existing Walmart complex. The existing complex contains approximately 134,352 square feet of retail space along with 9,000 square feet in its garden center. The applicant proposes adding 16,000 square feet to the store and reducing its garden space to 5,000 square feet. The expansion will occur in five areas. There will be two expansion areas along the eastern or front facade near the main entrance and near the southeast corner of the front facade. The other additions will be a large area along the north facade near its northeast corner and two smaller additions near the northwest corner of the building. The applicant also proposes adding 127 additional parking stalls to its complement of 618 stalls for a total of 745 stalls.
16. The applicant proposes changes to its front or eastern facade to provide more visual interest. The applicant will remodel the inside of the store as part of its proposed expansion and modification. There will be two entrances into the store from the east. The two entrances will generally divide access to the general merchandize areas and the grocery areas of the store. The entrances will be defined by parapet rooflines that curve in wing-like facades with clerestory windows on either side of a larger curving central entrance wall with a focal point niche containing a larger tree alcove. These vestibule areas would contain seating and trash cans. The roofline will rise to approximately 32 feet 4 inches.
17. The applicant will be redeveloping the garden area to contain more retail space. The new garden center will be located along the northern end of the eastern facade. The roofline along the north will be 21 feet 4 inches matching the existing roofline or that facade's tallest extreme.
18. The applicant requested and was granted a modification to allow a smaller than required refuse and recycling area due to its proposed use of an efficient, high volume compactor unit. These units have been demonstrated to handle waste/recycling materials in other locations. The unit will be located in an area away from public areas of the subject site. The screening details were not submitted for this aspect of the proposal.
19. The facade treatment includes additional modulations, the changes in the height of elements along eastern roofline as well as a mix of facade materials. Lighting is also proposed to add to visual interest around the prominent facades. Staff recommended additional elements be added to enhance the appearance and feel of the building for pedestrians on the subject site. In addition, staff wanted the applicant to submit materials boards to verify the quality and appearance features of the exterior treatments.
20. The CA Zone requires a maximum front yard setback of 15 feet in order to locate structures closer to the street and reduce the visual impact of parking along thoroughfares. The proposed expansion would not comply with this requirement providing a setback of approximately 555 feet from Hardie-Rainier. Staff found that since the expansion encompasses a small portion of the proposed existing complex it does not trigger a need to conform to the newer, current standards. The setbacks on the north, west and south are respectively 150 feet, 65 feet and 15 feet. Yard coverage of 65 percent is permitted whereas the proposed coverage is 25.3 percent meeting code requirements. The proposed maximum height of 32 feet 4 inches meets the height limit of the CA Zone's 50 feet.

21. As noted, the applicant will be increasing the number of parking stalls, mainly in the northern portion of the site in the area where Billy McHale's was located. Code permits a range of parking and the proposed use's range would be between 601 stalls to 751 stalls. The applicant proposes just under the top range of 745 stalls. The applicant's review of parking on site demonstrates the need for the larger complement of parking.
22. Code requires 26,075 square feet of landscaping for the 745 stall parking lots. The applicant proposes 65,690 square feet or approximately 40,000 square feet of additional landscaping than required. The new parking areas will comply with code as to the amount and spacing of interior landscaping. The older parking areas will have enlarged landscape pads but will take advantage of the existing conditions to maintain landscape spacing in parking aisles. The applicant suggested that attempting to modify the existing configuration would eliminate many of the larger, mature trees located in the parking areas. Perimeter landscaping already meets code and contains some of the larger, mature trees. These landscape areas will be enlarged although they are limited to ingress and egress areas, the perimeter of the site is dominated by third party properties, not part of the subject site or expansion plans.
23. The development will increase traffic approximately 600 trips per day. The ERC imposed a mitigation fee to help offset the impacts of those additional trips.
24. The uses surrounding the subject site are restaurants, a bank, tire store, retail pad and car dealership. Staff noted that the proposed use has been and will continue to be compatible with these various uses.
25. Stormwater will be handled by providing for an additional bio-swale to treat surface parking lot runoff. The proposal does comply with the impervious surface requirements of Code. There was concern that lighting might affect the functioning of the bioswales.
26. As noted, the subject site straddles two zoning districts and two comprehensive plan use areas but the vast majority of the subject site is governed by the CA Zone and the Commercial Corridor policies. Staff determined as a practical matter that the majority zoning, CA, and use designations, Commercial Corridor, should be applied.
27. The existing parking areas are currently served by light standards that are approximately 40 feet tall. Code currently restricts lighting standards to not more than 25 feet in height. The applicant has proposed matching the existing pole height. The applicant noted that the taller lights provide better overall lighting. Any change to light standards should be done by code amendment. There is nothing critical or unique to justify deviation from the adopted standards. Those standards apply to all development and if they are inadequate then they would be inadequate for all development. While the expanded parking area will be part of the existing complex, the more aesthetically pleasing shorter poles should prevail as it would require strict observation for someone to notice the asymmetry of pole heights throughout the complex.
28. The following Table contains staff's analysis of the proposal's compliance with the Design District D Guidelines:

*a) Review of Compliance to District 'D' Design Guidelines;*

The site is located within Design District 'D'. The proposed project must meet the intent of the Design Regulations where the regulations are applicable. As demonstrated in the table below the proposal

meets the intent of the Design Regulations on the basis of individual merit if all conditions of approval are met.

<b>A. SITE DESIGN AND BUILDING LOCATION:</b>	
Intent: To ensure that buildings are located in relation to streets and other buildings so that the Vision of the City of Renton can be realized for a high-density urban environment; so that businesses enjoy visibility from public rights-of-way; and to encourage pedestrian activity throughout the district.	
<b>1. Site Design and Street Pattern:</b>	
Intent: To ensure that the City of Renton Vision can be realized within the Urban Center Districts; plan districts that are organized for efficiency while maintaining flexibility for future development at high urban densities and intensities of use; create and maintain a safe, convenient network of streets of varying dimensions for vehicle circulation; and provide service to businesses.	
N/A	<b>Minimum Standard:</b> Provide a network of public and/or private local streets in addition to public arterials.
N/A	<b>Minimum Standard:</b> Maintain a hierarchy of streets to provide organized circulation that promotes use by multiple transportation modes and to avoid overburdening the roadway system. The hierarchy shall consist of (from greatest in size to smallest): (a) High Visibility Street. A highly visible arterial street that warrants special design treatment to improve its appearance and maintain its transportation function. (b) Arterial Street. A street classified as a principal arterial on the City's Arterial Street Plan. (c) Pedestrian-Oriented Streets. Streets that are intended to feature a concentration of pedestrian activity. Such streets feature slow moving traffic, narrow travel lanes, on-street parking, and wide sidewalks. (d) Internal or local roads (public or private).
<b>2. Building Location and Orientation:</b>	
Intent: To ensure visibility of businesses; establish active, lively uses along sidewalks and pedestrian pathways; organize buildings in such a way that pedestrian use of the district is facilitated; encourage siting of structures so that natural light and solar access are available to other structures and open space; enhance the visual character and definition of streets within the district; provide an appropriate transition between buildings, parking areas, and other land uses and the street; and increase privacy for residential uses located near the street.	
✓	<b>Minimum Standard:</b> Orient buildings to the street with clear connections to the sidewalk.
✓	<b>Minimum Standard:</b> The front entry of a building shall not be oriented to a drive aisle, but instead a public or private street or landscaped pedestrian-only courtyard.
<b>3. Building Entries:</b>	
Intent: To make building entrances convenient to locate and easy to access, and ensure that building entries further the pedestrian nature of the fronting sidewalk and the urban character of the district.	
✓	<b>Minimum Standard:</b> A primary entrance of each building shall be located on the facade facing a street, shall be prominent, visible from the street, connected by a walkway to the public sidewalk, and include human-scale elements.
N/A	<b>Minimum Standard:</b> Multiple buildings on the same site shall provide a continuous network of pedestrian paths and open spaces that incorporate landscaping to provide a directed view to building entries.
N/A	<b>Minimum Standard:</b> Ground floor units shall be directly accessible from the street or an open space such as a courtyard or garden that is accessible from the street.
✓	<b>Minimum Standard:</b> Secondary access (not fronting on a street) shall have weather protection at least 4-1/2 feet wide over the entrance or other similar indicator of access.
✓	<b>Minimum Standard:</b> Pedestrian access shall be provided to the building from property edges, adjacent lots, abutting street intersections, crosswalks, and transit stops.
<b>4. Transition to Surrounding Development:</b>	

<b>Intent:</b> To shape redevelopment projects so that the character and value of Renton's long-established, existing neighborhoods are preserved.	
✓	<p><b>Minimum Standard:</b> Careful siting and design treatment are necessary to achieve a compatible transition where new buildings differ from surrounding development in terms of building height, bulk and scale. At least one of the following design elements shall be considered to promote a transition to surrounding uses:</p> <ul style="list-style-type: none"> <li>a. Setbacks at the side or rear of a building may be increased by the Reviewing Official in order to reduce the bulk and scale of larger buildings and so that sunlight reaches adjacent yards;</li> <li>b. Building proportions, including step-backs on upper levels;</li> <li>c. Building articulation to divide a larger architectural element into smaller increments; or</li> <li>d. Roof lines, roof pitches, and roof shapes designed to reduce apparent bulk and transition with existing development.</li> </ul>
<b>5. Service Element Location and Design:</b>	
<b>Intent:</b> To reduce the potential negative impacts of service elements (i.e., waste receptacles, loading docks) by locating service and loading areas away from high-volume pedestrian areas, and screening them from view in high visibility areas.	
✓	<p><b>Minimum Standard:</b> Service elements shall be located and designed to minimize the impacts on the pedestrian environment and adjacent uses. Service elements shall be concentrated and located where they are accessible to service vehicles and convenient for tenant use (see illustration, RMC 4-3-100E7e).</p>
Not Compliant	<p><b>Minimum Standard:</b> Garbage, recycling collection, and utility areas shall be enclosed, consistent with RMC 4-4-090, Refuse and Recyclables Standards, and RMC 4-4-095, Screening and Storage Height/Location Limitations.</p> <p><b>Staff Comment:</b> Elevations for the refuse and recycle enclosure were not provided with the site plan application. Staff has recommended as a condition of approval the applicant submit elevations for the refuse and recyclable enclosure.</p>
Not Compliant	<p><b>Minimum Standard:</b> In addition to standard enclosure requirements, garbage, recycling collection, and utility areas shall be enclosed on all sides, including the roof and screened around their perimeter by a wall or fence and have self-closing doors.</p> <p><b>Staff Comment:</b> See comments above.</p>
Not Compliant	<p><b>Minimum Standard:</b> The use of chain link, plastic, or wire fencing is prohibited.</p> <p><b>Staff Comment:</b> See comments above.</p>
✓	<p><b>Minimum Standard:</b> If the service area is adjacent to a street, pathway, or pedestrian-oriented space, a landscaped planting strip, minimum 3 feet wide, shall be located on 3 sides of such facility.</p>
<b>6. Gateways: Not Applicable</b>	
<b>B. PARKING AND VEHICULAR ACCESS:</b>	
<b>Intent:</b> To provide safe, convenient access to the Urban Center and the Center Village; incorporate various modes of transportation, including public mass transit, in order to reduce traffic volumes and other impacts from vehicles; ensure sufficient parking is provided, while encouraging creativity in reducing the impacts of parking areas; allow an active pedestrian environment by maintaining contiguous street frontages, without parking lot siting along sidewalks and building facades; minimize the visual impact of parking lots; and use access streets and parking to maintain an urban edge to the district.	
<b>1. Location of Parking:</b>	
<b>Intent:</b> To maintain active pedestrian environments along streets by placing parking lots primarily in back of buildings.	
Not Compliant	<p><b>Minimum Standard:</b> No surface parking shall be located between a building and the front property line or the building and side property line on the street side of a corner lot.</p> <p><b>Staff Comment:</b> The bulk of the parking is existing and located in between the retail store and</p>

	<i>Rainier Ave S/SR 167. The applicant is proposing to add a total of 127 additional parking stalls of which most would be located to the north of the proposed expansion area and existing parking lot. The parking areas could have negative impacts on the pedestrian environment and the abutting properties without adequate landscape buffers. The applicant is proposing a substantial amount of interior parking lot landscaping in order to minimize to the visual impact in addition to increases in the width of landscape buffers on the perimeter of the site. Specifically perimeter landscaping along Rainier Ave S/SR 167 is proposed at a width of approximately 55 feet and SW 7<sup>th</sup> St would have a landscape strip width of approximately 20 feet. The applicant's proposal is successful in meeting the intent of the design standard to minimize the visual impact of the parking located between the building and the street.</i>
<b>2. Design of Surface Parking:</b>	
Intent: To ensure safety of users of parking areas, convenience to businesses, and reduce the impact of parking lots wherever possible.	
Not Compliant	<b>Minimum Standard:</b> Parking lot lighting shall not spill onto adjacent or abutting properties. <i>Staff Comment:</i> A lighting plan was not submitted as part of the application materials, therefore staff could not verify whether or not there would be light spillover onto adjacent properties. Staff has recommended, as a condition of approval, the applicant submit a site lighting plan to be reviewed and approved by the Current Planning Project Manager prior to construction or building permit approval.
✓	<b>Minimum Standard:</b> All surface parking lots shall be landscaped to reduce their visual impact (see RMC 4-4-080F7, Landscape Requirements).
<b>3. Structured Parking Garages: Not Applicable</b>	
<b>C. PEDESTRIAN ENVIRONMENT:</b>	
Intent: To enhance the urban character of development in the Urban Center and the Center Village by creating pedestrian networks and by providing strong links from streets and drives to building entrances; make the pedestrian environment safer and more convenient, comfortable, and pleasant to walk between businesses, on sidewalks, to and from access points, and through parking lots; and promote the use of multi-modal and public transportation systems in order to reduce other vehicular traffic.	
<b>1. Pathways through Parking Lots:</b>	
Intent: To provide safe and attractive pedestrian connections to buildings, parking garages, and parking lots.	
✓	<b>Minimum Standard:</b> Clearly delineated pedestrian pathways and/or private streets shall be provided throughout parking areas.
✓	<b>Minimum Standard:</b> Within parking areas, pedestrian pathways shall be provided perpendicular to the applicable building facade, at a maximum distance of 150 feet apart.
<b>2. Pedestrian Circulation:</b>	
Intent: To create a network of linkages for pedestrians to improve safety and convenience and enhance the pedestrian environment.	
✓	<b>Minimum Standard:</b> Developments shall include an integrated pedestrian circulation system that connects buildings, open space, and parking areas with the adjacent street sidewalk system and adjacent properties.
✓	<b>Minimum Standard:</b> Sidewalks located between buildings and streets shall be raised above the level of vehicular travel.
✓	<b>Minimum Standard:</b> Pedestrian pathways within parking lots or parking modules shall be differentiated by material or texture from adjacent paving materials.
✓	<b>Minimum Standard:</b> Sidewalks and pathways along the facades of buildings shall be of sufficient width to accommodate anticipated numbers of users. Specifically:
N/A	(a) Sidewalks and pathways along the facades of mixed use and retail buildings 100 or more feet in width (measured along the facade) shall provide sidewalks at least 12 feet in width. The walkway shall include an 8 foot minimum unobstructed walking surface and street

	trees (see illustration, subsection RMC-4-3-100.G4d).
✓	(b) To increase business visibility and accessibility, breaks in the tree coverage adjacent to major building entries shall be allowed.
✓	(c) For all other interior pathways, the proposed walkway shall be of sufficient width to accommodate the anticipated number of users.
✓	<b>Minimum Standard:</b> Locate pathways with clear sight lines to increase safety. Landscaping shall not obstruct visibility of walkway or sight lines to building entries.
✓	<b>Minimum Standard:</b> All pedestrian walkways shall provide an all-weather walking surface unless the applicant can demonstrate that the proposed surface is appropriate for the anticipated number of users and complementary to the design of the development.
<b>3. Pedestrian Amenities:</b>	
<b>Intent:</b> To create attractive spaces that unify the building and street environments and are inviting and comfortable for pedestrians; and provide publicly accessible areas that function for a variety of activities, at all times of the year, and under typical seasonal weather conditions.	
✓	<b>Minimum Standard:</b> Provide pedestrian overhead weather protection in the form of awnings, marquees, canopies, or building overhangs. These elements shall be a minimum of 4-1/2 feet wide along at least 75 percent of the length of the building facade, a maximum height of 15 feet above the ground elevation, and no lower than 8 feet above ground level.
✓	<b>Minimum Standard:</b> Site furniture provided in public spaces shall be made of durable, vandal- and weather-resistant materials that do not retain rainwater and can be reasonably maintained over an extended period of time.
✓	<b>Minimum Standard:</b> Site furniture and amenities shall not impede or block pedestrian access to public spaces or building entrances.
<b>D. LANDSCAPING/RECREATION AREAS/COMMON OPEN SPACE:</b>	
<b>Intent:</b> To provide visual relief in areas of expansive paving or structures; define logical areas of pedestrian and vehicular circulation; and add to the aesthetic enjoyment of the area by the community. To have areas suitable for both passive and active recreation by residents, workers, and visitors; provide these areas in sufficient amounts and in safe and convenient locations; and provide the opportunity for community gathering in places centrally located and designed to encourage such activity.	
<b>1. Landscaping:</b>	
<b>Intent:</b> Landscaping is intended to reinforce the architecture or concept of the area; provide visual and climatic relief in areas of expansive paving or structures; channelize and define logical areas of pedestrian and vehicular circulation; and add to the aesthetic enjoyment of the area by the community.	
✓	<b>Minimum Standard:</b> All pervious areas shall be landscaped (see RMC 4-4-070, Landscaping).
✓	<b>Minimum Standard:</b> Street trees are required and shall be located between the curb edge and building, as determined by the City of Renton.
N/A	<b>Minimum Standard:</b> On designated pedestrian-oriented streets, street trees shall be installed with tree grates. For all other streets, street tree treatment shall be as determined by the City of Renton (see illustration, subsection RMC 4-3-100.H3a).
✓	<b>Minimum Standard:</b> The proposed landscaping shall be consistent with the design intent and program of the building, the site, and use.
✓	<b>Minimum Standard:</b> The landscape plan shall demonstrate how the proposed landscaping, through the use of plant material and nonvegetative elements, reinforces the architecture or concept of the development.
✓	<b>Minimum Standard:</b> Surface parking areas shall be screened by landscaping in order to reduce views of parked cars from streets (see RMC 4-4-080F7, Landscape Requirements). Such landscaping shall be at least 10 feet in width as measured from the sidewalk (see illustration, subsection RMC 4-3-100.H3b).
✓	<b>Minimum Standard:</b> Trees at an average minimum rate of one tree per 30 lineal feet of street frontage. Permitted tree species are those that reach a mature height of at least 35 feet.

	Minimum height or caliper at planting shall be eight feet or two inch caliper (as measured four feet from the top of the root ball) respectively.								
✓	<b>Minimum Standard:</b> Shrubs at the minimum rate of one per 20 square feet of landscaped area. Shrubs shall be at least 12 inches tall at planting and have a mature height between three and four feet.								
✓	<b>Minimum Standard:</b> Ground cover shall be planted in sufficient quantities to provide at least 90 percent coverage of the landscaped area within three years of installation.								
Not Compliant	<b>Minimum Standard:</b> The applicant shall provide a maintenance assurance device, prior to occupancy, for a period of not less than three years and in sufficient amount to ensure required landscape standards have been met by the third year following installation. <i>Staff Comment:</i> Staff recommends, as a condition of approval, the applicant submit a landscape maintenance surety device for a period of no less than three years in sufficient amount as determined by the Current Planning Project Manager prior to temporary occupancy permit.								
✓	<b>Minimum Standard:</b> Surface parking with more than 14 stalls shall be landscaped as follows: (1) Required Amount:								
	<table border="1"> <thead> <tr> <th>Total Number of Spaces</th> <th>Minimum Required Landscape Area*</th> </tr> </thead> <tbody> <tr> <td>15 to 50</td> <td>15 square feet/parking space</td> </tr> <tr> <td>51 to 99</td> <td>25 square feet/parking space</td> </tr> <tr> <td>100 or more</td> <td>35 square feet/parking space</td> </tr> </tbody> </table>	Total Number of Spaces	Minimum Required Landscape Area*	15 to 50	15 square feet/parking space	51 to 99	25 square feet/parking space	100 or more	35 square feet/parking space
Total Number of Spaces	Minimum Required Landscape Area*								
15 to 50	15 square feet/parking space								
51 to 99	25 square feet/parking space								
100 or more	35 square feet/parking space								
✓	(2) Provide trees, shrubs, and ground cover in the required interior parking lot landscape areas.								
Not Compliant	(3) Plant at least one tree for every six parking spaces. Permitted tree species are those that reach a mature height of at least 35 feet. Minimum height or caliper at planting shall be eight feet or two inch caliper (as measured four feet from the top of the root ball) respectively. <i>Staff Comment:</i> The applicant is proposing to retain most of the trees on site in order to maintain the mature tree cover. As a result of the preservation of the mature vegetation the existing location and spacing of landscape islands had to be maintained. Therefore the landscape spacing, which does not comply with the design requirements of the code, could not be brought into conformity. However, as the situation is existing a modification is not necessary. All new parking areas would comply with the minimum standard for tree spacing.								
✓	(4) Up to 50 percent of shrubs may be deciduous.								
✓	(5) Select and plant ground cover so as to provide 90 percent coverage within three years of planting; provided, that mulch is applied until plant coverage is complete.								
✓	(6) Do not locate a parking stall more than 50 feet from a landscape area.								
✓	<b>Minimum Standard:</b> Regular maintenance shall be provided to ensure that plant materials are kept healthy and that dead or dying plant materials are replaced.								
Not Compliant	<b>Minimum Standard:</b> Underground, automatic irrigation systems are required in all landscape areas. <i>Staff Comment:</i> An irrigation plan was not submitted as part of the application. Therefore staff recommends, as a condition of approval, the applicant submit an irrigation plan to and be approved by the Current Planning Project Manager prior to construction or building permit approval.								
<b>2. Recreation Areas and Common Open Space: Not Applicable</b>									
<b>E. BUILDING ARCHITECTURAL DESIGN:</b>									
Intent: To encourage building design that is unique and urban in character, comfortable on a human scale, and uses appropriate building materials that are suitable for the Pacific Northwest climate. To discourage franchise									

retail architecture.	
<b>1. Building Character and Massing:</b>	
Intent: To ensure that buildings are not bland and visually appear to be at a human scale; and ensure that all sides of a building, that can be seen by the public, are visually interesting.	
Not Compliant	<p><b>Minimum Standard:</b> All building facades shall include modulation or articulation at intervals of no more than forty feet (40').</p> <p><i>Staff Comment:</i> The proposal does not include alterations to the blank walls located on the southern and western facades. Therefore, the applicant would not be required to comply with the modulation requirements for the southern and western facades. The two street-facing elevations, the north and eastern facades, are proposed to be expanded and enhanced with architectural elements; however these facades would also not comply with the minimum modulation requirement. The applicant is proposing two 80-foot vestibules along the approximate 500-foot eastern facade which creates horizontal modulation at spacing which exceeds the 40-foot intervals. However, extending parapets, clerestories, canopies, ornamental lighting and a large planter box with an iconic tree have been provided in order to distinguish the two building entrances as well as to break up the monotony of the large facade. Based on the limitations of altering the existing structure in addition to the many architectural features provided staff has found that the applicant has achieved visual interest along the eastern facade thereby meeting the intent of the code. Alternatively, the SW 7<sup>th</sup> St facing facade has not provided adequate visual interest. The northern facade includes the use of three pilaster elements similar to that which is used to wrap around the Garden Center. While the proposed architectural elements add visual interest, which break up the wall plane, there are additional elements that could be added or used to replace the pilaster elements which would reduce the apparent size of the facade. Therefore staff recommends, as a condition of approval, that the applicant submit revised elevations, for the northern facade, that depict alternative methods to mass and treat the proposed facade. Revised elevations shall be submitted to and approved by the Current Planning Project Manager prior to building permit approval.</p>
<b>2. Ground-Level Details:</b>	
Intent: To ensure that buildings are visually interesting and reinforce the intended human-scale character of the pedestrian environment; and ensure that all sides of a building within near or distant public view have visual interest.	
Not Compliant	<p><b>Minimum Standard:</b> Untreated blank walls visible from public streets, sidewalks, or interior pedestrian pathways are prohibited. A wall (including building facades and retaining walls) is considered a blank wall if:</p> <p>(a) It is a ground floor wall or portion of a ground floor wall over six feet in height, has a horizontal length greater than 15 feet, and does not include a window, door, building modulation or other architectural detailing; or</p> <p>(b) Any portion of a ground floor wall having a surface area of 400 square feet or greater and does not include a window, door, building modulation or other architectural detailing.</p> <p><i>Staff Comment:</i> See comments above.</p>
Not Compliant	<p><b>Minimum Standard:</b> Where blank walls are required or unavoidable, blank walls shall be treated with one or more of the following:</p> <p>(a) A planting bed at least five feet in width containing trees, shrubs, evergreen ground cover, or vines adjacent to the blank wall;</p> <p>(b) Trellis or other vine supports with evergreen climbing vines;</p> <p>(c) Architectural detailing such as reveals, contrasting materials, or other special detailing that meets the intent of this standard;</p> <p>(d) Artwork, such as bas-relief sculpture, mural, or similar; or</p> <p>(e) Seating area with special paving and seasonal planting.</p> <p><i>Staff Comment:</i> See comments above.</p>

✓	Minimum Standard: Treatment of blank walls shall be proportional to the wall.
✓	Minimum Standard: Provide human-scaled elements such as a lighting fixture, trellis, or other landscape feature along the facade's ground floor.
Not Compliant	<p>Minimum Standard: Facades on designated pedestrian-oriented streets shall have at least 75 percent of the linear frontage of the ground floor facade (as measured on a true elevation facing the designated pedestrian-oriented street) comprised of transparent windows and/or doors.</p> <p><i>Staff Comment: The applicant has not provided glazing in the amount specified along the eastern facade. However, the applicant has provided extending parapets, clerestories, canopies, ornamental lighting, pedestrian furniture and a large planter box with an iconic tree in order to break up the monotony of the large facade and provide human scale elements. Based on the limitations of altering the existing structure in addition to the many architectural features and pedestrian amenities provided staff has found that the applicant has achieved visual interest along the eastern facade for the distant public. However, additional elements could be included in the pedestrian plaza area, beneath the northern canopy that extends to south of the northern entrance, in order to reinforce the intended human-scale character of the pedestrian environment. Staff recommends, as a condition of approval, the applicant provide revised elevations for the eastern facade prior to building permit approval. The revised elevations shall include additional human scale elements in the pedestrian plaza area, beneath the northern canopy that extends to south of the northern entrance. The applicant is encouraged to include one or more of the following in order to achieve a human scale character: additional glazing, artwork and/or planting beds containing trees, shrubs, evergreen ground cover, or vines adjacent to the facade.</i></p>
	Minimum Standard: Other facade window requirements include the following:
✓	(a) Building facades must have clear windows with visibility into and out of the building. However, screening may be applied to provide shade and energy efficiency. The minimum amount of light transmittance for windows shall be 50percent.
✓	(b) Display windows shall be designed for frequent change of merchandise, rather than permanent displays.
✓	(c) Where windows or storefronts occur, they must principally contain clear glazing.
✓	(d) Tinted and dark glass, highly reflective (mirror-type) glass and film are prohibited.
<b>3. Building Roof Lines:</b>	
Intent: To ensure that roof forms provide distinctive profiles and interest consistent with an urban project and contribute to the visual continuity of the district.	
✓	<p>Minimum Standard: Buildings shall use at least one of the following elements to create varied and interesting roof profiles:</p> <p>(a) Extended parapets;          (b) Feature elements projecting above parapets;          (c) Projected cornices;          (d) Pitched or sloped roofs.</p>
✓	Minimum Standard: Locate and screen roof-mounted mechanical equipment so that the equipment is not visible within 150 feet of the structure when viewed from ground level.
✓	Minimum Standard: Screening features shall blend with the architectural character of the building, consistent with RMC 4-4-095E, Roof-Top Equipment.
Not Compliant	<p>Minimum Standard: Match color of roof-mounted mechanical equipment to color of exposed portions of the roof to minimize visual impacts when equipment is visible from higher elevations.</p> <p><i>Staff Comment: Staff recommends, as a condition of approval, the applicant match the color of the roof-mounted mechanical equipment to the color of exposed portions of the roof.</i></p>
<b>4. Building Materials:</b>	

<p><b>Intent:</b> To ensure high standards of quality and effective maintenance over time; encourage the use of materials that reduce the visual bulk of large buildings; and encourage the use of materials that add visual interest to the neighborhood.</p>	
Not Compliant	<p><b>Minimum Standard:</b> All sides of buildings visible from a street, pathway, parking area, or open space shall be finished on all sides with the same building materials, detailing, and color scheme, or if different, with materials of the same quality.  <i>Staff Comment:</i> It appears that all sides of the structure are finished using the same color scheme and materials. However, in order to ensure that quality materials are used staff recommends the applicant submit a material and colors board subject to the approval of the Current Planning Project Manager prior to building permit approval.</p>
Not Compliant	<p><b>Minimum Standard:</b> Materials, individually or in combination, shall have an attractive texture, pattern, and quality of detailing for all visible facades.  <i>Staff Comment:</i> See comments above.</p>
Not Compliant	<p><b>Minimum Standard:</b> Materials shall be durable, high quality, and reasonably maintained.  <i>Staff Comment:</i> See Condition above.</p>
Not Compliant	<p><b>Minimum Standard:</b> Buildings shall employ material variations such as colors, brick or metal banding, patterns, or textural changes.  <i>Staff Comment:</i> See comments above.</p>
<p><b>F. SIGNAGE:</b></p>	
<p><b>Intent:</b> To provide a means of identifying and advertising businesses; provide directional assistance; encourage signs that are both clear and of appropriate scale for the project; encourage quality signage that contributes to the character of the Urban Center and the Center Village; and create color and interest.</p>	
N/A	<p><b>Minimum Standard:</b> Signage shall be an integral part of the design approach to the building.</p>
N/A	<p><b>Minimum Standard:</b> Corporate logos and signs shall be sized appropriately for their location.</p>
N/A	<p><b>Minimum Standard:</b> Prohibited signs include:          i. Pole signs;          ii. Roof signs;          iii. Back-lit signs with letters or graphics on a plastic sheet (can signs or illuminated cabinet signs). Exceptions: Back-lit logo signs less than ten (10) square feet are permitted as are signs with only the individual letters back-lit.</p>
N/A	<p><b>Minimum Standard:</b> In mixed use and multi-use buildings, signage shall be coordinated with the overall building design.</p>
N/A	<p><b>Minimum Standard:</b> Freestanding ground-related monument signs, with the exception of primary entry signs, shall be limited to five feet above finished grade, including support structure. All such signs shall include decorative landscaping (ground cover and/or shrubs) to provide seasonal interest in the area surrounding the sign. Alternately, signage may incorporate stone, brick, or other decorative materials as approved by the Director.</p>
N/A	<p><b>Minimum Standard:</b> Entry signs shall be limited to the name of the larger development.</p>
<p><b>G. LIGHTING:</b></p>	
<p><b>Intent:</b> To ensure safety and security; provide adequate lighting levels in pedestrian areas such as plazas, pedestrian walkways, parking areas, building entries, and other public places; and increase the visual attractiveness of the area at all times of the day and night.</p>	
Not Compliant	<p><b>Minimum Standard:</b> Lighting shall conform to on-site exterior lighting regulations located in RMC 4-4-075, Lighting, Exterior On-Site.  <i>Staff Comment:</i> Staff has recommended, as a condition of Approval, the applicant be required to 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.</p>

Not Compliant	Minimum Standard: Lighting shall be provided on-site to increase security, but shall not be allowed to directly project off-site. <i>Staff Comment: See comments above</i>
Not Compliant	Minimum Standard: Pedestrian-scale lighting shall be provided, for both safety and aesthetics, along all streets, at primary and secondary building entrances, at building facades, and at pedestrian-oriented spaces. <i>Staff Comment: See comments above</i>

CONCLUSIONS:

1. The site plan ordinance provides a number of specific criteria for reviewing a site plan. Those criteria are generally represented in part by the following enumeration:
  - a. Conformance with the Comprehensive Plan;
  - b. Conformance with the Building and Zoning Codes;
  - c. Mitigation of impacts on surrounding properties and uses;
  - d. Mitigation of the impacts of the proposal on the subject site itself;
  - e. Conservation of property values;
  - f. Provision for safe and efficient vehicle and pedestrian circulation;
  - g. Provision of adequate light and air;
  - h. Adequacy of public services to accommodate the proposed use;

The proposed use satisfies these and other particulars of the ordinance.
2. The proposal is appropriate given either the "employment area valley" or "commercial corridor" goals and policies of the Comprehensive Plan. The expansion of an existing retail operation could create new jobs and certainly help revitalize the commercial uses of the subject site. The use could also attract patrons to other businesses on this large commercial block. The new design features will also create a more aesthetic focal point in this area of the City.
3. The existing use, a large "big box" establishment does not meet current code requirements for the setback along its frontage street, the Hardie-Rainier complex. Only an incredibly large expansion or complete rebuild could move the front of the store to the street and parking to the rear. The proposed approximately 16,000 square foot expansion cannot be expected to accomplish the maximum front yard setback of 15 feet. As a practical matter the tradeoff is allowing a reasonably well-designed expansion and revitalized store or probably permitting no change weighs in favor of the excessive setback. The building and expansion in its other particulars, height, other setbacks and lot coverage meets the Zoning Code. Similarly, the parking lot landscaping standards would require a complete redesign of the parking area for what is a modest remodel. In addition, attempting to meet the newer standards would remove the larger, mature specimen trees. Compliance with Building and Fire codes will be determined when actual permits for construction are submitted.
4. The two-story facade of the main complex is not substantially higher than the surrounding uses and the

large, somewhat landscaped parking areas provide wide separation permitting light and air to enter the site and surrounding sites. The extensive setback, while non-conforming as to the Zoning Code, actually helps the transition between a rather large big box store and its neighboring uses. The neighboring uses to the south, north and east work to ease the transition to the much larger background Walmart store. The new facade treatment with the curved parapets also soften the visual lines of the store. Parking is the dominant feature and while the older landscape spacing does not meet code, the existing larger trees do help to soften the appearance and the parking islands will be enlarged and the newer parking will meet code. The expanded building will probably be a better neighbor than the existing more utilitarian store. Staff noted that while the site has an exceptional amount of parking, the applicant has gone beyond code requirements to provide additional interior landscaping and perimeter landscaping to shield and buffer the parking lot.

5. The new facade features, the new landscape feature at the front of the store and the new landscaping in the northern parking areas all help to mitigate impacts of the development on the site. As noted, parking is a dominant feature and frankly, it is hard to disguise the large surface parking areas. The applicant does propose approximately 4,000 square feet of landscaping in excess of the parking lot landscape requirements and over 65,000 square feet of overall landscaping. Pedestrian links through the site and to the surrounding sidewalks help mitigate some of the impacts and do allow pedestrians to circulate on the site and to and from the site.
6. The redevelopment of the site should preserve or enhance overall property values.
7. Access to the subject site will not be changed. The additional parking, while obviously adding to the asphalt jungle, should also reduce the number of cars circling the lot looking for parking thereby cutting down air pollution and conflicts with pedestrians walking to and from parking stalls. As indicated, pedestrian pathways and amenities near the front of the store have been enhanced.
8. While the store has a large footprint, it is rather low-scale and therefore, adequate light and air should be available to adjoining uses that share the block with the applicant's use.
9. The store is served by existing urban infrastructure. The applicant will be providing additional stormwater treatment with an additional bioswale.
10. In addition to the general site plan review criteria discussed above, there are District Guidelines that are applicable to the subject site. The staff analysis is contained above and except as noted or highlighted in this discussion, that analysis and its conclusions are adopted by this decision. Staff has noted that in most cases the applicant's modest expansion meets the guidelines and the minimum standards or has justified why their project may not precisely meet some of the standards.
11. The applicant sought and received a modification for the refuse and recycling center and equipment and it appears that the proposed area and methods meet the objectives of the standards. The enclosure will have to meet the standards for containment and screening.
12. As noted above, the 16,000 square feet of remodeled area cannot be expected to close the distance to the street to 15 feet. Taking advantage of the building's existing placement in the overall block and its surrounding stores help achieve a reasonable proposal. Additional or larger landscape specimens should be used where smaller or stunted trees might exist. The additional or better landscaping can help fill in the large space between the street and actual store.
13. The applicant did not submit appropriate lighting details with the exception of proposing light standards

that do not meet code specifications. There is no reason for the applicant to deviate from the existing standards limiting lighting poles to 25 feet. As discussed above, visitors to the site will more than likely not notice the difference in height and changes in zoning and standards should be applied unless there is an overriding reason not to be conforming. The limited aesthetic of shorter poles in the new parking lot does not provide any justification. If the lighting standards that City has adopted are inadequate then that should be addressed in an amendment to code. The applicant shall comply with the newer standards.

14. On the other hand, the loss of mature trees to redesign a compliant parking lot is not an adequate tradeoff. The applicant will be providing more parking lot landscaping than required and will be supplementing the existing landscaping on the limited perimeter areas of the site. The applicant will have to meet irrigation requirements for all landscaping.
15. Staff noted that the facade could use more relief to break up the various facades of the building. Decorative treatment in the way of contrasting or complementary paints or additional molding trim or other architectural features including additional glazing or false windows shall be used to comply with the guidelines.
16. In conclusion, while it might be nice to start again and comply with newer code provisions, the proposed expansion is modest overall and clearly enhances the existing building's appearance. The additional landscaping will also enhance the site. "Big Box" appears to invite "Big Parking" but as noted, additional parking cuts down on circulating cars and their attendant noise and pollution. Maybe the next remodel will include an elevated parking structure to reduce the sea of asphalt.

**DECISION:**

The proposed site plan for the expansion is approved subject to the following conditions:

1. The applicant shall comply with the six mitigation measures issued as part of the Determination of Non-Significance Mitigated, dated March 22, 2010.
2. The applicant shall be required to record the Short Plat reflecting the property's lot lines as depicted on Exhibit 2 prior to building permit approval. As an alternative the applicant may submit a modification to the approved Site Plan which reflects the surveyed lot lines, at the time of building permit, as long as all development standards of the CA zone can be met.
3. The applicant shall submit screening detail for the refuse and recyclable deposit area prior to building permit approval. Elevations shall include a roof, screening around the perimeter of the wall and have self-closing doors. Chain link, plastic or wire fencing is prohibited.
4. The applicant shall be required to provide a lighting plan that will adequately provide 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. The applicant shall comply with the newer standards including 25-foot height limitations.
5. The applicant shall submit a landscape maintenance surety device for a period of no less than three years in sufficient amount as determined by the Current Planning Project Manager prior to temporary occupancy permit.

6. The applicant shall submit an irrigation plan to and be approved by the Current Planning Project Manager prior to construction or building permit approval.
7. The applicant shall submit revised elevations, for the northern façade, which depict alternative methods to mass and treat the proposed facade. Revised elevations shall be submitted to and approved by the Current Planning Project Manager prior to building permit approval.
8. The applicant shall provide revised elevations for the eastern façade prior to building permit approval subject to the approval of the Current Planning Project Manager. The revised elevations shall include additional human scale elements in the pedestrian plaza area, beneath the northern canopy that extends to south of the northern entrance. Decorative treatment in the way of contrasting or complementary paints or additional molding trim or other architectural features including additional glazing or false windows shall be used to comply with the guidelines.
9. The applicant shall match the color of the roof-mounted mechanical equipment to the color of exposed portions of the roof.
10. The applicant shall submit a materials and color board subject to the approval of the Current Planning Project Manager prior to building permit approval.
11. Additional or larger landscape specimens should be use where smaller or stunted trees might exist.

ORDERED THIS 13<sup>th</sup> day of May 2010.

  
FRED J. KAUFMAN  
HEARING EXAMINER

TRANSMITTED THIS 13<sup>th</sup> day of May 2010 to the parties of record:

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Community & Economic Dev  
City of Renton

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Jeremy Smith, Manager  
Walmart #2516  
743 Rainier Ave S  
Renton, WA 98057

Sharon Ajibade, Asst. Manager  
Walmart #2516  
743 Rainier Ave S  
Renton, WA 98057

Huy Tran, Asst. Manager  
Walmart #2516  
743 Rainier Ave S  
Renton, WA 98057

Sophorn Chan, Assistant  
Walmart #2516  
743 Rainier Ave S  
Renton, WA 98057

Anapogi Toleafoa, ICS Loader  
Walmart #2516  
743 Rainier Ave S  
Renton, WA 98057

Drofiak Apartments Site Plan Approval  
File No.: LUA-09-112, SA-H  
May 13, 2010  
Page 20

Tilesa L. Swehla, Mgr. Foods  
Walmart #2516  
743 Rainier Ave S  
Renton, WA 98057

Traffaney Black, Mgr. Electronics  
Walmart #2516  
743 Rainier Ave S  
Renton, WA 98057

Brandi Hansen, Mgr. Automotive  
Walmart #2516  
743 Rainier Ave S  
Renton, WA 98057

Sierra Schavrien, ICS Associate  
Walmart #2516  
743 Rainier Ave S  
Renton, WA 98057

Mark Goodman  
Walmart #2516  
743 Rainier Ave S  
Renton, WA 98057

Tauasi Paaga, HR  
Walmart #2516  
743 Rainier Ave S  
Renton, WA 98057

Nancy Chase, Dept Manager  
Walmart #2516  
743 Rainier Ave S  
Renton, WA 98057

William Carey, Jr. Safety Team Ld.  
Walmart #2516  
743 Rainier Ave S  
Renton, WA 98057

Francis Canapi  
Walmart #2516  
743 Rainier Ave S  
Renton, WA 98057

Cheryl Harrelson  
Walmart #2516  
743 Rainier Ave S  
Renton, WA 98057

Josh Smith, Mgr. Pets/Chem/Paper  
Walmart #2516  
743 Rainier Ave S  
Renton, WA 98057

Levan, Dept. Mgr.  
Walmart #2516  
743 Rainier Ave S  
Renton, WA 98057

Josie Merveus, Dept. Mgr.  
Walmart #2516  
743 Rainier Ave S  
Renton, WA 98057

Abram Sparrow, Dept. Mgr  
Walmart #2516  
743 Rainier Ave S  
Renton, WA 98057

Valerie Reyes, ICS Lead Supv. 2<sup>nd</sup> Shift  
Walmart #2516  
743 Rainier Ave S  
Renton, WA 98057

Irish Joy E. Layador, Ent. Supv.  
Walmart #2516  
743 Rainier Ave S  
Renton, WA 98057

TRANSMITTED THIS 13th day of May 2010 to the following:

Mayor Denis Law  
Jay Covington, Chief Administrative Officer  
Julia Medzegan, Council Liaison  
Gregg Zimmerman, PBPW Administrator  
Alex Pietsch, Economic Development  
Jennifer Henning, Development Services  
Stacy Tucker, Development Services  
Marty Wine, Assistant CAO

Dave Pargas, Fire  
Larry Meckling, Building Official  
Planning Commission  
Transportation Division  
Utilities Division  
Neil Watts, Development Services  
Janet Conklin, Development Services  
Renton Reporter

Pursuant to Title IV, Chapter 8, Section 100G of the City's Code, request for reconsideration must be filed in writing on or before 5:00 p.m., May 27, 2010. Any aggrieved person feeling that the decision of the Examiner is ambiguous or based on erroneous procedure, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing may make a written request for a review by the Examiner within fourteen (14) days from the date of the Examiner's decision. This request shall set forth the specific ambiguities or errors discovered by such appellant, and the Examiner may, after review of the record, take further action as he deems proper.

An appeal to the City Council is governed by Title IV, Chapter 8, Section 110, which requires that such appeal be filed with the City Clerk, accompanying a filing fee of \$250.00 and meeting other specified requirements. Copies of this ordinance are available for inspection or purchase in the Finance Department, first floor of City Hall. An appeal must be filed in writing on or before 5:00 p.m., May 27, 2010.

If the Examiner's Recommendation or Decision contains the requirement for Restrictive Covenants, the executed Covenants will be required prior to approval by City Council or final processing of the file. You may contact this office for information on formatting covenants.

The Appearance of Fairness Doctrine provides that no ex parte (private one-on-one) communications may occur concerning pending land use decisions. This means that parties to a land use decision may not communicate in private with any decision-maker concerning the proposal. Decision-makers in the land use process include both the Hearing Examiner and members of the City Council.

All communications concerning the proposal must be made in public. This public communication permits all interested parties to know the contents of the communication and would allow them to openly rebut the evidence. Any violation of this doctrine would result in the invalidation of the request by the Court.

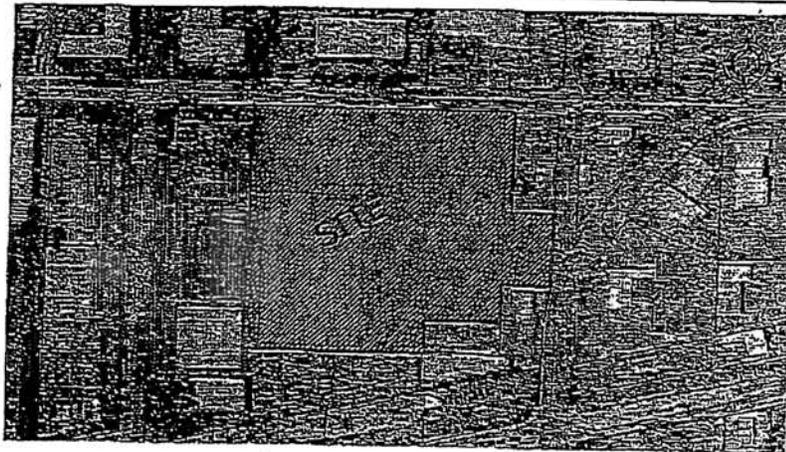
The Doctrine applies not only to the initial public hearing but to all Requests for Reconsideration as well as Appeals to the City Council.

BEST IMAGE POSSIBLE

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Site Area:	594,553 SF (13.6 ac)	Total Building Area GSF:	150,244 SF
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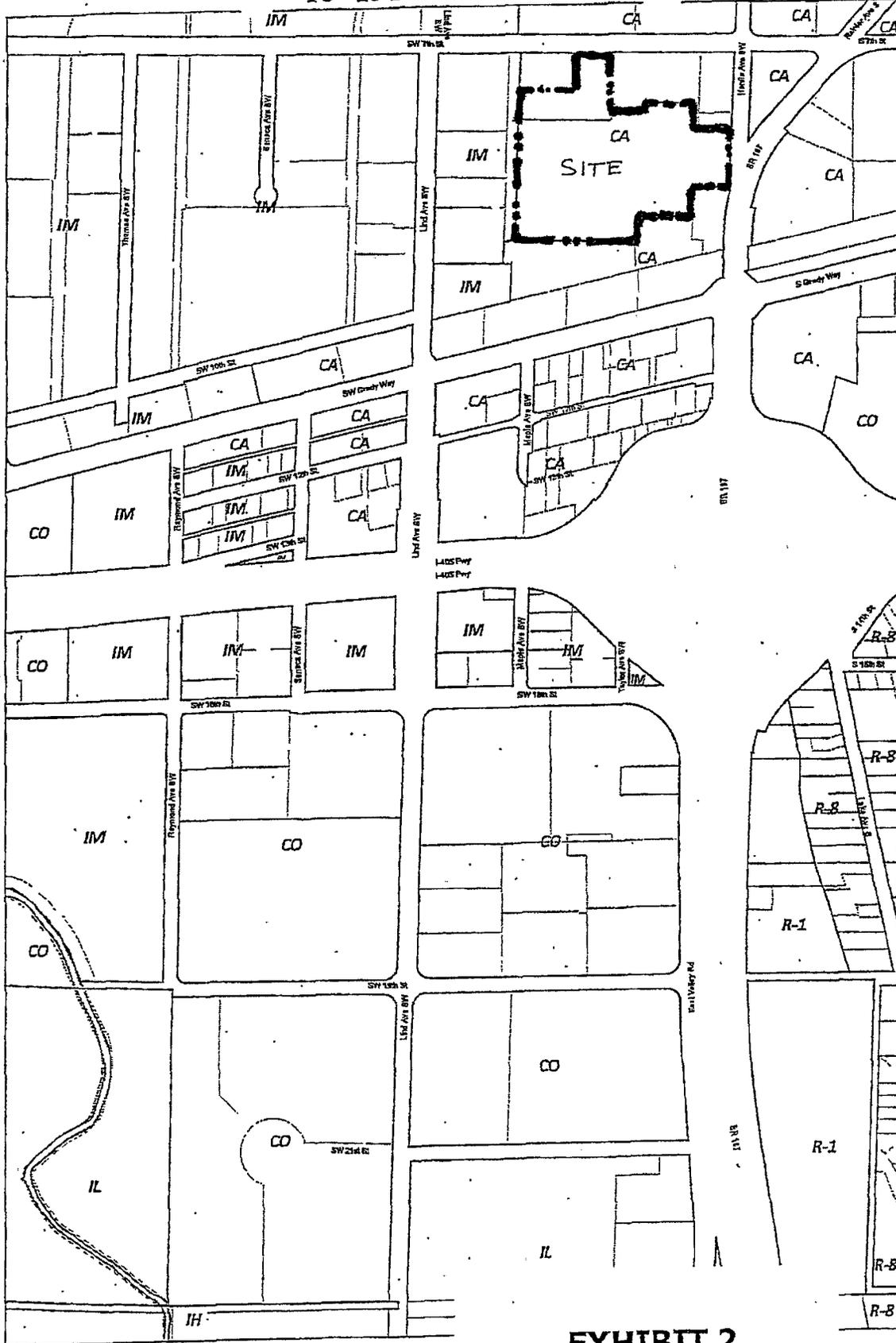
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F3 - 18 T23N R5E W 1/2

G2 - 24 T23N R4E E 1/2

G3 - 19 T23N R5E E 1/2



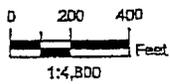
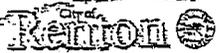
H3 - 30 T23N

EXHIBIT 2

33

ZONING MAP BOOK  
PW TECHNICAL SERVICES  
PRINTED ON 11/13/09

This document is a graphic representation, not  
guaranteed to survey accuracy, and is based on  
the best information available as of the date above.  
This map is intended for City clerical purposes only.



19 T23N R5E W 1/2

**PLANTING NOTES**

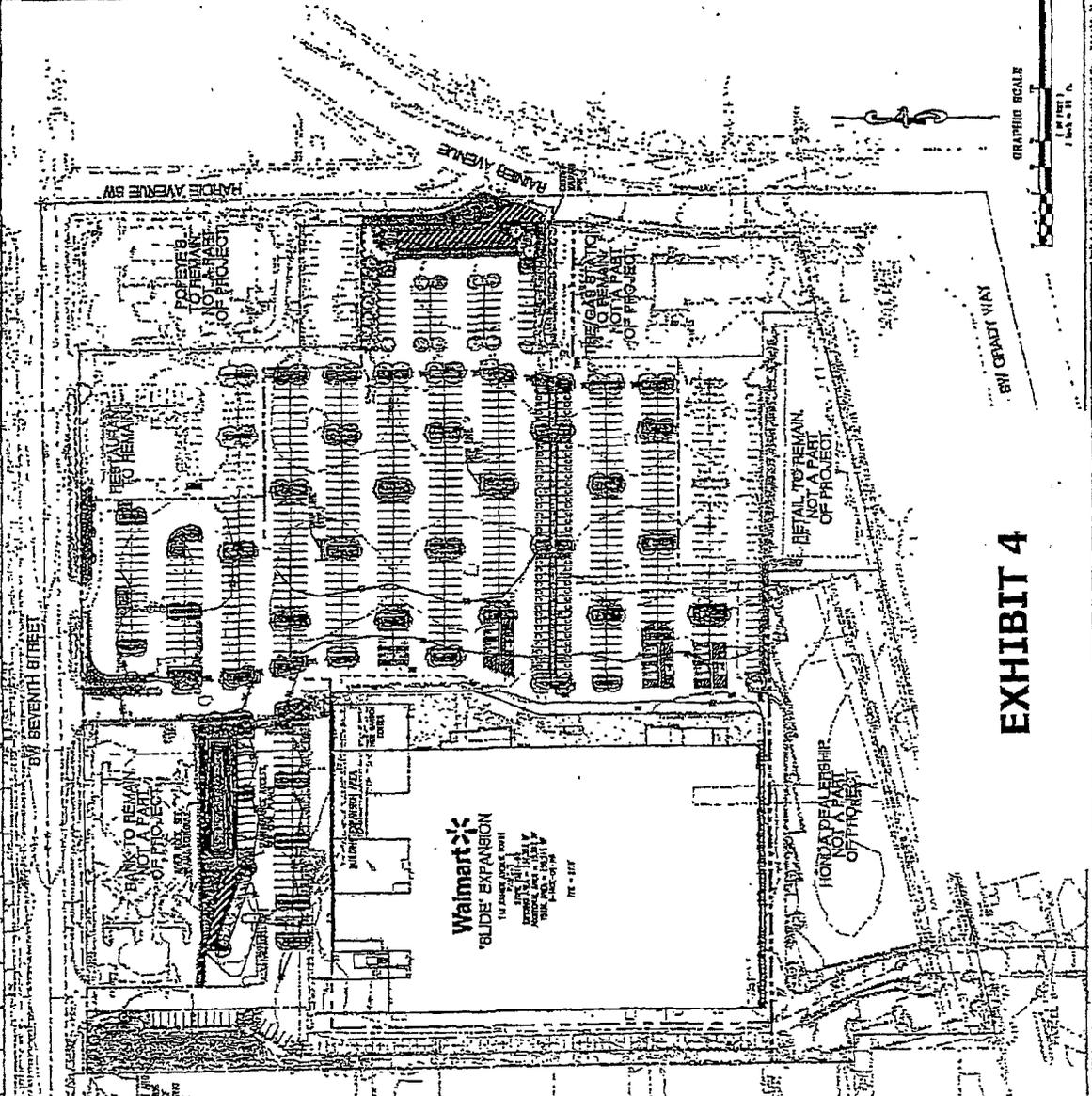
1. ALL PLANTS MUST BE SPECIES, WORKING MATERIAL, SIZE OF 100% AND GRADE.  
 2. ALL PLANTS MUST BE CONTAINER GROWN AND PLANTED AS INDICATED IN THE PLANT LIST.  
 3. ALL PLANTS MUST BE PLANTED TO THE SPECIFICATIONS OF THE LANDSCAPE ARCHITECT.  
 4. ALL TREES MUST BE PLANTED TO THE SPECIFICATIONS OF THE LANDSCAPE ARCHITECT.  
 5. ALL TREES MUST BE PLANTED TO THE SPECIFICATIONS OF THE LANDSCAPE ARCHITECT.  
 6. ALL TREES MUST BE PLANTED TO THE SPECIFICATIONS OF THE LANDSCAPE ARCHITECT.  
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 14. ALL TREES MUST BE PLANTED TO THE SPECIFICATIONS OF THE LANDSCAPE ARCHITECT.  
 15. ALL TREES MUST BE PLANTED TO THE SPECIFICATIONS OF THE LANDSCAPE ARCHITECT.  
 16. ALL TREES MUST BE PLANTED TO THE SPECIFICATIONS OF THE LANDSCAPE ARCHITECT.  
 17. ALL TREES MUST BE PLANTED TO THE SPECIFICATIONS OF THE LANDSCAPE ARCHITECT.  
 18. ALL TREES MUST BE PLANTED TO THE SPECIFICATIONS OF THE LANDSCAPE ARCHITECT.  
 19. ALL TREES MUST BE PLANTED TO THE SPECIFICATIONS OF THE LANDSCAPE ARCHITECT.  
 20. ALL TREES MUST BE PLANTED TO THE SPECIFICATIONS OF THE LANDSCAPE ARCHITECT.

SYMBOL	BOTANICAL/COMMUNIT NAME	SIZE/COMMENTS
(Symbol)	TREES	1" CAL. BURNING BUSH, 10' HIGHER THAN 1" CAL. BURNING BUSH
(Symbol)	FRUITING PLANTS	1" CAL. BURNING BUSH, 10' HIGHER THAN 1" CAL. BURNING BUSH
(Symbol)	SHRUBS	1" CAL. BURNING BUSH, 10' HIGHER THAN 1" CAL. BURNING BUSH
(Symbol)	PERENNIALS	1" CAL. BURNING BUSH, 10' HIGHER THAN 1" CAL. BURNING BUSH
(Symbol)	GRASSES	1" CAL. BURNING BUSH, 10' HIGHER THAN 1" CAL. BURNING BUSH
(Symbol)	ROCKS	1" CAL. BURNING BUSH, 10' HIGHER THAN 1" CAL. BURNING BUSH
(Symbol)	WOOD	1" CAL. BURNING BUSH, 10' HIGHER THAN 1" CAL. BURNING BUSH

SYMBOL	BOTANICAL/COMMUNIT NAME	SIZE/COMMENTS
(Symbol)	EXISTING TREES	1" CAL. BURNING BUSH, 10' HIGHER THAN 1" CAL. BURNING BUSH
(Symbol)	EXISTING TREES	1" CAL. BURNING BUSH, 10' HIGHER THAN 1" CAL. BURNING BUSH
(Symbol)	EXISTING TREES	1" CAL. BURNING BUSH, 10' HIGHER THAN 1" CAL. BURNING BUSH
(Symbol)	EXISTING TREES	1" CAL. BURNING BUSH, 10' HIGHER THAN 1" CAL. BURNING BUSH
(Symbol)	EXISTING TREES	1" CAL. BURNING BUSH, 10' HIGHER THAN 1" CAL. BURNING BUSH

**Walmart**  
 STORE #2516-05 EXPANSION  
 RENTON, WA

**EXHIBIT 4**



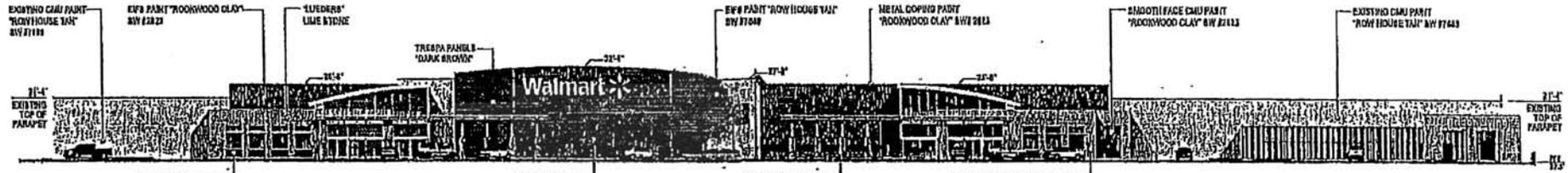
**Walmart**  
 STORE #2516-05 EXPANSION  
 RENTON, WA

**EXHIBIT 4**

**GRAPHIC SCALE**  
 1" = 10' 0"

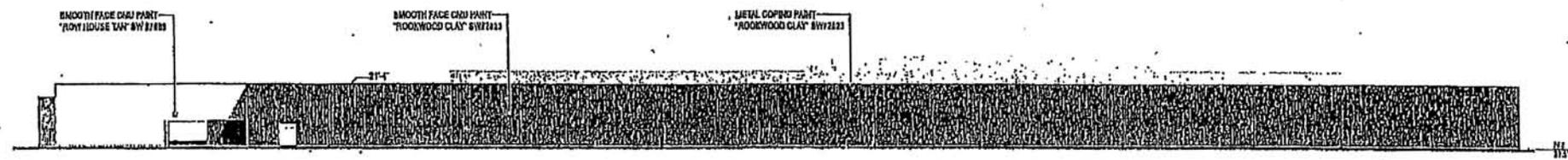
**DATE:** 02-04-2016  
**BY:** [Name]  
**CHECKED BY:** [Name]  
**PROJECT:** [Name]

**WALMART LAND**  
 10000 PAVING  
 EXPANSION PERMITS



Front Elevation

Rainier Ave (East)



Rear Elevation

(West)

### EXHIBIT 6



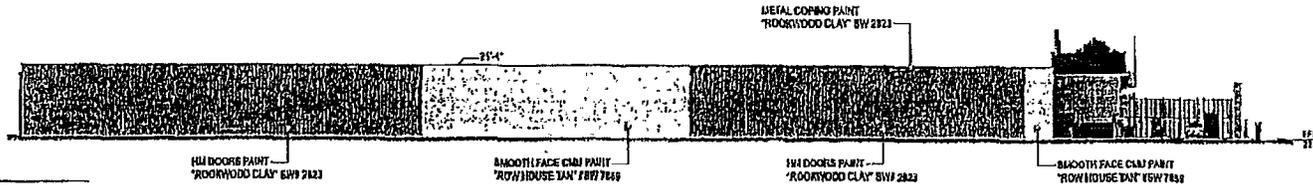
	March 29, 2010	Renton, WA #2516	5
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City of Renton  
 Planning Division

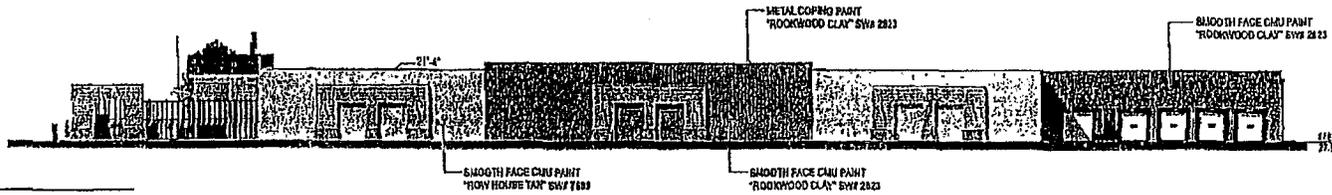
APR 19 2010

RECEIVED

Left Elevation  
SW Grady Way (South)



Right Elevation  
SW 7th St. (North)



### EXHIBIT 7



	March 29, 2010
---	----------------

Renton, WA #2516

City of Renton  
Planning Division

6

APR 19 2010

RECEIVED

**CITY OF RENTON**  
**DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT - PLANNING DIVISION**  
**AFFIDAVIT OF SERVICE BY MAILING**

On the 20th day of April, 2010, I deposited in the mails of the United States, a sealed envelope containing Preliminary Report to the Hearing Examiner documents. This information was sent to:

Name	Representing
Jeff Chambers	Contact
Peter Bonnell - Bonnell Family, LLC	Owner/Applicant
Parties of Record	See Attached

(Signature of Sender): Stacy M. Tucker

STATE OF WASHINGTON )  
 ) SS  
 COUNTY OF KING )



I certify that I know or have satisfactory evidence that Stacy M. Tucker signed this instrument and acknowledged it to be his/her/their free and voluntary act for the use and purposes mentioned in the instrument.

Dated: April 20, 2010 H. A. Graber  
 Notary Public in and for the State of Washington

Notary (Print): H. A. Graber  
 My appointment expires: August 29, 2013

<b>Project Name:</b>	Walmart Expansion
<b>Project Number:</b>	LUA10-009, ECF, SA-H

## **APPENDIX E**



Denis Law, Mayor

# CITY OF RENTON

Hearing Examiner  
Fred J. Kaufman

June 10, 2010

Claudia M. Newman  
Bricklin & Newman, LLP  
1001 Fourth Ave., Ste. 3303  
Seattle, WA 98154

Re: Walmart Expansion, LUA-10-009, SA-H, ECF  
Request for Reconsideration

Dear Ms. Newman:

This office received a request for reconsideration in this matter.

As the request notes, the parties seeking reconsideration did not attend the hearing. Since no members of the group represented by the request are identified individually, it is hard to determine if any of them submitted individual comments that are contained in the file but since these parties claim "they were not aware of the proposal at that time" (First full paragraph) it seems that they were not involved in the comment or public hearing. At the public hearing there was no testimony in opposition to the request and no one asked any neutral questions. It would appear that opposition to the application is newly minted in this request. The public hearing was legally convened. There is no allegation that the legal notice was deficient.

The request raised two main issues regarding the approval. The first issue was that traffic counts underestimated the amount of traffic the proposal would generate. This challenge or request for additional information is untimely. The issues should have been raised during the course of the public hearing or in comments submitted in advance of the hearing. Subsequent to the close of the public hearing, the only new information that may be submitted is information that was not reasonably available at the public hearing. If the traffic counts were indeed wrong, that was information that would have been reasonably available at the time of the public hearing and should have been introduced in a timely fashion. In any event their request does not show that the projections were erroneous. The only thing submitted was conjecture about the projections. These parties seeking reconsideration appeared after the public hearing with no showing that they were deprived of an opportunity to timely comment or question the facts surrounding the proposal.

The second issue raised in the request for reconsideration was whether the proposal meets the criteria of Renton's Code. This portion of the request can be divided into two subcategories. One: Whether the proposal meets the Design District D guidelines? Two: Whether the proposal was an improper expansion of a legal non-conforming use? The answers to both questions are governed by the language of the Design District Overlay provisions.

The Design District Guidelines are "overlay" provisions and govern properties within their boundaries regardless of the underlying zoning and other zoning provisions. The overlay guidelines provide that projects be reviewed with an eye toward flexibility to forward the main thrust of the guidelines - to create better designed and integrated projects. The guidelines allow different or creative ways to achieve those principles. Section 4-3-100(A)(2) states:

2. This Section lists elements that are required to be included in all development in the zones stated in subsection B1 of this Section. Each

APPENDIX E

CP 859

element includes an intent statement, standards, and guidelines. In order to provide predictability, standards are provided. These standards specify a prescriptive manner in which the requirement can be met. In order to provide flexibility, guidelines are also stated for each element. These guidelines and the intent statement provide direction for those who seek to meet the required element in a manner that is different from the standards.

a. The determination as to the satisfaction of the requirement through the use of the guidelines and the intent statement is to be made by the Administrator of the Department of Community and Economic Development or designee.

b. When the Administrator of the Department of Community and Economic Development or designee has determined that the proposed manner of meeting the design requirement through the guidelines and intent is sufficient, the applicant shall not be required to demonstrate sufficiency to the standard associated with the guideline that has been approved.

Section 4-3-100(D) states:

**D ADMINISTRATION:**

1. Review Process: Applications subject to design regulations shall be processed as a component of the governing land use process.

2. Authority: The Reviewing Official shall have the authority to approve, approve with conditions, or deny proposals based upon the provisions of the design regulations. In rendering a decision, the Official will consider proposals on the basis of individual merit, will consider the overall intent of the minimum standards and guidelines, and encourage creative design alternatives in order to achieve the purposes of the design regulations.

(emphasis supplied)

The provisions cited above allow sufficient latitude to permit the proposed expansion as conditioned in the decision.

Those guidelines also govern properties that might be considered legal non-conforming uses or "big box retail." Code permits them to be developed in accordance with the guidelines rather than the more general regulations governing properties outside of a District governed by overlay regulations. Sections 4-3-100(B)(1)(a)(v) and (b) contain the following language:

**B APPLICABILITY AND CONFLICTS:**

**1. Applicability:**

a. The following development activities shall be required to comply with the provisions of this Section:

i. All subdivisions including short plats;

ii. All new structures;

iii. Conversion of vacant land (e.g., to parking or storage lots);

iv. Conversion of a residential use to a nonresidential use;

v. Alterations, enlargements, and/or restorations of nonconforming structures pursuant to RMC 4-10-050.

b. Any of the activities listed in subsection B1a of this Section and occurring in the following overlay areas or zone shall be required to comply with the provisions of this section. Big box retail as outlined below shall also be required to comply with the provisions of this section.

So, not only is the redevelopment of non-conforming uses permitted under these regulations but

they, in the language of the code, "shall be required to comply with the provisions of this Section "

In conclusion, there is no reason to alter the original decision nor the conditions attached to that decision.

The parties seeking reconsideration in this matter has already filed an appeal and that appeal will be handled by the City Council. If other parties are not satisfied with this decision, they, too, may appeal to the City Council no later than June 24, 2010.

If this office can provide any further assistance, please feel free to write.

Sincerely,

A handwritten signature in black ink that reads "Fred J. Kaufman". The signature is written in a cursive style with a long, sweeping underline.

Fred Kaufman  
Hearing Examiner  
City of Renton

FK/nt

cc: Chip Vincent, Planning Director  
Jennifer Henning, Current Planning Manager  
Peter Bonnell, Bonnell Family LLC, Owner  
Jeff Chambers, Contact  
All Parties of Record



I am the legal assistant for Bricklin & Newman, LLP, attorneys for appellant Renton Neighbors for Healthy Growth herein. On the date and in the manner indicated below, I caused the Opening Brief of Appellant to be served on:

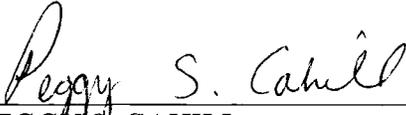
Charles D. Maduell  
Davis Wright Tremaine, LLP  
1201 Third Avenue, Suite 2200  
Seattle, WA 98101-3045  
(Attorneys for Wal-Mart)

By United States Mail  
 By Legal Messenger  
 By Facsimile  
 By Federal Express/Express Mail  
 By E-Mail to [chuckmaduell@dwt.com](mailto:chuckmaduell@dwt.com)

Garmon Newsom II  
City of Renton Attorney  
100 South 2<sup>nd</sup> Street  
P.O. Box 626  
Renton, WA 98057  
(Attorneys for City of Renton)

By United States Mail  
 By Legal Messenger  
 By Facsimile  
 By Federal Express/Express Mail  
 By E-Mail to [Gnewsom@Rentonwa.gov](mailto:Gnewsom@Rentonwa.gov)

DATED this 22<sup>nd</sup> day of June, 2011, at Seattle, Washington.

  
\_\_\_\_\_  
PEGGY S. CAHILL

RNHG\Appeal\Decsv