

BEFORE THE CITY OF LAKEWOOD HEARING EXAMINER

IN RE:) Master Planned Development Permit #10185
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KRG LAKEWOOD LLC, Applicant) FINDINGS OF FACT, ANALYSIS,
CONCLUSIONS OF LAW AND DECISION

APPLICANT/PROPERTY OWNER: KRG Lakewood LLC

REPRESENTATIVES: Jessica Claussen, Applicant’s attorney; Rob Anderson; Alex Dalzell; Michael Swenson; Eric Shasso; and Rob Fazio

LOCATION OF PROPOSAL: 5731 Main Street SW Parcel #: APN#4002240070; #4002240010

SUMMARY OF REQUEST: Applicant requests a Master Planned Development Permit to develop a new multifamily development on two adjoining parcels of property totaling 34.11 acres zoned Central Business District (CBD) and located within the Downtown Subarea and Town Center Overlay. Because the applicant is seeking two (2) deviations from the applicable form-based code in the Lakewood Municipal Code (LMC) Title 18B, a Master Planned Development Permit, is required.

PROJECT NAME: Alliance Multifamily *aka* Lakewood Towne Center Apartments

SUMMARY OF DECISION: The permit application is **approved**, subject to conditions recommended by City staff.

BACKGROUND

The Applicant's proposed project is intended to provide a mixed-use development incorporating existing commercial uses with new multifamily residential units (the "Project") on two (2) parcels of property in the City of Lakewood Towne Center totaling 34.11 acres (collectively the "Property"). When developed, the new residential development will occupy 10.37 acres of the Property and will be associated with adjacent commercial uses including the AMC movie theatre to the northwest. The Project site is located in the Central Business District (CBD) and within the Downtown Subarea and Town Center Overlay district.

The Project will include 309 market-rate housing units, of which 143 will be located in a 5-story elevator-serviced building; the remaining 168 units will be located throughout seven (7) separate 3-story garden-style buildings. The Project will provide over 40,132 square feet of common open space, 473 onsite parking stalls (of which 17 will be ADA-compliant), EV charging stations, indoor and outdoor amenity areas for its future tenants, and large landscape buffers. The existing Barnes & Noble retail store on parcel #4002240010 will be demolished and is currently under a separate permitting process to relocate within the Towne Center.

The Applicant originally submitted a master planned development application for the Project on January 11, 2024; the City determined the application to be complete on February 7, 2024. Since that time, the application has undergone multiple revisions and modifications. The Project revisions resulted in two (2) separate Notice of Application periods during which the City received public and

agency comment. Final resubmittals were received on December 5, 2024, and the application was deemed ready for public hearing. Notice of Public Hearing scheduled for January 24, 2025 was provided with an additional comment period.

A Master Planned Development Permit, which is a Type III hearings Examiner decision per LMC 18B.700.720, is required for the Project because the Applicant requests two (2) deviations from the applicable form-based code. The Applicant requests modifications and/or exemptions to the following requirements: (a) LMC 18A.70.040(C)(1)(c), which states, “The longest dimension of any building shall not exceed one hundred sixty (160) feet. Buildings on the same site may be connected by covered pedestrian walkways”; and (b) LMC 18B.300.310(A) and 18B.300.310(B)(4), Mid-Block Connections, which require a minimum 20-foot-wide mid-block connection to be provided at the midpoint along each block face or every 200 feet, and state that mid-block connections shall be designed to accommodate service needs and for pedestrian use and shall be free from permanent obstructions.

The purpose of a master planned development is to implement the Downtown Subarea Plan in a manner that could not be achieved through strict application of applicable development regulation standards. Applications for master planned development permits allow for the development of larger, more complex, and multi-phased projects.

City Staff recommended approval of the requested Master Planned Development Permit subject to conditions set forth in the Staff Report. Substantial public opposition to the application has

been expressed in writing and via public testimony with concerns over traffic impacts, parking, impacts to the Ponce de Leon Creek/aquifer recharge area, water pollution/impacts to salmon habitat, flooding, inadequate infrastructure, overcrowding, loss of character/change to the neighborhood, animal habitat impacts, impacts to the walkability and “bike-ability” of the area, the size of the proposed buildings, impacts on open space and natural light, child safety impacts and SEPA compliance. The record includes over 155 written comments submitted during two (2) notice of application periods, the notice of public hearing period, at the public hearing, and in the post-hearing open record period. The public comments submitted did not include opposition to the Applicant’s request for two deviations from form-based code. Opposition was generally focused on alleged impacts of multi-family development of the Property.

PUBLIC HEARING

The Public Hearing on the application commenced at 10:30 a.m. on Thursday, January 24, 2025. The Hearing occurred in a hybrid format allowing for both in-person testimony as well as remote testimony utilizing the Zoom platform with City Staff serving as the host. The City appeared through Andrea Bell, Senior Planner. City of Lakewood Pro Tem Hearing Examiner, Stephanie Marshall, presided.

The Applicant appeared through its attorney Jessica Claussen, Rob Anderson, Project Manager and Development Director, Alex Dalzell, Project Manager at Urbal Architecture, Eric

Shasso, Civil Engineer at Facet Engineering, Rob Fazio, Landscape Architect at Fazio Associates, and Michael Swenson, Management Principal at The Transpo Group.

Several members of the public, including some that were present in the room and some that were attending the Hearing via Zoom, asked to testify. (Exhibit S). Testimony was received from Ms. Bell on behalf of the City, the Applicant's representatives, and ten (10) members of the public. In addition to the oral public testimony, a number of public comments were received prior to commencement of the hearing (Exhibit Q), supplementing public comments received earlier in the application (Exhibits M and N) Six additional public comments were received during the post-hearing open record period (Exhibit W). A verbatim recording was made of the Public Hearing and all testimony was taken under oath. (Exhibit Y). Documents considered at the time of the hearing were the Staff Report and Recommendation dated January 17, 2025 (Exhibit A), along with the following exhibits:

- B. Revised land use application dated August 1, 2024
- C. Project narrative dated December 4, 2024
- D. Plan set dated December 4, 2024
- E. SEPA Checklist/Notice of Consistency dated December 4, 2024
- F. Traffic Impact Assessment dated September 17, 2024
- G. Traffic Memorandum dated December 4, 2024
- H. Notice of Application dated February 20, 2024
- I. Revised notice of application dated September 20, 2024
- J. Comments from WPFR dated March 13, 2024
- K. Department Correction letter dated November 7, 2024

- L. Response to correction letter (from applicant) dated December 4, 2024
- M. First Notice of Application, combined public comments (March 19, 2024)
- N. Second Notice of Application, combined public comments (October 4, 2024)
- O. Notice of Public Hearing dated January 10, 2025
- P. Identified Parties of Record
- Q. Combined public comments (30) received January 10 through January 23, 2025
- R. Staff Slide Deck and Presentation Notes presented January 24, 2025
- S. Hearing Examiner Sign-In Sheet and Zoom Only Sign-In Sheet
- T. Applicant's Slide Presentation presented January 24, 2025
- U. Gary Oak Coalition comment letter presented January 24, 2025
- V. Thornton Creek Handout presented January 24, 2025

The Public Hearing was closed following completion of public testimony and the presentations of the City and the Applicant. The written record was left open until 5:00 p.m. on January 27, 2025, at the Applicant's request. Additional exhibits received and introduced into the record during the open record period include:

- W. Combined public comments (6) January 24 through January 27, 2025
- X. Applicant Summary of Master Plan Approval Criteria, received January 27, 2025
- Y. Zoom Video of Public Hearing

City's Presentation. The Hearing commenced with the testimony of Andrea Bell, Senior Planner, and author of the City's Staff Report. Ms. Bell began with a presentation of a slide deck that outlined the procedures for the Hearing, applicable code sections and elements of the Project and the requested

Master Planned Development Permit (Exhibit R). Ms. Bell's testimony relied upon her written Staff Report. Ms. Bell began by describing the fact that under LMC 18B.700.720, a master planned development application is a Type III permit. The Applicant seeks approval for a multi-family/mixed-use development in the CBD zone. Approval of a Master Planned Development Permit is required for the Project because the Applicant seeks to deviate from two (2) applicable form-based code requirements.

Ms. Bell testified that the subject Property is generally flat and consists of approximately 5 acres of existing impervious surfaces. The Project is proposed to include 309 housing units and 40,132 square feet of open space, amenities and large landscaped areas. Ms. Bell testified that the regulating plan map is set forth in LMC 18B.100.120. She discussed that Main Street is a mixed-use street. Access is proposed to the site via two existing driveways; these driveways are not proposed to be changed with respect to location or design.

Ms. Bell testified regarding State Environmental Policy Act (SEPA) compliance and stated that a Planned Action EIS, pursuant to RCW 43.21C.440(3)(b), was adopted on October 1, 2018. The proposed Project is within the area studied in the Planned Action EIS. She testified that the Property is not within the shoreline environment and is not subject to the City's Shoreline Master Plan (LMC Title 14) or the state Shoreline Management Act, Chapter 90.58 RCW.

Ms. Bell testified regarding the Applicant's traffic impact analysis (TIA) and noted that the TIA is under review in permit #11574. She testified that the proposed use is expected to generate 568

daily trips, which is a figure that is four (4) trips fewer than was generated by the existing Barnes & Noble retail store. She stated that there will be no increase in weekday p.m. peak hours. Ms. Bell addressed the condition of approval required by City Engineering to address the fact that the current parking lot does not meet stormwater standards.

Ms. Bell testified regarding consistency of the proposal with Goal LU-19 and Policy LU-19.1. She addressed the two (2) requested design code departures by the Applicant concerning the longest dimension of a building and required mid-block connections. Ms. Bell noted that the intent of the mid-block connections is to accommodate pedestrians. Here, however, compliance with this provision would reduce landscaping may result in additional pedestrian-vehicle conflicts. Ms. Bell addressed LMC 18B.700.720(G) requiring design consistency with the surrounding community.

For all the reasons set forth in the Staff Report, Ms. Bell stated that staff recommends approval of the Master Planned Development Permit, subject to conditions of approval in the Staff Report.

Applicant's Presentation.

Jessica Claussen. Ms. Claussen, the attorney for the Applicant, introduced the Applicant's project team. She noted that she would be available to answer any questions during the Hearing.

Rob Fazio. Mr. Fazio is a landscape architect at Fazio Associates. He testified on behalf of the Applicant. He noted that the first application submittal for the Project was 14-15 months ago. He stated that the Applicant has been working with a number of stakeholders, including the St. Francis school to the south, to address citizen concerns.

Alex Dalzell. Mr. Dalzell is the Project Manager at Urbal Architecture and testified on behalf of the Applicant. He presented a slide show that illustrated the current site, the evolution of the proposed development and reviewed an aerial view of the Property and surrounding uses (Exhibit S). Mr. Dalzell stated that the existing parking lot contributes to water runoff and that there are storm drain pipes that outlet to Ponce de Leon Creek. Mr. Dalzell discussed the fact that the original application requested ten (10) modifications to code, included four (4) buildings providing 390 units of housing and 519 parking spaces. Following consideration of public comments and working with City staff, the Applicant reduced the proposal to 309 units with 473 parking spaces and it now only requests two (2) code modifications. The requested modifications are to building length and block length. The proposed building length only exceeds the standard by ten percent (10%).

Mr. Dalzell discussed building heights and transitions. He noted that the Project will only be constructed to a maximum of 65 feet in height, but that the allowable height is 90 feet. The proposed 3-story buildings will be only 44 feet tall. Mr. Dalzell also testified that the Project could include 1000 housing units under the code. He stated that fifty percent (50%) of the housing units will be 2- or 3-bedroom units for families. The Project will include increased landscaping and additional tree buffers. It will also include an increased common open space and green space. The parking will be screened from the street. The Applicant proposes a double row of street trees and will maintain as many existing trees as possible. The Main Street frontage will have increased landscaping and a public plaza.

Mr. Dalzell testified that the proposal and requested deviation from block length will result in a more efficient site design, safer pedestrian circulation throughout the site and enhancement of pedestrian connections. The proposed wide sidewalks and landscape buffers will positively contribute to the sense of scale. Looking at the street frontage to the east in the Applicant's design renderings (Ex. S), Mr. Dalzell noted the reduced scale of the buildings and building modulation. On the interior of the site, the design will break up the broad swath of parking lot that currently exists.

Eric Shasso. Mr. Shasso is a civil engineer at Facet and testified on behalf of the Applicant. Mr. Shasso presented testimony regarding the stormwater design and drainage requirements set forth in the Washington Department of Ecology stormwater manual for Western Washington (WDOE SWMWW). He testified that the Project will comply with all nine (9) applicable requirements of the manual, including, but not limited to mitigation of impacts to water quality, flow requirements and downstream impacts. Mr. Shasso testified that there is currently a series of storm drain conveyance pipes, an asphalt parking lot and no treatment or flow control measures. The Project will bring these circumstances up to current standards and will include installation of infiltration trenches, permeable pavement, a fifty percent (50%) reduction in existing asphalt, and on-site water treatment. Mr. Shasso testified that the proposed stormwater action plan meets City requirements and is consistent with the WDOE SWMWW.

Public Testimony.

Don Russell. Mr. Russell is a long-time resident of the City and is opposed to the Project. He does not believe the proposal is suited to the site from a hydrological and geological standpoint. Mr. Russell discussed the fact that groundwater level rises and falls 5-6 feet and that there is a hidden lake that is a former gravel pit. He is concerned about the elevation of the land. He stated that Clover Creek is an artifact of human activity and is incised into a cliff area. Mr. Russell testified that water moves from the southeast to the northwest and the area is prone to groundwater flooding. He stated that the velocity of water is considerable. Mr. Russell testified that, in the 1950s, the whole area was asphalt-covered. He stated that, with respect to wetlands, there are organic (phosphorous/nitrogen) compounds and resulting toxic algae blooms.

Leo Liebert. Mr. Liebert is a resident of Lakewood. He is concerned about the location of the Project and its impacts on the 104 homes in Lakewood Racquet Estates. Mr. Liebert described a catastrophic flooding event within Clover Creek (he stated that the affected creek is Clover Creek and not Ponce de Leon Creek). During this flooding event, there was over three feet of water, it covered portions of Interstate-5 and the McChord military base runway. This implicates FEMA. The subdivision took out a barricade wall and installed a swing gate as a result. It is ten feet higher than the two exits off I-5 onto 112th Street. Mr. Liebert also commented on traffic congestion in the area. He stated that there is already so much congestion from Gravelly Lake to Bridgeport Way and asked

how more homes can be added. He disagreed with the statement that the Safeway on Steilacoom Boulevard is the busiest Safeway in the area.

Eric Chandler. Mr. Chandler is a resident of the area on Lake Louise Drive. He referred to a survey of 115 people in the City asking whether the Project was appropriate. Mr. Chandler noted that only 6 people said yes, 2 people said maybe, and 107 people said no.

Mike Brandstetter. Mr. Brandstetter is a member of the Lakewood City Council. He testified in favor of the Project and stated that there are two questions to consider. The first question is whether the Project is appropriate in the Towne Center. The second question concerns environmental impacts to the creek. Mr. Brandstetter testified that the Project will revitalize downtown and noted that the City is obligated to plan to grow its population. This location will allow for growth without the need for rezoning other properties for multi-family development. With respect to the creek, Mr. Brandstetter stated that the proposal does not just maintain the “status quo,” but improves it.

Vickie Stanich. Ms. Stanich testified that she submitted an example of a successful, thoughtful project in Northgate, called the “Thornton Creek” project. She believes the proposed Project should incorporate similar aspects of that development. Ms. Stanich requested the City to deny the application due to environmental impacts. She believes that more mitigation is required. Ms. Stanich testified that there will be 473 more cars and that the temperature of the community will be affected by the “heat island” effect. Ms. Stanich encouraged development of an alternative proposal that will be educational, sustainable and a centerpiece of the community.

Christina Manetti and Gary Oak Coalition. Ms. Manetti testified on her own behalf and also testified separately on behalf of the Gary Oak Coalition, a 501(c)(3) organization. On behalf of the Coalition, Ms. Manetti testified that there was inadequate public notice and stated that residents within 300 feet of the Property were not notified. These residents include people living near Ponce de Leon Creek. Ms. Manetti also testified that the City should have issued a SEPA threshold determination for the Project and that the proposal does not comply with SEPA. Ms. Manetti stated that the Project will be located in a hydrologically sensitive area and questioned why neither the Applicant nor the City obtained review of the proposal by habitat biologists or hydrologists. She questioned the use of on-site filtration and stated that tires are acutely toxic. The runoff will eventually make its way to Puget Sound. Ms. Manetti stated that, instead of preventing or eliminating environmental damage, the Project will contribute to it and exacerbate it.

On her own behalf, Ms. Manetti testified that the current parking lot is empty, so it cannot be considered as currently contributing to any water pollution. There is a vast amount (too much) of asphalt, with a wetland/creek underneath it. Ms. Manetti took issue with the statement that the creek is 1/3 mile away from the Property and testified that the creek is right underneath the Property. The creek is salmon-bearing, salmon are threatened and culverts are being removed. Ms. Manetti also testified that the Project is inappropriate from a planning perspective. She stated that there is no “Main Street,” only a road through the parking lot. She also testified regarding her opinion that the

road is not wide enough. Ms. Manetti stated that, taking 108th Street to I-5 is constantly backed up to Gravelly Lake Drive.

Ryan Vande Bosche. Mr. Vande Bosche is the Director/Developer of Lakewood Towne Center, not including the Target site. He testified in support of the Project and stated that he believes it is in keeping with the downtown area plan. Mr. Vande Bosche addressed community concerns regarding the loss of Barnes & Noble and stated that he has worked to relocate the retailer to a new location in the town center.

Phil Davis. Mr. Davis has been a resident of Lakewood for 62 years. His grandparents lived in the area and his family has been here for many generations. Mr. Davis is concerned about water runoff and increase in traffic. He testified that there has recently been a lot of apartment development over the past three years in the City, including on Gravelly Lake Drive, Steilacoom and Lake Grove Street. Mr. Davis is concerned about the impact on the “small town” feel of the City. He questioned who will maintain the buildings and noted that unkept structures have a negative impact on the environment and community. Mr. Davis also asked whether there would be an increase in crime as a result of the Project.

Kayln Jones. Ms. Jones testified in opposition to the Project. She was particularly upset about the loss of the Barnes & Noble store and stated that she learned to read there. She does not want to lose a spot for indoor gathering that the bookstore provides. Ms. Jones testified that she will lose a place to wait for movies and that other AMC patrons often visit the bookstore while waiting for

movies. Ms. Jones stated that, although she wants to see Lakewood grow, she is concerned about traffic impacts. She asked whether residents might stop going to the downtown area entirely as a result. Ms. Jones believes there is a better place for apartments within the City. She also stated that the stormwater system will not filter out enough toxins.

James Dunlop. Mr. Dunlop is a Lakewood resident and testified in opposition to the Project.

City's Response. The City did not present any response following the Applicant's presentation and testimony from the public.

Applicant's Response. On rebuttal, the Applicant presented testimony of three of its representatives.

Michael Swenson. Mr. Swenson is the Managing Principal of The Transpo Group. In response to traffic concerns, he referenced the December 4, 2024 transportation analysis memorandum (Exs. F and G). He stated that The Transpo Group performed studies and counts, taking into consideration the traffic counts and circulation patterns of customers to the existing Barnes & Noble store. He reiterated that there will not be a change in p.m. peak hour traffic generated by that use and the proposed mixed-use residential use. Analyzing surrounding intersections, he stated that there will not be any change in the level of service (LOS) resulting from the proposed mixed-use residential development.

Rob Fazio. Mr. Fazio is a landscape architect at Fazio Associates. He testified regarding the positive environmental impact the proposed use will have, comparing the "sea of asphalt" that currently exists, with the proposal that will add almost an acre of open space and will retain 91 of the

146 existing trees on site. He noted that the Applicant will be salvaging some of the existing trees along Main Street. Mr. Fazio stated that 55 trees are proposed to be removed as unhealthy and that such trees are scattered amongst the existing asphalt on site. Mr. Fazio also testified that the proposal will double the amount of trees required and that the Applicant will be installing the maximum amount of buffering. These elements of the proposed landscape will add to aesthetics and will increase porous conditions on site. Mr. Fazio noted that 25% of the area will be comprised of permeable landscape. Mr. Fazio addressed the “heat island” concerns expressed at the Hearing and stated that doubling the amount of trees will reduce this effect and add wildlife habitat. Of the 286 trees to be installed, 40% will have a 3” caliper and 90% will be drought tolerant to reduce irrigation needs.

Eric Shasso. Mr. Shasso testified that the proposal will be an improvement to the existing development which followed 1950s development practices. He referenced the Department of Ecology stormwater management manual for Western Washington and stated the Applicant will comply with, among other things, required water quality treatment measures, flow control and landscaping requirements.

ANALYSIS

For issuance of a master planned development permit, LMC 18B.700.720(G) requires the Applicant to demonstrate that the proposal is consistent with the Comprehensive Plan and Downtown Subarea Plan, the vision and objectives of the Downtown Subarea Plan in LMC 18B.100.110 and

that, by the use of permitted flexibility and variation in design, is a development practice that results in better urban design features than found in traditional development. It also requires the Applicant to show that the proposed development will result in no greater burden on present and projected public utilities and services than would result from traditional development, that it will be served by adequate public or private facilities including streets, fire protection, and utilities, that open space is an integrated part of the project, that the design is compatible with existing or intended character, appearance, quality of development and physical characteristics of the property and immediate vicinity, and that roads and streets within and contiguous to the site comply with guidelines for construction of streets and the street frontage standards.

LMC 18A.200.230 requires the Applicant to establish that the proposal is consistent with development regulations in LMC 18A and 18B governing density, impervious surface area, open space, lot size, parking, building height and landscaping. Outdoor lighting will be reviewed in the Applicant's design review application (#10184). The proposal will continue to undergo additional review by the City in other required, separate permits including Downtown Plan Trip Mitigation Fee #10783 and future Site Development Permit and Building Permit applications. Additional review of stormwater drainage and downstream analysis will be required for the Site Development Permit application.

The Property is of sufficient size to accommodate the proposed use, including open space and landscaping buffers. The Project is consistent and compatible with the Comprehensive Plan and

Downtown Subarea Plan and meets dimensional zoning requirements. The flexibility allowed by issuance of a Master Planned Development Permit allows the Applicant's two requested deviations from applicable form-based code provisions concerning longest building dimension and mid-block connection.

Impacts of the Project will be mitigated by the Applicant's compliance with applicable development regulations and the conditions of approval in this Decision. SEPA environmental review of the Project is subject to Planned Action Review (permit #11574). Additional reviews and permits are required for the proposed Project, including a Site Development Permit, design review (including lighting and signage), building permits, trip mitigation fees and stormwater management.

Opponents to the Project have raised issues that they believe prevent the Applicant from meeting its burden of proving that all applicable requirements have been met. These include the following issues, followed by the Hearing Examiner's response:

Traffic

Many opponents generally believe the Project will generate traffic and cause congestion on roads in the area, some of which are 2-lane roads and one of which runs through a school zone with a 20 mph speed limit. Therefore, they assert that the Project will be detrimental to the general welfare, will be inconsistent with the goals and policies of the City Comprehensive Plan and Regulations, and that the Applicant failed to demonstrate that the nearby transportation system will adequately serve the use without placing an undue burden on transportation and public facilities and services.

No person opposing the Project on this basis introduced any studies or traffic counts to rebut the Applicant's Traffic Impact Analysis (TIA), submitted as part of Planned Action SEPA checklist #11574, or the final Traffic Memorandum dated December 4, 2024 that was reviewed by the City as part of a separate Downtown Plan Traffic Mitigation Fee (TMF) Application # 10783. The City accepted the Applicant's traffic analysis which shows that traffic volumes are expected to be at or below current levels. Because the proposed project will not result in any increase in weekday PM peak hour trips, no off-site impacts are anticipated. All affected intersections will meet the City's Level of Service (LOS) D standard.

The Applicant responded to these concerns, and City Staff concurs, that the project will not cause nearby intersections to fail and will not lead to a material worsening of traffic conditions. A traffic mitigation fee will assist in funding traffic improvements in the area such that the Project's traffic burdens are no greater than its benefits. I agree with the position taken by City Staff and the Applicant and conclude that the Project, as conditioned, will not create traffic problems that are injurious to the general welfare and that the City's traffic system has the capacity to adequately serve the proposed use.

Parking

Opponents expressed concerns regarding the amount of parking proposed with the Project and the fact that surface level parking is proposed, as opposed to structured or underground parking. Some concerns appeared to be focused on too little parking, while others believed there would be too

much parking provided. While one opponent cited policies in the Comprehensive Plan to encourage structured or underground parking to reduce surface parking, the LMC does not prohibit surface parking in the CBD or within the Downtown Subarea and Town Center Overlay district. No evidence was presented to show that the Project is inconsistent with applicable requirements in the LMC.

The Applicant addressed these concerns in part by designing the project to move parking away from the street, buffered by landscaping. The Applicant will include 17 ADA parking stalls and EV charging stations. The City determined that the Project meets parking requirements in LMC 18B.600.610 in that it provides at least one proposed space per dwelling unit. A total of 473 parking spaces are proposed for 309 dwelling units. I agree with the City and Applicant's analysis and conclude that the Project meets applicable parking requirements and that the proposed parking will not result in injury to the general welfare.

Adequacy of Infrastructure

Opponents objected to the Project as inappropriately sited on a shopping center's parking lot. Similar to concerns regarding traffic, opponents believe that the surrounding street system is inadequate for additional traffic from new residents and that access to the apartments will not be from a "major road," but from a road through a parking lot which they state is inappropriate. Again, no person opposing the Project on this basis introduced any studies to rebut the TIA or the final Traffic Memorandum submitted by the Applicant. No opponent cited any applicable LMC provision, state statute or regulation with which the Applicant's proposal is inconsistent.

The Applicant addressed these concerns, and the City concurred that transportation infrastructure is adequate for the Project. As previously noted, the Applicant will be required to pay a traffic mitigation fee which will be used for future traffic improvements in the area. I agree with City Staff and the Applicant and conclude that existing infrastructure is able to support the Project, and that the Project will not be injurious to the general welfare on this basis.

Design

Several commentators urged the City to deny the application on the basis of design-based factors including concerns of overcrowding, objections to the size of the proposed buildings, and impacts on open space and natural light. Some opponents stated that the Property is not an appropriate place to site a mixed-use residential apartment building, that the Project will change the character of the Towne Center and the City as a whole, and feared that the ability to walk and bicycle in the area will be diminished. Several commentators suggested that the developer should instead follow the design implemented at the “Thornton Creek” development near Northgate.

The City separately reviews compliance with Downtown Subarea Plan design standards through the Design Review permit process. Nonetheless, in this application, the Applicant responded to many of these concerns and changed the size and scope of the proposal several times since the original application was submitted, in response to citizen input. Elements of the Project are specifically designed to provide a transition from nearby single-family residential homes, facades of proposed buildings are modulated, additional landscape screening will be installed and parking has

been designed at the center of the project, screened from views from the surrounding streets. There are no applicable LMC provisions, nor any applicable statute or regulation that require the Applicant to design the Project in a manner similar to Thornton Creek.

The City notes that the maximum density permissible on the Property is 1000 units; the Applicant is proposing 309. There is no evidence that overcrowding will not result, particularly considering Growth Management Act infill requirements and numerous goals and policies of the City Comprehensive Plan, Downtown Subarea, Town Center Overlay and the Lakewood community vision, pursuant to which the Downtown area is intended to be redeveloped into an area of rich civic amenities, walkable streets, and a mix of uses, including housing, entertainment, restaurants, and retail that builds upon the cultural and economic assets of the City. The City has planned for the Downtown subarea to include the majority of new employment, population and housing units over a 20-year period.

There is no evidence the Project will negatively impact the character of the area, nor does such a concern relate to any applicable criterion for approval of a master planned development permit. One commentator expressed concern regarding impact on crime rates. That also is not a proper consideration for the Hearing Examiner in this land use review.

With respect to scale, open spaces, natural light and pedestrian- and bicycle-friendly concerns, the City noted that the Applicant has not maximized height of the proposed buildings to the allowable extent. The Applicant has emphasized preservation of open space in its design which

includes substantial additional landscaping, preservation of significant trees and an overall transformation of the barren, vast swath of asphalt parking into a well-designed, inviting area at the entrance to Towne Center. The purpose for one of the two requested form-based code departures is to increase pedestrian safety and to minimize potential vehicle-pedestrian conflicts.

I agree with City Staff and the Applicant and conclude that the Project as currently designed, and subject to further design review in application #10184, will not be injurious to the general welfare. Opponents' comments on these bases do not support denial of the Master Planned Development Permit.

Environmental Impacts

Many of opponents' comments were focused on potential impacts to Ponce de Leon Creek and more distant impacts to Lake Steilacoom (and Puget Sound). Related concerns were expressed concerning pollutants and impacts on salmon and other animal habitat. Several commentators focused on shallow groundwater in the area and potential resulting flooding. Many expressed concern regarding impacts to the aquifer. A common theme in these comments is the belief that the Project's on-site filtration will not adequately filter toxins from surface water runoff from the site. One opponent questioned why review of the proposal by habitat biologists or hydrologists did not occur. Some opponents believe that instead of preventing or eliminating environmental impacts of the site, the Project will exacerbate the current conditions. None of the opponents presented expert analysis or supporting data to counter evidence presented by the Applicant, reviewed and accepted by the

City, or to show that the Applicant's required compliance with the Washington Department of Ecology stormwater manual for Western Washington (WDOE SWMWW) and LMC Title 12 Public Works will nonetheless result in unacceptable levels of water pollution, unmanaged stormwater runoff, flooding or unacceptable impacts to salmon and other wildlife.

With respect to Opponents' concerns regarding the aquifer, the standards of LMC 14.150.030 are not applicable because the proposed use is residential. Mapping resources produced by state agencies do not identify any existing stream typology, priority species and biodiversity or riparian corridor within or immediately adjacent to the proposed project site. No opponent presented evidence to the contrary.

However, many opponents disagreed and stated that the site was constructed on top of a wetland and the headwaters of the Ponce de Leon stream in the 1950s. But, LMC 14.154.050 does not impose any provisions for protection of streams and associated habitat and species or "no net loss" requirements on existing, underground piped drainage. There are no applicable laws or regulations that require the Applicant is to restore the Property to its pre-development state.

The Project must undergo review of a separate Site Development Permit application which will include further analysis of stormwater quantity control, quality treatment, downstream analysis and erosion and sedimentation controls. Nonetheless, for purposes of this Master Planned Development Permit the Applicant presented evidence, and the City concurred that, as conditioned in this Decision, the Project will not result in injury to the public health, safety or general welfare.

The Applicant is required to implement stormwater design and drainage requirements management measures set forth in the Washington Department of Ecology stormwater manual for Western Washington (WDOE SWMWW) and to comply with LMC Title 12 Public Works. The WDOE SWMWW sets forth standards and implementation measures acceptable to the Washington Department of Ecology for management of stormwater and mitigation of impacts to water quality, flow requirements and downstream impacts. Opponents did not present any evidence to show that the standards and implementation measures in the WDOE SWMWW are deficient or will be insufficient to mitigate alleged impacts of the Project.

Some opponents disagreed with the Applicant's contention that the existing circumstances onsite will be brought up to current standards, improving water quality and stormwater control. However, no competing evidence was presented. Speculation about flooding and damage to the aquifer is not competent evidence.

Without competing reports or expert opinion to counter the evidence presented by the Applicant's team, reviewed by the City, I agree with City Staff and the Applicant and conclude that the Project as currently designed, conditioned in this Decision, and subject to further Site Development Permit review, will not be injurious to the general health, safety or welfare. Opponents' comments on these bases do not support denial of, and do not require imposition of additional conditions of approval on, the Master Planned Development Permit application.

Loss of Barnes & Noble

While it is understandable that many residents have expressed concern regarding the proposed demolition and contemplated relocation of the existing Barnes & Noble book store on the Property, this factor does not relate to any of the applicable criteria the City reviews for a proposed master planned development. Therefore, these comments are not a basis for me to deny or condition approval of the application.

Compliance with State Environmental Policy Act (SEPA) and Public Notice

Several opponents disagreed with the City's environmental SEPA review of the Project pursuant to the adopted Planned Action EIS, Ordinance No. 696 in application #11574. No opponent presented evidence that the Project, located within the Central Business District and the Towne Center Incentive Overlay District, is not subject to the adopted Planned Action EIS. No opponent presented evidence or citation to applicable state or local regulation to support an argument that the Project must nonetheless undergo a separate threshold determination analysis by the City. While opponents disagreed with the Lakewood SEPA Responsible Official's issuance of a Determination of Consistency pursuant to RCW 43.21C.440(3)(b), they did not present evidence to support a finding that such decision was in error. I agree with the City's issuance of a Determination of Consistency and conclude that no additional environmental analysis of the Project is required under Ordinance No. 696 or state law. Opponents' comments on these bases do not support denial of the Master Planned Development Permit.

With respect to notice, the record shows that the City complied with LMC 18A.20 Article III, in issuing Notices of Application (NOA) and the Notice of Public Hearing to residents within 300 feet of the Property. The record evidences robust public participation with over 155 comments received on the application and testimony from interested citizens at the Public Hearing. Based on this evidence, I conclude that the City met all applicable public notice requirements for the Master Planned Development Permit application.

For the foregoing reasons, I conclude that: (1) the Applicant has adequately demonstrated that all requirements for a Master Planned Development Permit in LMC 18B.700.720(G) have been met; (2) the Applicant's requested deviations from applicable form-based code provisions in 18A.70.040(C)(1)(c), 18B.300.310(A) and 18B.300.310(B)(4) are appropriate; (3) the Project is consistent with all applicable development regulations in LMC Titles 18A and 18B, as required by LMC 18A.200.230; (4) that potential future environmental impacts of the Project have been appropriately reviewed in accordance with the State Environmental Policy Act (SEPA); (5) the Applicant's compliance with the City of Lakewood's Downtown Lakewood Plan and Planned Action Final EIS adopted in 2018 satisfies SEPA requirements; (6) adequate public notice of the application was provided; and (7) the Permit should be approved subject to conditions. I therefore make the following:

FINDINGS OF FACT

1. Any Findings of Fact contained in the foregoing Background, Public Hearing or Analysis Sections are incorporated herein by reference and adopted by the Hearing Examiner as her Findings of Fact.

2. The Applicant and Property Owner, KRG Lakewood LLC, requests approval of a Master Planned Development permit in order to develop a new multifamily development Project in the City of Lakewood Central Business District (CBD) located within the Downtown Subarea and Town Center Overlay and to deviate from two (2) applicable form-based code requirements in LMC 18A.70.040.C.1.c (longest building dimension) and LMC 18B.300.310.A and 18B.300.310.B.4 (mid-block connections). The proposed Project will include 309 dwelling units within eight (8) buildings across the site, 40,132 square feet of open space, indoor and outdoor amenities, including a community center, pool and playground and 472 parking spaces (including ADA-compliant and EV)

3. A Master Planned Development is a Type III hearings Examiner decision per LMC 18B.700.720. Pursuant to LMC 18B.700.720(G), a master planned development shall only be granted after the Hearing Examiner has reviewed the proposed use and has made written findings that all of the standards and criteria have been met or can be met.

4. The Applicant has the burden of proof and must establish the following nine (9) criteria are met: (1) the proposal is consistent with the Comprehensive Plan and Downtown Subarea

Plan; and (2) the master planned development is consistent with the vision and objectives of the Downtown Subarea Plan in LMC 18B.100.110; and (3) the master planned development, by the use of permitted flexibility and variation in design, is a development practice that results in better urban design features than found in traditional development. Net benefit to the City may be demonstrated by one or more of the following: (a) placement, type or reduced bulk of structures; or, (b) interconnected usable open space; or, (c) recreation facilities; or, (d) other public facilities; or, (e) preservation of significant and/or heritage trees; or, (f) conservation of natural features; or, (g) conservation of critical areas and critical area buffers beyond; or, (h) aesthetic features and harmonious design; or, (i) energy efficient site design or building features; or, (j) use of low impact development techniques; and (4) the master planned development results in no greater burden on present and projected public utilities and services than would result from traditional development and will be served by adequate public or private facilities including streets, fire protection, and utilities; and (5) open space within the master planned development is an integrated part of the project rather than an isolated element of the project; and (6) the design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and (7) roads and streets, whether public or private, within and contiguous to the site comply with guidelines for construction of streets and the street frontage standards; and (8) each phase of the proposed development, as it is planned to be completed, contains the parking spaces, open space, recreation space, landscaping and utility area necessary for creating

and sustaining a desirable and stable environment; and (9) the master planned development is consistent with the planned action ordinance (Ordinance No. 696).

5. The Hearing Examiner reviewed all exhibits in the application file, including those exhibits introduced at the Public Hearing and those submitted during the open record period following the Hearing, which period closed on January 27, 2025. The index to the record consists of 25 separately lettered exhibits; some exhibits contain multiple documents that have been combined in categories for ease of reference.

6. Other required, separate permits not reviewed by the Hearing Examiner in this decision include: Design Review #10184¹ (including review of on-site lighting pursuant to LMC 18A.60.095 and review of the Project's consistency with Downtown Subarea Plan design requirements in LMC Chapters 18B.400 and 18B.500; Downtown Plan Trip Mitigation Fee #10783; SEPA Planned Action Review #11574; and future submission of Site Development Permit and Building Permits. Review of stormwater drainage and downstream analysis will be part of a separate Site Development Permit. The Applicant did not propose signage as part of the land use entitlement process. Signage will be reviewed pursuant to LMC Chapter 18A.100, which includes regulations for wall and free-standing signs. Individual signs will require their own separate sign permit which may be submitted at the time of building permit submittal.

¹ A final decision on Design Review is pending final approval of the Master Planned Development application due to the design deviations requested by the Applicant.

Property Location, Property Characteristics and Surrounding Properties

7. The site of the proposed Project is located at 5731 Main Street SW, Lakewood, Washington; Parcel Nos. APN#4002240070; #4002240010.

8. The Property has a zoning designation of Central Business District (CBD) and is within the Town Center Initiative Overlay District (TCI-O).

9. LMC 18B.100.120 shows the “Regulating Plan Map,” which designates development standards for projects based on the type of street on which a proposal will be located. The subject Property is located on “Mixed-Use Streets” and New Mixed-Use Streets. These are intended to offer street level residential, incorporate commercial activities, be pedestrian oriented and support a variety of activities and functions.

10. The current uses of the subject Property include a 5+ acre parking lot and an existing Barnes & Noble. Barnes & Noble is proposed to be demolished and relocated within the Towne Center through separate, required permits.

11. The Project site is relatively flat with little to no slope and is primarily covered with impervious asphalt surfaces. Storm drainage in this area is enclosed in underground pipes and connects to Ponce de Leon Creek at Gravelly Lake Dr SW which is approximately 1/3 mile away. Access to the site is gained from two (2) driveways directly off of Main Street SW.

12. Surrounding land uses and zoning are set forth in Table 3 of the Staff Report. Property to the north is zoned Central Business District and is developed with general retail uses. Property to

the south is zoned Residential-4 (R-4) and is developed with the St. Francis Cabrini church and school. Property to the east is zoned Residential-3 (R-3) and is developed with single-family residential uses. Property to the west is zoned Central Business District and is developed with general retail uses and City Hall.

Community Engagement

13. Since submitting its initial application in January 2024, the Applicant has worked with City staff and engaged with community members to modify and refine the proposed project and address items of concern. The Applicant made several modifications to the originally proposed project, including reduction of the number of dwelling units and parking spaces, increasing the landscape buffer and reducing the requested code-based deviations from ten (10) to two (2).

14. The City issued two (2) notices of application with public comment periods, a notice of public hearing with a public comment period, held a public hearing and left the written record open for four additional days for submittal of additional evidence.

15. Public comments submitted include a common theme of local support for the Lakewood Towne Center, appreciation for its culture and the desire to preserve its existing qualities. The Applicant submits that the Project will help preserve and support existing businesses in the Lakewood Towne Center by increasing the activity of the retail center through new property uses and additional foot traffic. The Project will complement the existing nature of the Lakewood Towne Center by bringing new residents to the doorsteps of these local retailers in a pedestrian friendly-

manner. The Applicant acknowledged concerns about the closing of an existing Barnes & Noble, but noted that it is not a party to negotiations with that retailer for its potential relocation to a new storefront within the Lakewood Towne Center.

16. Comments in support of the Project include those from St. Francis Cabrini Parish & School and Villa Plaza Shopping Center (Malcom Russell). St. Francis praised the Applicant for its community engagement and willingness to incorporate thoughtful design elements in landscaping and privacy. It looks forward to the significant opportunity the Project brings to the City with high-quality housing and an influx of families that will enrich the school and support local business. Mr. Russell noted that the Growth Management Act requires the City to increase housing units within its boundaries and stated that Towne Center is the best location for this growth. He noted that it is central to major 4-lane arterials, close to I-5 and the light rail station, on a major public transit bus hub and also close to government services, retail, groceries, a new library and restaurants within walking distance.

17. The Applicant retained The Transpo Group to study and prepare a traffic impact analysis for the Project. The City reviewed and approved the Applicant's traffic impact memorandum. The Applicant will be required to pay a traffic impact fee which will be used to invest in additional traffic infrastructure as needed to offset the newly generated trips. In terms of parking, the Applicant states that the project is intentionally "overparked" to benefit the future residents in the community while avoiding overcrowding parking within the Lakewood Towne Center.

18. Addressing environmental impact concerns, the Applicant evaluated its potential future environmental impact on the community vis-à-vis the City of Lakewood's Downtown Lakewood Plan and Planned Action Final EIS adopted in 2018. Compliance with the Planned Action EIS, including conditions related to environmental impacts and the regulatory bodies associated with those at the federal, regional, and state satisfies required environmental review pursuant to SEPA. The Applicant will comply with conditions related to building safety and quality, stormwater management, and site development; and conditions imposed by the City related to critical areas regulation, engineering standards, stormwater management, and highway runoff.

19. Several public comments expressed environmental concerns related to stormwater management. The Applicant explained that its current plans call for the treatment of all stormwater runoff through enhanced treatment facilities before discharging into the city system. The Project will decrease the imperviousness of the existing parking lot. Once complete, the Project will enhance the environmental treatment of stormwater management improving existing conditions.

20. As a result of the Applicant's conversations with community members, and review of public comments, it responded to the community's request for an expanded buffer between the Project and the church and school to the south, as well as between the Project and the backyards of single-family homeowners to the east. The Applicant reduced the proposed height of the buildings along the property boundary and increased the landscape between the residential communities and

its neighbors. The Applicant added Project features to make the perimeter street more pedestrian friendly, with additional open space, enhanced landscaping, public benches, and walking paths.

Access and Traffic

21. The subject Property has frontage on Main Street SW, which is classified as a Mixed Use Street, and a private roadway which is designated as a New Mixed-Use Street. LMC 18B.300.310 defines Mixed-Use Street as “Mixed-use streets support a variety of activities and functions both in the public right-of-way and development along the street edges. Street level retail is permitted, but not required, and a wider range of building frontage types are permitted, including street-level residential and office uses. Mixed-use streets also require pedestrian-oriented design and requirements may vary based on the location within the downtown.”

22. Access to the site is proposed via two existing driveways along Main Street SW. No change in location or design of the driveways are proposed. Access and traffic are reviewed under separate permits and are type 1 decisions. A Traffic Impact Analysis dated September 2024 was submitted as part of Planned Action SEPA checklist #11574 (Exhibit E). Additionally, a final Traffic Memorandum dated December 4, 2024 was reviewed as part of a separate Downtown Plan Traffic Mitigation Fee (TMF) Application # 10783 (Exhibits F and G).

23. The traffic analysis assessed PM peak hour trips of the existing Barnes & Noble and the proposal. The proposed development is forecasted to generate 568 new daily trips which is 4 fewer trips than the existing Barnes & Noble use. Traffic volumes are expected to be at or below

current levels. As the proposed project results in no increase in weekday PM peak hour trips, no off-site impacts are anticipated. Additionally, the traffic analysis reviewed multiple intersections during PM peak hour. The City's standard is Level of Service (LOS) D and the proposed development meets this standard.

Stormwater and Critical Areas

24. LMC Title 14 regulates the protection of critical areas. The proposed Project site is outside of the regulated shoreline jurisdiction and not subject to the provisions in the City's Shoreline Master Program. Because the proposal area is flat and no geological hazardous areas are located within the project area, the proposal is not subject to the provisions of LMC Chapter 14.146 Geologically Hazardous Areas.

25. Ponce de Leon Creek is approximately 1/3 mile west of the Project site. This creek flows west from a culvert under Gravelly Lake Drive between Avondale Road SW and Main Street SW. Ponce de Leon Creek is classified by the Washington Department of Natural Resources (DNR) as a Type F stream. The Applicant does not propose development within the immediate vicinity of this Type F stream. If it had, such development would be subject to the provisions in LMC Title 14.

26. The Project site is within an aquifer recharge area. However, the proposal is not subject to regulated activities and protection standards outlined in LMC 14.150.030 because the proposed use is residential, along with retail activities that exist within the project parcels.

27. Mapping resources produced by the Washington State Departments of Natural Resources (DNR) and Fish & Wildlife (WDFW) do not identify any existing stream typology, priority species and biodiversity or riparian corridor within or immediately adjacent to the proposed project site. LMC 14.154.050 identifies provisions for protection of streams and associated habitat and species. This is to ensure no net loss of existing function and value. However, these provisions do not require protection, mitigation or restoration of any existing, underground, piped drainage, as exists under the subject Property.

28. The Applicant proposes to address stormwater runoff through a combination of infiltration strategies using porous pavement and infiltration galleries. The City's Development Engineering department reviewed the Project and requires compliance with a condition of approval set forth in this Decision. As currently developed, the Property and associated parking lot do not meet current standards for stormwater treatment. As part of the site's redevelopment, application of current regulatory requirements for stormwater mitigation is required.

29. The Project requires a separate Site Development Permit (SDP) approval prior to construction. The SDP permit application will be reviewed with respect to stormwater quantity control, quality treatment, downstream analysis and erosion. The Applicant will be required to adhere to the LMC, City Engineering Standards, and the DOE Stormwater Manual for Western Washington.

30. The City Engineering Department noted that the soils in Towne Center may not drain as freely as other parts of the city and that the groundwater table is fairly shallow. The Applicant will

be required to follow all the requirements of the DOE SWMWW to address surface water runoff. The project does not qualify for an exemption of the 1985 condition. The City will require data on the groundwater elevations near the site to meet the investigation and reporting requirements in the 2024 SWMWW, and infiltration will need to be logged as an Under Ground Injection well as required by the DOE's underground injection control program.

Public Services

31. Public utilities and services provided to the Property are summarized in Table 4 of the Staff Report. These include Lakewood Water District (water), Lakeview Light and Power (power), Tacoma Public Utilities Sewer Pierce County (sewer), City of Lakewood Police Department (police), West Pierce Fire & Rescue (fire), Clover Park School District #400 (school), and Solid Waste LeMay Inc. (solid waste).

32. The proposal is within the Pierce County sewer service area. The Project will be served by sewer; no onsite septic system is proposed.

33. The proposal was reviewed by West Pierce Fire and Rescue (WPFR). The City received comments on September 24, 2024, but no conditions of approval or specific mitigation measures were requested. As part of future building permits, the Applicant will be required to abide by all regulations set forth for the proposal by WPFR, consistent with LMC Title 15, International Fire Code.

34. The City of Lakewood works with LeMay Inc. for solid waste removal on private properties. LeMay Inc was provided an opportunity to comment on the proposal during the Notice of Application periods. The City did not receive any comments, concerns or requests for revisions. The Applicant is required to work directly with LeMay to set up and provide adequate solid waste services for the proposal and to provide trash enclosures for solid waste in accordance with LMC 18A.70.150.A.6- Type VI, Area Screening. These standards require a combination of fencing/wall and landscaping that provides visual relief from dumpsters, recycling areas, or small storage yards, of less than two hundred (200) square feet in size. The City is separately reviewing the Applicant's consistency with such design standards as part of the site plan and pending Design Review application #10184.

35. Lakewood Water District is not affiliated with the City of Lakewood. The Applicant shall work with Lakewood Water District directly for all water connections, new lines or improvements. A Water Availability Letter shall be required as part of a complete building permit submittal. The existing subject sites are also currently serviced by Pierce County Sewer. Pursuant to LMC Chapter 12.15, the applicant is required to connect to the existing sewer system and make improvements as necessary or required by Pierce County. A County Sewer Permit shall be required prior to building permit issuance.

Applicable Land Use Development Regulations

36. The following development regulations and other related city permitting requirements are applicable to the City's review of all permits required for the Project: Title 12 (Public Works), Title 14 (Environmental Protection), Title 15 (Buildings and Construction), Title 18A (Land Use and Development Code), Title 18B (Downtown Development Code) and Ordinance No. 696 Planned Action EIS (SEPA and Downtown Traffic Mitigation Fee).

37. Pursuant to the Lakewood Comprehensive Plan, LMC Chapter 18A.60 and LMC Title 18B, LMC 18B.100.120 applies. It states that the regulating plan translates the community vision into a map. The regulating plan designates the locations, subdistricts, and streets that are intended to embody specific physical characteristics. It specifies the location and applicability of specific design treatments and maps where they are required. The regulating plan works in tandem with the development standards, tables, and figures to define the shape, size, and location of streets through connections, infill blocks, buildings, and landscaping.

38. Pursuant to LMC Title 18B.200.220, mixed-use development in the town center overlay incorporating multifamily residential uses is an allowed use. Standalone residential uses are prohibited. According to LMC Title 18A.10.180, the definition of mixed use means, "a project that combines both commercial and residential uses, where the residential component is typically located above the commercial. The code allows for multiple, horizontally and/or vertically attached dwelling units. Horizontal mixed-use means single-use buildings allowed on one (1) parcel. Vertical mixed-

use means a combination of different uses in the same building. Commercial uses shall comprise a minimum of thirty-five (35) percent of the square footage of the ground floor in multistory buildings and shall align with the building's frontage.”

39. Pursuant to LMC 18B.700.720(B), Development within the Downtown Subarea, an applicant may apply for a master plan for the development of five (5) or more acres. The subject Property is composed of two (2) parcels which total 34.11 acres. The proposed area of construction for the new development will utilize approximately 10.37 acres of said parcels. The proposal is in compliance with this requirement.

40. Site Design Land Use and development standards for the Downtown District are set forth in LMC 18B.200.230 (Tables 1 and 2 of Staff Report). Minimum density standards are not applicable; maximum density in the CBD is 100 units per acre for mixed-use development and 80 units for residential development only. The proposed Project will include 29.8 units per acre, meeting the maximum density requirement in the district. There is no minimum lot size for the Downtown District. Proposed uses and the applicable design standards in this chapter shall be used to establish the minimum lot size for a project. The proposed development will be sited on 10.37 acres of the total area of the two lots; in consideration of the proposed residential and mixed-uses and applicable design standards, the proposal is consistent with minimum lot size development standards for the district. There is no maximum lot size in this district. The proposal is in compliance with these requirements.

41. Per LMC 18A.60.090(A)(4), the minimum lot width is 50 feet in the district. The Project will have a lot width of 869 feet, meeting the minimum lot width requirement. There is no maximum lot depth in this district. The maximum height in the CBD is 90 feet. The height of the proposed buildings for the Project range between 43'11" feet to 64'5" feet, meeting the maximum height requirement. The proposal is in compliance with these requirements.

42. There is no maximum lot coverage standard for the Downtown District. However, lot coverage may be reduced on individual properties due to stormwater or landscaping requirements. The Proposal is expected to result in 270,000 square feet of impervious surface, not including the existing roads and sidewalks, which will be dedicated. There is no maximum lot coverage standard for the Downtown District. However, lot coverage may be reduced on individual properties due to stormwater or landscaping requirements. The Applicant proposes lot coverage of 19.8% for the Project. There are no stormwater or landscaping requirements that require a reduction in impervious surface or maximum lot coverage allowable for the Project. The proposal is consistent with these development standards.

43. Setback requirements for the Downtown District are set forth in LMB 18B.400.410 (Table 3 of the Staff Report). The front required setback, to the west, is 20 feet. The side setbacks, to the north and south, are 0 feet; the rear setback to the east, is 0 feet. The Project will be set back 62 feet from the front (west), between 12-149 feet from the north side, 65 feet from the south side and 77 feet from the rear (east). The Project meets required setbacks.

44. LMC 18B.600.610 requires one (1) standard required parking space per dwelling unit. The Proposal will include 309 dwelling units and will provide 473 parking spaces, 17 of which will be Americans with Disabilities Act (ADA) accessible. The proposal is in compliance with this requirement.

45. Required Landscaping Perimeter Buffers are set forth in LMC 18B.400-7 and 18A.70.150, set forth in Table 6 of the Staff Report. A Type I vegetative buffer, 8 feet wide, is required on the north boundary of the Property. The Applicant proposes a 6-12 foot wide Type I buffer in compliance with this requirement. On the south, east and west boundaries of the Property, a Type II vegetative buffer, 3-8 feet wide, is required. The Applicant proposes a 26-foot wide Type II buffer on the south boundary and an 18-foot wide Type II buffer on the east boundary of the Property, both of which will include required sidewalks, in compliance with this requirement. On the west boundary of the Property, the Applicant proposes a 6-foot wide Type II streetscape buffer in compliance with this requirement. The Applicant also proposes installation of 20-foot on center street trees in compliance with landscaping perimeter buffer requirements. The proposal is in compliance with these requirements.

46. No frontage improvements are proposed as part of the master plan application.

47. The Project will be consistent with all applicable development regulations in LMC 18A and 18B concerning density, impervious surface coverage, open space, lot size, parking, building height and landscaping.

Criteria for Approval of Master Planned Development Permit: LMC 18B.700.720(G)

#1 Consistency with the Comprehensive Plan and Downtown Subarea Plan

48. The Washington State Growth Management Act, Chapter, 36.70A RCW requires the City to adopt a Comprehensive Plan and associated development regulations. The city has also adopted subarea plans for certain geographic areas within the city. The subject Property is within the Downtown subarea plan and within the Town Center Overlay. The purpose of Downtown is to implement the direction and policies of the Lakewood Comprehensive Plan, the Lakewood community vision, and the downtown plan.

49. The Downtown Designation is intended to be redeveloped into an area of rich civic amenities, walkable streets, and a mix of uses, including housing, entertainment, restaurants, and retail that builds upon the cultural and economic assets of the City. Over a 20-year period, a majority share of new employment, population and housing units are planned for the downtown subarea.

50. Downtown is envisioned to provide a “complementary, interactive mixture of uses and urban design envisioned in the Downtown Subarea Plan provides for a regional intensity and viability with a local character. . . . Local character is reflected in the district’s design, people-orientation, and connectivity, which foster a sense of community. The Downtown is intended to attract . . . new high-density housing.” (Section 2.3.6 of the Comprehensive Plan).

51. The following Comprehensive Plan and Subarea Plan goals and policies are most relevant to the proposed Project:

Comprehensive Plan Chapter 3.3.2- Downtown.

GOAL LU-2: Ensure that housing exists for all economic segments of Lakewood's population.

GOAL LU-19: Promote redevelopment of the Downtown as a mixed-use urban center that creates a downtown and bolsters Lakewood's sense of identity as a City.

Policies:

LU-19.1: Promote the Downtown as the primary center for retail, office, public services, cultural activities, urban residential, and civic facilities of Lakewood.

LU-19.5: Remove underlying deed restrictions and/or covenants that prohibit office development, open space, high density residential development and/or mixed-use development in the Towne Center.

LU-19.6: Acquire lands and construct community-gathering destinations such as plazas, open space or community facilities within the Towne Center.

LU-19.9: Implement the policies and strategies in the Downtown Plan, which is hereby incorporated by reference as amended, to serve as a subarea plan and to supplement the Downtown policies of the comprehensive plan.

GOAL LU-20: Emphasize pedestrian and bicycle connectivity and transit use within the Downtown while accommodating automobiles.

Policies:

LU-20.1: Accommodate automobiles in balance with pedestrian, bicycle, and transit uses within the Downtown and on individual sites.

LU-20.3: Maintain an appropriate supply of parking in the Downtown as development intensifies.

52. Adding housing in high density developments will help create place within the Lakewood Towne Center (Section 1.4.3 of the Comprehensive Plan). There is a need for an additional

2,257 new housing units in the Downtown Subarea, which can be accomplished through “intensive mixed use urban development including higher density office and residential uses.” To promote higher density housing in Downtown, the City is also working to control sprawl (Section 1.4.1 of the Comprehensive Plan) and preserve existing neighborhoods (Section 1.4.2 of the Comprehensive Plan).

53. The Project is consistent with the above goals and policies of the City Comprehensive Plan. The proposed redevelopment will transform an oversized and under-utilized parking lot within the Towne Center area to provide quality multi-family housing to increase density and livability for the City’s commercial center, consistent with Goals LU-2 and LU-19 and Policy LU-19.1. The proposed development will increase density in the City center by adding residents who will be added to the customer base for surrounding commercial businesses consistent with Goals LU-2 and LU-19 and Policies LU-19.1, LU-19.5, LU-19.6 and LU-19.9.

54. The proposed Project is aligned with the City of Lakewood’s visions for Lakewood and its goals expressed in its Comprehensive Plan. The Project will bring much-needed housing to Lakewood’s Downtown in a high-quality, high-density manner. It will offer two different housing types with consistent but differing designs, aligning with the first four goals in the City of Lakewood’s Comprehensive Plan Goals for Housing. By avoiding the relocation or demolition of existing housing, the Project also meets the fifth housing goal of the Comprehensive Plan.

55. Pedestrian paths will be provided throughout the master planned development to connect residents to the neighboring commercial areas within the Towne Center, consistent with Goal LU-20 and Policies LU-20.1 and LU-20.3. Automobiles are accommodated with more than one parking stall per dwelling unit available on site.

56. The Project is consistent with Urban Design and Community Character Goal UD-3 (employ design standards to ease the transition of scale and intensity between abutting residential uses and between residential areas and other uses). The multifamily residential buildings are designed and located to ease the transition from surrounding single-family residential areas to commercial areas of the Towne Center. The buildings on the east side of the Project, located closer to single-family residential areas, are more suburban looking with pitched roofs and fiber cement lap siding. The building located along the commercial corridor (Main Street) is more urban in design with fiber cement panel cladding with pedestrian oriented design along the street front of Main Street.

57. The Project is consistent with the following goals for Economic Development: Goal ED-3, encourage increased ownership and quality housing throughout the city; and Goal ED-5, promote the revitalization/redevelopment of the Downtown Subarea. The Project will provide high-quality multifamily housing for Lakewood residents with contemporary, as well as economic, site and building designs with various residential amenities. The Downtown Subarea is currently designated as a residential target area; the Project will transform a large and mostly underutilized

parking lot located in the commercial portion of the Towne Center, allowing for increased density in the City center and bringing residents to the area to frequent surrounding commercial businesses.

58. The Applicant has established the Project is consistent with the Comprehensive Plan and Downtown Subarea Plan, as required by LMC 18B.700.720(G)(1).

#2 Consistency with Vision and Objectives of Downtown Subarea Plan LMC 18B.100.110

59. The vision and objectives of the Downtown Subarea Plan are set forth in LMC 18B.100.110:

- A. A vibrant mixed-use community. It is an inviting place where people live, work, meet, play, shop, and recreate.
- B. A multi-modal and accessible environment. People can move, walk, and bike safely and freely throughout the district.
- C. A signature part of Lakewood's identity. Downtown is a community gathering place that celebrates Lakewood's rich heritage, cultural communities, and civic pride.
- D. Environmentally sustainable. Greenery, open space, and landscaping connect this urban environment to nature and mimic natural systems where possible.
- E. A thriving business community. Increased daytime and nighttime populations support local businesses and create a lively place to shop, eat, or own a business.

60. The Project will promote a vibrant mixed-use community by providing multifamily housing for residents within the Towne Center in close proximity to commercial businesses, and additional opportunities to meet, play, and shop. Areas within the development will be dedicated for meeting, play, and recreation amenities for residents.

61. The Project will provide access for all modes of travel and all ages and abilities. Residential surface parking of more than one stall per dwelling unit will be provided to residents.

Pedestrian paths connect the entire development and are designed to meet accessibility code standards. Bicycle parking will also be provided for residents within secure rooms.

62. The Project will increase the livability of the Downtown area which, in turn, will strengthen Lakewood's sense of community. As the site is currently designated as a residential target area, adding residential housing with the Project will increase density in the commercial-oriented Towne Center.

63. The Project will improve existing conditions and will add greenery, open space, and landscaping into the urban environment, replacing large swaths of asphalt. What is primarily a monoculture of tree species will be diversified with an overall increase in planting area and trees, a variety of species, and distribution of landscape across the site. Trees, shrubs, and groundcover, consisting of drought-tolerant, native or adaptive species will enhance the site for human users and provide canopy and understory habitat for local fauna. Trees distributed across the site will help mitigate the heat island effect. The Project will retain and add to the perimeter landscape, preserving ecological functions and habitat of existing trees.

64. The Project will increase bring new residents to the area, increasing the customer base for the surrounding commercial businesses within the Downtown area. Local businesses will be supported throughout different times of the day when future residents live close nearby, thereby increasing the daytime and nighttime populations that may frequent local businesses.

65. The Applicant has established the Project is consistent with the vision and objectives of the Downtown Subarea Plan, set forth in LMC 18B.100.110, as required by LMC 18B.700.720(G)(2).

#3 The Master Planned Development, by the Use of Permitted Flexibility and Variation in Design, Results in Better Urban Features Than Traditional Development

66. An applicant can establish consistency with LMC 18.B.700.720(G)(3) by evidencing the proposed master planned development will have a net benefit to the City, demonstrated by one or more of the following: (a) placement, type or reduced bulk of structures; or, (b) interconnected usable open space; or, (c) recreation facilities; or, (d) other public facilities; or, (e) preservation of significant and/or heritage trees; or, (f) conservation of natural features; or, (g) conservation of critical areas and critical area buffers beyond; or, (h) aesthetic features and harmonious design; or, (i) energy efficient site design or building features; or, (j) use of low impact development techniques.

67. The Project includes well-planned urban features related to the placement, type and reduced bulk of proposed structures. Bulk will be reduced by breaking up the development into multiple buildings that will be positioned on the Property in consideration of site conditions. Building designs have been developed to provide continuity and transition from single-family residential homes toward the commercial corridor.

68. Interconnected, usable open space will be provided with the Project, which will replace the oversized and under-utilized asphalt parking lot. Developable area will be allocated to shared open spaces and landscaping, as opposed to private open spaces, to create a greater sense of

community among residents. Substantial numbers of existing trees will be retained, with additional, interspersed species of trees, shrubs and other landscaping. The proposed development has been designed to be aesthetically pleasing and the parking areas will be shielded from vehicles and pedestrians on the street.

69. Allowing the Applicant to vary the maximum building dimensional standard and the requirement for mid-block connections will allow for a cohesive, community-centric design that will be safer for pedestrians.

70. The Applicant has established that the Project, by the use of permitted flexibility and variation in design, will result in better urban features than traditional development, as required by LMC 18B.700.720(G)(3).

#4 The Master Planned Development Results in No Greater Burden on Present and Projected Public Utilities Than Would Result from Traditional Development and Will Be Served by Adequate Public or Private Facilities.

71. The proposed Mixed-Use development is a permitted use in the CBD. It requires a Master Planned Development approval because the Applicant seeks two (2) variations from applicable form-based code requirements. The Applicant has established that the Project will be served by adequate public and/or private facilities. The two requested variations from form-based code requirements will not cause any greater burden on present and projected public utilities than if the Applicant did not request such variations.

72. The Applicant has established that the Project will not result in any greater burden on present and projected public utilities than would result from traditional development and that there are adequate public and private facilities to serve the Project, as required by LMC 18B.700.720(G)(4).

#5 Open Space Within the Master Planned Development is an Integrated Part of the Project Rather than an Isolated Element of the Project

73. The Project will include a series of open spaces for residents for active and passive recreation, including trees, shrubs and groundcover, fixed and moveable seating elements, pergola/trellis structures, hardscape, soft surfacing in play area/game areas, area for a pet park, BBQ/outdoor dining, and pickleball court. A roof deck will provide amenity spaces for residents in the west building, including trees, shrubs and groundcover, fixed and moveable seating elements, hardscape, soft surfacing in game area, BBQ/outdoor dining, and tenant gardening. Privately owned open space will be maintained.

74. The Applicant has established that open space within the proposed Master Planned Development is an integrated part of the Project, as required by LMC 18B.700.720(G)(5).

#6 The Design is Compatible With and Responds to the Existing or Intended Character, Appearance, Quality of Development and Physical Characteristics of the Subject Property and Immediate Vicinity

75. The design of the overall Project, with parking areas shielded from street view, multifamily residential buildings that are designed in a manner to ease the transition from surrounding single-family residential areas to commercial areas of the Town Center, retention of

existing trees and addition of new, varied drought-tolerant trees and shrubs, the modulation of building facades and the mimicking of single-family homes with pitched roofs and fiber cement lap siding evidence thoughtful design by the Applicant. The Applicant has established compatibility of design with both the subject property and immediate vicinity, as required by LMC 18B.700.720(G)(6).

#7 Roads and Streets, Whether Public or Private, Within and Contiguous to the Site Comply with Guidelines for Construction of Streets and the Street Frontage Standards

76. The Applicant proposes a new right-of-way to be dedicated along the southern and eastern section of the site, designated as a mixed-use street. This street is designed to meet all street section and street frontage standards. The street section contains two vehicle travel lanes, a center turning lane, a landscape strip on each side, and a sidewalk on the side adjacent to this development. The Applicant states that guidelines for construction will be followed during the right-of-way improvements.

77. The Applicant has established that roads and streets within and contiguous to the site will comply with street construction guidelines and street frontage standards, as required by LMC 18B.700.720(G)(7).

#8 Each Phase of the Proposed Development... Contains the Parking Spaces, Open Space, Recreation Space, Landscaping and Utility Area Necessary for Creating and Sustaining a Desirable and Stable Environment

78. The Applicant states that the proposed development is designed for each phase to contain all these necessary functions for residents, and construction work will be coordinated to not

disrupt any of them until the development is complete. The Applicant has established development of the Project will proceed in the manner required by LMC 18B.700.720(G)(8).

#9 The Master Planned Development is Consistent with the Planned Action Ordinance (Ordinance No. 696)

79. The Applicant is required to develop the Project in a manner consistent with the Planned Action Ordinance (Ordinance No. 696), as set forth in LMC 18.B.700.720(G)(8).

Requested Variations from Form-Based Code

80. The Applicant requested two departures within the proposed master planned development to allow for affordable, market-rate housing to be built within the Town Center. The proximity to a variety of commercial businesses makes this site a desirable location for future residents, and the proposed design provides more affordable housing than what can be achieved through strict adherence of the land use code.

81. The Applicant provided a visual representation of potential conflicts that would result if it adhered to all form-based code requirements on page 12 (Exhibit D). Under LMC Title 18B.700.720(C), a master planned development application allows an applicant to the modification of development standards within the Downtown Subarea including, but not limited to, height, site design, building design, landscaping, parking, and signage.

82. The balance of breaking up large blocks vs creating a safe environment for pedestrians and bicyclists is outlined in Comprehensive Plan goal T-14, which encourages areas near schools, shopping areas, and high density residential to locate connections in a logical manner, providing

connections where needed to access destinations and limiting connections where they create potential safety hazards. Given the surrounding uses and building orientation to the north, connections through the site would fall into the latter category, creating more hazard than benefit. The importance of residential density is a primary goal in the City's Comprehensive Plan. To meet this requirement would reduce density in a significant way, impacting the overall community and environment of Lakewood in a negative manner.

83. In public comment letters, many residents expressed concern for the ability of the Project to provide enough parking for the development with worries that residents would park in adjacent parking lots meant for the town center retail spaces, making it more difficult for people visiting the retail spaces to park. Currently the Project provides parking in excess of the code required 1 stall: 1 unit in an amount that has been predicted to adequately meet the resident demand. These required connections would reduce parking significantly and would more likely result in the Project not being able to provide enough parking to meet the resident demand.

84. Applying the regulations for midblock connections in LMC 18B.300.310(A) and 18B.300.310(B) to the Project would reduce areas for required landscaping, reduce density and reduce open space. Midblock connections are required every 200 feet, which means an applicant must have four (4) buildings per 400 feet of block frontage. Complying with these requirements at the subject property would create more points of potential conflict between pedestrians, bicyclists and vehicles. The intent of this code requirement is to provide connectivity for pedestrian and

vehicular traffic. The City may approve modifications to this requirement based on site-specific conditions, including parcel ownership and configuration. With the configuration of the Lakewood Towne Center to the north, requiring compliance with these code sections will force the Project into more driveways while breaking up the pedestrian walkways to the south and east. Comprehensive Plan Goal T-14 encourages areas near schools, shopping areas, and high density residential to locate connections in a logical manner, providing connections where needed to access destinations and limiting connections where they create potential safety hazards.

85. Deviation from the mid-block connection requirements will further this Comprehensive Plan Goal. Given that surrounding uses do not provide any connections to the current right of way and given the lack of block frontage of those surrounding uses, it is unlikely that the school to the south and single family residential uses to the east will require or benefit from block access points connecting to the Target loading dock or the AMC trash enclosure. With additional vehicular access being unnecessary, compliance with the mid-block connection requirements would reduce landscaping and create more points of potential conflict between pedestrians and vehicles.

86. Applying the Maximum Building Length Requirement in LMC 18A.70.040(C)(1)(c) of 160 feet to the Project would result in fewer units, reducing the Project's achievable residential density, would require construction of additional building(s), and would undermine the Applicant's design, which relies on siting a longer building in a manner and with the appearance of an urban building. The longest proposed building dimension is 180 feet. With this slight increase in the

building length, the Applicant will be able to achieve a higher density of dwelling units that is more consistent with urban design goals in the Comprehensive Plan.

87. Adhering to the maximum building length requirement would require the Applicant to re-design the Project, resulting in less connection within the new residential community. Compliance with this code requirement will result in smaller, less energy-efficient buildings (given the increase in building envelope) with fewer units provided. To achieve the same number of dwellings, the Project will need more land area to accommodate the siting of more, smaller buildings. The Applicant proposes to use architectural tools such as variation in building materials/colors, balcony projections, and the overall arrangement of the buildings on the site to reduce the perceived mass and length, while meeting the intent of this code section.

88. LMC Title 18B.100.140 states, “In the case of a conflict between the regulations in Chapter 18B.100 LMC, Downtown District, and the rest of the Lakewood Municipal Code, the regulations in Chapter 18B.100 LMC, Downtown District, shall control.” Therefore, LMC Chapters 18B.400 and 18B.500 contain the applicable regulations for site design, building design, frontage requirements, green infrastructure, landscaping and open space. Within these sections specific to design criteria, building dimensions are not regulated or limited as they are in the design review criteria for multifamily buildings outside of the downtown, governed by Title 18A.

89. LMC Title 18B is the applicable code for this proposal and the Applicant’s two requested departures are permissible.

SEPA and Notice

90. The State Environmental Policy Act (SEPA), set forth in Chapter 43.21C RCW (Revised Code of Washington), and LMC Chapter 14.02 require the City to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The City of Lakewood completed SEPA review for the proposed project under application #11574.

91. The proposed project is located within the Central Business District and the Towne Center Incentive Overlay District. This area is subject to the adopted Planned Action EIS, Ordinance No. 696.

92. Based on a review of the project materials and associated Planned Action SEPA Checklist, the City of Lakewood SEPA Responsible Official issued a Determination of Consistency pursuant to RCW 43.21C.440(3)(b) on January 14, 2025.

93. Pursuant to LMC 18A.20 Article III, a Notice of Application (NOA) was originally published on February 20, 2024 and the public comment period concluded on March 19, 2024. Due to significant project proposal modification to the application, a revised NOA was published on September 20, 2024. The second NOA comment period concluded on October 4, 2024. Amongst the two (2) NOA comment periods, 119 total public comments were received prior to the Public Hearing. Common themes of concern expressed in the public comments include: traffic, parking, Ponce De Leon Creek/aquifer recharge area, water pollution, infrastructure, loss of bookstore,

overcrowding, walkability/bike-ability, animal habitat, building size, natural light, open space, child safety, and SEPA compliance.

94. A Notice of Public Hearing in accordance with LMC 18A.20.340 was published on January 10, 2025.

95. The applicant provided responses to public comments in their project narrative dated December 5, 2024 and at the Public Hearing. Additionally, Department staff reviewed public concerns and provided evaluations of such concerns in the Staff Report.

96. Where mitigation measures are required, they are required as conditions of approval of this Decision and shall be regulated by the agency of jurisdiction.

97. Agency comments were received from West Pierce Fire and Rescue, dated March 13, 2024 (Exhibit J). Comments from Planning and Public Works-Engineering, were provided through the City's permit portal as of December 17, 2024 and identified the requirement for a site development permit. No additional agency comments were received during either NOA for the Project.

98. City Staff recommends approval of the requested Master Planned Development Permit subject to the conditions found on pages 17-18 of the Staff Report. The Applicant does not object to these conditions.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the parties and the subject matter.
2. The powers of the City of Lakewood Hearing Examiner are set forth in LMC Chapter 1.36.
3. The Hearing Examiner has review and decision authority for this Master Planned Development application under LMC Chapters 18A.20 and 18B.700. The Hearing Examiner may approve, approve with conditions, or deny a Type III application for Master Planned Development.
4. Any Conclusions of Law contained in the foregoing Background Section, Public Hearing Section, Analysis Section or Findings of Fact Section are hereby incorporated herein by reference and adopted by the Hearing Examiner as her Conclusions of Law.
5. All public notice requirements for this application have been met.
6. All SEPA requirements have been met.
7. The proposed use is consistent with the City's Comprehensive Plan.
8. The proposed use is consistent with the vision and objectives of the Downtown Subarea Plan set forth in LMC 18B.100.110.
9. The proposed use meets the mixed-use definition in LMC Title 18A.10.180.
10. The proposed use, as conditioned, is consistent with the applicable development regulations in LMC Titles 18A and 18B, as required by LMC 18A.200.230.

11. LMC Title 18B is applicable to this proposal; the Applicant's requested departure from the dimensional criterion in LMC 18A.70.040(C)(1). is permissible.

12. The project, as conditioned, satisfies all requirements of LMC 18B.700.720(G)(1) through (G)(9).

13. The requested Master Planned Development Permit should be granted subject to the conditions set forth below. Now, therefore, Master Planned Development Permit #10185 is **approved** subject to the following:

DECISION

1. The Alliance Multifamily Project approved in this Decision shall be constructed in compliance with this Decision and all conditions of approval.

2. The Master Planned Development Permit shall expire and be null and void two (2) years from the date final approval was issued. LMC 18A.20.090.D. Land use approval shall be extended two (2) additional years if a complete building or other construction permit application for the project is submitted prior to expiration of the land use approval.

3. Major modification to the Master Planned Development Permit shall be reviewed under the vested rules of the associated development regulations and original project permit application in accordance with LMC 18A.20.085. Any amendment is subject to all procedural review requirements and may require additional fees or supporting information as necessary for consistent and informed review.

4. The Planning and Public Works Director is authorized and empowered to revoke any permit issued by the Department in error or based on false or misleading information or upon failure of the permit holder thereof to comply with any provision or condition of this title. LMC 18A.20.105(C).

5. In accordance with LMC 18B.500.530(C), the Applicant shall provide an appraisal which details the fair market value of the deficient 5,424 square foot private open space decks, balconies and patios that could not be incorporated into the Project. This appraisal will determine the fee in lieu required to be paid at the time of building permit issuance. The appraisal must be completed by a licensed appraiser in the state of Washington and shall not be older than six (6) months at the time of submittal.

6. All required landscaping shall be installed prior to issuance of a building certificate of occupancy (CO) or final inspection, as required by LMC 18A.70.190(A)(1).

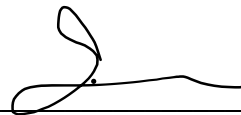
7. The Applicant shall obtain an approved and issued Site Development Permit prior to any site development activities. The Applicant shall abide by LMC Title 12 Public Works, Lakewood Engineering Standards and Ecology's Stormwater Management Manual for Western Washington. Further stormwater quantity control, quality treatment, downstream analysis and erosion and sedimentation controls will be reviewed at the time of a complete Site Development application submittal.

8. The Applicant shall obtain approved and issued building permits prior to any construction occurring on the Property. The Applicant shall abide by regulations set forth LMC Title 15, International Fire Code when preparing its plan set and associated building permit submittals.

9. The applicant shall work directly with LeMay Inc regarding solid waste services for the proposal. Trash enclosures shall meet the design guidelines set forth in LMC 18A.70.150(A)(6) and LMC 18A.70.050(B).

10. The Applicant shall obtain the necessary water and sewer permit approvals from appropriate outside agencies.

DATED this 5th day of February, 2025



STEPHANIE E. MARSHALL
CITY OF LAKEWOOD
PRO TEM HEARING EXAMINER

Appeal Right and Valuation Notices

Final decisions of the Hearing Examiner are subject to appeal to superior court. Appeals of final land use decisions to superior court are governed by the Land Use Petition Act ("LUPA"), Chapter 36.70C RCW. LUPA imposes short appeal deadlines with strict service requirements. Persons wishing to file LUPA appeals should consult with an attorney to ensure that LUPA appeal requirements are correctly followed.

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