

BEFORE THE CITY OF LAKEWOOD HEARING EXAMINER

IN RE:) Conditional Use Permit #13614
) Design Review #13600
)
) FINDINGS OF FACT, ANALYSIS,
Gerald Koh, Applicant) CONCLUSIONS OF LAW AND DECISION

APPLICANT: Gerald Koh

OWNER: Brose LLC

LOCATION OF PROPOSAL: Parcel #: XXX San Francisco Ave SW (has not been assigned an address) (APN #0219118031)

SUMMARY OF REQUEST: The applicant is seeking approval of a Conditional Use Permit and Design Review application to construct a new McDonald's Restaurant with side-by-side drive-through, parking, accessible path of travel to sidewalk, site branding, signage (separate permit), site lighting, landscaping, and a trash enclosure. The proposed structure will be approximately 3,694 square feet on an approximately 0.91-acre site that is currently vacant and located in the Neighborhood Commercial (NC2) zoning district.

PROJECT NAME: McDonald's

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

BACKGROUND

The applicant is seeking approval of a Conditional Use Permit and Design Review for a 3,694 square foot McDonald's Restaurant with drive-through in the Neighborhood Commercial (NC2) zoning district. A Conditional Use Permit (CUP) is required for a Restaurant, café, coffee shop, drive-through services use in the NC2 zoning district per LMC 18A.40.050.A (Eating and drinking establishments). Other site improvements include customer parking, bicycle parking, exterior lighting, path of travel to sidewalk, trash enclosure, and landscaping. The application is subject to site planning and general development standards in LMC Chapter 18A.60. Per LMC 18A.20.080, CUPs shall be processed as a Type III procedure. Conditional use permits are a type of discretionary permit under LMC Chapter 18A.30, Article V.

Design Review approvals are required for all development projects in the NC2 zoning district. LMC 18A.70.040. Per LMC 18A.70.030, Design Review is subject to the review procedures set forth in Chapter 18A.30 LMC, Article V, Land Use Review and Approval and Chapter 18A.20 LMC, Article I, Administration. Design Review shall be processed as a Type I procedure. LMC 18A.20.080.

LMC 18A.30.410 states that the purpose of land use review and approval of a discretionary application, such as a CUP, is to ensure that the proposed development is in compliance with the adopted plans, policies, and ordinances of the City of Lakewood. The Hearing Examiner has

reviewed the CUP application, but because the Design Review application is subject to a Type I procedure, the Hearing Examiner's Findings of Fact, Analysis, Conclusions of Law and Decision only addresses the CUP application.

PUBLIC HEARING

The Public Hearing on the CUP application commenced at 1:00 p.m. on Tuesday, February 18, 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 MillieAnne VanDevender, Consulting Planner, Andrea Bell, Senior Planner, and Franc Sawatzki, civil engineer. City of Lakewood Pro Tem Hearing Examiner, Stephanie Marshall, presided.

Applicant Gerald Koh was present at the Hearing, as well as Kelsie Hieber, the McDonald's construction representative. No members of the public asked to testify.

Testimony was received from Ms. VanDevender, Ms. Bell and Mr. Sawatzki on behalf of the City. The applicant did not present testimony. A verbatim recording was made of the Public Hearing and all testimony was taken under oath. Documents considered at the time of the hearing were the Staff Report and Recommendation dated February 11, 2025 (Exhibit 1), along with the following exhibits:

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| 2. | Notice of Public Hearing | |
| 3. | Notice of Application | dated 09/20/2024 |
| 4. | CUP Application | received 08/27/2024 |

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| 5. | Required Findings | received 08/27/2024 |
| 6. | Operational Characteristics | received 08/27/2024 |
| 7. | Plans (Revision 1) | received 12/11/2024 |
| 8. | Certificate of Water Availability | dated 07/03/2024 |
| 9. | Traffic Impact Analysis (Revision 1) | dated 10/2024 and received 2/11/2024 |
| 10. | Affidavit of Posting | dated 07/23/2024 |
| 11. | Sound Range | dated 12/19/2019 |
| 12. | Sound Pressure | received 12/11/2024 |
| 13. | Drive-Thru Sound Pressure | received 12/11/2024 |
| 14. | Photometric | dated 12/04/2024 |
| 15. | Response | dated 11/04/2024 |
| 16. | Colors | received 07/29/2024 |
| 17. | Elevations | received 07/29/2024 |
| 18. | Project Photos | received 07/29/2024 |
| 19. | Title Report | dated 07/02/2024 |
| 20. | Comment Email | dated 10/03/2024 |
| 21. | Comment Letter: West
Pierce Fire & Rescue | dated 05/23/2024 |

The Public Hearing and written record were closed at the conclusion of all testimony.

Additional exhibits received during the hearing and introduced into the record include:

22. PowerPoint Presentation by MillieAnne VanDevener
23. Zoom Video of Public Hearing

City's Presentation. The Hearing commenced with the testimony of MillieAnne VanDevender, Consulting Planner, and author of the City's Staff Report. Ms. VanDevender introduced herself as a consulting planner for the City of Lakewood. She presented a PowerPoint slideshow of the proposal, which included aerial photographs, photographs of traffic on adjoining streets, site layout drawings, elevations, proposed materials and finishes, the standards to be satisfied for issuance of a CUP, and City staff's analysis. She stated that a CUP is required for all drive-thru restaurant establishments

and that the property is located in the NC2 zone. Ms. VanDevender discussed the fact that design review is a Type I administrative decision.

Ms. VanDevender addressed development standards applicable to the proposal including access, drive-through aisle, landscaping, parking and lighting. She testified regarding the unique street frontage of the odd-shaped parcel and the existing conditions on, and zoning designations of, surrounding properties. The site is surrounded by multi-family and neighborhood commercial uses. It has frontage on three (3) rights-of-way. Two (2) entrances to the McDonald's will be from San Francisco Ave. SW and Solberg Drive SE, respectively. Bridgeport Way SE is also adjacent to the property; there is no proposed access from Bridgeport Way.

Ms. VanDevender described the proposal and layout of the drive-through on the property. The building will be approximately 3,700 square feet in size, with a drive-through on the southeast side of the building. She noted that the site does not currently have an assigned address. The applicant also proposes to install on-site lighting, landscaping, a trash enclosure and pedestrian connection to/from Bridgeport Way SE. For the applicant to comply with LMC 12.09.031.C (deferral of street frontage requirements), a condition of approval of this Decision requires the applicant to pay to the City an amount equal to the property owner's cost of installing required street improvements on San Francisco Ave. SW prior to issuance of a building permit. Ms. VanDevender also addressed the public comment that requested that a chain link fence between the site and the adjacent childcare

facility be replaced with a wood fence. She stated that the water meter must be moved, but that review of that component of the proposal will be addressed during site plan review.

Ms. VanDevender generally described the City's compliance with public notice requirements for this application and the process for reviewing a Type III permit. She testified that the proposal is exempt from review under the State Environmental Policy Act (SEPA).

Ms. VanDevender provided an overview of how customers will access and exit the site and how circulation through the two-lane drive-through will occur. She testified that the intersection of San Francisco Ave. SW and Bridgeport Way currently operates at LOS D and that such level of service will not diminish as a result of the proposal.

With respect to conditional use permit criteria, Ms. VanDevender focused on potential noise impacts and visual impacts and discussed proposed installation of landscaping as required by LMC 18A.40.050.B.3.a, and street trees. She described how the drive-through aspect of the proposal will be "tucked away," and less visible. The applicant is proposing landscaping and street trees to provide a visual buffer, as well. Ms. VanDevender testified that the proposal will not adversely affect the established character of the neighborhood, will not be materially detrimental to future land uses, will not be detrimental to the public health, safety and welfare and will not result in any hazardous conditions.

Ms. VanDevender stated that an enclosed dumpster will be sited between the restaurant and drive-through lanes. The applicant provided information on noise from the drive-through speakers,

which will be sited 37 feet from the property line and 58 feet from San Francisco Ave. SW. Noise at 32 feet will be approximately 54 decibels. The sound of an average conversation is 60 decibels. The replacement of a chain link fence with a wood fence will help dampen the sound. The speakers will have an automatic volume control based on outside ambient noise.

With respect to safety concerns, Ms. VanDevender testified that the queuing lanes are separate from the parking lot, sidewalk and pedestrian areas. The queuing lanes will accommodate three vehicles; it is 75-feet from the point of order to the pick-up window. There will be two queuing lanes, which transition to one lane, then flare back out to two lanes. The design of the drive-through will keep pedestrians away from that area. She also stated that there will be a pedestrian walkway from Bridgeport, constructed out of different materials. Ms. VanDevender noted that LMC 18A.40.050.B.3.h prohibits overflow from the drive-through onto public streets.

Ms. VanDevender testified that the proposal is consistent with the City Comprehensive Plan and the Corridor Commercial goals and policies. The site is within the Springbrook Center of Local Importance.

For all the reasons set forth in the Staff Report, Ms. VanDevender stated that staff recommends approval of the Conditional Use Permit, subject to conditions of approval in the Staff Report.

Applicant's Presentation. The Applicant did not make a presentation.

Public Testimony. No members of the public testified at the Public Hearing.

City's Response. Andrea Bell, Senior Planner and Franc Sawatzki, Associate Civil Engineer, testified that a change to the proposed condition of approval concerning improvements to San Francisco Ave. SW is required. Mr. Sawatzki stated that the City has received a grant that will be applied toward the San Francisco Ave. SW improvements, which improvements will be installed by the City. The McDonald's is expected to pay a fee-in-lieu per LMC 12 for their fair share of the construction.

ANALYSIS

For issuance of a conditional use permit, LMC 18A.30.130 requires the applicant to demonstrate: (1) the granting of the conditional use permit will not adversely affect the established character of the surrounding vicinity; (2) the granting of the conditional use permit will not be detrimental to the public health, safety and general welfare; (3) the granting of the conditional use permit will not be injurious to the property or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located; (4) the granting of the conditional use permit will be consistent with the goals and policies of the comprehensive plan, and applicable subarea plans; and (5) the conditional use permit complies with applicable requirements as set forth in the LMC at the time of application completeness. For approval of this application, the applicant also must demonstrate compliance with applicable LMC regulations governing site layout, access, drive-through aisle requirements, parking, pedestrian safety, lighting, landscaping, lot coverage/impervious surface, setbacks, screening, stormwater and waste disposal requirements.

The applicant has demonstrated with substantial evidence that the proposed McDonald's and drive-through, subject to compliance with conditions of approval in this Decision, will not adversely affect the established character of the surrounding vicinity. Screening measures include landscaping, appropriate positioning of the restaurant and drive-through on the site and replacement of a chain link fence with a wood fence, all of which will improve consistency of the proposal with the established commercial and multi-family uses in the surrounding vicinity.

Substantial evidence establishes that the granting of the conditional use permit will not be detrimental to the public health, safety and general welfare, with its proposed pedestrian safety measures, drive-through aisle design, design of sound speakers, and installation of landscaping, provided the applicant complies with conditions of approval addressing access, street improvements, comments from the fire department. For the same reasons, the evidence in the record shows that the granting of the conditional use permit will not be injurious to the property or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.

The requested CUP is consistent with the goals and policies of the Comprehensive Plan and the Corridor Commercial Springbrook Center of Local Importance, specifically Policies LU-17.4, LU-181, LU-21.1 and LU-53.5, addressing auto-oriented businesses, concentration of commercial uses in the commercial corridor, encouraging varying types of businesses and adding to the pedestrian experience with improvements such as sidewalks and trees.

Substantial evidence in the record shows that the proposal will comply with all applicable LMC regulations governing site layout, access, drive-through aisle requirements, pedestrian safety, lighting and landscaping, lot coverage/impervious surface, setbacks, screening, stormwater and waste disposal requirements. The applicant provided revisions to its plans and elevations in November 2024 to provide additional information and address regulations called out by staff in its October 24, 2024 letter. The revised plans, elevations and additional information provided by the applicant, along with other application materials in the record, demonstrate the proposal's consistency with all applicable City requirements, which will further provide protection of the public health, safety and welfare and ensure consistency of the proposal with surrounding land uses and the neighborhood.

With respect to notice, the record shows that the City complied with LMC 18A.20 Article III, in issuing a Notice of Application (NOA) and the Notice of Public Hearing to residents within 300 feet of the Property. The Hearing Examiner concludes that the City met all applicable public notice requirements for the Conditional Use Permit application.

For the foregoing reasons, the Hearing Examiner concludes that: (1) the applicant has adequately demonstrated that all requirements for a Conditional Use Permit in LMC 18A.30.130 have been met; (2) the proposed restaurant and drive-through, as conditioned, will meet all applicable lighting, parking, drive-through, access, lot coverage/impervious surface, setbacks, screening, stormwater and waste disposal requirements; (3) adequate public notice of the application was

provided; and (4) the Conditional Use 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 Hearing Examiner has review and decision authority for this Conditional Use Permit application under LMC Chapter 18A.20. The Hearing Examiner may approve, approve with conditions, or deny a Type III Conditional Use Permit.

3. The applicant Gerald Koh requests approval of a Conditional Use Permit and Design Review application to construct a new McDonald's Restaurant with side-by-side drive-through, new parking lot, accessible path of travel to sidewalk, site branding, signage (separate permit), site lighting, landscaping, and a trash enclosure. The proposed structure will be approximately 3,694 square feet on an approximately 0.91-acre site in the Neighborhood Commercial (NC2) zoning district. (Exhibits 4-7, 14 and 18).

4. Per LMC 18A.40.050.A, Eating and Drinking Establishments Land Use Table, the proposed restaurant with drive-through services is subject to a Conditional Use Permit (CUP).

5. A Conditional Use Permit application is a Type III hearings Examiner decision per LMC 18A.20.080. Pursuant to LMC 18A.30.130, a conditional use permit application 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, or can be met.

6. Conditional use permits are required for land uses which are appropriate in a zone but typically have certain characteristics such as traffic generation or building mass which warrant imposition of special conditions to ensure compatibility with permitted uses in the zone.

7. The applicant has the burden of proof and must establish the proposed conditional use meets all applicable standards of the LMC and is consistent with any applicable state and federal laws and regulations.

8. The Hearing Examiner reviewed all exhibits in the application file and testimony provided at the public hearing. The index to the record consists of twenty-two (22) separately numbered exhibits.

9. Other required, separate permits not reviewed by the Hearing Examiner in this Decision include Design Review, Site Development and Building Permits and signage permits.

10. Design Review approvals are required for all development projects in the NC2 zoning district per LMC 18A.60.040. This includes density standards, height standards, lot coverage, impervious surface, lighting, parking, landscaping, setbacks, access and stormwater. Per LMC 18A.20.080, Design Review shall be processed as a Type I administrative procedure. Per LMC 18A.70.030, design review is subject to the review procedures set forth in LMC Chapter 18A.30, Article V, Land Use Review and Approval and LMC Chapter 18A.20, Article I, Administration.

11. The City deemed the application complete on August 28, 2024. A Notice of Application was issued on September 20, 2024, for App # 6210 / 13614 – McDonalds Design Review and CUP. (Exhibit 3). The City subsequently received comments from one entity. (Exhibit 20).

12. On October 26, 2024, the City provided comments on the application, to which the applicant filed a written response on November 4, 2024 (Exhibit 15) by Atwell LLC, Jon Koepfgen, PE, Project Manager.

13. Exhibit 15 includes responses and reference to the additional information provided by the applicant in response to questions concerning: (a) compliance with LMC 18A.40.050(B)(3)(c), requiring that drive-through speakers must not be audible off site; (b) LMC 18A.40.050(B)(3)(f), requiring that the drive-through queuing lanes must allow space for at least three vehicles awaiting service, which must encompass a minimum distance of 60 linear feet as measured from each point of customer service to the end of the lane. For uses having multiple drive-through service lanes, each lane must provide this minimum; (c) LMC 18A.60.095(C)(1) and 18A.70.040(A)(5)(d-f), requiring the lighting onsite to meet the requirements for Lakewood Lighting Zone 1; (d) compliance with LMC 18A.60.130(B), sidewalks a minimum of five feet wide must be constructed along all arterial streets contiguous to the property, with curb, gutter, and an adjacent landscape strip, and shall meet the standards of LMC Title 12, Public Works; (e) LMC 18A.70.040(A)(1)(g) requiring pedestrian walkways through parking lots that must be delineated using a variation in pavement texture and color and protected from abutting vehicle circulation areas with landscaping or by being raised above

the driving surface level; (f) LMC 18A.70.040(A)(2)(c)(iv) which prohibits mirrored, darkly tinted, or reflective glass in windows and doors on the ground floor that are visible from a public street or residential zone and requesting applicant to provide a note on the exterior elevations stating that the window glass will not be mirrored, darkly tinted, or reflective; (g) LMC 18A.70.040(A)(2)(c)(v) and 18A.70.050(B)(7), which require roof-mounted service equipment to be screened from view and should be located so that it blends with the architecture of the building and is not visible from the street or adjacent properties. Any proposed screening should ensure that the roofscape is an integral part of the design concept with respect to form, materials, and color. Special attention shall be given in those areas where the roofs can be seen from adjacent roadways. It appears the roof design includes a parapet wall that extends above the surface of the relatively flat roof however, it is unclear how tall the parapet wall is proposed to be and whether roof-mounted equipment will be screened as required. Confirm that the proposal meets all requirements by including the height of the parapet wall and showing roof-mounted equipment is outside the line of sight from adjacent public sidewalks, streets, and adjacent properties; (h) compliance with LMC 18A.70.320 and 18A.70.040(A)(3)(b)(ii) regarding retention of significant trees; (i) compliance with LMC 18A.70.050(C)(1), which requires the design to include weather protection in the form of an awning, canopy, marquee, building overhang, or other feature that creates a covered pedestrian space; (j) compliance with LMC 18A.70.150(A)(2)(c) and LMC 18A.70.170, deciduous street trees; (k) LMC 18A.70.150(A)(4)(a), internal landscaping islands; (l) LMC 18A.80.030(F), bicycle parking spaces

14. The applicant included additional information about the drive through speakers and the associated audio with its resubmittal package. (Exhibits 11-13 and 15). The decibel level when standing 32 feet from the speakers proposed is 54dBA which is slightly quieter than an average conversation. The speakers are located roughly 58 feet from the San Francisco Ave SW right-of-way which will allow the sound to dissipate further'. The speakers are located roughly 37' from the property line to the southeast, but the speakers are angled away from that direction and a 6' tall wooden fence will be constructed for screening and privacy purposes. Both of those features will help reduce and likely eliminate the noise from the speakers. Additionally, the speakers are equipped with automatic volume control which reduces the volume based on the outside noise decibel level.

15. The applicant revised its submitted site plan to show length of customer order to drive-thru window dimension. Both distances are more than 60 feet. Exhibits 15 and 17-18.

16. The applicant stated lighting plans have been revised to meet code standards. Poles were lowered to be 18' tall and a minimum of three footcandles is provided around the building. Maximum light trespass is now 0.1 footcandle. All proposed lights have a BUG uplighting value of 0. Exhibits 14 and 15.

17. The applicant submitted updated plans for required right-of-way improvements abutting the subject property (sidewalks, curbs, gutters and landscape strip along San Francisco Avenue) and stated that frontage improvements are shown on the plan for reference and are per City Std Detail RW-03 for Collector Arterial Streets. Exhibits 15 and 17-18.

18. In response to the October 26, 2024 letter, the applicant stated that a pedestrian walkway has been revised to be a 6' wide concrete crosswalk and that it added a crosswalk sign on east side of drive aisle. Exhibit 15.

19. In response to the October 26, 2024 letter, the applicant added notes to the elevations stating that the window glass will not be mirrored, darkly tinted, or reflective and pointing out equipment screened at the proposed parapet. It also updated canopies over dining entries to 4'-0" (sheets A1 & A1.3.). It also stated that street trees have been proposed along San Francisco, Bridgeport, and Solberg at intervals no greater than 30' OC. Dimensions have been added to the landscape sheet for clarity. Exhibits 15-18.

20. In response to the October 26, 2024 letter, the applicant stated that the tree locations are all fully on the adjacent property and have been added to the plan set. The trees at the NE and SW corner are Maples, to be retained, and the trees between the two Maples appear to all be Sweet Gum trees of varying sizes, to be retained. All trees appear healthy, and their approximate driplines have been included on the landscape plan. Proposed trees along the shared property line have been adjusted to fall to either side of the existing trees to reduce impact to the root zone, all digging within the dripline shall be done by hand. All applicable tree protection measure per the City of Lakewood, for offsite trees shall be followed during construction. There are three evergreen trees along Bridgeport Way that are non-significant/are in conflict with existing overhead utilities, to be

removed. New street trees will be planted along the entirety of the projects Bridgeport frontage and will be located to reduce future conflicts with existing utilities. Exhibits 7, 15 and 18.

21. The applicant responded to the October 26, 2024 letter stating that parking lot layout has been revised to have no stall more than eight parking stalls from a landscaping island. All parking islands proposed planting exceeds the City's code required (1) medium shrub or (2) small per 12 sf of parking island, see updated landscape plans. In addition, bicycle parking spots have been provided and called out Civil Sheet SP-01. Exhibits 7 and 15-18.

22. Per LMC 18A.30.410, the purpose of the land use review and approval for discretionary permits, such as conditional use permits, is to ensure that the proposed development is in compliance with the adopted plans, policies, and ordinances of the City of Lakewood. This review includes a consistency analysis with the City of Lakewood Comprehensive Plan and a consistency analysis with the applicable City of Lakewood Development Regulations.

23. Per LMC 18A.30.130, an applicant for a conditional use permit must prove that the proposal is consistent with the following nine (9) criteria: (1) The granting of the conditional use permit will not adversely affect the established character of the surrounding vicinity; (2) The granting of the conditional use permit will not be detrimental to the public health, safety and general welfare; (3) The granting of the conditional use permit will not be injurious to the property or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located; (4) The granting of the conditional use permit will be consistent with the goals and policies of the

comprehensive plan, and applicable subarea plans; (5) The conditional use permit complies with applicable requirements as set forth in the LMC at the time of application completeness; (6) The proposal is compatible with and incorporates specific features, conditions or revision to ensure compatibility with the intensity and character of the property and the immediate vicinity; (7) The proposed use is not materially detrimental to future land uses, transportation and public facilities in which it can be adequately served; (8) The proposed use will not introduce hazardous conditions at the site that cannot be mitigated so as to protect adjacent properties, the vicinity, and the public health, safety and welfare; and (9) The conditions set forth are necessary to mitigate the adverse impacts of the proposed project to the environment and adjacent properties.

A. Property Location, Characteristics and Surrounding Properties

24. The site of the proposed Project is located at Parcel #: XXX San Francisco Ave SW; the site has not been assigned an address (APN #0219118031).

25. The subject parcel is currently vacant, flat and contains mostly grass and a row of trees on the northwest property line. The site has street frontage on three sides.

26. Surrounding land uses and zoning are set forth in Table 1 of the Staff Report. Property to the north is zoned NC2 and is developed with general retail uses. Property to the south is zoned NC2 and is developed with a mobile home park (to the southwest) and childcare (to the southeast). Property to the east is zoned NC2 and MF3 and is developed with multi-family residential uses and retail. Property to the west is zoned NC2 and is developed with commercial business services.

27. 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.

28. The City of Lakewood Comprehensive Plan designates the subject properties as Corridor Commercial, located in the Springbrook Center of Local Importance. The purpose of the Corridor Commercial designation is to promote employment, services, retail, and business/light industrial uses linked to access to major transportation networks. The Plan mentions a lack of commercial services when describing the Springbrook area. In addition to promoting commercial redevelopment in Springbrook, the following comprehensive policies support the proposal:

Policy LU-17.4: Promote the corridor commercial areas as the primary locations for larger scale, auto- oriented businesses serving a regional market.

Policy LU-18.1: Concentrate commercial development within existing commercial areas

Policy LU-21.1: Provide for varying intensities and types of employment, services, retail, and business/light industrial uses along designated commercial corridors based on physical characteristics of the roadway network and adjoining land uses.

Policy LU-53.5: Enhance the physical environment of Springbrook through improvements to sidewalks, open space and trails, pedestrian-scale lighting, street trees, and other pedestrian amenities.

B. Community Engagement

29. Pursuant to LMC 18A.20 Article III, a Notice of application (NOA) was issued on September 20, 2024, for Application # 6210/ 13614 McDonalds Design Review and CUP. Exhibit 3.

The applicant posted appropriately sized notice of the application on the subject property in an appropriate location. Exhibit 10.

30. The comment period concluded on October 2, 2024. One public comment was received (Exhibit 20). Pat Dodd, co-owner of the adjacent parcel and buildings (to the southeast) sent an email to the consulting planner on October 3, 2024. The commenter stated their desire for a fence that separates the parcels to remain to prevent disruptions to the existing childcare operations. They also provided a suggestion to correct the address referenced in the application documents for the proposal and requested that their water meter be moved from the subject property to their property.

31. A Notice of Public Hearing in accordance with LMC 18A.20.340 was published on January 31, 2025. Exhibit 2.

32. The City held a Public Hearing on the application on February 18, 2025; pro tem Hearing Examiner Stephanie Marshall presided.

C. Access, Traffic and Roads

33. The site has frontage along three rights-of-way: San Francisco Avenue SW to the south, Bridgeport Way SE to the east, and Solberg Drive SW to the north. There are proposed access points on San Francisco Avenue SW, and Solberg Drive SW. LMC 18A.60.090.D establishes standards for access control. In Site Development Permit review, the City Engineer may apply access control at their discretion to all street frontages of the site to minimize traffic conflicts and ensure adequate visibility.

34. The applicant submitted a Traffic Impact Analysis prepared by Kimley Horn and Associates, Inc., dated October 2024. The report is intended to provide the City of Lakewood (City) with the necessary traffic generation, trip distribution, and level of service analysis to facilitate their review of the Development. Exhibit 9. Matthew Palmer, responsible for the report and traffic analysis, is a licensed professional engineer (Civil) in the State of Washington.

35. Trip generation for the Development is based on national data contained in Trip Generation Manual, 11th Edition (2021) by the Institute of Transportation Engineers (ITE). The average rates for Land Use Code (LUC) 934, Fast-Food with Drive-Through, have been used in the trip generation calculations. The distribution of trips generated by the Development is based on scoping discussions with City staff, surrounding land uses, and local draw areas. The analysis was performed for the 2024 existing, 2025 baseline (no-build), and 2025 future with development (build) conditions to account for full buildout of the site. Level of Service (LOS) analysis was performed at nine (9) nearby intersections. No affected intersection will fall below the acceptable LOS D.

36. Trip generation calculations for the Development have been performed using data published by the ITE Trip Generation Manual, 11st Edition (2021) as outlined in the City of Lakewood Municipal Code (LMC) Chapter 12.09.028 – Traffic Studies. The average trip generation rates for ITE LUC 934, Fast-Food Restaurant with Drive-Through Window, have been used for the trip generation. ITE also identifies a pass-by rate for this land use. The pass-by rate accounts for existing vehicles on the roadway that will use the site. ITE publishes an AM peakhour pass-by rate

of 50% and a PM peak-hour pass-by rate of 55% based on gross floor area (GFA). A pass-by rate of 55% has been used for the average daily trip (ADT) generation.

37. The Development is anticipated to generate approximately 807 new ADTs with approximately 85 new AM peak-hour trips and approximately 57 new PM peak-hour trips after pass-by reductions have been applied.

38. The year 2025 was used to forecast future volume projections based on the anticipated completion of the Development. The 2025 baseline turning movements have been calculated by applying a 3% annually compounding growth rate to the 2024 existing turning movements. The growth rate was identified by City staff during scoping discussions. The 2025 baseline turning movements at the study intersections are shown in Figure 5. The 2025 future with development turning movements at the study intersections have been calculated by adding the trips generated by the Development to the 2025 baseline turning movements. The 2025 future with development turning movements are shown in Figure 6. The turning movement calculations are included in Appendix C.

39. The study intersections currently operate at LOS D or better and are expected to continue operating at an acceptable level of service under the 2025 future conditions with the Development for both the AM and PM peak-hours. The maximum v/c ratio for each intersection currently falls below 0.90 during the weekday PM peak-hour and is projected to remain below 0.90 in the 2025 baseline and future with improvement conditions. Since the worst movement v/c ratio is below 0.90, the weighted v/c ratio must also be less than 0.90, which is better than the City threshold.

40. The site access at Solberg Drive SW is located approximately 50 feet west of Bridgeport Way SW at Solberg Drive SW. However, it does not meet City standards for sight distance around curves per the City of Lakewood Engineering Standards Manual (January 2021). Therefore, the site access at Solberg Drive SW may be converted by the City to right-in/right-out only. This change will divert 30 AM and 21 PM southbound trips through Bridgeport Way SW at San Francisco Avenue SW, True Lane SW at San Francisco Avenue SW, and then enter through the site access at San Francisco Avenue SW. Vehicles may still turn on Solberg Drive SW and go around the block to use the site access to San Francisco Avenue SW. The diversion of trips caused by the right-in/right-out conversion is not expected to have an impact and does not require further analysis.

41. The proposed site access drives do not currently exist; therefore, sight distance was evaluated graphically. The generally flat terrain and straight alignment of San Francisco Avenue SW and Solberg Drive SW suggest that adequate sight distances are achievable through design and construction of the proposed access intersection. Based on the current 25 miles per hour (mph) posted speed on both San Francisco Avenue SW and Solberg Drive SW, the accesses must have at least 295 feet of entering sight distance. The site access at San Francisco Avenue SW is anticipated to meet City sight distance requirements. The site access at Solberg Drive SW is located approximately 50 feet west of Bridgeport Way SW at Solberg Drive SW. Therefore, it does not meet City standards for sight distance around curves. The site access at Solberg Drive SW may be required to be restricted to right-in/right-out based on prior coordination with City staff

42. Due to the location of proposed access onto Solberg Drive SW and limited sight distance around curves, the Hearing Examiner includes a condition of approval in this Decision requiring the applicant to coordinate with the City Engineer during Site Development Permit review to restrict the Solberg Drive SW driveway to a right-in/right-out only.

43. The City does not impose traffic impact fees; however, it requires that any development that negatively impacts an intersection, reducing its operations below established standards (LOS D and $v/c = 0.90$), must fund necessary improvements. The study intersections currently operate at LOS D or better and are expected to continue operating at an acceptable level of service under the 2025 future conditions with the Development for both the AM and PM peak-hours. As a result, the Development will not be responsible for any improvements or proposed mitigation at off-site intersections.

44. The Hearing Examiner finds that, as conditioned, the project will comply with LMC 18A.60.090.D.

D. Stormwater, Engineering and Critical Areas

45. 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.

46. As a condition of approval, the applicant shall obtain approval of a Site Development Permit, drainage review, geotechnical review, and erosion control plan from the City Engineer prior to issuance of building permits. The Hearing Examiner finds that, as conditioned, the proposal will meet all applicable engineering/stormwater requirements.

E. Environmental

47. The State Environmental Policy Act (SEPA), found in Chapter 43.21C RCW (Revised Code of Washington) and Lakewood Municipal Code (LMC) Chapter 14.02 requires the City to conduct an environmental impact review of any action that might have a significant, adverse impact on the environment. The City determined the proposal is categorically exempt from SEPA environmental review per LMC 14.02.070.E.2.

48. The site is not within a designated shoreline environment and is not subject to the City's Shoreline Master Program. Staff consulted the Washington Department of Fish and Wildlife Priority Habitats and Species mapping system (PHS on the web) and found that there are no endangered or listed species associated with the site. According to the Lakewood GIS online mapping system, the subject property is mapped as partially located in two different buffer zones for a non-fish bearing stream however, there do not appear any indications of surface waters on the site.

49. The Hearing Examiner finds the proposed development will not have an impact on the buffers of the mapped non-fish bearing stream.

F. Public Services

50. Public utilities and services provided to the Property are summarized in Table 2 of the Staff Report. These include Lakewood Water District (water), Lakeview Light and Power (power), 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).

51. The applicant submitted a Certificate of Water Availability confirming water service by Lakewood Water District. Exhibit 8.

52. The proposal was reviewed by West Pierce Fire and Rescue (WPFR) in a letter dated May 23, 2024. (Exhibit 21). WPFR's comment letter requires that documentation of water availability provided by water purveyor required to ensure appropriate fire flow and a site plan showing the locations of hydrants and water mains. Such documentation has been provided by the applicant. Additional applicable comments and requirements of WDFW are summarized below. Where applicable, compliance with these requirements are included as conditions of approval.

53. Fire alarm and fire sprinkler systems must be evaluated by Washington State certified companies to ensure proper protection throughout the facility. An International Fire Code Construction Permit is required for the installation of or modification to an automatic fire-extinguishing system. Plans are required to be submitted for review and approval.

54. Commercial buildings shall have approved address numbers, plainly legible and visible from the street or road fronting the property. These numbers shall contrast with the

background. Numbers shall be a minimum of twelve inches in height (City of Lakewood Municipal Code Section 15A.05.080 subsection HH). Emergency Vehicle Access as related to access road and gate access need to be provided in accordance with the 2018 International Fire Code as amended by City of Lakewood Municipal Code Section 15A.05.080 subsections O through FF.

55. Signs and striping shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility. Painted lines of red traffic paint shall mark fire apparatus access six (6) inches in width to show the boundaries of the lane. The words “NO PARKING FIRE LANE” shall appear in four (4) inches of white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb. Signs shall read “NO PARKING FIRE LANE” and shall be twelve (12) inches wide and eighteen (18) inches high. The signs shall have letters and backgrounds of contrasting colors, readily legible from a fifty (50) foot distance. Signs shall be permanently affixed to a stationary post, and the bottom of the sign shall be six feet, six inches (6’6”) above finished grade. Signs shall be spaced not more than fifty (50) feet apart. Signs may be installed on permanent buildings or walls or as approved by the code official.

56. Required exit signs shall be installed at each required exit. Lights shall be illuminated at all times (2018 IFC, Section 1013). Main exit door(s) are permitted to utilize a lock or latch where the locking device is readily distinguishable and has a readily visible durable sign is posted on the egress door or adjacent to the door stating “THIS DOOR TO REMAIN UNLOCKED WHEN THE

BUILDING IS OCCUPIED.” The sign shall be in letters 1-inch high on a contrasting background (2018 IFC, Section 1010.1.9.3).

57. Fire Extinguishers with a minimum rating of 2A:10B:C shall be accessible at every 75 feet of travel (2018 IFC, section 906) or as specified by hazard listed in 2018 IFC, Table 906.

58. Doors leading into electrical control panel rooms shall be marked with plainly visible and legible signs stating “Electrical Room.” Upon AHJ approval exterior doors that appear to be functional, but have been rendered non-functional shall have the following sign placed on the exterior of the door. “THIS DOOR BLOCKED”. Letters shall be not less than $\frac{3}{4}$ inch in height and signs will be not less than 6 inches in height and shall contrast with the background and be visible. Utilities will be clearly and legibly marked to identify the unit or space that it serves. Signs shall be readily visible and maintained (2018 IFC, section 509.1.1)

59. A Knox fire department key lock box shall be installed at an approved location determined by the Fire Marshal (2018 IFC, section 506.1).

60. Commercial cooking appliances or domestic cooking appliances used for commercial purposes shall be provided with the appropriate type hood as required to capture, confine and exhaust cooking vapors and residues (2018 IFC, section 607 & 2018 IMC, section 507). A Type I hood shall be installed above all cooking appliances, which create grease-laden vapors (2018 IFC, state amendment, section 607.2). Type I hoods shall be protected with an approved automatic fire-extinguishing system installed and maintained in accordance with the 2018 International Fire Code

and appropriate NFPA codes (2018 IFC, section 904.2.2). If an approved hood suppression system does not exist, an approved system is required prior to the fire final (2018 IFC, section 904.2.1).

61. Inspection and final trip testing will not be performed until the Building Official has approved the duct installation and shaft construction above the hood. A separate mechanical permit is required from the Building Department for hood installation. A manual actuation device shall be located at or near a means of egress from the cooking area, a minimum of 10 feet (3048 mm), and a maximum of 20 feet (6096 mm) from the kitchen exhaust system. The manual actuation device shall be installed not more than 48 inches nor less than 42 inches above the floor and shall identify the hazard protected. The manual actuation shall require a maximum force of 40 pounds and a maximum movement of 14 inches to actuate the fire suppression system (2018 IFC, section 904.12.1).

62. The actuation of the fire extinguishing system shall automatically shut down the fuel or electrical power supply to the cooking equipment. The fuel and electrical supply reset shall be manual (2018 IFC, section 904.12.2). The system shall be connected to the fire alarm system, if provided, in accordance with the requirement of NFPA 72, so that the actuation of the system will sound the fire alarm. The shunted breaker shall be identified at the electrical panel. The gas valve shall be identified with a permanent red sign with white letters. Letters shall be 1" inch high. The gas valve shall shut to the off position on the activation of the hood suppression system. Installation and maintenance shall be in accordance with 2018 IMC and 2008 NFPA 96, specifically as outlined in Chapter 13 (see attached). Class K portable fire extinguisher shall be provided within a 30-foot travel

distance of cooking equipment. Inspection Prior to the final system, the acceptance test must be performed. The permit fee includes two inspections. Any additional inspections required may incur additional fees charged.

63. Each assembly occupancy space shall have the room's occupant load posted in a conspicuous place near the main exit or exit access doorway

64. Pressure relief devices shall be provided in accordance with 2018 IFC sections 5303.1 through 5303.3.5. Design-based systems need proper documentation showing compliance with CGA S-1.1, CGA S-1.2, CGA S-1.3, or the ASME boiler and pressure vessel code, section VIII, as applicable (2018 IFC, section 5303.3.2). Cylinders will be secured appropriately, as noted on submitted plans (2018 IFC, section 5303.5.3).

65. 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 from LeMay. As a condition of approval, the applicant shall 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 consistency of the proposal with design standards as part of the pending Site Development Plan and Design Review applications.

66. The proposal includes a trash enclosure integrated into the site design that measures 20 feet wide by 20 feet deep and six feet tall. LMC 18A.70.150.A.6 contains requirements for Type VI areas for landscape screening to provide visual relief from utilitarian uses such as dumpsters. The Hearing Examiner finds that the proposal complies with LMC 18A.70.150.A.6.

G. Applicable Land Use Development Regulations

67. The City of Lakewood Zoning Map shows the subject properties are located within the Neighborhood Commercial (NC2) zoning district. 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 5 (Business Licenses and Registration), Title 12 (Public Works), Title 14 (Environmental Protection), Title 15 (Buildings and Construction), Title 18A (Land Use and Development Code).

i) Eating and Drinking Establishments and Drive-Throughs

68. LMC 18A.40.050 governs eating and drinking establishments and applies to the proposal. LMC 18A.40.050.B.3, Development and Operating Conditions for Drive-Through Facilities, sets forth standards to allow for drive-through facilities while reducing the negative impacts they may create. The purposes of these standards are to reduce noise, lighting, exhaust, and visual impacts on abutting uses, particularly residential uses; promote safer and more efficient on-

site vehicular and pedestrian circulation; and minimize conflicts between queued vehicles and traffic on adjacent streets. These standards are in addition to other development standards applicable under this chapter or other chapters of the LMC and shall apply to not only new development but also the addition of drive-through facilities to existing developments and the relocation or redevelopment of existing drive-through facilities.

69. Drive-through facilities are not a right. Conditions such as size, configuration, location of the site or existing structures may make it inappropriate to establish a drive-through on a specific property. If that is the case, a drive-through facility may be denied even if it is otherwise allowed in the zoning district.

70. Although LMC 18A.40.050.B.3.d allows the City to limit hours of operation as determined to be necessary to achieve compatibility with surrounding land uses, City staff have not determined any such necessity with respect to the proposed McDonald's and drive-through.

ii) Drive-Through Screening and Queuing

71. LMC 18A.40.050.B.3.a, Drive-through points of customer service and queuing lanes, states that drive-throughs should not be located along facades of buildings that face a right-of-way. If a drive-through cannot be located on any other portion of the site, then it shall be visually screened from the street by landscaping and/or architectural element, or combination thereof, provided such elements reflect the primary building and provide appropriate screening.

72. The site has frontage along three rights-of-way and the proposed site plans show queuing lanes, pre-browse boards, and menu boards in front of the façade that faces the right-of-way of San Francisco Ave SW. The applicant is proposing street trees in the right-of-way, trees on-site, and other landscaping along the perimeter that will act as screening of the drive-through activities. The proposed locations of the points of customer service and queuing lanes with the proposed screening will meet the intent of the code requirements.

73. LMC 18A.40.050.B.3.b governs queuing lanes and states that such lanes should be physically separated from the parking lot, sidewalk, and pedestrian areas by landscaping and curbing, an architectural element, or combination thereof, provided such elements reflect the primary building and provide appropriate separation.

74. The site plan shows that the queuing lanes are separated from the parking lot, sidewalks, and pedestrian areas by the location of the building. The Hearing Examiner finds the proposal is consistent with LMC 18A.40.050.B.3.b.

iii) Drive-Through Speakers/Amplification

75. LMC 18A.40.050.B.3.c requires that drive-through speakers or amplified music shall not be audible off site. According to the site plan submitted by the applicant, the speakers and menu boards are proposed to be located on the southern portion of the property therefore the childcare center to the south and the right-of-way of San Francisco Ave SW would be most affected by any noise that travels from the proposed speaker and menu boards.

76. The applicant provided a narrative regarding the sound levels, a Memo regarding Drive-Through Sound Pressure Levels from the Menu Board or Speaker Post, and a cut-sheet of Sound Pressure and Decibel Values for Typical Sounds. (Exhibits 11, 12, and 13). The applicant's evidence shows that the decibel level when standing 32 feet from the proposed drive-through speakers is 54dBA and according to the cut-sheet provided, an average conversation may produce 60 dB of sound. The speakers are located roughly 37 feet from the property line to the southeast so the level of noise at that property line would conceivably be perceived slightly quieter than the average conversation. The applicant stated that the speakers will be angled away from the neighboring property to the southeast; they are proposing to construct a six-foot-tall wooden fence for screening and privacy purposes which will reduce the level of sound on that portion of the property; and the speakers are equipped with automatic volume control which reduces the volume based on the outside noise decibel level. The speakers are located roughly 58 feet from the San Francisco Ave SW right-of-way. The Hearing Examiner finds the proposal complies with LMC 18A.40.050.B.3.c.

iv) Drive-Through Bypass Lane and Circulation

77. Per LMC 18A.40.050.B.3.e, a bypass lane to escape the queuing lane is suggested for all drive-through facilities, especially high-volume facilities. The site plan shows two queuing/ordering lanes that merge into one lane for approximately 20 to 24 feet, and then flare back out into two lanes for the remainder of the drive-through travel. There is a lane adjacent to the building that provides access for customers in cars near the pick-up windows and another lane placed

farther away from the building for bypass. The Hearing Examiner finds the proposal complies with LMC 18A.40.050.B.3.e.

78. Per LMC 18A.40.050.B.3.f, queuing lanes shall provide space for at least three vehicles awaiting service, which shall encompass a minimum distance of 60 linear feet as measured from each point of customer service to the end of the lane. For uses having multiple drive-through service lanes, each lane shall provide this minimum.

79. The site plan shows three cars in line in the space that leads up to the customer order post and another 75 feet of distance in the lanes from point of order to the first customer service window. This exceeds the minimum distance required by LMC 18A.40.050.B.3.f. The Hearing Examiner finds the proposal complies with LMC 18A.40.050.B.3.f.

v) Drive-Through Impacts on Pedestrians

80. LMC 18A.40.050.B.3.g states that queuing lanes should be located so as to minimize interference with pedestrian circulation routes. Unless the use is a standalone drive-through whose primary orientation is to vehicles, primary pedestrian access to the business from the parking lot should not cross the queuing lane or drive-through ingress/egress.

81. Pedestrian access from the parking lot to the building does not cross the drive-through queuing lane. There is a path shown on the site plan that goes from Bridgeport Way SE to the building. The Hearing Examiner finds the proposal complies with LMC 18A.40.050.B.3.g.

vi) Drive-Through Impacts on Off-Site Traffic and Circulation

82. LMC 18A.40.050.B.3.h states that vehicular entrances and exits shall not be located so as to cause congestion on any public street or right-of-way. The queuing lane shall be situated so that any overflow shall not spill out onto public streets or major circulation routes of any parking lot. Drive-through uses shall not be approved with ingress or egress driveways within 300 feet of a signalized intersection operating with a Level of Service D, E, or F unless a traffic analysis acceptable to the Public Works and Engineering Services demonstrates that vehicles entering or leaving the site will not impair the efficiency or operation of the intersection.

83. The only signalized intersection in the proximity of the site is San Francisco Ave SW and Bridgeport Way SW. Both proposed access driveways are over 300 feet from the intersection; further, the intersection operates and is anticipated to continue operating above a LOS of D. The Hearing Examiner finds the proposal complies with LMC 18A.40.050.B.3.h.

vii) Density, Lot Size and Coverage, Impervious Surface, Building Height and Setbacks

84. LMC 18A.60.040.A sets forth development standards for commercial areas of the City, including the NC2 zone. Maximum density and minimum lot size standards are not applicable to the proposal.

85. In the NC2 zone, maximum building coverage is eighty percent (80%); the total building area for the project is 3,758 square feet, which is nine point three percent (9.3%) building coverage.

86. The maximum impervious surface in the NC2 zone is ninety percent (90%); the total impervious surface for the proposal is 23,314 square feet, which is seventy-eight percent (78%).

87. Minimum front, interior and rear yard setbacks are not applicable. Minimum garage/carport setback also is not applicable.

88. The maximum building height in the NC2 zone is sixty (60) feet. The proposed building will be twenty-one (21) feet.

89. The Hearing Examiner finds that the proposed project meets all applicable NC2 development standards in LMC 18A.60.040.A.

viii) Outdoor Lighting

90. LMC 18A.60.095 states that all proposed outdoor lighting must comply with the regulations contained within the Outdoor Lighting Code in LMC 18A.60.095. The proposal is located within Lighting Zone 1 and is subject to LMC 18A.60.095.

91. All proposed lighting for the McDonald's is BUG rated. The BUG Up lighting value (if rated) is 0. The proposed project will have a BUG Up lighting value of 0. The maximum mounting height above adjacent grade is 20 feet. The proposed project will mount lights 18 feet above adjacent grade. No landscape lighting is proposed. The maximum allowable light trespass is 0.1 footcandle (1 lux). The lighting for the proposal will not exceed 0.1 footcandle. The Hearing Examiner finds the proposal complies with all applicable exterior lighting standards in LMC 18A.60.095.

92. LMC 18A.60.130.F Lighting states that street lighting shall be provided in conjunction with new industrial, commercial, and multifamily development, major tenant improvements, or subdivisions. Street lighting shall be provided along arterial streets in accordance with specification and standards included in LMC 18A.60.095 and as approved by the City Engineer.

93. Streetlights shall be provided a maximum distance of 150 feet in commercial areas along arterials and collectors, and a maximum distance of 300 feet on local access streets per the Lakewood Engineering standards Manual. Additional lighting may be required as determined by the City Engineer. Bridgeport Way SW is a principal arterial; it appears that streetlights are existing that meet the provisions. San Francisco Ave SW is a collector arterial; it appears that streetlights are provided along San Francisco Ave SW that meet the provisions. Solberg Dr SW is a local access street; it appears that streetlights are provided that meet the provisions. The City Engineer may require additional streetlights and will review the streetscape for streetlights (along with other frontage improvements) during site development permits. The Hearing Examiner finds that, as conditioned, the proposal will comply with LMC 18A.60.130.F.

ix) Off-Street Parking

94. With respect to off-street parking, LMC 18A.80.030(F) establishes Minimum Parking Requirements of four (4) parking spaces per 100 square feet of dining area. The proposed dining area in the McDonald's is 1000 square feet (note that plans reflect 1,200 square feet). Minimum parking for the McDonald's is twelve (12) parking spaces. The applicant proposes thirty (30) parking spaces.

95. LMC 18A.80.030(F) also establishes Minimum Parking dimensions per an “Off-Street Parking Dimension Table.” The applicant is proposing fifteen (15) 9x18 foot, ninety-degree parking spaces and fifteen (15) 9x16 foot, ninety-degree compact parking spaces (note the minimum compact parking space size is 8x16 foot. LMC 18A.80.030(F) requires 24-foot minimum driveway aisle width; the applicant is proposing 28-foot driveway aisle width. LMC 18A.80.030(F) requires a 24-foot minimum width of parking lot driveway; the applicant is proposing a 28-foot wide parking lot driveway. The Hearing Examiner finds the proposal complies with all parking and driveway width requirements of LMC 18A.80.030(F).

96. LMC 18A.80.030(F) establishes Minimum Bicycle Requirements of one (1) bicycle parking space per twenty (20) automobile parking stalls, minimum of two (2) spaces. The applicant proposes two (2) bicycle parking spaces. The Hearing Examiner finds the proposal complies with bicycle parking space requirements of LMC 18A.80.030(F).

97. LMC 18A.80.040.A.5 governs parking surfacing. All parking areas must be in conformance with the current City of Lakewood Storm Water Design Manual, and surfaced with asphalt, concrete or similar pavement so as to provide a surface that is durable and dust free and shall be so graded and drained as to properly dispose of all surface water. The site plans indicate the parking lot surfacing will consist of asphalt concrete. The Hearing Examiner finds the proposal complies with LMC 18A.80.040.A.5.

98. LMC 18A.80.040.A.7 states that parking shall be designed and constructed for a minimum of 30 percent (30%) and a maximum of 50 percent (50%) of the required number of spaces for compact size cars. An applicant must clearly identify all spaces designed and constructed for compact car use.

99. Fifty percent (50%) of the proposal's parking spaces will meet the standards for compact size cars. The Hearing Examiner finds the proposal complies with LMC 18A.80.040.A.7, provided the applicant complies with the condition of approval that requires the developer to clearly identifies all spaces designed and constructed for compact car use.

x) Signage

100. With respect to signage, LMC 18A.70.050.D requires that signage should be included as an integral element of the building site design. Sign colors and design should relate and be complementary to the architecture of the building. Individual channel letters are generally preferred over cabinet-style signs. All signs must conform to the requirements of LMC Chapter 18A.100.

101. The application materials indicate the proposed signage will be integrated with the overall design of the building and will be McDonald's standard signage. A separate permit is required for signage and the applicant notes that they will seek a separate permit for the signage (Condition 2). The Hearing Examiner finds that, as conditioned, the proposal will comply with LMC 18A.80.040.A.7.

xi) Landscaping

102. With respect to landscaping, the proposed project is subject to Type II Streetscapes under LMC 18A.70.160.A. Per LMC 18A.70.150.A.2., the streetscape shall provide a landscape strip three to eight feet wide that has trees spaced no more than 30 feet on center or as required to continue the existing pattern of the street; a sidewalk that is five-to eight-feet wide; curb and gutter; and streetlights as directed by the City Engineer.

103. The project has street frontages along Solberg Dr. SW, Bridgeport Way SE, and San Francisco Ave. SW. The City Engineer will review the streetscape for curb and gutter and streetlights during site development permits. The proposed landscape strip width ranges from approximately four and one-half feet to eight feet and the proposed sidewalk width is five feet. There is an existing sidewalk with curb and gutter that is five feet wide along Solberg Dr. SW and six feet wide along Bridgeport Way SE. There is a narrow strip along Solberg Dr. SW in the right-of-way located between the curb and the sidewalk that the applicant proposes to landscape. The Street trees are proposed to be planted 20 to 30 feet on center. The Hearing Examiner finds the proposal meets the requirements set forth in LMC 18A.70.150.A.2 and LMC 18A.70.160.A.

104. Pursuant to LMC 18A.70.160.C, the proposed project is subject to Type IV Parking Area landscaping and Type VI Area Screening landscaping requirements. LMC 18A.70.150.A provides further landscaping requirements for Type IV areas with the intention of breaking up the

bulk of a parking area and LMC 18A.70.150.A.6 contains requirements for Type VI areas for screening to provide visual relief from utilitarian uses such as dumpsters.

105. As required in Type IV landscaping areas, the proposal includes landscape islands at the ends of the parking rows such that no parking stall is more than eight parking stalls from a landscaping island. The landscape islands are greater than four feet wide, contain at least one tree, groundcover, and the required number of shrubs. There is an eight-foot-wide planting strip around the full perimeter of the site with the exception of the driveways which further meets the code requirements for landscaping. The Hearing Examiner finds the proposal complies with LMC 18A.70.160.C.

106. As required in LMC 18A.70.150.A.6, the proposal includes a combination of a six (6) foot-tall walled enclosure and landscaping around the trash enclosure to provide visual relief from dumpsters and recycling areas. The Landscape plan shows Arborvitae along the sides of the dumpster enclosure and shrubs placed three feet on center as required. The Hearing Examiner finds the proposal complies with LMC 18A.70.150.A.6.

107. Under LMC 18A.70.160.G.6., the proposed project is subject to Type I vegetative buffer with an eight-foot-wide landscape strip along the northwest and southeast property lines where the parcel is adjacent to other developments because they are located within the same zoning district. LMC 18A.70.150.A.1.b requires a sight-obscuring barrier to be placed within the landscaping strip to consist of a fence or wall five feet in height.

108. The landscape plans show an eight-foot-wide planting strip around the full perimeter of the site except for the driveways. A fence is warranted along the southeast property line between the subject property and the parcel to the southeast to provide a safety barrier between the drive-through and the daycare center located on the other property. The site plan shows a six-foot-tall wooden fence along the southeast property line. The Hearing Examiner finds that, as conditioned, the proposal complies with the requirements of LMC 18A.70.160.G.6 and LMC 18A.70.150.A.1.b.

109. LMC 18A.70.320.C.2 requires preservation of all significant trees within 20 feet of the lot perimeter and 10 percent of the significant trees located in the interior of the lot unless removal is required for siting driveways, buildings, utilities, sidewalks, and other site improvements. When a significant tree cannot be retained, the tree shall be replaced at a ratio of two to one (2:1) of the total diameter at breast height.

110. According to Sheet 2 of the NSPS\ACSM Land Title Survey submitted by the applicant, there is a row of existing trees on the adjacent property to the northwest and very close to the shared property line. The application materials show the trees as currently existing and identifies those trees to remain. The applicant provided the following information about the trees: The trees at the NE and SW corner are Maples, to be retained, and the trees between the two Maples appear to all be Sweet Gum trees of varying sizes, to be retained. All trees appear healthy, and their approximate driplines have been included on the landscape plan.

111. Proposed trees along the shared property line have been adjusted to fall to either side of the existing trees to reduce impact to the root zone, all digging within the dripline shall be done by hand. All applicable tree protection measures per the City of Lakewood, for offsite trees, shall be followed during construction. There are three evergreen trees along Bridgeport Way that are non-significant/are in conflict with existing overhead utilities, to be removed. New street trees will be planted along the entirety of the project's Bridgeport frontage and will be located to reduce future conflicts with existing utilities. The Hearing Examiner finds the proposal complies with LMC 18A.70.320.C.2.

xii) Frontage Improvements

112. With respect to frontage improvements required by LMC 18A.60.130.B, the applicant is required to construct sidewalks of no less than five feet in width with curb, gutter, and adjacent landscape strip, and shall meet the standards of LMC Title 12, Public Works. Per LMC 12.09.031.C. Deferral of Improvements, when the City has plans for an improvement project, or an area is deemed not essential to the city sidewalk system, or for other similar reasons, the City Engineer may determine that street frontage improvements cannot or should not be constructed at the time of building construction or subdivision and may allow improvements to be deferred. In these instances, the property owner shall, prior to issuance of the building permit or site development permit, at the direction of the City Engineer, pay to the City an amount equal to the property owner's cost of installing the required improvements prior to issuance of a building permit. The property owner shall

provide documentation satisfactory to the City Engineer that establishes the cost of the materials, labor, and quantities.

113. There are existing sidewalks along the property lines adjacent to Solberg Dr. SW and Bridgeport Way SE. The site plans show draft right-of-way improvements abutting the property east of the current sidewalk terminus along San Francisco Ave SW. The applicant has coordinated with the City Engineer to determine the appropriate improvements and will be required as a condition of approval to continue to do so. The Hearing Examiner finds that, as conditioned the proposal will comply with all standards of LMC Title 12, Public Works and with LMC 18A.60.130.B.

xiii) Design Requirements

114. LMC 18A.70.040.A.1 states that the intent of design standards is to create an attractive and functional environment for commercial uses, improve vehicular and pedestrian circulation, and upgrade the city's visual appearance in commercial zones.

115. The site is adjacent to three rights-of-way and for each, there are either existing sidewalks along the property lines or plans for right-of-way improvements to complete the sidewalk system around the site. The proposal includes on-site accessible sidewalks between the parking lot and the building including sidewalks around the trash enclosure. Additionally, the design includes a six-foot-wide concrete crosswalk from Bridgeport Way SE that connects the existing sidewalk along that right-of-way to the restaurant. The design of the building includes canopies over the customer

entries that provide weather protection as required by LMC 18A.70.050.C. The Hearing Examiner finds the proposal complies with LMC 18A.70.040.A.1.

116. The intent of the standards contained in LMC 18A.70.040.A.2, Commercial Building Design, is to encourage building design that is appropriate to the site and that becomes a positive element in the architectural composition of the City. The design should provide overall design continuity with the use of architectural details and high-quality materials. The applicant is discouraged from using metal, plastic, plywood, sheet wood products, or fiberglass as an exterior siding material and mirrored, darkly tinted, or reflective glass are prohibited in locations visible from a public street or residential zone. The design should also create a commercial height and appearance.

117. The existing structures in the area include a childcare center located on the parcel adjacent and to the south that consists of two single-story structures; a manufactured home park to the west that contains single-story residential structures; and a four-story multi-family structure is located to the south and across Bridgeport. The proposed structure is one story tall which is in keeping with the similar existing structures in the area. The building is 21 feet tall overall with design elements all around the exterior elevations that are located at approximately 11 feet from the top of slab that serve to break up the overall height and bulk.

118. The body of the proposed exterior includes Exterior Insulation Finish System panels (E.I.F.S.) and Hardie Plank (fiber cement) siding, with an aluminum batten system used for accents and trim. Exhibit 16. Windows and doors are located within a field of siding except for drive-through

windows which are within a field of metal paneling. Those windows are finished in a complimentary color. The applicant submitted exterior elevation drawings with a note that the window glass will not be mirrored, darkly tinted, or reflective. Additionally, the applicant is not proposing to use corrugated fiberglass or corrugated metal. Exhibits 16-17.

119. Chain link fence is only allowed to be used in certain circumstances however, the applicant is proposing to remove an existing chain link fence and place a six-foot-tall wood fence along the southeast property line that separates the proposed McDonald's from the existing childcare business. It appears the roof design includes a parapet wall that extends above the surface of the relatively flat roof. Sheet A1.3 Roof Plan of the plan set (13614 Plans, Exhibit 7) contains a note confirming that the roof-mounted service equipment will be screened from view. The Hearing Examiner finds the proposal meets the intent of the Commercial Building Design standards.

H. Criteria for Approval of Conditional Use Permit: LMC 18A.30.130

i). The granting of the conditional use permit will not adversely affect the established character of the surrounding vicinity.

120. For the purposes of this section, "character" means the distinctive features or attributes of buildings and site design on adjacent properties and in the vicinity and as articulated in the comprehensive plan, including but not limited to building facade, length, building modulation, building height, roof form, tree cover, types of flora, location of landscaping, size and location of signs, setbacks, amount and location of parking, fencing type, height and location, and the like.

121. The proposal is compliant with Neighborhood Commercial (NC2) zoning development standards as set forth in the findings above. The established character of the surrounding properties consists of a mix of uses including commercial retail and business services, multi-family and single-family residences, and childcare. Consistency of the proposed project is ensured through application of and compliance with building, landscaping, development standards, and parking standards. The proposal includes an application for a design review permit which, as conditioned, will ensure character consistency through LMC 18A.70 Article I Community Design and LMC 18A.70 Article II Landscaping. The proposal meets the code requirements for landscaping and parking for the current and proposed zoning of Neighborhood Commercial.

122. As conditioned, the Hearing Examiner finds the proposed Restaurant, café, coffee shop, drive-through services use will be compliant with this criterion.

ii). The granting of the conditional use permit will not be detrimental to the public health, safety or general welfare.

123. The proposal on the existing vacant site will have no detrimental impact on public health, safety or general welfare as it is self-contained. Stormwater will infiltrate onsite and will not cause runoff into other properties.

124. LMC 18A.40.050.B sets forth regulations intended to allow for drive-through facilities while reducing the negative impacts they may create. The specific purposes of the regulations are to reduce noise, lighting, exhaust, and visual impacts on abutting uses; to promote safer and more efficient on-site vehicular and pedestrian circulation; and to minimize conflicts

between queued vehicles and traffic on adjacent streets. The applicant submitted detailed information with its application and then later reviewed and responded to the City's request for additional information on many elements of the proposal, including landscaping, noise, pedestrian safety, and parking. As conditioned, the Hearing Examiner finds the proposed Restaurant, café, coffee shop, drive-through services use will be compliant with this criterion.

iii) The granting of the conditional use permit will not be injurious to the property or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.

125. The McDonald's Restaurant will be constructed to allow stormwater to infiltrate as it does in the current existing condition. This will not impact the adjacent properties.

126. The proposal, as conditioned, meets the criteria in LMC 18A.70 Community Design, Landscaping, and Tree Preservation which ensures the proposal will not be injurious to the neighborhood. As conditioned, the Hearing Examiner finds the proposed Restaurant, café, coffee shop, drive-through services will be compliant with this criterion.

iv) The granting of the conditional use permit will be consistent with the goals and policies of the comprehensive plan, and applicable subarea plans.

127. The proposed site and building will be consistent and compatible with the goals and policies of the comprehensive plan, and any code, ordinance, regulation or standard in effect to implement the plan. The granting of the proposed CUP is compatible with the Comprehensive Plan goals and policies as set forth in the findings above. The Hearing Examiner finds the proposed Restaurant, café, coffee shop, drive-through services is compliant with this criterion.

- v) *The granting of the conditional use permit will comply with the applicable requirements as set forth in the LMC at the time of application completeness.*

128. The McDonald's project zoning and surrounding zoning is Neighborhood Commercial 2 and the proposed use is consistent with the intent of the zone. The proposal, as conditioned, meets the criteria in LMC 18A Site Planning and General Development, LMC 18A.60.130 Street Improvements, LMC 18A.70 Community Design, Landscaping, and Tree Preservation, and LMC 18A.80 Parking. As conditioned, the Hearing Examiner finds the proposed Restaurant, café, coffee shop, drive-through services will be compliant with this criterion.

- vi) *The proposal is compatible with and incorporates specific features, conditions, or revision to ensure compatibility with the intensity and character of the property and the immediate vicinity.*

129. The McDonald's project site zoning is Neighborhood Commercial 2. This zone is appropriate for siting a proposed restaurant with drive-through facility. The adjacent properties are generally developed for and used as businesses or restaurants. They will have similar types of activity. The proposed Restaurant, café, coffee shop, drive-through services use is a use with an intensity similar to the surrounding mix of commercial and residential uses. The proposal is required to receive a design review permit that will ensure intensity and character consistency through LMC 18A.70 Article I Community Design and LMC 18A.70 Article II Landscaping. As conditioned, the Hearing Examiner finds the proposed Restaurant, café, coffee shop, drive-through services use will be compliant with this criterion.

vii) The proposed use is not materially detrimental to future land uses, transportation and public facilities in which it can be adequately served.

130. The McDonald's project site zoning is Neighborhood Commercial 2. This zone is appropriate for siting a restaurant with drive-through facility. Substantial evidence in the record supports a determination that there are adequate services for utilities such as sewer, water, electric, etc. With the construction of the McDonald's, stormwater onsite will be infiltrated and will not cause runoff into other properties. As described in the findings above, the proposal is consistent with the City of Lakewood Comprehensive Plan, which designates the subject property as Corridor Commercial. The proposal meets the intent of the Corridor Commercial designation by promoting employment, services, retail, and business uses linked to access to major transportation networks. As conditioned, the proposed use will not place an undue burden on the transportation system and other public facilities. The Hearing Examiner finds the proposed Restaurant, café, coffee shop, drive-through services use will be compliant with this criterion.

viii) The proposed use will not introduce hazardous conditions at the site that cannot be mitigated so as to protect adjacent properties, the vicinity, and the public health, safety and welfare.

131. The current property is a vacant grass lot; stormwater currently infiltrates on site. With the construction of the McDonald's, stormwater onsite will continue to be infiltrated and will not cause runoff into other properties. The project's compliance with LMC Title 18A, Title 12 and the Building International Code and International Fire Code will be ensured through compliance with conditions of approval. This will, in turn, ensure that the project does not place a burden on adjacent

properties, the vicinity, and the public health, safety, and welfare of the community from such hazards. The Hearing Examiner finds the proposed Restaurant, café, coffee shop, drive-through services use, as conditioned, will be compliant with this criterion.

ix) The conditions set forth are necessary to mitigate the adverse impacts of the proposed project to the environment and adjacent properties.

132. The proposed stormwater and other utility services will be monitored to ensure that any impacts of the proposed use on such services will be mitigated. The stormwater runoff will be treated and infiltrated. Compliance with conditions of approval will ensure mitigation of potential impacts to the environment and adjacent properties. As conditioned, the Hearing Examiner finds the proposed Restaurant, café, coffee shop, drive-through services use will be compliant with this criterion.

133. The Applicant has established the Project, as conditioned, is and will be consistent with all conditional use permit criteria set forth in LMC 18A.30.130.

134. City Staff recommended approval of the Conditional Use Permit subject to the conditions found on pages 18-19 of the Staff Report, with a revision suggested by Associate Civil Engineer, Franc Sawatzki, concerning San Francisco Ave. SW improvements. The Applicant does not object to these proposed 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-making authority for this Conditional Use Permit application under LMC Chapters 18A.20 and 18A.30. The Hearing Examiner may approve, approve with conditions, or deny a Type III application for Conditional Use Permit.

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 for this application have been met.

7. The proposed use is consistent with the City's Comprehensive Plan.

8. The granting of the conditional use permit will not adversely affect the character of the surrounding vicinity.

9. The granting of the conditional use permit will not be detrimental to the public health, safety and general welfare.

10. The granting of the conditional use permit will not be injurious to the property or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.

11. The granting of the conditional use permit will be consistent with the goals and policies of the comprehensive plan, and applicable subarea plans.

12. The proposal is compatible with and incorporates specific features, conditions or revision to ensure compatibility with the intensity and character of the property and the immediate vicinity.

13. The proposed use is not materially detrimental to future land uses, transportation and public facilities in which it can be adequately served.

14. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated so as to protect adjacent properties, the vicinity, and the public health, safety and welfare.

15. The conditions set forth are necessary to mitigate the adverse impacts of the proposed project to the environment and adjacent properties.

16. The granting of the conditional use permit will comply with applicable requirements as set forth in the LMC at the time of application completeness.

17. The proposed use, as conditioned, is consistent with all applicable development regulations in LMC Titles 18A.

18. The project, as conditioned, satisfies all requirements of LMC 18A.30.130.

19. The project complies with LMC 18A.40.050.B.3 Development and Operating Conditions for Drive-Through Facilities.

20. The requested Conditional Use Permit application should be granted subject to the conditions set forth below. Now, therefore, Conditional Use Permit #13614 is **approved** subject to the following:

DECISION

1. The McDonald's Project approved in this Decision shall be constructed and operated in compliance with this Decision and all conditions of approval.
2. Per LMC 18A.70.170.B.6, trees planted within five feet of the public or private road pavement edge, curbing or sidewalk, or within parking areas shall be surrounded by a root control barrier. Root control barriers shall consist of galvanized metal or plastic sheets extending a minimum of two feet below the finished grade of the surrounding surface.
3. The applicant shall obtain a separate permit for signage.
4. The Project shall remain in substantial conformance with the submitted site plan to ensure code compliance with LMC Title 18A. Minor modifications consistent with Lakewood's development standards may be reviewed and approved by the Planning and Public Works Department Director. Major modifications will require a new conditional use permit.
5. A complete application for all required construction level permits shall be submitted to the City for approval within three (3) years of the date of this conditional use permit approval.
6. Per LMC 18A.70.050.B.6, the applicant is required to locate and/or screen utility meters, electrical conduit, and other public and private utilities equipment and apparatus, including transformers, and fire standpipes, so as not to be visible from the street or adjacent properties.

7. The applicant shall work directly with LeMay Inc. 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.

8. The applicant shall obtain all fire safety and equipment reviews, certifications and permits as set forth in the West Pierce Fire & Rescue comment letter (Exhibit 21). The restaurant building shall have an approved address number, plainly legible and visible from the street or road fronting the property as required by LMC 15A.05.080.HH. Emergency Vehicle Access shall be provided in accordance with the 2018 International Fire Code as amended by LMC 15A.05.080.O through FF. Signs, striping and fire lanes shall be marked and maintained as set forth in Exhibit 21.

9. Required exit signs shall be installed, lights shall be illuminated at all times, exit door(s) shall remain unlocked when the building is occupied, and shall be posted accordingly. Fire extinguishers with a minimum rating of 2A:10B:C shall be accessible at every 75 feet of travel. A Knox fire department key lock box shall be installed at an approved location determined by the Fire Marshal as set forth in Exhibit 21.

10. Commercial cooking appliances shall be provided with the appropriate type hood to capture, confine and exhaust cooking vapors and residues. A Type I hood shall be installed above all cooking appliances which create grease-laden vapors, and shall be protected with an approved automatic fire-extinguishing system installed and maintained in accordance with the 2018 International Fire Code and appropriate NFPA codes. The Building Official shall approve the duct

installation and shaft construction above the hood. A manual actuation device shall be located at or near a means of egress from the cooking area per the specifications set forth in Exhibit 21. The gas valve shall be identified, installed and maintained as required in Exhibit 21. Class K portable fire extinguishers shall be provided within a 30-foot travel distance of cooking equipment.

11. The occupancy space in the restaurant shall have the room's occupant load posted in a conspicuous place near the main exit or exit access doorway.

12. Pursuant to the City of Lakewood Site Development Regulations, a Site Development Permit, drainage review, geotechnical review, and erosion control plan, as applicable, shall be approved by the City Engineer prior to issuance of building permits. The measures called for in the plan shall be implemented on site prior to and during site development. The City Engineer will review curb, gutter, and streetlights during permit review.

13. The site access onto/from Solberg Dr SW shall be changed to a right-in/right-out only in coordination with the City Engineer during the Site Development Permit review. Access control shall be applied at the discretion of the City Engineer to all street frontages to minimize traffic conflicts and ensure adequate visibility.

14. Per LMC 12.09.031.C, the applicant shall pay a fee-in-lieu to the City that amount equal to the property owner's cost of installing the required street improvements on San Francisco Ave. SW prior to issuance of a building permit. The property owner shall provide documentation satisfactory to the City Engineer that establishes the cost of the materials, labor, quantities.

DATED this 4th day of March, 2025



STEPHANIE E. MARSHALL
CITY OF LAKEWOOD
PRO TEM HEARING EXAMINER

Pursuant to LMC 18A.20 Article III, a Notice of application (NOA) was issued on September 20, 2024, for App # 6210/ 13614 McDonalds Design Review and CUP. The comment period concluded on October 2, 2024. One public comment was received. Further, a Notice of Public Hearing in accordance with LMC 18A.20.340 was published on January 31, 2025.

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.