



STAFF REPORT TO HEARING EXAMINER

TO:	City of Milton Hearing Examiner
FROM:	Brittany Port, AICP – Contract Senior Planner
DATE:	October 27, 2021
PROJECT:	Bigfoot Java
PROJECT NUMBER:	LUA 2021-0017
APPLICANTS/PROPERTY OWNERS:	Mike Baily LDG Architects 6526 15 th Ave NW #220 Seattle, WA
PROPOSAL:	The project proposes to develop a vacant site on Emerald Street adjacent to the Taco Bell. The proposal includes a new structure to accommodate a 450 square foot drive through coffee building with service windows on the south and north sides of the structure. A small parking area is provided behind the structure as well as an enclosed trash disposal. The Emerald street frontage includes a walk up serving window connected to Emerald street via a paved walkway.
LOCATION:	2840 Emerald Street (Pierce County parcel no. 0420041230)
PERMITS REQUESTED:	Major Site Plan / Design Review
ZONING/COMPREHENSIVE PLAN DESIGNATION:	Business (B)
DATE APPLICATION DEEMED COMPLETE:	The application was received on December 31, 2020. The application was deemed complete on January 18, 2021.
PUBLIC NOTICE:	Pursuant to MMC 17.72, the City advertised the Notice of Application and Notice of Neighborhood Meeting on March 10, 2021. The City published notification of the public hearing on October 21, 2021, more than fifteen days prior to the date and time of the hearing.
SEPA:	This project is SEPA Exempt.
RECOMMENDATION:	Staff recommends approval with conditions.

Contents

I. EXHIBITS 4

II. EXISTING CONDITIONS 4

 A. HISTORY 4

 B. CONTEXT 4

 C. SURROUNDING LAND USES 5

III. STATE ENVIRONMENTAL POLICY ACT (SEPA) 7

IV. AUTHORITY OF THE HEARING EXAMINER 7

V. COMMENTS FROM THE PUBLIC ON THE PROPOSAL PRIOR TO HEARING 7

 A. NEIGHBORHOOD MEETING 7

 B. WRITTEN COMMENTS 7

VI. CONSISTENCY WITH THE COMPREHENSIVE PLAN 7

 A. LAND USE ELEMENT 8

VII. CONSISTENCY WITH ZONING REGULATIONS 8

 A. TITLE 17 - ZONING 8

 MMC 17.14.010 Table of uses 8

 MMC 17.15B.010 Building bulk table 9

 MMC 17.15C.010 Landscape regulations table 9

 MMC 17.44.110 Landscape requirements 9

 MMC 17.62.050 Site plan review and approval criteria 11

 B. TITLE 13 – PUBLIC SERVICES 12

 C. TITLE 18 – ENVIRONMENT 12

VIII. CONSISTENCY WITH UPTOWN DESIGN GUIDELINES & STANDARDS 13

 A. SITE DESIGN 13

 Pedestrian Walkways 13

 Stairs 13

 Slope Treatments 13

 Public Spaces and Plazas 13

 Site Furnishings 13

 Site Lighting 13

 Building Location/Setbacks (for Commercial/Mixed Use Buildings) 13

 Surface Parking Lot Location 13

 Parking Lot and Drive-Through Screening 14

Location of Driveways 14

Outdoor Service and Storage Areas 14

B. BUILDING DESIGN 14

 Corner Features 14

 Roof Form 14

 Blank Wall and Side Wall Screening 14

 Franchise Design and Visible Facades 14

 Visible Building Entrances 14

 Ground Floor Facades 15

 Ground Floor Transparency and Visibility 15

 Weather Protection 15

 Building Materials 15

 Upper Level Stepbacks, Mass and Bulk 15

IX. AGREEMENTS 15

X. CONCLUSIONS AND FINDINGS 15

XI. RECOMMENDATION 16

XII. CONDITIONS 16

Figures

Figure 1: Aerial Photograph 5

Figure 2: Site Plan 6

I. EXHIBITS

1. Master Application, received on December 31, 2020
2. Pre-Application Meeting Summary, dated March 4, 2020
3. Title Report, prepared by First American Title Company, prepared on November 24, 2020, received on December 31, 2020
4. Legal Description, received on December 31, 2020
5. Contract to Purchase, received on December 31, 2020
6. Certificate of Water Availability, received on June 30, 2020, approved on July 7, 2020
7. Certificate of Electric Availability received on June 30, 2020, approved on July 10, 2020
8. Sewer Review Letter, received on January 14, 2021
9. Traffic Impact Analysis, prepared by Jake Traffic Engineering, dated July 22, 2020, received on December 31, 2020
10. Irrigation Plans, prepared by Main Street Design, dated November 24, 2020, received on December 31, 2020
11. Notice of Complete Application, issued on January 18, 2021
12. Notice of Application and Neighborhood Meeting, issued on February 2, 2021
13. 1st City Substantive Review, issued on April 14, 2021
14. Applicant Response to City Review, received on June 24, 2021
15. Revised Civil Engineering Plans, prepared by KWO Engineering, dated June, 2021, received on June 24, 2021
16. Revised Landscape Plan, prepared by Main Street Design, dated June 22, 2021, received on June 24, 2021
17. Revised Lighting Plan, received on June 24, 2021
18. Revised Stormwater Site Plan Report, prepared by KWO Engineering, dated June 21, 2021, received on June 24, 2021
19. Access Analysis, prepared by Jake Traffic Engineering, dated June 14, 2021, received on June 24, 2021
20. 2nd City Substantive Review, issued on August 25, 2021
21. Applicant Response to City's 2nd Review, received on September 22, 2021
22. Revised Site Plan and Architectural Plans, prepared by LDG Architects, dated September 21, 2021, received on September 22, 2021
23. Notice of Public Hearing, issued on October 21, 2021

II. EXISTING CONDITIONS

A. HISTORY

The site is currently vacant and is located directly west of the Taco Bell on Emerald Street, near the Emerald Street/Meridian Ave E intersection.

B. CONTEXT

The Comprehensive Plan and Zoning designations for the site are Business (B). The project is located within the Uptown Design Review District.

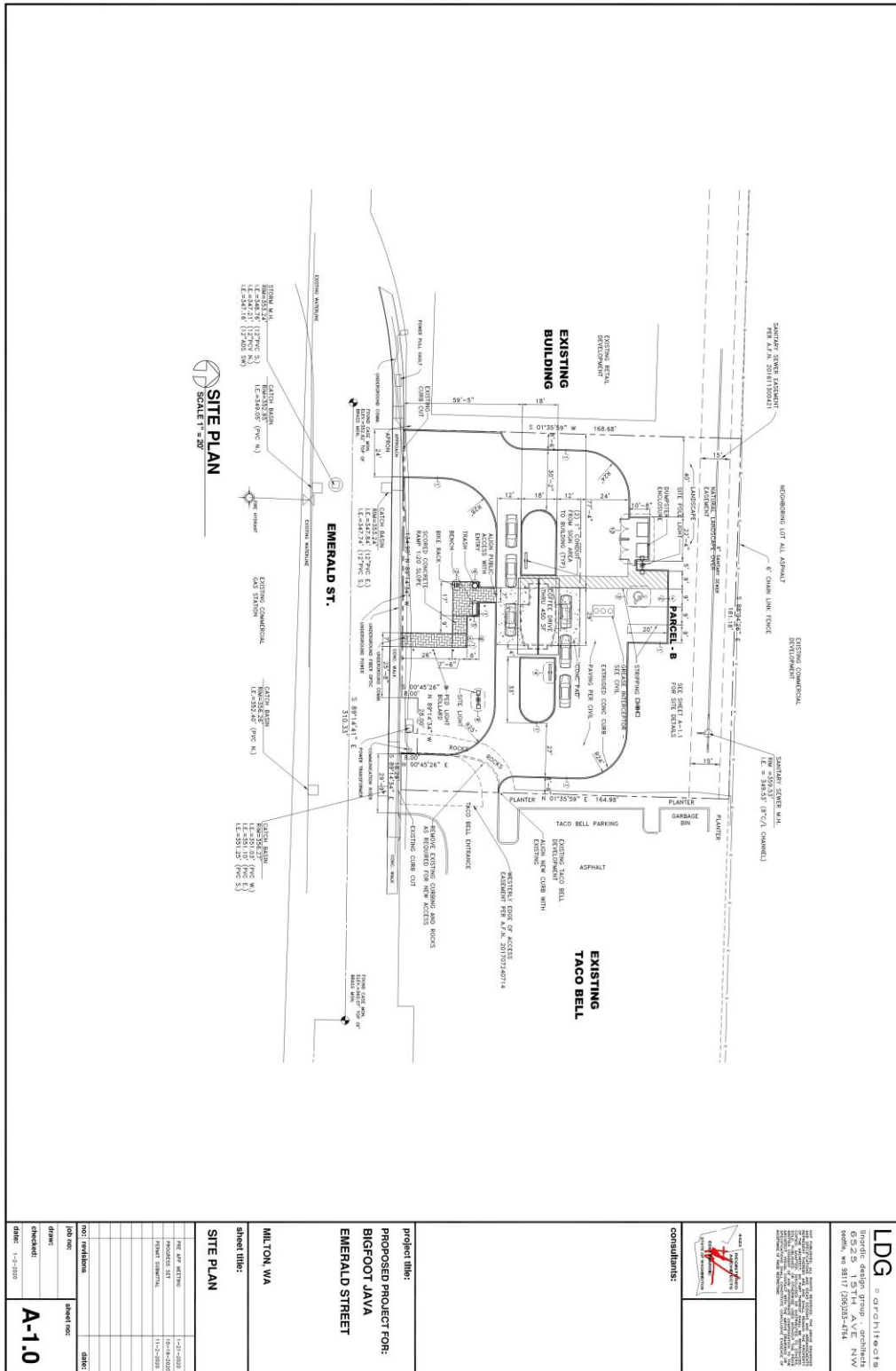
C. SURROUNDING LAND USES


DIRECTION FROM SITE	ZONING/COMPREHENSIVE PLAN DESIGNATION	EXISTING LAND USE
NORTH	Business (B)	Seattle Airstream Adventures (RV dealer)
SOUTH	Business (B)	Emerald Street, vacant lot
EAST	Business (B)	Taco Bell
WEST	Business (B)	Excel Supply Company (safety equipment supplier)

Figure 1: Aerial Photograph



Figure 2: Site Plan



		LDG ARCHITECTS llord&edick llordic design group - architects 6525 31ST AVE NW SUITE 300 BURNING WOODS, WA 98043
project title: PROPOSED PROJECT FOR: BIGFOOT JAVA EMERALD STREET		
sheet title: SITE PLAN		
sheet no: A-1.0		
date: 11-2-2020		

III. STATE ENVIRONMENTAL POLICY ACT (SEPA)

This project is categorically exempt from review under the State Environmental Policy Act (SEPA), under the following minor new construction flexible threshold:

(iv) The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area, and with associated parking facilities designed for twenty automobiles. This exemption includes parking lots for twenty or fewer automobiles not associated with a structure.

The project will result in the construction of a commercial building with less than 4,000sf of gross floor area, and parking for less than 20 automobiles. However, the project will result in the removal of approximately 535cy of material and the fill of approximately 190cy of material. Per the [Washington Department of Ecology’s SEPA FAQ](#), if a proposed construction project is exempt from SEPA but the clearing and grading associated with the construction exceeds the maximum threshold for “landfill and excavation”, SEPA is not required as the exemption for “minor new construction” is intended to be inclusive of all of the construction activity to construct the project.

IV. AUTHORITY OF THE HEARING EXAMINER

17.62.040 Permit decision and appeal processes.

- B. The hearing examiner shall decide on applications for Major Site Plans. The review shall be in accordance with Process Type IV of Chapter [17.71](#) MMC (Permit Decision and Appeal Processes).

V. COMMENTS FROM THE PUBLIC ON THE PROPOSAL PRIOR TO HEARING

A. NEIGHBORHOOD MEETING

On March 10, 2021 the City held the required neighborhood meeting. Due to the ongoing COVID-19 pandemic the meeting was held virtually using ZOOM. Notice was given in accordance with MMC 17.71.090. Four members of the public were in attendance. In attendance from the City was Brittany Port, Contract Senior Planner. Representing the applicant was Jennifer Whitmore, the property owner.

After a brief introduction of the project by City staff, the applicant presented their project and answered questions from the public and City staff. The meeting was adjourned at approximately 6:30, 30 minutes after it had commenced.

B. WRITTEN COMMENTS

No written comments on the proposal were received.

VI. CONSISTENCY WITH THE COMPREHENSIVE PLAN

The following comprehensive plan policies support the proposal:

A. LAND USE ELEMENT

- Pol. LU 1.2 Maintain and enhance the City’s character and neighborhood cohesiveness by:
 - a. Concentrating non-residential development primarily in the Town Center Special Planning Area, Uptown Special Planning Area, West Milton Commercial District Special Planning Area, and other appropriate locations.
 - b. Maintaining or expanding traditional street grids where they currently exist.
 - c. Providing public spaces that impart a sense of place that is consistent with Milton’s character.

- Pol. B/LM 1.4 Business and light manufacturing uses should be encouraged along existing commercial corridors in areas such as the Uptown Special Planning Area and the West Milton Commercial District Special Planning Area.

- Pol. UD 1.1 Strengthen the distinctive visual character of the gateway, buildings and streetscapes to create a positive and memorable impression of the Uptown District Special Planning Area.

- Pol. UD 1.8 Support increased walk ability on Milton Way and Meridian Avenue E through a variety of measures, including new crosswalks, widened sidewalks, increased landscaping, landscaped medians and on-street parking.

- Pol. UD 2.3 Develop a plan for pedestrians to safely cross roadways both on the periphery and internal to the district, through large properties and parking lots.

- Pol. UD 2.5 Orient buildings close to the street with visible pedestrian entrances and transparent windows.

VII. CONSISTENCY WITH ZONING REGULATIONS

A. TITLE 17 - ZONING

MMC 17.14.010 Table of uses.

DESCRIPTION OF USE	RS	RMD	RM	MX	B	M-1	CF	OS
Commercial Use Category								
Espresso stands				au	au	au		
acc: Accessory Use au: Authorized or Permitted Use cup: Conditionally Permitted Use su1: Type I Special Use su2: Type II Special Use								

STAFF ANALYSIS: MMC 17.08.295. “Espresso stand” means an establishment that offers for sale espresso or other coffee beverages with or without drive-through facilities. Espresso stands are a permitted use within the Business (B) zone.

MMC 17.15B.010 Building bulk table.

STANDARDS	RS	RMD	RM	MX	B	M-1	OS	CF
Maximum Height	35 ft.	35 ft.	35 ft.	45 ft.	45 ft.	40 ft.	35 ft.	35 ft.
Maximum Building Coverage ¹	n/a	50%	n/a	90%	60%	60%	n/a	60%
Maximum Net or Phased Floor/Lot Ratio: Square Feet ²	n/a	n/a	n/a	3 to 1	1 to 1	1 to 1	n/a	1 to 1
Minimum Setback from Right-of-Way ^{3,4}	20 ft.	20 ft.	20 ft.	0 ft.	0 ft.	10 ft.	20 ft.	10 ft.
Minimum Side Yard Setback ⁵	7.5 ft.	7.5 ft.	7.5 ft.	5 ft.	0 ft.	0 ft.	5 ft.	5 ft.
Minimum Rear Yard Setback ⁶	25 ft.	10 ft.	25 ft.	0 ft.	0 ft.	0 ft.	7.5 ft.	7.5 ft.
Minimum Rear Yard Setback: Accessory Structure	7.5 ft.	7.5 ft.	7.5 ft.	0 ft.	0 ft.	0 ft.	7.5 ft.	7.5 ft.

STAFF ANALYSIS: *The proposed site plan meets the requirements found in 17.15B. Building plans submitted for the building conform to the above listed bulk and dimensional requirements.*

MMC 17.15C.010 Landscape regulations table.

STANDARDS	RS	RMD	RM	MX	B	M-1	OS	CF
Street Planting Strip	n/a	n/a	35 ft.	45 ft.	8 ft	10 ft	20 ft	20 ft
Side Yard Planting Strip	n/a	n/a ⁷	7.5 ft ⁷	90%	8 ft	8 ft	20 ft	8 ft
Rear Yard Planting Strip	n/a	n/a	25 ft	3 to 1	8 ft	8 ft	20 ft	8 ft
Internal Parking Lot Landscaping ⁸	n/a	n/a	7%	7%	7%	7%	7%	7%

STAFF ANALYSIS: *The proposed site plan meets the requirements found in 17.15C for the street planting strip with an 8' planting strip along the Emerald Street frontage. The proposed landscape plan shows the Side and Rear Yard Planting Strip standards are also met with the exception of breaks in the planting strip to provide for drive through entrance and exists. The Internal Park Lot Landscaping is not required as the standard is only applied for new parking lots of 18 spaces or more double loaded or more than nine single loaded.*

MMC 17.44.110 Landscape requirements.

[...]

D. Parking Lot Landscaping Provisions.

STAFF ANALYSIS: *N/A - Parking lot landscaping is only required for parking lots with 18 spaces or more double loaded or more than 9 spaces single loaded.*

[...]

F. General Landscaping Requirements.

1. All areas of exposed soil, regardless of duration, shall be subject to erosion and sedimentation best management practices as described in Chapter 13.26 MMC, Storm Drainage of Surface Water – Utility, Management and Maintenance.

STAFF ANALYSIS: *See Section VII.B.*

2. All required landscaped areas shall be planted at the next planting season.

STAFF ANALYSIS: *Staff recommends conditioning approval of this permit to require landscaped areas to be planted at the next planting season, and to be bonded to ensure survival of landscape material.*

3. All landscaped areas shall include at a minimum three low impact elements, from subsection J of this section, with no more than two guidelines from each subsection, in the design to minimize and treat runoff.

STAFF ANALYSIS: *Guidelines F, K and L are proposed for the project. Pervious pavers are utilized in the landscape area leading up to the building from the right of way. The plant species proposed have similar climate and maintenance requirements (compatible materials) and are native to the Pacific Northwest (native plant materials).*

4. Open Storm Retention/Detention Facilities.

STAFF ANALYSIS: *Not applicable based on conceptual drainage proposal.*

5. The plant material character of the landscape areas shall have the following characteristics:
 - a. Trees. A minimum of 70 percent required parking area trees shall be deciduous, except, if existing trees are retained, the percentage of deciduous trees can be decreased accordingly. Perimeter landscape areas shall be no more than 50 percent evergreen.
 - b. Shrubs. Shrub and hedge material used shall cover at least 60 percent of the required area.
 - c. Vegetative Groundcover/Turf. Vegetative groundcovers that are sensitive to occasional foot traffic should not be used in landscape areas where foot traffic might be likely.

STAFF ANALYSIS: *Trees proposed are deciduous and shrubs cover at least 60% of the landscape area. The remainder of the landscape is made up of groundcover.*

6. Minimum Landscape Material Specifications. The following general planting regulations shall apply to all landscaped areas that require landscape plans:

STAFF ANALYSIS: *Landscape materials conform to the requirements in MMC 17.44.110.F.6. See landscape plan, included as number 15 of the exhibit to this staff report.*

- G. Significant Tree and Tree Grove Protection.

1. Significant trees are healthy deciduous trees with a diameter at breast height (DBH) of greater than or equal to six inches, and evergreen trees in excess of 10 feet in height. Breast height is defined as four and one-half feet above grade. A grove of trees consists of a grouping of five or more significant trees with contiguous canopy cover. The health of the tree shall be determined by a Washington State licensed arborist.

STAFF ANALYSIS: *No significant trees are located on the site to retain.*

MMC 17.62.050 Site plan review and approval criteria.

- A. The hearing examiner or the director shall review and approve, approve with conditions, or disapprove the site plans for all proposed new developments or structures where site plan approval is required.
- B. The hearing examiner or the director shall make the following findings:
 1. The site is of adequate size to accommodate the proposed use, including, but not limited to, parking, traffic circulation, and buffers from adjacent properties, if needed; and

STAFF ANALYSIS: *The proposed site is of adequate size to accommodate the proposed commercial use, parking, traffic circulation, drive-through and required landscaping.*

2. All external illumination is designed to face inward, so that impact to adjacent properties is minimized to the greatest extent practicable;

STAFF ANALYSIS: *External illumination is designed to avoid "night glow".*

3. Parking areas are designed to assure that headlight glare from internal traffic does not affect motorists on adjoining streets; and

STAFF ANALYSIS: *The parking areas are oriented such that headlight glare should not affect motorists on adjoining streets. Parking for the coffee shop is located in the northern portion of the property and is oriented away from any adjoining street.*

4. On-site drainage is designed to assure that post-construction drainage has no greater impact on downstream properties than preconstruction drainage; and

STAFF ANALYSIS: *A conceptual drainage plan was submitted which the City Engineer has reviewed and determined complies at a conceptual level with the adopted Stormwater Manual, which will ensure that there is no impact on downstream properties as a result of the proposed development. Full conformance will be evaluated upon submittal of Civil Plans.*

5. There is adequate sight distance at each proposed point of access to the site to assure traffic safety;

STAFF ANALYSIS: *Two points of access has been provided into the site. Staff has reviewed each point of access for adequate sight distance. A shared driveway with Taco Bell is proposed at the eastern entrance. A queuing analysis was provided to ensure that each facility has adequate queuing space and would not result in queueing occurring on Emerald Street, see Exhibit 19.*

6. If the site abuts an existing residential use, a solid visual and noise barrier composed of fencing and landscaping will be in place prior to occupancy; and

STAFF ANALYSIS: *The site does not abut an existing residential use.*

7. The site plan is consistent with the policies set forth in the state's Growth Management Act; and

STAFF ANALYSIS: *The proposal is consistent with the State's Growth Management Act.*

8. The site plan is consistent with the city's comprehensive plan; and

STAFF ANALYSIS: *See Section VI.*

9. The site plan complies with all applicable city development regulations including, but not limited to, all regulations found in MMC Titles [13](#), [16](#), [17](#) and [18](#).

STAFF ANALYSIS: *See sections VII.A – VII.C.*

B. TITLE 13 – PUBLIC SERVICES

STAFF ANALYSIS: *Full compliance with Title 13 will be determined and approved upon the issuance of Civil Plans.*

C. TITLE 18 – ENVIRONMENT

STAFF ANALYSIS: *No critical areas or their buffers are present on the site. The project is SEPA Exempt.*

VIII. CONSISTENCY WITH UPTOWN DESIGN GUIDELINES & STANDARDS

A. SITE DESIGN

Pedestrian Walkways

STAFF ANALYSIS: *A clear and visible paved pedestrian walkway connects Emerald Street to the walk-up window. Stamped concrete provides a pedestrian connection from the rear parking area to the walk-up window.*

Stairs

STAFF ANALYSIS: *Not applicable.*

Slope Treatments

STAFF ANALYSIS: *Not applicable.*

Public Spaces and Plazas

STAFF ANALYSIS: *Along the site's Emerald Street frontage a public space is provided as part of the pedestrian walkway to connect the sidewalk to the building entrance/walk-up window. The public space includes landscaping and a bench as well as a sculpture and bike rack. Bollard lighting provides lighting to the space and decorative paving connects the space to the sidewalk and building entrance/walk-up window.*

Site Furnishings

STAFF ANALYSIS: *Site furnishings including a bicycle rack, trash receptacles, public art, and bench are provided in pedestrian area fronting Emerald Street.*

Site Lighting

STAFF ANALYSIS: *Bollard lighting along the pedestrian pathway connecting the sidewalk to the walk-up entrance provides lighting to the pedestrian area along the Emerald Street frontage.*

Building Location/Setbacks (for Commercial/Mixed Use Buildings)

STAFF ANALYSIS: *Due to the nature of the site use being a drive through with service windows on both the north and south side of the building, the proposed building is set back and does not meet these criteria. A proportional compliance request has been filed to deviate from the building location/setbacks standard. See Exhibit 21. Staff concurs with the applicant's assessment.*

Surface Parking Lot Location

STAFF ANALYSIS: *The small surface parking lot is located behind the building, and is not between the building and the public right-of-way.*

Parking Lot and Drive-Through Screening

STAFF ANALYSIS: *Drive-through Parking lot screening is provided by planting strips along through a parking lot planters along the complete rear lot line and partially along the side and front lot lines with gaps for the drive through entrance and exits. The planting strips consist of a mix of evergreen shrubs and trees. See the landscape plan, number 16 of the exhibit to this staff report.*

Location of Driveways

STAFF ANALYSIS: *One vehicular driveway will be shared with an existing driveway accessing the Taco Bell directly to the east with entrance from Emerald Street. A second driveway is proposed with access from Emerald Street bordering the western lot line. Sidewalk paving extends across each of the driveways to maintain sidewalk continuity.*

Outdoor Service and Storage Areas

STAFF ANALYSIS: *Outdoor storage areas are screened using a CMU block enclosure.*

B. BUILDING DESIGN

Corner Features

STAFF ANALYSIS: *Not applicable.*

Roof Form

STAFF ANALYSIS: *The roof form includes sloped roofs that meets the standards for Roof Form.*

Blank Wall and Side Wall Screening

STAFF ANALYSIS: *All elevations meet blank wall and side wall screening. Along the street facing south elevation there are several windows occupying 50% of the façade as well as a 26'- 5" canopy.*

Franchise Design and Visible Facades

STAFF ANALYSIS: *The proposal does not include any typical corporate architecture and other designs which are easily identified as a particular chain. The architecture is typified as traditional Pacific Northwest architecture. A bigfoot sculpture is provided, which is provided at all Bigfoot Java locations, however, staff does not believe that the bigfoot sculpture is singly associated with the Bigfoot Java coffee chain.*

Visible Building Entrances

STAFF ANALYSIS: *Not applicable as the building is not entered by the public (drive through and walk-up order window only) however the façade facing Emerald Street with the walk up window contains canopies, special entry paving, planters and seating. Weather protection is provided with canopies.*

Ground Floor Facades

STAFF ANALYSIS: *Building is set back from the street front to accommodate the drive through lane. The façade facing the street does however contain large storefront windows, mullions, lighting supported by brackets, and tile work.*

Ground Floor Transparency and Visibility

STAFF ANALYSIS: *50% of the Emerald Street facing south façade is comprised of clear windows. Windows on all facades are clear.*

Weather Protection

STAFF ANALYSIS: *A 26' 5" canopy is provided on the street frontage side of the building. This canopy occupies 80% of the building frontage. See Exhibit 22.*

Building Materials

STAFF ANALYSIS: *Building materials are comprised of wood sliding, slate tiles and metal.*

Upper Level Stepbacks, Mass and Bulk

STAFF ANALYSIS: *Upper level stepbacks do not apply to the proposed development.*

IX. AGREEMENTS

No special agreements have been entered into as a part of the proposal.

X. CONCLUSIONS AND FINDINGS

1. The applicant is the owner of the property.
2. The property is zoned Business (B).
3. The applicant submitted an application for Major Site Plan Approval, and Design Review on December 31, 2020. The application was determined to be completed on January 18, 2021.
4. Timely notice of the application was posted in accordance with MMC 17.71.120 on February 2, 2021. A notice was mailed to surrounding property owners within 500 feet of the project site, published in The Tacoma News Tribune, and posted as a board on the site.
5. The City held a neighborhood meeting in accordance with MMC 17.71.090 on March 10, 2021.

6. Notice of this public hearing was posted in accordance with MMC 17.71.130 on October 21, 2021, at least 15 calendar days prior to the date of this hearing.
7. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.
8. As conditioned, the proposed development meets the requirements of the Milton Municipal Code.
9. Site plan approval does not usurp the requirement for conformance to all applicable sections of the Milton Municipal Code, or State and Federal Requirements.

XI. RECOMMENDATION

The City hereby recommends approval of the proposal, as conditioned below.

XII. CONDITIONS

The following conditions are imposed as a result of review and analysis of the proposal. Voluntary agreements and the following conditions have allowed the City to recommend approving this proposal and to issue a SEPA mitigated determination of non-significance.

All conditions of approval shall be satisfied prior to issuance of a Certificate of Occupancy for the project.

1. To mitigate transportation impacts in the City of Milton, the project will contribute to the City's Traffic Impact Fee program. Per Ordinance 1982-20, the current traffic impact fee is \$4,476.36 per PM peak trip. The project will contribute 1.8 new PM peak trips to the City's road network. As currently calculated, the total fee would be \$8,057.45. The total fee will be calculated at the time of building permit issuance, and may increase as the City's adopted traffic impact fee increases. The applicant will be responsible for contributing towards the traffic impact fee program at the adopted rate for 1.8 new PM peak trips.
2. Construction activities are limited to the hours between 7:00am and 7:00pm in accordance with MMC 9.37.
3. If during construction any artifacts are uncovered the applicant shall follow the Inadvertent Discovery Plan (IDP) procedures and shall notify the Department of Ecology, the Puyallup Tribe, the Muckleshoot Tribe and the Washington State Department of Archeology and Historic Preservation.
4. Approximately 535 cubic yards of cut, and 109 cubic yards of fill will be used to prepare for the new building pad and parking area. Should export/import of material be necessary, the site must utilize clean fill and disposal of fill must be to an approved disposal site.
5. The applicant shall provide adequate site control measures for erosion control for the proposed movement of 725 cubic yards of material, including site stabilization measures to stabilize the site after clearing and grading is complete.
6. The property is within a quarter mile of several contaminated sites. If contamination is suspected, discovered, or occurs during the demolition of the auto repair shop and construction of a new commercial building, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by sampling, the Ecology must be notified. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office (SWRO) at (360) 407-6300.

7. Compliance with all applicable City codes is required during and following any site development activity, including MMC 13.26 (Storm Drainage of Surface Water – Utility, Management and Maintenance).
8. A Temporary Erosion and Sedimentation Control (TESC) plan must be submitted with a SWPPP prior to clearing and grading permit issuance. This plan shall be approved by the City's Stormwater Official, and implemented during site preparation activities.
9. All impact fees, including transportation, shall be paid prior to issuance of a building permit.
10. The project is still required to obtain all other approvals including but not limited to, water/sewer connections, building permit, civil plan, drainage, electrical, and right of way.
11. The applicant shall plant required landscaped areas shall be planted at the next planting season. The public works director may require a bond to ensure planting materials are established in accordance with the approved landscape plan.

X:\Community Development\PROJECTS\2020\2020-0017 Bigfoot Java\20211027_Staff_Report_LUA2020-0017.docx