Ordinance No. 3845

(Amending or Repealing Ordinances)

CFN= 1305 – Events Center
Passed – 6/19/2007
Kent Events Center – Special Use Combining District
ORDINANCE NO. 3845

AN ORDINANCE of the city council of the city of Kent, Washington, approving an application for a Special Use Combining District to allow construction of a multipurpose regional events center at 625 W. James Street in downtown Kent in accordance with and adopting the hearing examiner's June 6, 2007, Findings, Conclusions, and Recommendation (#CD-SU-2007-1).

RECITALS

A. An application was filed on April 23, 2007, requesting a Special Use Combining District (SUCD) to allow construction of a multipurpose regional events center at the Commons Playfield site in downtown Kent, located at 625 W. James Street, currently zoned M-2, Limited Industrial. The project is located on approximately 17.54 acres.

B. The Events Center will be approximately 153,000 square feet in size and will house a multitude of events ranging from spectator sports, concerts, performances, trade shows, and other civic activities. In order to construct the Events Center, the Kent City Code requires that an application be submitted for a Special Use Combining District in accordance with KCC 15.04.150. The Special Use Combining District process provides special controls for certain uses that do not clearly fit within other districts, or which are of such unique character as to warrant special attention in the interest of the city's optimum development. The Events Center is a type of use subject to review under KCC 15.04.150(A)(8)(a).
C. In reviewing and approving applications for a Special Use Combining District, KCC 15.04.150(D) requires that the hearing examiner and council issue findings that: (i) the location for the proposed use is reasonable; (ii) the existing or proposed trafficways are adequate to serve new development; (iii) setback, height, and bulk of the buildings are acceptable for the proposed use and for the vicinity in which it is located; (iv) landscaping and other site improvements are comparable to the highest standards set forth for other developments as set out in this title; (v) the performance standards pertaining to air and water pollution, noise levels, etc., are comparable to the highest standards specified for other uses as set out in this title; (vi) the proposed development is in the public interest and serves a need of community-wide or regional importance.

D. After providing appropriate notice, a public hearing on the application for a Special Use Combining District was conducted on May 23, 2007, before the hearing examiner. After hearing from the applicant, city staff, the public, and all others wishing to be heard, the hearing examiner issued his Findings, Conclusions, and Recommendation on June 6, 2007. The hearing examiner recommended council approve the application for a Special Use Combining District, subject to the conditions set forth in his recommendation to address air quality, water resources, wetlands, noise due to construction and operation, land use, aesthetics, transportation, and infrastructure concerns. A true and correct copy of the hearing examiner's Findings, Conclusions, and Recommendation is attached and incorporated as Exhibit A.

E. Council has reviewed the hearing examiner’s recommendation and the provisions of KCC 15.04.150. On June 19, 2007, the city council determined that the hearing examiner's findings and conclusions were consistent with KCC 15.04.150, and council accepts and incorporates the hearing examiner's findings and conclusions and adopts the hearing examiner's recommendation for approval of the Special Use Combining District for the Events Center, also known as the Amiga Center at Kent.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Kent Events Center—Special Use Combining District
ORDINANCE

SECTION 1. - Recitals Incorporated as Findings. The foregoing recitals, together with the findings and conclusions adopted by the hearing examiner in his June 6, 2007, Findings, Conclusions, and Recommendation, attached and incorporated as Exhibit A, constitute the council's findings on this matter as required by KCC 15.04.150(D).

SECTION 2. - Special Use Combining District. The application requesting a Special Use Combining District for property located at 625 W. James Street in Kent, Washington, consisting of approximately 17.54 acres of land as depicted in the vicinity map attached and incorporated as Exhibit B, and as legally described in the attached and incorporated Exhibit C, is granted.

SECTION 3. - Period of Validity. In accordance with KCC 15.04.150, either construction or use of the Events Center must begin within one (1) year from the adoption date of this ordinance in order to preserve the Special Use Combining District designation. Should construction or use fail to begin within one (1) year, the Special Use Combining District shall become invalid and the original zoning designation of the land shall apply.

SECTION 4. - Appeal Period. Any appeal of this ordinance or the underlying SEPA determination must be timely filed pursuant to Kent City Code section 12.01.200.

SECTION 5. - Severability. If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

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Kent Events Center-
Special Use Combining District
SECTION 6. - Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage as provided by law.

Suzette Cooke
SUZETTE COOKE, MAYOR

ATTEST:

Brenda Jacober
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 19 day of June, 2007.
APPROVED: 19 day of June, 2007.

I hereby certify that this is a true copy of Ordinance No. 3845 passed by the city council of the city of Kent, Washington, and approved by the mayor of the city of Kent as hereon indicated.

Brenda Jacober
BRENDA JACOBER, CITY CLERK

Kent Events Center-Special Use Combining District
Exhibit A

Hearing Examiner’s June 6, 2007, Findings, Conclusions, and Recommendation Attached
OFFICE OF THE LAND USE HEARING EXAMINER

Theodore Paul Hunter
Hearing Examiner

FOR THE CITY OF KENT

FINDINGS, CONCLUSIONS AND RECOMMENDATION

FILE NO: AMIGA CENTER AT KENT #CD-SU-2007-1 KIVA #2071650

APPLICANT: Ben Wolters, City of Kent

REQUEST: A request to approve a Special Use Combining District for a multipurpose regional event center.

LOCATION: 625 W James Street, Kent, Washington.

APPLICATION FILED: April 23, 2007

FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT ISSUED: May 9, 2007

HEARING DATE: May 23, 2007

RECOMMENDATION ISSUED: June 6, 2007

RECOMMENDATION: APPROVAL

TESTIMONY: The following individuals presented testimony under oath at the open record hearing:

Charlene Anderson, City Planning Manager
Ben Wolters, City Economic Development Director
Jeff Watling, City Parks Department
Edwin Thomas, Citizen
Bonnie Taylor-Lackey, Citizen
Garen Fletcher, Citizen
John Hinds, General Manager of Kent Station
Marni Heffron, City Consultant on Traffic Impacts
Tom Burgess, LMN Architects

City Attorney Tom Brubaker represented the City at the hearing.

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EXHIBITS:

1. Staff report, undated, including Vicinity Map and FSEIS mitigation measures
2. Special Use Combining District Application, received April 23, 2007
4. Routing Slip to City Departments, dated April 24, 2007
5. Notice of Public Hearing, dated May 12, 2007, with mailing distribution list and e-mail request to publish notice in the May 12, 2007, edition of the Kent Reporter
6. Notice of Application, dated May 5, 2007, with mailing distribution list and e-mail request to publish the notice in the May 5, 2007, edition of the Kent Reporter
7. Notice of Availability for the Final Supplemental Environmental Impact Statement, dated May 9, 2007; with certificate of posting, mailing distribution list, affidavit of mailing
10. "Amiga Center@Kent" plans, received April 23, 2007; including the following: Cover; 1) Vicinity Map; 2) Lot dimensions; 3) Site Plan; 4) Utility Plan; 5) Stormwater Plan; 6) Site Survey; 7) Vehicle Maneuvering Diagram; 8) Site Lighting Plan; 9) Site Distance Triangles; 10) Landscape Plan; 11) Landscape Cross Section; 12) Planting Schedule; 13) Site Plan Photometrix; 14) Floor Plan - Concourse Level; 15) Floor Plan - Suite Level; 16) Elevations N/W, 17) Elevations S/E, 18) Section; 19) Materials
11. Letter from Tarragon, LLC to Hearing Examiner and City of Kent, dated May 18, 2007; letter from The Transpo Group to Tarragon Development, dated May 21, 2007 (pages 1 and 2 of 3)
12. Proposed Kent Events Center - Commons Soccer Short Term Relocation Sites (used by Jeff Watling, Kent Parks Director at hearing)
13. Email from Garen and Nancy Fletcher to City, dated May 23, 2007

The Hearing Examiner enters the following Findings, Conclusions and Recommendation based upon the testimony and exhibits admitted at the open record hearing:

**FINDINGS**

Application and Review Process

1. The City of Kent Economic Development Division of the Mayor’s Office (Applicant) requests a Special Use Combining District (SUCD) to allow construction of a
multipurpose regional event center (Events Center\(^1\)), including 851 on-site parking stalls, on 17.54 acres in downtown Kent at the Commons Playfield site (Commons site)\(^2\). The Commons site is located at 625 W James Street\(^3\). *Exhibit 1, pages 1 and 3; Exhibit 2; Exhibit 6.*

2. The City proposes to construct an approximately 153,000 square foot\(^4\) civic Events Center on the Commons site in downtown Kent. The Events Center would provide a venue for a range of events including spectator sports, concerts, performances, trade shows and other civic activities. The center would also include a public plaza and open space; and pedestrian linkages to the surrounding areas including the Interurban Trail and downtown Kent. *Exhibit 8, page 1.*

3. The property was part of the original township site established in 1888. The property was used for agricultural purposes before the City purchased it in 1978 and 1981. The City has converted the land to recreational use, including ball and soccer fields. *Exhibit 1, page 4.*

4. The City deemed the application complete on April 23, 2007. A notice of application was issued May 5, 2007. It was posted on the site, mailed to a distribution list of parties of record, affected agencies, and all persons owning property within 300 feet of the site; and published in the *Kent Reporter.* *Exhibit 1, page 6; Exhibit 6.* A notice of public hearing was issued on May 12, 2007. It was posted on-site on May 11, 2007; mailed to all owners of property within 300 feet of the subject property on May 15, 2007; and published in the *Kent Reporter* on May 12, 2007. *Exhibit 5.*

5. The City acted as lead agency for review of potential probable significant adverse environmental impacts of the proposal as required by the State Environmental Policy Act (SEPA). The City determined that this proposal may have significant adverse impacts on the environment. *Exhibit 8, page S-1.* The City therefore issued a combined Determination of Significance and request for scoping comments on November 28, 2006. A Draft Supplemental Environmental Impact Statement (DSEIS) for the Center was issued on February 26, 2007. *Exhibit 8.* The DSEIS examined three alternatives:

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\(^1\) The Events Center is now known as the Amiga Center at Kent. However, since many of the application review documents reference the more generic term 'Events Center', this recommendation uses that term throughout for consistency.

\(^2\) "The application procedure for a special use combining district shall be the same as for an amendment to this title as provided in KCC 15 09 050, except that development plan approval is concurrent with the combining district." *Kent City Code (KCC) 15 04 150 B*

\(^3\) The subject parcel is identified by King County Tax Parcel numbers 1322049015 and 1322049037. *Exhibit 1, page 3; Exhibit 2.* A legal description of the subject parcel is included on the cover of the "Amiga Center@Kent" plans. *Exhibit 10*

\(^4\) The Staff Report references a 153,000 square foot civic Events Center. *Exhibit 1, page 1.* The SUCD application references 153,000 gross square feet building area. The FSEIS describes a 172,000 square foot civic Events Center. *Exhibit 9, page 1.*

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Alternative 1 – development of the Events Center at the Commons site, as the preferred alternative; Alternative 2 – development of the Events Center at the Naden site, and Alternative 3 – the No Action Alternative. Exhibit 8, page S-2. The Naden site consists of two properties located in the southwest portion of downtown Kent fronting on W Meeker Street. Exhibit 8, page S-2. The City determined that the Commons site would best meet the City's objectives of creating a "civic anchor" for downtown Kent and would accommodate more on-site parking than the Naden site. The City issued the Final Supplemental Environmental Impact Statement (FSEIS) on May 9, 2007. The FSEIS provides updated information on the selected Commons site and responds to public comments. Exhibit 9, Chapter 3. As part of the environmental review process, the City determined that conditions of approval are required to mitigate impacts of the proposal. Those conditions were identified in the environmental review documents. Exhibit 1, page 12.

6. The purpose of a Special Use Combining District is defined in the Kent City Code, as follows:

It is the purpose of the SU district to provide for special controls for certain uses which do not clearly fit into other districts, which may be due to technological and social changes, or which are of such unique character as to warrant special attention in the interest of the city's optimum development and the preservation and enhancement of its environmental quality. A special use combining district is imposed on an existing zoning district, permitting the special use as well as uses permitted by the underlying zone. The combining district becomes void if substantial construction has not begun within a one-year period, and the district reverts to its original zoning designation. It is the intent of the special use combining regulations to provide the city with adequate procedures for controlling and reviewing such uses and to discourage application for speculative rezoning.

KCC 15.04.150.5

The criteria for review and approval of a Special Use Combining District are also defined in the Kent City Code. The following findings address the criteria for review of the proposed district consistent with the City Council directive in KCC 15.04.150.

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5 "Any special use combining district shall remain effective only for one (1) year unless the use is begun within that time or construction has commenced. If not in use or construction has not commenced within one (1) year of the granting of the special use combining district, the combining district shall become invalid, and the original zoning designation of the land shall apply." KCC 15.04.150 E

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Zoning and Comprehensive Plan

7. The property is zoned M-2, Limited Industrial. Properties to the north of the site, across the Valley Freeway – Highway 167 (SR 167), are zoned General Industrial (M-3). Properties to the west of the site, across the Union Pacific Railroad and the Interurban Trail, are zoned General Commercial/Mixed Use (GC-MU). Properties to the south, across W James Street, are zoned Downtown Commercial Enterprise (DCE). Kent Commons, a recreational facility, and Kent Station, a mixed-use commercial/office development, are located southeast of the proposed site. Properties to the east are zoned DCE, Multifamily Residential Townhome/Condo (MRT-16), and Garden Density Multifamily (MR-G). Exhibit 1, page 4; Exhibit 8, pages 2-5, 3.5-2, Figure 3.5-1, 3.5-3; Exhibit 10, Vicinity Map.

8. The Comprehensive Plan Land Use Map designation for the property is Parks & Open Space. Exhibit 1, page 4; Kent Comprehensive Plan, Figure 10.2. One of the City’s Comprehensive Plan Parks and Open Space Element policies is to “Develop and operate special indoor and outdoor cultural and performing arts facilities that enhance and expand music, dance, drama, and other audience and participatory opportunities for the community at large,” Policy P&OS-11.4. One of the City’s Comprehensive Plan Land Use Element goals is to “Plan and finance transportation and other public facilities which support the mixed-use development of the Urban Center,” Goal LU-4. Land Use Element policies include “Locate civic buildings and facilities in the Urban Center,” Policy LU-4.8, and “Maintain and enhance Kent’s Downtown as a vital and unique commercial district,” Policy LU-13.1. One of the City’s Comprehensive Plan’s Economic Development Element goals is to “Promote Downtown as the primary center for the concentration of housing, retail and office commerce, and cultural activities in Kent,” Goal ED-6. Exhibit 1, page 7; Kent Comprehensive Plan, Figure 4.2; Exhibit 8, page 2-5.

9. The Comprehensive Plan also has a Community Design element goal to “Reinforce the role of people-oriented Downtown as the focus of community life and as a vital, people-oriented place,” Goal CD-11, and a policy to “Design streets and other public spaces within Downtown that can otherwise be utilized for seasonal celebrations and special events,” Policy CD-11.7. Exhibit 1, page 8. The proposed project was reviewed by the Downtown Design Review Committee which made a final decision approving the design of the proposed project, with conditions, on May 15, 2007. KCC 15.09.046; Exhibit 3, page 1. The decision included the following conditions:

1. Along the east boundary of the site, the applicant shall provide a landscape buffer of 10 -15 feet in width. This buffer shall consist of a 36 inch minimum height berm and densely planted evergreen and deciduous trees with a minimum 4-foot high, vinyl coated chain link fence (or similar material approved by the Committee).
2. The applicant shall appropriately screen from public view any rooftop equipment. The screening shall be integrated with the building design as a continuation of the upper band design.

3. The applicant shall ensure to the City’s satisfaction the ballast rock landscape islands provide a safe and functional means of pedestrian passage, or provide other pedestrian walkways in accordance with Guidelines I.E. and I.G.

4. The applicant shall provide lighting plans with a photometric analysis that indicated lighting levels that provide safety and gradual lighting transitions throughout the parking area pedestrian routes to the facility. Fixture manufacture cut sheets and photometric data will need to be provided with construction drawings.

5. The service and loading area located at the north end of the proposed building shall be appropriately screened with a partially sight-obscuring fence or landscape buffer or otherwise constructed to achieve compliance with Guidelines I.B, I.C., and I.E.

6. Plantings around the pedestrian routes in the parking areas and adjacent to the structure shall be maintained to provide clear surveillance opportunities between the heights of 30 inches and 7 feet at maturity, in compliance with Guideline I.E.

7. The large expanse of the east and west elevations require additional detail. Substantial, decorative light fixtures that are clearly visible during daylight hours from the parking areas shall be provided along the east and west facades of the building in compliance with Guideline III.D.

8. The applicant shall construct the building and site improvements substantially as outline in their April 23rd 2007 submittal, with changes as required by conditions of this design review approval.

Exhibit 3, page 2.

No appeal of the Downtown Design Review Committee decision was received.

Traffic Impacts

10. The DSEIS transportation analysis included 22 intersections along the major access routes to downtown Kent and parking analysis for locations within a half mile of each site. For the preferred Alternative 1 - Commons site, Table 3.8-2 summarizes the types of events, the number expected per year, and the average attendance for each type of event, for a total of 191 events and meetings per year. Event attendance is expected to average 4,680 attendees. The projected 40 hockey games per year are expected to average 5,265 attendees per event, with maximum attendance of 6,500 attendees. The
projected 10 concerts/performances per year are expected to average 6,000 attendees per event, with a maximum attendance of 8,000 attendees. Exhibit 8, pages 3.8-10, 3.8-11.

11. The DSEIS estimated that up to 170 Events Center staff would commute by vehicle to the proposed site for a typical hockey game, and 151 staff for a peak concert event, with an assumed vehicle occupancy rate of 1.5 persons per vehicle. Exhibit 8, page 3.8-12, Table 3.8-3. For hockey games, the DSEIS estimated an average of 5,265 attendees, with a peak of 6,500 attendees, based on average vehicle occupancy of 2.6 persons per vehicle. An average hockey game would generate approximately 4,276 total arrival and departure trips with 100 percent of the staff arriving between 4:5:00 PM; 12 percent of attendees arriving between 5-6:00 PM; 70 percent of attendees arriving between 6-7.00 PM, and 18 percent of attendees arriving after 7:00 PM. Ten percent of attendees would depart before 9:30 PM, 90 percent of attendees would depart between 9:30-10:30 PM; and 100 percent of the staff would depart after 10:30 PM. Exhibit 8, page 3.8-14, Table 3.8-4. Maximum size concert events are expected to occur five or six times a year. Average vehicle occupancy rate for a large concert is estimated at 3.0 persons per vehicle. The number of attendees arriving between 6-7:00 PM and departing during the peak egress period would be slightly higher than for hockey events. Exhibit 8, page 3.8-15.

12. The main access to the proposed site would be from W James Street, with a secondary access to the site from 4th Avenue N via W Cloudy Street. Frontage improvements along W James Street would include widening the street for a five-foot wide bicycle lane on the north side; constructing a 12-foot wide sidewalk/landscape buffer, and converting an existing center left-turn acceleration lane into an eastbound left turn lane, which would also be extended to the west. A new traffic signal would be installed at the intersection of W James Street/Events Center Main Driveway/RJC Garage Driveway. W Cloudy Street between the site and 4th Avenue N would initially have one lane in each direction, but would be widened to add an additional left turn lane to the intersection with 4th Avenue N once additional right-of-way is acquired. 5th Avenue N provides access to local residences and would be posted for local access only. Managed traffic control would be provided to and from the Events Center and large weeknight events would be scheduled for 7:30 PM. Exhibit 1, page 5; Exhibit 8, page 3.6-25; Exhibit 9, pages 1-1 and 1-2.

13. According to the DSEIS, 32 percent of the trips would use SR 18 and SR 167 south of the site and 11 percent of the trips would use SR 167 north of the site; 14 percent would use SR 516 east of the site and nine percent SR 516 west of the site; 10 percent would use I-5 north of Kent; 15 percent would travel east on James Street; 5 percent would travel north on Central and 4 percent south on Central. Exhibit 8, pages 3.8-16 and 3.8-17, Table 3.8-6.
14. The FSEIS identified a revised level of service (LOS)\(^6\) analysis for signalized intersections surrounding the proposed site due to the proposed project. All intersections would operate at LOS D or higher. Willis Street/SR 167 northbound ramps would change from LOS B to LOS C during peak ingress hour (6-7:00 PM) and Willis Street/4\(^{th}\) Avenue N would change from LOS B to LOS C during peak egress hour (9:30-10:30 PM). Exhibit 9, p. 2-11, Revised Table 3.8-7. Additional traffic analysis was carried out on other intersections. Smith Street/Ramsey Way would change from LOS B to LOS C and 4\(^{th}\) Avenue N/Cloudy Street would change from LOS A to LOS B during peak egress hour (9-30-10:30 PM). With the proposed project a new unsignalized west Events Center driveway would operate at LOS D. Exhibit 9, page 2-11, Revised Table 3.8-7, page 2-12, Revised Table 3.8-74.

15. The proposed site plan would provide an estimated 851 parking spaces.\(^7\) The nearby Regional Justice Center and Lincoln Avenue Park-and-Ride lots contain a combined 1,083 parking spaces. Exhibit 8, pages 3.8-27 and 3.8-28. The DSEIS found that there would be adequate off-street parking available for attendees at the Commons site, but recommended that a residential parking zone program may be appropriate for the North Park neighborhood. Exhibit 8, pages 3.8-28. The FSEIS provided new parking lot demand information based on parking supply counts performed after 7:00 PM on Friday, April 6, 2007. The FSEIS concludes that other parking needs at the Regional Justice Center and the James Street Park & Ride would push parking further from the site and might increase the demand for parking at Kent Station. The FSEIS recommended that an event parking management plan be prepared to reduce potential event parking at Kent Station and other locations. Exhibit 9, page 2-13 and 2-14, New Table 3.8-10A.

**Development Regulations & Landscaping**

16. The proposed 153,000 square foot Events Center would be located in the south-central portion of the Commons site. This would provide a buffer for the residences across 5\(^{th}\) Avenue N to the east. Exhibit 1, page 9; Exhibit 10, Site Plan. In addition, the proposed Events Center would include a building setback of approximately 200 feet from the eastern site boundary. Exhibit 8, page 3.6-25. Surrounding structures to the south include the five-story Regional Justice Center, with the largest building measuring approximately 360,000 square feet in size. The Kent Station ranges from one to five stories in height, totaling approximately 800,000 square feet. The Kent Commons building covers approximately 50,000 square feet. Buildings to the north, used for light industrial uses, range from one to two stories in height. Exhibit 8, page 3.5-7. The Union Pacific Railroad borders the proposed site to the west and SR-167 borders the proposed site to the west and northwest. Exhibit 8, Figure 3.5-1.

\(^6\) Intersection Level of Service (LOS) is determined based on the overall average control delay (sec/veh) at an intersection. It is a measure of drivers' discomfort, frustration, fuel consumption, and lost time. The LOS grading ranges from A to F, with LOS A assigned when low delays are present and low volumes are experienced. LOS F indicates long delays and/or forced flows. Exhibit 8, p 3.8-7.

\(^7\) The DSEIS states that the proposal would include an estimated 845 parking spaces. Exhibit 8, page 3.8-27.

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17. City Code requires all parking areas of over 20,000 square feet to have a minimum of ten percent of the parking area, maneuvering area, and loading space landscaped. KCC 15.07.040.A. The proposed site plan includes approximately ten percent of the surface parking area in landscaping, excluding the perimeter buffer area. Exhibit 8, page 3-6-26; Exhibit 10, Landscape Plan. City Code requires a landscape strip of at least 15 feet in depth along side property lines flanking the street of a corner lot (KCC.15.07.060.L.c.), as well as a 36-inch high berm in a front yard setback. KCC 15.07.060.M. The proposed project would have a 15-foot wide landscape buffer along the entire eastern property line as well as a 3-foot high earth berm and Type II landscaping to provide a visual separation between the parking area and the adjacent residential area. Exhibit 8, page 3.6-25. Approximately 42 percent of the Commons site would be open space. Exhibit 9, page 2-7.

Environmental Impacts

18. The proposed project site lies within the A2 Subbasin of the Mill Creek Basin, almost entirely within the 100-year flood plain. Four small Class 4 wetlands are located along the west and north boundaries of the site. Exhibit 8, page 3.2-1, Appendix B, pages 2 and 3. A.C. Kindig & Co. prepared a wetland report on the proposed site, dated February 7, 2007. According to the wetland report, the proposed project would not have direct or indirect impacts to wetlands. However, approximately 0.05 acres of wetland buffer would be impacted by the proposed project, which would be mitigated by buffer averaging. Class 4 wetlands require buffers of 50 foot width, or 40-foot wide buffers when a project complies with relevant sections of KCC 11.06.600.B. Exhibit 1, page 5; Exhibit 8, Appendix C, pages 1 and 2.

19. The Applicant would construct a permanent stormwater control system consistent with the 2002 City of Kent Surface Water Design Manual (SWD Manual) and implement temporary erosion and sedimentation control best management practices. Exhibit 8, page 3.6-26. According to the FSEIS, a permanent stormwater detention system consisting of a layer of ballast would be installed beneath the parking areas. The stormwater would discharge to a vegetated swale on the east side of the site. Exhibit 9, pages 1-4, 2-5. Magnusson Klemencic Associates prepared a Stormwater Technical Memorandum Update, dated February 20, 2007. A water quality treatment facility is planned for this portion of the Mill Creek Basin as part of the City’s Stormwater Capital Improvement Plan. This facility would provide treatment for the stormwater discharged from the site. Flood storage would be accommodated at an off-site location, with the Boeing Creek site near the intersection of S 212th Street and 68th Avenue S as the City’s preferred location. Exhibit 9, Appendix A, page 5. The site would receive water and sanitary sewer service from the City of Kent. Exhibit 1, pages 5 and 6.

20. Construction activities would temporarily generate particulate matter and fugitive dust emissions. Exhibit 8, page 3.1-3. The DSEIS analyzed potential air quality impacts from Events Center traffic and concluded that air pollution from traffic delays would not be significant at the intersections most affected by the proposed project. Exhibit 8, page 3.1-4. In addition, the proposed project was compared to the air quality modeling
conducted for the Kent Station project. According to the DSEIS, "Because the quantitative air quality analysis indicated that Kent Station development would not result in significant air quality impacts, it can be concluded that the proposed Kent Events Center on the Commons site also would not significantly impact air quality." Exhibit 8, page 3.1-5.

21. Noise from off-site traffic would be exempt from the City Noise Control Ordinance, Chapter 8.05 KCC. Noise from on-site activities, including on-site traffic, loading dock noise, bus idling, loading docks, HVAC units and chillers, and concert events would be subject to the City Noise Control Ordinance. Exhibit 8, page 3.4-2. City maximum permissible sound levels in weighted decibels (dBA) for residential, commercial and industrial sites are referenced in the DSEIS. Exhibit 8, page 3.4-3, Table 3.4-1. Construction and operation activities would comply with the City Noise Control Ordinance. KCC 8.05.140. Exhibit 8, page 6-27.

Public Comments and Response

Several citizens testified at the open record hearing on the application with concerns about details of the proposal, although no one expressed opposition to the proposal. The City responded to each concern presented with additional details on the project and with proposed conditions to address the concerns.

22. Edwin Thomas testified concerning the costs of the facility and inquired whether the proposed street trees would interfere with the sidewalks. Testimony of Mr. Thomas. Gary Fletcher testified concerning the loss of soccer fields at the current Commons site. He testified that there is a lost sense of community when parents and players must go to a different neighborhood for a game or practice. He testified that the City currently has 11 soccer fields, but with the proposed project at the Commons site, there would be a net loss of eight. Testimony of Mr. Fletcher. Garen and Nancy Fletcher also submitted comments for the hearing by email raising additional concerns about loss of soccer fields and whether the project is financially viable. They commented that Wilson playfields cannot handle 3 baseball and 4 soccer games at the same time. They suggested that other project site alternatives be looked at, such as expanding the Ice Center at the end of James Street or the property at the SW corner of Meeker and 64th Avenue S. Exhibit 13. Ben Wolters, City Economic Development Director, testified that the proposed project is economically viable and meets the criteria for a Special Use Combining District. Testimony of Mr. Wolters. Charlene Anderson, City Planner, responded that the City selects street tree species to minimize sidewalk problems. Testimony of Ms. Anderson. Jeff Watling, City Parks Department, testified that the City intends to replace all soccer fields currently located at the Commons site and submitted a sheet of photos showing short term relocated soccer field sites including two at Wilson Playfields, five at Sequoia Middle School, two at Scenic Hill Elementary, and two at Martin Sortun Elementary. Exhibit 12; Testimony of Mr. Watling.

23. Bonnie Taylor-Lackey testified that she works with Lackey Sound and Light Company, which does sound and lighting for major sporting events. She expressed concerns with
the site plan design for semi-truck access; parking and turning of tour buses in and out of the proposed Events Center; and natural light intrusion into the facility. *Testimony of Ms. Taylor-Lackey.* John Hinds, General Manager of Kent Station, testified concerning his comment letter on the DSEIS dated March 27, 2007. He testified that there could be adverse impacts to parking at Kent Station from the proposed project. He submitted a comment letter, dated May 18, 2007, stating that the Kent Station tenants "require the availability of free, adequate parking," particularly the AMC Theaters which depend on evening hour theater patrons. His letter also requested that an adequate Event Center Transportation Management Plan be made a condition of approval *Exhibit 11; Testimony of Mr. Hinds.* Tom Burgess, LMN Architects, testified that the issues raised by Ms. Taylor Lackey would be addressed prior to final architectural design. *Testimony of Mr. Burgess.* Marni Heffron, a traffic engineer who contributed to the DSEIS, testified that the City is committed to providing sufficient parking for the proposed Events Center. She testified that the DSEIS found that there was adequate off-street parking for attendees at the Commons site *Exhibit 8, pages 38-28 and 38-29; Testimony of Ms. Heffron.* Tom Brubaker, Attorney for the City, reviewed the mitigation conditions and proposed changes to make them enforceable conditions. He stated that the City would address the design concerns raised by Ms. Taylor-Lackey. *Response of Attorney Brubaker.*

**CONCLUSIONS**

**Jurisdiction**

The Hearing Examiner has jurisdiction to hold an open record public hearing and to issue a written recommendation for final action to the City Council, pursuant to RCW 35A.63.170 and Kent City Code Chapters 2.32, 12.01 and 15.09.

**Criteria for Review**

Section 15.04.150 of the Kent Zoning Code sets forth the standards and criteria the Hearing Examiner must use to evaluate a request for a SUCD.

In reviewing and approving proposed developments falling under the purview of this section, the hearing examiner and city council shall make the following findings:

1. That the location for the proposed use is reasonable.
2. That existing or proposed trafficways are adequate to serve new development.
3. That setback, height, and bulk of buildings are acceptable for the proposed use and for the vicinity in which it is located.
4. That landscaping and other site improvements are comparable to the highest standards set forth for other developments as set out in this title.
5. That the performance standards pertaining to air and water pollution, noise levels, etc., are comparable to the highest standards specified for other uses as set out in this title.

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6. That the proposed development is in the public interest and serves a need of community-wide or regional importance.

In reviewing and approving special uses, the hearing examiner and the city council may impose such conditions as they deem necessary in the interest of the welfare of the city and the protection of the environment.

KCC 15.04.150.D.

Conclusions Based on Findings

1. The location for the proposed use is reasonable. The Special Use Combining District, KCC 15.04.150, is intended to accommodate unique uses such as those that would occupy large areas of land; have unusual height or mass; or generate heavy traffic; including sports stadiums and exhibition halls that may not conform to the provisions of other zoning districts. A SUCD allows the City to review and condition such special uses. The proposed Events Center would occupy a 17.54 acre site, serving up to 8,000 attendees for an event. Sporting and concert events would generate heavy traffic. This type of use is similar to the sports stadium example listed in KCC 15.04.150.A.8.a.

The City prepared a DSEIS which analyzed an alternative location on the Naden site as well as the non-action alternative. After reviewing public comment, the City issued a FSEIS and concluded that the Commons site best meets the objectives of the City to provide a “civic anchor” for downtown Kent and would provide more on-site parking than the alternative Naden site. Findings 1-8.

2. With conditions, the existing or proposed trafficways are adequate to serve new development. The DSEIS contained mitigation conditions necessary to reduce potential significant adverse environmental impacts on transportation from construction, infrastructure improvements, and operation. Conditions of approval are necessary to ensure that the main Events Center driveway would provide a signalized pedestrian crossing; that directional signs are installed along main access routes; that start times for large weeknight events be delayed until 7:30 PM; that managed traffic control take place to and from the Events Center; that the City institute a residential parking zone in the North Park neighborhood, if desired by the residents; and that the City prepare and enact an Event Parking Management Plan to mitigate potential parking impacts. Findings 1-2, 10-15.

3. The height and bulk of the Events Center buildings are acceptable for the proposed use and for the vicinity in which it is located. With conditions, the setback is also acceptable for the proposed use and for the vicinity. The proposed Events Center would be 70 feet high and approximately 153,000 square feet in size. This is similar in scale and height to buildings to the south and southeast, such as the Regional Justice Center and Kent Station. The proposed site plan includes approximately 350 feet of separation between the Events Center and the Interurban

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Trail to the west. A vegetated buffer along the western site boundary would be retained. The DSEIS contains mitigation conditions for impacts of the proposed facility including setbacks, open space, and buffers. Conditions of approval are necessary to ensure that the Events Center building is located near the center of the southern site boundary to provide separation between the building and the residential area to the east, and to ensure that the proposed project would comply with the conditions of the Downtown Design Review dated May 15, 2007. Findings 9, 16.

4. With conditions, the landscaping and other site improvements are comparable to the highest standards set forth for other developments as set out in KCC Title 15. The proposed project would meet the Kent City Code requirement that all parking areas of over 20,000 square feet to have a minimum of ten percent of the parking area, maneuvering area, and loading space landscaped. Approximately 42 percent of the Commons site would be open space. Conditions of approval are necessary to ensure that a landscape strip of at least 15 feet in depth along the entire eastern property line, as well as a 3-foot high earth berm and Type II landscaping to provide a visual separation between the parking area and the adjacent residential area is provided and that that truck loading areas be located at the north end of the Events Center. Findings 9, 17.

5. With conditions, performance standards pertaining to air and water pollution, noise levels, etc., are comparable to the highest standards specified for other uses as set out in KCC Title 15. The DSEIS analyzed potential air quality impacts from Events Center traffic and concluded that air pollution from traffic delays would not be significant at the intersections most affected by the proposed project. The proposed Events Center would comply with all applicable Puget Sound Clean Air Agency and Environmental Protection Agency (EPA) air quality standards. Conditions of approval are necessary to ensure that the City prepares a plan and implements measures to minimize dust and noise during construction. The DSEIS also analyzed potential water quality and wetland impacts from the proposed project. According to the submitted wetland report, the proposed project would not have direct or indirect impacts to wetlands. Conditions of approval are necessary to ensure that the Applicant implement temporary erosion and sedimentation control best management practices as specified in the City’s 2002 Surface Water Design Manual; design and construct a permanent stormwater control system; and compensate for impacts to wetland buffer areas through the use buffer averaging and wetland buffer enhancement. The DSEIS analyzed potential noise impacts from the proposed project. Conditions of approval are necessary to reduce construction and operation noise to comply with the City of Kent Noise Control Ordinance. Findings 18-20.

6. The proposed development is in the public interest and serves a need of community-wide or regional importance. The City has proposed an Events Center within the City’s urban core for sporting events, concert performances, and other events that would attract attendees from the greater Puget Sound region during mostly evening hours. The proposed project would meet the City’s goals of creating a civic anchor in downtown and to create new economic development opportunities. Concerns of the
Based upon the preceding Findings and Conclusions, the Hearing Examiner recommends that the application for a Special Use Combining District for King County Tax Parcel Numbers 1322049015 and 1322049037 be APPROVED, with the following conditions:

A. The Applicant shall implement the following mitigation measures identified in the Draft and Final Supplemental Environmental Impact Statements.

Air Quality
1. The City shall prepare a plan for minimizing dust and odors sufficiently to comply with PSCAA Regulation 1, Sections 9.11 and 9.15. The following is a list of measures that could be implemented to reduce potential air quality impacts during construction of the project:

   a. Use car pooling or other trip reduction strategies for construction workers
   b. Stage construction to minimize overall transportation system congestion and delays to reduce regional emissions of pollutants during construction
   c. Implement construction curbs on hot days when region is at risk for exceeding the ozone NAAQS, and work at night instead
   d. Implement restrictions on construction truck idling (e.g., limit idling to a maximum of 5 minutes)
   e. Locate construction equipment away from sensitive receptors such as fresh air intakes to buildings, air conditioners, and sensitive populations
   f. Locate constructions staging zones where diesel emissions would not be noticeable to the public or near sensitive populations such as the elderly and the young to the extent feasible

2. The following measures shall be implemented during construction as required by Kent City Code:
   a. Use only equipment and trucks that are maintained in optimal operational condition
   b. Require all off road equipment to be retrofit with emission reduction equipment (i.e., require participation in Puget Sound region Diesel Solutions by project sponsors and contractors)
   c. Use biodiesel or other lower-emission fuels for vehicles and equipment
   d. Spray exposed soil with water or other suppressant to reduce emissions of PM10 and deposition of particulate matter

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8 This recommendation includes conditions required to meet City Code standards as well as conditions required to reduce unique project impacts

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e. Pave or use gravel on staging areas and roads that would be exposed for long periods

f. Cover all trucks transporting materials, wet materials in trucks, or provide adequate freeboard (space from the top of the material to the top of the truck bed), to reduce PM10 emissions and deposition during transport

g. Provide wheel washers to remove particulate matter that would otherwise be carried off site by vehicles to decrease deposition of particulate matter on area roadways

h. Remove particulate matter deposited on paved, public roads, sidewalks, and bicycle and pedestrian paths to reduce mud and dust; sweep and wash streets continuously to reduce emissions

i. Cover dirt, gravel, and debris piles as needed to reduce dust and wind blown debris

j. Route and schedule construction trucks to reduce delays to traffic during peak travel times to reduce air quality impacts caused by a reduction in traffic speeds.

3. On-site idling of diesel-powered buses and trucks shall be limited and located as far as possible from nearby homes and businesses to reduce diesel emission levels and associated potential impacts.

Water Resources

1. Temporary erosion and sedimentation control (TESC) best management practices (BMPs) specified in the City of Kent Surface Water Design Manual (2002) shall be implemented. These measures include:
   a. Implementing an approved Erosion and Sedimentation Control (ESC) plan;
   b. Identifying and maintaining clearing limits;
   c. Providing and maintaining cover measures for exposed soils;
   d. Providing and maintaining perimeter protection in the form of sedimentation barriers or equivalent materials;
   e. Providing traffic stabilization areas at site exits;
   f. Providing sediment retention from surface water runoff;
   g. Providing surface water controls to manage movement of stormwater runoff; and,
   h. Providing dust control

2. Additional measures that shall be implemented during construction include:
   a. Runoff around wetlands would be diverted to a temporary sedimentation pond until the site is fully stabilized;
   b. Clearing and grading would occur during the dry season; and,
   c. Additional BMPs would be installed and maintained to reduce silt migration from the site and water removed from the site as part of the dewatering process during construction.

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3. A permanent stormwater control system shall be designed and constructed for the proposed Events Center, in accordance with the requirements in the *City of Kent Surface Water Design Manual* (2002).

4. A portion of the proposed stormwater detention facility could be designed to allow some of the detained water in the facility to be treated and released on-site to recharge groundwater.

5. Compensatory storage for the filling of the 100-year floodplain would primarily be provided off-site.

6. Wetland hydrology would be maintained by directing surface water from adjacent landscaped area to the wetlands, and by providing groundwater recharge from the stormwater detention pond.

**Wetlands**

1. Temporary erosion and sediment control (TESC) facilities shall be installed and BMPs are proposed to be implemented to help avoid or minimize the potential for water quality impacts to wetlands during construction (see Appendix B and Section 3.2, Water Resources for additional information on the proposed TESC measures and BMPs).

2. Consistent with KCC Section 11.06.600.D, buffer averaging is proposed to compensate for the impacts to approximately 2,329 square feet of wetland buffer area on site that would occur with development of the proposal. The total buffer area provided by the project (2.50 acres) would exceed the minimum buffer area required by approximately 0.28 acres.

3. Approximately 64,807 square feet (or 1.49 acres) of wetland buffer are proposed to be enhanced with the planting of native vegetation, consistent with KCC Section 11.06.600.E. Although not required by Code, the on-site wetlands are proposed to be enhanced with native vegetation as well. This enhancement would improve wetland functions and reduce the potential for colonization of the wetlands by invasive weeds. A detailed enhancement plan for the wetlands and their buffers shall be prepared as part of the permitting process.

4. The permanent stormwater control system proposed for the Events Center shall include design elements that would divert runoff from landscape areas to the wetlands. During final design of the stormwater system, other approaches to stormwater management will be evaluated, and a method will be developed to divert additional clean water to the wetlands to assure maintenance of wetland hydrology.

5. Wildlife passable fencing shall be installed around the wetlands and their buffers to minimize public encroachment as required by Code.

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Noise - Construction

1. Construction noise could be reduced by properly sizing and maintaining mufflers; using engine intake silencers and engine enclosures; turning off idle equipment; and, confining activities to daytime hours. Construction contracts shall specify that mufflers be in good working order and that engine enclosures be used on equipment when the engine is the dominant source of noise.

2. Stationary equipment shall be placed as far away from sensitive receiving locations as possible. Where this is infeasible, and in locations within close proximity to residential receivers, portable noise barriers could be placed around the equipment with the opening directed away from the sensitive receiving property. These measures would be especially effective for engines used in pumps, compressors, welding machines and similar equipment that operate continuously and contribute to high, steady background noise levels.

3. Hydraulic or electric tool models should be substituted for impact tools, such as jack hammers, rock drills and pavement breakers, to reduce construction and demolition noise.

4. Although back-up alarms are exempt from noise ordinances, where feasible, equipment operators shall be encouraged to drive forward rather than backward to minimize this noise from back-up alarms.

5. Noise from material handling shall be minimized by requiring operators to lift rather than drag materials, wherever feasible.

Noise - Operation

1. To reduce the potential for noise impacts (and annoyance) due to bus and truck diesel engine idling, buses and trucks should turn engines off rather than idle for extended periods of time.

2. Bus and truck idling shall be minimized and restricted to locations as far as possible from nearby residences to reduce noise impacts.

3. The loading area would be located at the north end of the Events enter building on the Commons site, approximately 380 feet from the nearest residential receivers, to reduce noise impacts from loading and unloading of people and materials.

4. HVACs and chillers shall be constructed and positioned in a manner that shields these sources of noise from the nearest residential receiver (i.e. through use of walls, barriers, and placement away from residences), and the equipment would be designed to operate consistent with the Kent noise control ordinance (KCC 8.05.140).

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5. Materials used to construct the Events Center (i.e. concrete, double-paned glass, and other dense materials) shall provide noise shielding. Gaps and areas where only thin or non-dense materials are positioned (i.e. sheet metal, plastics, etc) would be minimized.

Land Use
1. The construction staging area shall be located in the western portion of the Commons site to reduce potential construction impacts on the residential area to the east of the site.

2. The Events Center building shall be located near the center of the southern site boundary to place the building in proximity to W James Street (identified as a prominent gateway to the City and downtown) and provide separation between the building and the residential area to the east.

3. Approximately 42 percent of the Commons site shall be provided in some form of open space, including retained natural area, landscaping, and public plaza.

4. A 15-foot-wide landscape buffer shall be provided along the east Commons site boundary; this buffer would include a 3-foot high earth berm and landscaping to create a visual separation between the proposed Events Center (including surface parking area) and existing residential uses to the east. The width of this buffer and the density of landscaping would meet or exceed the highest applicable standards of the Kent Municipal Code.

5. Truck loading areas shall be located at the back of the building (north end) and would be screened to minimize impacts to surrounding uses.

6. The City has identified potential short-term and long-term relocation sites for the existing athletic field and play area on the Commons site, which shall be implemented as follows:
   a. On a short-term basis (2007-2009), athletic field use would be relocated to the Uplands Playfield, Kent Memorial Park, and to the newly-constructed Service Club Ballfields, as well as through improvements to Kent School District Fields.
   b. On a long-term basis, athletic field use would be relocated to two newly-constructed multi-use facilities located at Kent Meridian Junior High and Sequoia Junior High. These two facilities would accommodate the current programming at the Commons site on a smaller footprint.
   c. Existing play structures and swings would be relocated to another park in the City in the event that they cannot be retained on-site.
   d. The existing asphalt trail on the Commons site would be replaced by a new six to eight-foot wide, 0.7 to 1 mile long trail at some location in the City of Kent. The new trail could be located on the Naden site in association with the future possible aquatic center.
Aesthetics/Light and Glare
1. The Events Center building shall be located near the center of the southern site boundary to place the building in proximity to W James Street (identified as a prominent gateway to the City and downtown) and provide separation between the building and the residential area to the east.

2. Approximately 39 percent of the Commons site shall be provided in some form of open space, including retained natural area, landscaping, public plaza area, and stormwater detention pond.

3. A 15-foot-wide landscape buffer shall be provided along the east Commons site boundary; this buffer would include a 3-foot high earth berm and landscaping to create a visual separation between the proposed Events Center (including surface parking area) and existing residential uses to the east. The width of this buffer and the density of landscaping would meet or exceed the highest applicable standards of the Kent Municipal Code.

4. Truck loading and delivery areas shall be located at the rear of the facility to minimize their visibility. Architectural walls and landscaping would be provided around the loading and delivery areas to provide a partial visual screen.

5. Exterior building and parking lot lighting shall be directed downward and away from adjoining properties and would strive to minimize impacts on adjacent areas. All on-site lighting would meet or exceed City of Kent standards.

6. Low-reflectivity building glazing and building materials shall be used on the building surfaces to reduce glare.

Transportation - Construction Mitigation
1. For the Commons site, the contractor should coordinate with City staff regarding the best truck haul routes to use to access the site. If any phase of the construction process requires use of off-site areas for construction-worker parking or truck staging, the contractor should work with City staff to identify appropriate areas for these uses to minimize disruption to local streets. No off-site parking should be allowed in the North park neighborhood.

Project Mitigation – Infrastructure Improvements
1. The Events Center main driveway shall be located opposite the RJC garage driveway and the intersection signalized. The signal would facilitate event flows to and from the parking area, and would provide a signalized pedestrian crossing. This would also allow the Events Center parking to support the RJC and other downtown uses.

2. The sidewalk between the Events Center building and the Interurban Trail on James Street should be widened. This sidewalk would have at least 8 feet of unencumbered width (not encroached upon by street trees or other street

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furniture) to accommodate the peak egress pedestrian flow destined to the Lincoln Avenue Park-and-Ride.

3. A pedestrian waiting area on the north side of James Street at the crossing to the RJC garage shall be provided.

4. Pedestrian gates to the UP Railroad crossing of James Street shall be added.

5. The pedestrian holding area on the south side of James Street east of the UP tracks shall be improved. This could include providing a curb (with a break) to delineate the edge of the street, and paving gravel areas to widen the pedestrian holding area.

6. Directional signs along main access routes shall be installed. Signs shall be located along the main routes connecting downtown Kent with I-5 and SR 167. The easiest-to-navigate route would be Kent-Des Moines Road to 4th Avenue N to James Street. Additional signs directing motorists back to I-5 and SR 167 should also be installed at key decision points.

7. A secondary access to the Commons Site connecting to 4th Avenue N. should be provided. A secondary access into the Commons site would relieve peak ingress congestion at the James Street/4th Avenue N intersection. It would also help disperse traffic after an event.

**Project Mitigation – Operational Improvements**

1. Delay start time for large weeknight events to 7:30 PM shall be implemented. The delayed start (7:30 PM instead of 7:00 PM) should be applied for any event with an expected attendance greater than 4,000. Weekend events require no restriction on start time because background traffic is much lower in Kent on weekends.

2. A Residential parking Zone (RPZ) in the North Park neighborhood shall be implemented, if desired by the residents of the North Park neighborhood. Details of this program would be coordinated between the City of Kent and North Park residents. The plan should provide permits for resident vehicles, and allow for guest parking through temporary permits. It should also make it illegal to park in the North Park neighborhood without a permit. Program elements related to enforcement, infraction fees, and permit distribution should also be defined.

3. The City shall manage traffic after large events. During the peak egress period following an event, turn prohibitions are recommended from the major parking lots to facilitate the flow and dispersion of traffic leaving the various parking areas. The following access management measures are recommended for events with more than 5,000 attendees:
a. Lincoln Avenue Park-and-Ride. Force all existing traffic to the south on Lincoln Avenue and away from James Street. Motorists can use Smith Street or Meeker Street to reach all destinations.

b. Regional Justice Center Garage. Force all existing traffic to turn right (east) on James Street. Motorists can reach all destinations via 4th Avenue N.

c. Commons site. Provide for both east and west movements to James Street. Use police officer control to direct both vehicular and pedestrian traffic at both egress locations.

4. The City shall use police control to manage traffic exiting the Commons site and RJC Garage after an event. Police control should be used for events that exceed 3,000 attendees and have a distinct end time to the event (e.g., a sporting event or concert). Police control would not likely be needed for events such as trade shows that do not have a distinct end time.

5. The City will enact an Event Parking Management Plan to mitigate the potential parking impacts. The Event Parking Management Plan shall include at least the following features:

a. Install permanent signage directing patrons to Events Center parking. Permanent signage should be installed for the main parking lot at the Commons site, the RJC garage (with signage at the intersection of 4th Avenue/Ramsay Way), and the James Street Park-and-Ride.

b. Create signs that would be placed during events (e.g., sandwich boards or other sign option) indicating “No Event Parking” at the main entrance points to the Kent Station site or other businesses/facilities where event parking would not be allowed.

c. Reserve parking spaces in the main Events Center parking lot for carpools with four or more occupants. This parking should be the most convenient to the facility’s entry point and also be the first released after an event. The incentive for higher-occupant carpools would help decrease the overall parking demand generated by an event. Within 10 minutes of the event’s start, reserved spaces could be opened to all traffic to maximize utilization of the on-site parking lot.

d. Include travel routes, parking location, and carpool incentive on the Events Center web site (with a link to/from Thunderbirds’ web site). These should show the three main parking areas for the Events Center. It could also indicate “No Event Parking” areas such as at Kent Station and in the North Park neighborhood.

e. Include the above travel route and parking information on event marketing materials such as newspaper print advertisements and ticket mailings.

f. Institute a Residential park Zone (RPZ) in the North Park neighborhood, if desired by the residents. Details of this program would be coordinated between the City of Kent and North Park residents. The plan should provide permits for resident vehicles, and allow for guest parking through
temporary permits. It should also make it illegal to park in the North Park neighborhood without a permit. Program elements related to enforcement, infraction fees, and permit distribution should also be defined.

9. Assist with managing, monitoring, and enforcing event parking.

Historic and Cultural Preservation

If resources of potential archaeological or historic significance are encountered during excavation or construction associated with the project, the following conditions would apply: work would stop immediately and the City of Kent, DAHP and applicable tribes would be contacted; and, work would re-commence with adherence to applicable regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.53, 27.44 and 68.60 of the RCW and Chapter 25.48 of the WAC, as applicable.


C. A Masters Sign Plan shall be developed in conjunction with and subject to approval by the Planning Services Division. This plan shall regulate the type, size and location of all proposed exterior signage for the facility. Initial and/or subsequent changes to exterior signage shall require separate sign permit applications.

Dated this _ day of June 2007.

THEODORE PAUL HUNTER
Hearing Examiner

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Exhibit B

Vicinity Map Attached
APPLICATION NAME: AMIGA (KENT EVENT CENTER)
REQUEST: COMBINING DISTRICT #CD-SU-2007-1 (RPP3-2071650)
VICINITY AND SITE MAP
Legal Description for Kent Events Center

That portion of the southeast quarter of the southwest quarter of Section 13, Township 22 North, Range 4 East, W M, in King County, Washington, lying east of the Chicago, Milwaukee and St Paul Railway Company, except the south 33 feet thereof, for street purposes conveyed to the City of Kent under deed recorded under Auditor’s file number 5660747 and lying southeasterly of that portion conveyed to the State of Washington for PSH No 5 by deed recorded under Auditor’s file number 5944140 and except that portion conveyed to the City of Kent by deed recorded June 20, 1969 under Auditor’s file number 6527771.

Together with that portion of the south quarter of the northeast quarter the southwest quarter of Section 13, Township 22 North, Range 4 East, W M, in King County, Washington, lying easterly of the east line of PSH 5 as condemned in King County Superior Court Cause No 657499, less the east 60 feet for 5th Avenue North, together with that portion of vacated 5th Avenue North as vacated by City of Kent Ordinance 1877.