

AGENDA

Lynnwood Planning Commission

Thursday, November 13, 2008 — 7:00 pm

City Hall Conference Room, 19100 – 44th Ave. W., Lynnwood WA

A. CALL TO ORDER

Chair WRIGHT
Commissioner ELLIOTT, First Vice Chair
Commissioner AMBALADA
Commissioner DAVIES
Commissioner LARSEN
Commissioner PEYCHEFF
Commissioner WOJACK, Second Vice-chair

B. APPROVAL OF MINUTES:

Meeting of October 23, 2008

C. COUNCIL LIAISON REPORT

D. CITIZEN COMMENTS – on matters **not** on tonight's agenda.

E. PUBLIC HEARINGS:

1. Civic Banners and Signs Code Amendment (2008CAM0005).

Amendments to Chapter 21.16 (Signs) and Chapter 5.30 of the Municipal Code regarding signs and banners for civic events.

2. Swift BRT Stations Code Amendment (2008CAM0006)

Amendment to Chapter 21.46 (Commercial Zones) of the Zoning Code regarding landscaping areas and parking spaces on private property that are replaced by stations for the Swift Bus Rapid Transit service.

F. WORK SESSION:

None

G. OTHER BUSINESS:

None

H. DIRECTOR'S REPORT:

1. Future Meetings

I. ADJOURNMENT

The public is invited to attend and participate in this public meeting. Parking and meeting rooms are accessible to persons with disabilities. Upon reasonable notice to the City Clerk's office (425) 670-6616, the City will make reasonable effort to accommodate those who need special assistance to attend this meeting.

**Lynnwood Planning Commission
Meeting of November 13, 2008**

Staff Report

Agenda Item:
**Zoning Code Amendment - Civic Banners
and Signs (2008CAM0005)**

- Public Hearing
- Informal Public Meeting
- Work Session
- New Business
- Old Business
- Information
- Miscellaneous

Lynnwood Dept. of Community Development — Staff Contact: David Osaki

ACTION

Following public hearing, Planning Commission to make a recommendation on the proposed code amendment to the City Council.

NOTICING

A Notice of Public Hearing was posted at the City of Lynnwood official posting sites on October 20, 2008, and was published in the Herald newspaper on October 18, 2008.

As of the time of this staff report's preparation, no public comment has been received.

BACKGROUND

Lynnwood Municipal Code (LMC) section 21.16.260 entitled "Civic banners and signs" provides for signage for civic events. The code section currently allows signs displaying civic messages to be displayed on city property and across public street rights-of-way. Currently, such banners and signs are not to be attached to fences, trees or shrubs and are not to be placed in a way that might block visibility or create a safety hazard.

The current code places limitations on when such signs can be displayed. Banners/signs announcing a civic event shall be placed no more than two weeks prior to the event and shall be removed within one week following the event.

During the course of the next year, the City of Lynnwood will be having a series of community civic events to celebrate the City's 50th anniversary since incorporation. The City has found that the provisions of Lynnwood Municipal Code (LMC) section 21.16.260 did not lend themselves well to a civic event which is continuous in nature over a long time period (as opposed to more common civic events which have a more discrete time duration (e.g. one or two days.))

PROPOSAL

In summary, the proposed amendment does the following:

- Reformats LMC Section 21.16.260 for clarity.
- Creates definitions for two type of special events:
 1. Special Civic Event. Special civic events are civic events designated by the City Council by resolution or that are directly supported with City funding and may consist of a series of associated events lasting for a time period up to 12 months; and,
 2. General Civic Event. General civic events are civic events not designated by City Council resolution and which are not directly funded by the City.
- Provides different time periods for the display of banners and signs depending on the civic event type, as follows:
 - *Special Civic Event* banners and signs associated with special civic events may be placed up to three months in advance of the start of the event and shall be removed within one week following the conclusion of the event.
 - *General Civic Event* banners and signs shall be placed no more than two weeks prior to the event and shall be removed within one week following the event (NOTE: This is consistent with current code.)
- Would allow indirect illumination of civic banners and placement on fences.

Finally, the proposed ordinance amends Lynnwood Municipal Code (LMC) Section 5.30.015 entitled “Exemptions”. This section is part of Lynnwood Municipal Code Title 5 “Business Regulations and Licenses”. A Planning Commission public hearing is not required on amendments to Title 5; however, the code amendment is being brought forward for the Planning Commission’s information since it relates to the same general topic.

As information, LMC Section 5.30.015 is focused on accommodating a variety of short term, public and private special events. It does not deal well with a special event that takes place over an entire year with multiple venues. For example, LMC section 5.30.015 states that special events sponsored by the City are exempt from needing a Special Events Permit. Yet this is contradicted by the opening paragraph in this section that states that the exemptions only apply to events where related signage is not visible from the street. While the code provision is flexible enough to allow for periodic events occurring at the same site over the course of a year, it does not appear to deal well with a unique event like the anniversary where there will be large numbers of events, which may run concurrently at multiple locations. Therefore, a code amendment is being proposed that will confirm that City sponsored events, are exempt from needing special events permits, whether or not they have associated signage.

DECISION CRITERIA AND OTHER LEGAL CITATIONS

LMC Section 21.20.500 states the following criteria for amendments to the Zoning Code:

“The city may approve or approve with modifications a proposal to amend the text of the zoning code if:

- “A. The amendment is consistent with the comprehensive plan; and
- “B. The amendment is substantially related to the public health, safety or welfare; and
- “C. The amendment is not contrary to the best interest of the citizens and property owners of the city of Lynnwood.”

ANALYSIS/COMMENT

The following is an analysis of the proposal for consistency with the above criteria.

1. Consistent with Comprehensive Plan

The proposed code amendment is consistent with the Comprehensive Plan. The City of Lynnwood Comprehensive Cultural and Historic Resources Element has the following Goals, sub-goals and objectives that are applicable to and furthered by this proposal.

“GOAL – CULTURAL RESOURCES:

To bring cultural arts in all its forms and expressions to the citizens of Lynnwood. The Arts Commission supports the arts to enrich the quality of life in Lynnwood.

Sub-goal: Community Identity

Create and enrich a strong sense of community identity.”

Objectives:

CR-1: Celebrate cultural heritage, develop a “sense of place,” and provide social gathering places that are stabilizing and strengthening elements in creating a strong sense of community identity. As cultural voices, the arts play an important role in defining who we are.” (*Cultural and Historic Resources Element, Page 3.*)

“Sub-goal: Improve Quality of Life

Improve the quality of life in our city by promoting, preserving and sustaining the cultural arts. The arts are a catalyst for social interaction and creativity. By promoting and preserving the arts, and by identifying the resources needed to create and sustain a vibrant cultural community, we seek to enhance the quality of life for residents and visitors of Lynnwood and the South Snohomish County region.

Objective:

CR-3: Provide facilities and programs for public art and cultural opportunities that create and enrich a strong sense of community identity and promote a high quality of life.” (*Cultural and Historic Resources Element, Page 4.*)

“GOAL – HISTORIC RESOURCES:

To give residents a better understanding and awareness of the history of the community.” (*Cultural and Historic Resources Element, Page 5.*)

The above referenced goals, subgoals and objectives all relate to improving the quality of life in the community through promoting and providing programs that enrich a strong sense of community identity.

The proposed code amendment would support many civic events related to recreational and cultural art programs. The proposed amendment will further community identity by allowing for reasonable public notification of civic events that will improve community participation, involvement and attachment.

The proposed code amendment also seeks to accommodate a special event such as the City's 50th year anniversary that involves a series of events over an extended period of time. This type of civic event was not necessarily envisioned when the code section was adopted. The 50th year anniversary specifically will advance the goal of providing residents with a better understanding and awareness of the history of the community.

2. Public Health, Safety or Welfare

The proposed amendment would allow for greater public notification of civic events. Civic events build community attachment and promote public involvement and participation. With the proposed amendment, participation in civic events should improve, and community attachment and civic pride should be enhanced. These are components to promoting the health, safety and welfare of a community.

3. Not Contrary to Best Interests

The proposed amendment is not contrary to the best interests of citizens and property owners in Lynnwood. The proposal would advance the public interest by allowing for reasonable notification of civic events.

The proposed amendment also responds to a type of civic event not envisioned when the code provision was originally adopted, that is, a civic event that involves a series of events over an extended periods of time (e.g. City's 50th anniversary.) Again, civic events build community attachment and promote public involvement and participation.

ENVIRONMENTAL REVIEW

The City of Lynnwood Environmental Review Committee (ERC) issued a Determination of Non-Significance (DNS) (File Number 2008ERC0027) for this code amendment on October 17, 2008. A Determination of Non-Significance (DNS) means that the proposed code amendment is not expected to have a probable significant adverse impact on the environment.

No comments were received during the public comment period.

RECOMMENDATION

Following the public hearing, Planning Commission to recommend to City Council approval.

ATTACHMENTS

A. Draft Ordinance

Lynnwood Planning Commission
Meeting of November 13, 2008

Staff Report

Agenda Item: E-2
BRT Stations Parking & Landscaping
Code Amendment (2008CAM0006)

- Public Hearing
- Informal Public Meeting
- Work Session
- New Business
- Old Business
- Information
- Miscellaneous

Lynnwood Dept. of Community Development — Staff Contact: Kevin Garrett, Planning Manager

ACTION

Following a public hearing, the Planning Commission will be asked to make a recommendation on this proposal to the City Council.

PROPOSAL

Amend Zoning Code to provide a continuing “credit” for landscaping areas and parking spaces that are affected by new stations for the “Swift” Bus Rapid Transit (BRT) service on Highway 99 by Community Transit.

BACKGROUND

Preliminary plans for the Swift BRT stations show the loss of existing landscaping and (in some locations) parking spaces due to construction of stations for the service. As part of an interlocal agreement with Community Transit for this service (Paragraph 9, attached to the staff report for the October 23 meeting), the City agreed to consider an ordinance to provide ongoing “credit” for any landscaping or parking spaces impacted by the new stations.

DECISION CRITERIA AND OTHER LEGAL CITATIONS

Section 21.20.500 of the Zoning Code states the following criteria for amendments to the Zoning Code:

“The city may approve or approve with modifications a proposal to amend the text of the zoning code if:

- “A. The amendment is consistent with the comprehensive plan; and
- “B. The amendment is substantially related to the public health, safety or welfare; and
- “C. The amendment is not contrary to the best interest of the citizens and property owners of the city of Lynnwood.”

ENVIRONMENTAL REVIEW

A Determination of Non-Significance has been issued for this proposed code amendment.

ANALYSIS/COMMENT

Development of stations for the Swift BRT service will impact existing landscaping and (at some properties) parking spaces. As this service is being provided by a public agency (Community Transit) is being developed at specific locations determined by Community Transit, and will benefit transit riders in the Highway 99 corridor and only indirectly will benefit businesses impacted by the loss of landscaping or parking, the City agreed to consider allowing ongoing “credit” for landscaping and parking impacted by the stations. This means that, at such time as the property owner or business either expands the existing buildings or redevelops the property, the City will recognize the landscaping and parking impacted by the station in determining compliance with zoning requirements for parking and landscaping areas. In effect, by adopting this ordinance, the City would agree to hold the businesses and property owners harmless from development of the Swift BRT stations.

At the work session on October 23, the Planning Commission asked about treatment of storm water run-off from the new “hard surfaces” of the stations. Public Works staff reports that the areas of new impervious surfaces are too small to trigger storm water management requirements. In addition, Paragraph 2 of the Interlocal Agreement between the City and Community Transit for the Swift service provides for a storm water in-lieu mitigation payment to the City of \$2,500 per station.

Attachment A presents an ordinance drafted by the City Attorney’s office.

Evaluation:

1. Consistent with Comprehensive Plan: The following policies support adoption of this Ordinance:
Land Use Policy 1.2: “Land development regulations adopted to implement the adopted Comprehensive Plan shall, at a minimum, address the following issues:
(g) Providing incentives and methods to encourage specific land uses.”
Transportation Element:
Subgoal: Public Transit System:

Work with the transit providers to make transit an attractive travel option for local residents, employees and users of regional facilities.

Objectives:
T-11: Work with the transit providers to establish a hierarchy of transit services focused on three major elements: 1) neighborhood services, 2) local urban service, and 3) inter-community and regional services.
T-15: Work with private development and transit agencies to integrate transit facilities and pedestrian and bicycle connections to residential, retail, manufacturing, commercial office and other types of development.
2. Public Health, Safety or Welfare:
This code amendment supports the new Swift BRT service while minimizing any adverse impact on owners of property that adjoin stations.
3. Not Contrary to Best Interests:

There is no evidence in the record that this code amendment will have an adverse impact on the best interests of residents or property owners in Lynnwood. Any landscaping lost by development of the Swift stations will be minimal, the visual effect of that lost will be reduced by the design of the stations, and any parking lost would only be used a the peak periods of demand for parking. Further, the Swift service may reduce the need or demand for parking at businesses near Swift stations.

RECOMMENDED MOTION

The Planning Commission recommends that the City Council adopt the “BRT Stations Parking & Landscaping Code Amendment”.

ATTACHMENTS

- A. Draft Ordinance