

**City of Lynnwood
PLANNING COMMISSION MINUTES
August 26, 2010 Meeting**

Commissioners Present:	Staff Present:
Richard Wright, Chair	Shay Davidson, Administrative Asst.
Maria Ambalada	Kevin Garrett, Planning Manager
Chad Braithwaite	Gloria Rivera, Senior Planner
Jeff Davies	Janine Lambert, City Center Project Mgr
Bob Larsen, Vice Chair	Mary Monroe, Economic Development
	John Owen, Consultant with Makers Architecture
Commissioners Absent:	Gloria Rivera, Senior Planner
Van Aubuchon	John Bowler, Associate Planner
Michael Wojack, Second Vice-chair	
	Other:
	Council President Ted Hikel

The meeting was called to order Chair Wright at 7:00 p.m.

Approval of Minutes

1. Meeting of July 22, 2010

Motion made by Commissioner Braithwaite, seconded by Commissioner Larsen, to approve the minutes as presented. Motion passed unanimously.

Council Liaison Report

Council President Ted Hikel reported that Councilmember Stephanie Wright has been appointed to the Snohomish County Council. This will result in an opening on the City Council. He reviewed the process for filling the vacancy.

Citizen Comments

None.

Public Hearings

- 1. Home Occupations Code Amendment (2010CAM0003). Proposed Amendment to LMC 21.42.300, 21.43.300 and 21.16.290 regarding businesses permitted in residential zones as a home occupation and signage for home occupations and child day care centers in residential zones. Referral from City Council.**

Staff Report: Senior Planner Gloria Rivera summarized this item and proposed changes regarding allowable uses, retail sales, hazardous materials, number of clients, licensing and certification, signage, and exceptions as shown on the staff report in the Commission's packet.

The public testimony portion of the hearing was opened at 7:15 p.m.

Tim Swartz, 7116 NE 171 Lane, Kenmore, WA 98028, explained that his wife is licensed in acupuncture and naturopathic medicine. They are considering buying a house in Lynnwood and hope to be able to practice medicine out of their home. He asked about the timing of the proposed changes. Ms. Rivera replied that the current city code would allow office visits between 7 a.m. and 9 p.m. Mr. Swartz then expressed some concern about the proposed change to signage to allow only 2 square feet of signage. Planning Manager Garrett reviewed the possible timing of the proposed amendments.

Jyl-Mei Lin-Swartz, 7116 NE 171 Lane, Kenmore, WA 98028, expressed concern about the one car limit. For her clients it would make more sense to have a two-car limit to allow for back-to-back scheduling.

Bonita Hickok, 3812 191st Place SW, Lynnwood, WA, commented that the hours seemed too early and too late. Senior Planner Rivera replied that the hours are in the existing code. Ms. Hickok asked about the signage proposal. Ms. Rivera explained that the staff recommendation was for a two-square-foot sign. Ms. Hickok expressed concern about the hours. She also asked for clarification about the type of vehicle referred to in the code. Ms. Rivera explained that it is not defined further in the proposal and would be open to interpretation. Ms. Hickok had concerns that this might leave room for buses or vans with a lot of people in the residential zones. She expressed concern about protecting single family neighborhoods and felt that in general businesses would be better in business parks and commercial zoned areas.

Seeing no further public comment the public testimony portion of the hearing was closed at 7:30 p.m.

Commissioner Comments and Questions:

Commissioner Braithwaite asked what would be allowed on the signs. Ms. Rivera explained that usually the name of the business and the address would fill-up the sign.

Commissioner Ambalada asked Ms. Hickok if there is already a business in her neighborhood. Ms. Hickok said that there aren't any right now, other than adult family care homes. Ms. Ambalada asked if there are any concerns from other areas that she is aware of. Ms. Hickok said that there are not. They have tried to protect their area and at one time were called the Lynnwood Community

Involvement Association. Commissioner Ambalada asked if she had a recommendation for signage. Ms. Hickok said that she would have to check with her neighborhood.

Commissioner Larsen spoke in support of the smaller sign proposal. Regarding the number of clients versus vehicles, he agreed that this needed more clarification. He recommended taking out the phrase about those arriving in the same vehicle.

Commissioner Davies expressed concern about how the proposed changes might affect existing businesses that are currently causing no concerns. Staff reviewed the current code allowances.

Motion made by Commissioner Davies and seconded to forward this to City Council with the recommendation by Commissioner Larsen about the removal of the sentence stating that one client constitutes those arriving in a single vehicle and supporting the recommendation to allow signage no larger than two square feet.

Commissioner Braithwaite spoke against the motion. He commented on the importance of maintaining the separation of commercial activity and residential activity in order to protect residential neighborhoods; however he commended staff for the work they have done on the ordinance and their responsiveness to the Commission's input.

The motion carried (4-1).

There was some discussion about whether or not daycare signage should continue with the six square foot sign allowance while other occupations are reduced to two square feet. It was noted that several daycares would have to change their signage if they were allowed to have only the two square foot signs. Commissioner Ambalada spoke in support of a grandfather clause for those daycares. There were no further comments.

Other Business

Meeting Schedule for Remainder of 2010

Planning Manager Garrett discussed calendar items for the end of the year. He noted that both meetings in November fall on city holidays. Additionally, it is tradition to cancel the last meeting in December. There was consensus from the Commission to schedule a meeting the third Thursday in November which could be cancelled if there are not items on the agenda.

Motion made by Commissioner Braithwaite to schedule a special meeting on the third Thursday of November. The motion was seconded and passed unanimously.

Work Session

- 1. Transition Area Zoning Regulations (2008CAM0003). Proposed zoning regulations (permitted and prohibited land uses, development regulations, etc.) for the Alderwood – City Center Transition Area, generally located east of 36th Avenue W., south of 188th St. SW and west of Alderwood Mall Blvd.**

Planning Manager Garrett introduced the first of three work sessions on this Agenda regarding zoning in the Alderwood City Center Transition Area. He defined and gave some background on the Transition Area and potential plans for road connections in this area. He introduced the planning team for this project. In addition to himself, the team consists of: Janine Lambert, City Center Project Manager; Mary Monroe, Economic Development; John Owen, Lead Consultant with Makers Architecture; and Gloria Rivera, Senior Planner.

John Owens broadly summarized some of the concepts they have learned about the area from developers and neighbors. He noted that there was no consensus from the meetings that they held. They heard concerns from residents about impacts to their living conditions and difficulties that the current property owners in the subject area are experiencing right now. One thing that is clear is that residents really value the quality along 36th and are very concerned about any additional changes that would intensify the feeling along 36th. Staff is considering some sort of buffer or setback to retain the character of that area. Also as 33rd is extended it will allow for greater utilization of that street, thereby reducing any impacts along 36th. Regarding the character of any development in the Area, the residents value the quiet character of the use of the current buildings as well as the size of those buildings. The property owners have suggested allowing multi-family, mixed use, residential over commercial, some taller buildings mixed with some mid-rise buildings. The current zoning has restrictions on residential, lot coverage, and FAR. There are some things that can be done to the zoning ordinance that would improve the situation for property owners and allow them greater flexibility to the site with minimal impact to the residential area. There are also some things that can be done to improve residential conditions, particularly to the west, without necessarily debilitating any additional development. Staff and the consultants are looking at ways to get a win-win out of this situation. Planning Manager Garrett added that what they are looking at is not so much to change the zoning in this area, but to update it. He referred to the *Purpose* section of the *Business and Technical Park* zone that is on the books right now that mentions, "Also the BTP zone has been designed to serve as a transitional zone near residential areas and adequate aesthetic treatment of the BTP areas can impact of this use on nearby residences."

Council President Hikel said that the Industrial Park/Business Park zoning (BTP) was designed with the people in this neighborhood in mind. The resistance that is coming from this neighborhood is based on the fact that in 1979 the residents of this area worked with the City and with the property owners on the other side of the street to come up with an agreement. A lot of the people who lived in that area in 1979 still live there and still remember the promise that was given that this would be the intensity of the zoning on that side of the street. Now when the City is coming back and saying that the property owners are asking for more the residents are concerned that a promise is not going to be kept. He also responded to the part of the staff memo on the zoning history of the area, noting that the B-4 zone was created along 194th because that property backed right up to residential property. This was one more way of trying to protect single-family residential.

Commissioner Comments and Questions:

Commissioner Davies commented that in his opinion he could not see a better place in Lynnwood for mixed use since this is walking distance to Alderwood Mall, city center, and lots of shops and restaurants. To him, this does mix well with the residential neighborhood next to it as long as it is not built so high that it becomes an eyesore.

Commissioner Ambalada spoke in support of the promenade from the convention center, that had been discussed at another meeting, which would beautify this area.

Chair Wright noted that the way the code is written it indicates that this area was intended to be some sort of transition. Chair Wright asked Council President Hikel for more details about the residents' sentiments about the future of the area. Council President Hikel explained that their first concern is traffic. If there is mixed use or small shops in that area there will be a lot more traffic along 36th. Another idea was to wait until 33rd is built so that there really is an idea of what will be done with 36th. The size of buildings and buffers are also a concern. Any increase in intensity in the other side of 36th is going to affect the neighborhood. He referred to the staff report in the Commission's packet on page 2 which talks about the City Center Transition Area. Several sections mention the fact that you want to minimize the impacts on the residential area. He felt that it is not clear what this means, but the people in that area are concerned that *lessening the impact* implies that there is going to be more impact on them. He also pointed out that one of the things the Planning Commission had stated when they passed information on to the City Council was that they do not want to affect single family residential areas because we don't have enough of them as it is. He strongly believes that if there is a higher density use across the street, over a period of time the traffic and density is going to have an affect on the residential area.

Chair Wright asked if pushing any additional traffic to the proposed 33rd Street overpass and a fully developed 194th would at least alleviate any traffic concerns. Council President Hikel thought that if there was mixed use there and they could only exit out onto 33rd it would be more acceptable. Chair Wright discussed the impacts of reflections from the Fisher Building on him personally when he lived in an apartment building in that area. He would hate to see negative impacts on the neighborhood. At the same time he would like to see the project move forward in a way that complements the City Center plan. He feels that there is a way to move forward without impacting the neighborhood in a negative way. He believes that the 33rd Avenue overpass would be a key part in this in conjunction with consideration given to buffers and view corridors. He would like to see the City move forward in a way that brings good development in there and addresses the promenade that they have talked about in the past. He agreed that this was a logical place in the city for there to be some mixed use development.

Commissioner Larsen discussed the proximity of this area to the City Center that they all look forward to being built at some point. He asked about a threshold of development intensity in this area that might detract from the center itself. Planning Manager Garrett commented that at this point they do not know. He commented that a number of the buildings on the 33rd Avenue side are generally newer and of higher value than the buildings on the 36th Avenue West. They are talking about development standards that are not as intense as City Center. This is intended to be a definite stepping down both from City Center to the Transition Area but also from 36th going into the block. There is also the question of what is going to prime the pump for City Center.

Ms. Lambert addressed Commissioner Larsen's question with regard to the heights and the density as compared to the City Center. As the City Center representative on the team she stated that her job is to incentivize development in the City Center and to bring those heights and densities to that location. The staff is very sensitive to both the neighborhood and the ownership in that area. They are trying to create consensus and allow everyone to improve the area harmoniously. One of the things they have done is to try focusing those densities and heights on the City Center to manage both expectations.

Commissioner Braithwaite proposed focusing on residential along 36th rather than mixed use. This would be consistent with the development north of 188th on 36th. The office and retail uses could then focus on 33rd. He noted that if there is a bridge across the freeway which connects with all of the other commercial concentration most retailers would prefer to be on 33rd rather than 36th. He wondered how much additional retail or commercial the City really needs. He also commented that a lot of the traffic on 36th might be people going to the mall. Redeveloping that area with other commercial uses might or might not increase traffic on that street. He suggested thinking of solutions that reroute traffic going to the mall. He also asked what input the property owners have in this process.

Planning Manager Garrett responded that the property owners have the same methods of input available as the neighbors; they can write letters and testify at public hearings at the Planning Commission and the City Council. He added that the City Center plan envisioned an extension of 194th generally coming out on 36th and continuing across to 33rd. This would provide another east-west connection to the mall area.

Commissioner Larsen commented on height limits for this area, noting that the PEMCO building and the Alderwood Business Center are both quite tall and appear to loom. These are examples of what they probably do not want to see in this kind of an area. He suggested that they do not have a clear sense of height limits in this area, but this is very important for builders and sources of financing. He proposed trading a height cap for some FAR, but generally limiting height to somewhere around 45 feet.

He agreed with Commissioner Davies comments about having residential in this area because of its proximity to the mall. He referred to the noise he noticed along 36th and asked about a design overlay or some design element that would be specific to this location along 36th where you start to control the shape of buildings as they face the road so that the sound waves are dissipated. Mr. Owens replied that vegetation would help a little bit, but the treatment of the buildings and the setbacks and how they are shaped can make a big difference both perceptually and in terms of actual noise impact.

Planning Manager Garrett commented that the two buildings referred to by Commissioner Larsen are both approximately 75 feet tall. The zoning allows up to 35 feet by right. Above 35 feet you do need a Conditional Use Permit or Development Plan approval. Both of those buildings have those. There is a point in the fire code that effectively dictates the height of the buildings. If the building's uppermost occupied floor is below 75 feet above grade it falls under a certain level of fire code requirements for fire protection. If the finished floor is above that level you are then considered a high rise and a different set of fire protection requirements come into play which are mandatory and expensive. He stressed that the current BTP zoning does not have a maximum height, but staff is proposing some fixed building heights.

Planning Manager Garrett and Mr. Owens then discussed the proposed *Outline of Zoning Regulations* as contained in the Planning Commission's packet as *Attachment B* and *Attachment C*. A key concept in the proposal is a stair-step approach along 36th Avenue. Planning Manager Garrett discussed the permitted land uses in Sub-Zone 1 and Sub-Zone 2. John Owen then discussed site planning and other design matters as outlined in the Commission's packet in *Attachment A*. Planning Manager Garrett reviewed possible options available to the Planning Commission.

Chair Wright asked about a property owner from that area who had presented a vision to the Planning Commission of what he wanted to do with a piece of property in the Transition Area. Planning Manager Garrett indicated that he was still very interested in this vision and was a part of the meetings.

Commissioner Braithwaite requested a topographical map of this area. He asked what could be built in that area now without changing the zoning regulations. Planning Manager Garrett indicated they could bring that information back, but noted that any residential would not be allowed.

Commissioner Larsen asked about creating conceptals comparing current zoning to proposed zoning.

Commissioner Ambalada recommended addressing this in a piecemeal fashion, focusing on 33rd and a promenade but leaving 36th alone other than considering that in the future they will probably need a buffer from the noise of motor vehicles.

Planning Manager Garrett summarized the recommendations he had heard from the Planning Commission:

- Bring back a topographical map.
- Bring back information about what could be built without zoning change and contrast that with the proposed zoning in the outline.
- Consider focusing on 33rd.
- Bring back more information about what the configuration of 194th might do to the south end of the project.
- Bring back a summary of bullet points of what the neighbors to the west have said.
- Bring back a graphic depiction of what might be built (budget allowing).

Council President Hikel emphasized the importance of looking at the topography of the area especially when talking about extending 194th street because the sketches he has seen show taking down the hill and taking at least half of the apartment complex that is at the top of the hill to put that in. He thinks this will be a very big challenge for the Public Works Department.

There was a recess from 9:17 to 9:29 p.m.

2. Shoreline Master Program (2007CPL0007). Draft plan for management of the shoreline and adjoining areas under City jurisdiction, pursuant to the state Shoreline Management Act.

Associate Planner Bowler gave the staff report concerning this item. The Commission last had a work session on this project about a year ago, and Mr. Bowler focused on major changes to the Shoreline Master Program (SMP) since that work session.

Commissioner Larsen referred to the glossary which has terms that are not applicable to this plan. He asked if the non-relevant terms could be removed. He then referred to a quote by former Secretary Rumsfeld in Appendix C; page 11, which he felt was not constructive and should be stricken. He also referred a section of the document that said Meadowdale was not to be annexed. Mr. Bowler explained that there is some possibility that they might annex Meadowdale, but it is extremely unlikely that it would occur within the lifespan of this Plan. Regarding the quote by former Secretary Rumsfeld, Mr. Bowler agreed that it might not be appropriate in this document.

Mr. Bowler noted that they would bring this back for a public hearing and the Environmental Review Committee has to adopt a SEPA Threshold Determination on this. In all probability it will be a Determination of Non-Significance.

Commissioner Ambalada thought that if they do this right they might be able to be receive more funding for public works projects. Planning Manager Garrett explained that grant applications will ask if we have an up-to-date Shoreline Plan. This will help in that process. Commissioner Ambalada suggested looking into loopholes from which Public Works could benefit.

There was consensus from the Commission to move into the formal adoption process on this item.

3. Countywide Planning Policies for Snohomish County. Presentation regarding draft of an update of the Countywide Planning Policies (CPPs) for Snohomish County. The purpose of the update is to ensure that the county's policies are consistent with the new Regional Growth Strategy, Vision 2040, adopted by the Puget Sound Regional Council.

Planning Manager Garrett summarized the staff report as contained in the Commission's packet. One question from staff was whether the Commission wanted to review and comment on the draft policies.

Commissioner Ambalada invited her fellow commissioners to make a recommendation as a group.

Commissioner Larsen noted that PSRC is calling for a tremendous growth in population through 2040. He thinks there is some angst about how we will provide for that. He wondered how in this process that number would come to Lynnwood and what we will do about it. He would like to talk about this and sustainability at a future meeting. Planning Manager Garrett stated that Vision 2040 was premised on growth of 1.5 million population and 1.2 million jobs in the four-county Puget Sound area. In the 2014 updates the City needs to plan for that kind of growth, but at this point the countywide planning policies are not apportioning those numbers out.

Planning Commissioner asked if there was any interest in a sub-committee on this. Commissioner Braithwaite said he would be interested in providing additional commentary. Commissioner Davies was in favor of deferring to staff on these matters. Commissioner Larsen noted that this would be an on-going discussion. He stated that to the extent staff sees issues surface that the Planning Commission should be apprised of, he would like to hear about it. Commissioner Ambalada commented on her advanced age and noted she would like to have input now. Chair Wright thought that after reviewing the additional information, getting the Council's schedule, and getting some input from missing commissioners, they might be able to make a better decision.

Director's Report

Planning Manager Garrett reported the following:

- It is now possible for Planning Commission members to have city email addresses if they would like. This is in response to concerns about the City sending city business emails to a personal email account.
- The City is on the brink of issuing the public review draft documents for Highway 99 with a public meeting potentially at the end of September.
- Fred Meyer is close to completing their renovation.
- Lynnwood University is starting up on Thursday nights, starting in September and ending in October. This will mean relocation for the Planning Commission which will meet in an adjacent room.
- There was an email from Commissioner Wojack concerning the Transition Area which they had neglected to distribute, but he thought that they touched on most, if not all, of the points in this email.

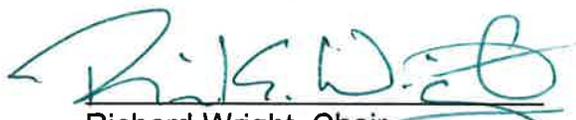
Council President Hikel stated that he would not be present on September 9th because he will be participating in the Lynnwood University program. He recommended that all of the commissioners consider using the city email address. Last January the state rules changed and they are now much stricter.

Commissioner Comments

Chair Wright stated that he also would not be present on September 9th.

Adjournment

The meeting was adjourned 10:21 p.m.


Richard Wright, Chair