

AGENDA

Lynnwood Planning Commission

Thursday, October 28, 2010 — 7:00 pm

Council Chambers Conference Room, 19100 – 44th Ave. W., Lynnwood WA

A. CALL TO ORDER – ROLL CALL

**B. APPROVAL OF MINUTES:
Meeting of September 23, 2010**

C. COUNCIL LIAISON REPORT

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

E. PUBLIC HEARINGS

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

**F. OTHER BUSINESS
None.**

G. WORK SESSIONS

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 Ave W., south of 188th St. SW and west of Alderwood Mall Blvd.

2. Project Highway 99 (2009CAM0001). Draft Subarea Plan, Zoning Regulations and Design Guidelines, together with a Draft Supplemental Environmental Impact Report for the Highway 99 corridor, between 216th St. SW and 148th St. SW.

H. DIRECTOR'S REPORT

I. COMMISSIONERS' COMMENTS

J. 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) 670-5161, the City will make reasonable effort to accommodate those who need special assistance to attend this meeting.

**Lynnwood Planning Commission
Meeting of October 28, 2010**

Staff Report

Agenda Item: E-1
Shoreline Master Program (2007CPL0007)

- Public Hearing
- Informal Public Meeting
- Work Session
- Other Business
- Information
- Miscellaneous

Lynnwood Dept. of Community Development — John Bowler

Action

Hold a Public Hearing on proposed Lynnwood Shoreline Master Program (SMP);
Formulate a recommendation to the City Council regarding adopting the SMP.

Background

Staff introduced a draft SMP to the Planning Commission in a work session last fall. The Lynnwood Public Works Dept. (PWD) had several concerns about parts of the draft. PWD operates the Lynnwood Waste Water Treatment Plant (WWTP) and is effectively the major “landowner,” in the shoreline. In August staff reviewed the SMP with the Planning Commission at a work session, going over the changes requested by PWD and a few other changes requested by the Washington Dept. of Ecology (Ecology).

Relevant Legal Citations

The City is required to adopt an SMP under Revised Code of Washington (RCW) 90.58, and to update it every seven years. Guidelines for preparation and content of SMPs are in Washington Administrative Code (WAC) 173-26.

The SMP incorporates several sections of the LMC by reference including LMC 17.10 Environmentally Critical Areas; LMC 17.15 Tree Regulations; LMC 13.35 Surface Water and LMC 13.40 Drainage Plans.

Many other state and Federal laws affect the shoreline area.

Analysis and Comment

The proposed Lynnwood SMP consists of seven sections. They are:

1) Introduction: This section describes the Washington Shoreline Management Act as it applies to Lynnwood’s shoreline and this SMP. It also describes the applicability of the SMP and what parts of the SMA are not applicable in Lynnwood’s shoreline due to its limited extent and existing uses, the SMPs relationship to other regulations and the public and agency participation process in the SMP. The introduction also has a description of Lynnwood’s shoreline area and discusses possible annexation of other areas.

2) Goals: The goals section sets out general goals for future use of the shoreline jurisdiction and goals for economic development, public access, circulation, recreation, conservation and historic preservation. Because of the very limited areas, and existing uses with the shoreline jurisdiction several of these “goals” consist simply of maintaining the existing uses and conditions.

3) Environment Designations: The SMA requires all shoreline areas be classified into “environments”. Environments can be thought of like zoning regulations in that they both acknowledge existing uses and determine in what future uses might be allowed in what areas of the shoreline. Lynnwood’s shoreline has two environments. The High Intensity Environment applies to areas used for industrial or transportation uses and includes the WWTP and the BNSF railway right-of-way. The Aquatic “environment” applies to all the tidelands areas in Lynnwood’s shoreline, covered at high tide; essentially everything seaward of the BNSF right-of-way (see Environments Map).

4) General Policies and Regulations: This section contains regulations that affect or apply to the whole shoreline area including regulations: to protect archaeological and historical resources (none known at this time); to regulate clearing and grading of upland areas (for dredging and fill of aquatic areas see sect. 6); to protect native vegetation, and public access to the shoreline (including visual access); and policies and regulations for generally protecting shoreline environmental and water quality, and for restoration of impaired ecological functions. This section also incorporates sections of Lynnwood’s Critical Areas ordinance and state regulations for “shorelines of statewide significance” (these primarily affect tidelands).

5) Specific Shoreline Uses: This section contains policies and regulations for specific uses that exist or could potentially exist in Lynnwood’s shoreline. These included the Wastewater Treatment Plant, the Railroad, streets, utilities, parking, piers and docks, mooring facilities, signs and so forth. The table at the beginning of this section lays out what uses are permitted, conditionally permitted (with approval of a conditional use permit), need a shoreline development permit, etc.

6) Policies and Regulations for Shoreline Modification: This section contains policies and regulations for operations that will modify the existing shoreline such as Beach Enhancement, Shoreline Armoring (e.g. revetments and bulkheads), dredging, and fill. Almost all of Lynnwood’s shoreline has already been altered by construction of a rip-rap revetment along the shoreline by the BNSF railway. The regulations will affect future shoreline modifications, dredging, etc. although none are planned or expected at this time.

7) Administrative Regulations: This section contains regulations setting forth the authority and responsibilities of the Community Development Director, Hearing Examiner and City Council with respect to the shoreline area. It also sets forth permits required for development in the shoreline, procedures for considering, processing and approving them (including referrals to the Washington Dept. of Ecology when required), and regulations for appeals, inspections, and enforcement, of these regulations as well as regulations for the SMP itself including review and amendment.

The following sections of the SMP may be of particular interest as they have been modified or added since it was last presented to the public:

Public Access: Enhancing shoreline public access is a central goal of the SMA. However, the BNSF right-of-way crosses the entire length of Lynnwood's shoreline and BNSF prohibits vehicular or pedestrian access across their right-of-way except at designated crossings, none of which is in Lynnwood. The entire shoreline jurisdiction upland of the BNSF right-of-way is occupied by the Lynnwood Wastewater treatment plan (WWTP), a secure facility. Ecology agreed that public access to Lynnwood's shoreline was neither legally possible nor safe, but still required goals for public access be in the SMP. The WWTP occasionally hosts tours for school and civic groups. Ecology agreed to a plan policy of continuing these tours as being the only public shoreline access public practically possible during the lifetime of this SMP. (See pages 6 -9, 11, 22 & 23).

Critical Area Regulations: The critical area preservation regulations of LMC 17.15 have been included in the SMA by reference. This change was made as a result of the Washington State Supreme Court's 2009 interpretation (*in Futurewise vs. City of Anacortes*) of state statutes delineating the applicability of the Growth Management Act in the shoreline jurisdiction. (See pages 18-19).

Tree Regulations: The WWTP fence, building and access road come right to the BNSF right-of-way so there is no place to plant trees in the shoreline jurisdiction, unless BNSF would allow them in their right-of-way. The WWTP has problems with erosion on the slope above (south of) the plant and proposed to allow mitigation for loss of any trees removed in the shoreline jurisdiction with tree planting on this slope, even though most of it is technically outside the shoreline jurisdiction (200 ft. from the high-water mark). Ecology agreed as long as the trees were visible from the shoreline. These changes affected the Native Vegetation Zone regulations (See pages 16 - 18).

Existing Land Uses: This draft also includes clarified goals and regulations for railways "Transportation Facilities" and the WWTP "Primary Utility Facilities", the primary land uses in the shoreline area. Both sections were adapted from the SMPs of other cities already approved by Ecology. Note that public safety is an overriding goal of both sections. (See pages 29 – 32)

Permitting Processes: This draft has been revised to delete involvement by the Planning Commission in review of permit applications. This change is consistent with the City's practice that the Planning Commission is a policy advisory body and not intended to review quasi-judicial decisions. (See Sect. 7, pgs. 53 - 61).

There are also a small number of minor technical changes since the last draft SMP. For example, the point from which the timing of the appeal period for shoreline land use permitting decisions has been changed (see pgs. 60, 61 & 67). All cities have had to make this change to their SMPs. Plus there are a number of corrected spellings and references, minor grammatical changes to make the text clearer, renumbered sections, etc.

Conclusions and Recommendation

Staff recommends the Planning Commission hold a public hearing on the proposed Lynnwood Shoreline Master Program to consider input and comments regarding the plan from neighbors, concerned citizens and other interested parties. Following the hearing, the staff recommends the Planning Commission recommend that the City Council adopt the SMP as is, or with such amendments as the Commission may recommend.

Attachments

- The Draft Lynnwood Shoreline Master Program with appendices was distributed to the Planning Commission on a CD earlier this week; it is available on the City of Lynnwood website at <http://www.ci.lynnwood.wa.us/Content/Business.aspx?id=90>.
- Comment Letter (e-mail) from Steve Procter: The staff posted, mailed and published public notice of the SMP and this hearing on October 8, 2010. Mr. Procter owns property within 600 ft. of the WWTP property so was mailed a notice. He submitted the attached e-mail outlining his concerns about the notice and the SMP on Oct. 14, 2010. Staff e-mailed the attached comments on the same day.

Procter response.txt

From: John Bowler
Sent: Thursday, October 14, 2010 3:27 PM
To: 'Steve Procter'
Subject: RE: Notice of Public Hearing (SMP)

Attachments: NOPH Planning Comm.pdf; NoED.pdf

Mr. Procter:

About 700 ft. of the Puget Sound shoreline is within the City of Lynnwood city limits. Only about half that distance - the actual grounds of the Lynnwood Wastewater Treatment Plant - is actually owned by the city; the remainder is privately owned. There is no park within the City of Lynnwood's shoreline area, and there is no legal access to the shoreline across the BNSF railway anywhere within the City of Lynnwood's shoreline area.

The City of Lynnwood has no plans at this time to expand or otherwise develop the Wastewater Treatment Plant or anything else in its shoreline area, and this is reflected in the plan. The City also has no plans at this time to develop or expand any of the upland part of the treatment plant (although most of it is not in the shoreline jurisdiction which extends only 200 ft. inland from the mean high-water mark). I understand the BNSF railway may upgrade some of its signal equipment on their line, but under Federal Law, the railway is exempt from many state and local regulatory requirements. You can contact Mr. Rusty Olson of the BNSF at (206)265-6208 regarding their plans.

The City is required to adopt a Shoreline Master Program (SMP) under the Washington Shoreline Management Act (Revised Code of Washington Sect. 90.58) The contents of SMPs and procedures for adopting them, including public notice requirements are set forth in Washington Administrative Code Sect. 173-26.

If you cannot attend the hearing, you may write or e-mail a letter to the Planning Commission at the address given in the notice. All Commission members will receive a copy and it will be placed in the record. Your e-mail will be placed in the record.

Following their hearing, the Planning Commission recommendation will make a recommendation to the Lynnwood City Council. The final decision to adopt or not adopt (or modify) the SMP will be made by the Lynnwood City Council. You will receive a separate notice of the Council Hearing when it is scheduled. The City Council's decision can be appealed to Superior Court.

The (accompanying) Notice of Environmental Decision, lays out procedures for commenting on and appealing the State Environmental Policy Act (SEPA) determination. The notice also includes a link to the City of Lynnwood's website <http://www.ci.lynnwood.wa.us/Content/Business.aspx?id=90> where the SMP is viewable online or can be downloaded, or you can come to our office to view a copy.

Again, the City is required by state law to adopt a Shoreline Master Program. The city has no plans to further develop its shoreline area or the grounds or facilities of the wastewater treatment plant in the foreseeable future, and this is reflected in the Plan. I apologize if you feel you have been misled by our notice, and would be more than happy to discuss it, and any other concerns you have via telephone or in person.

John R. Bowler, AICP
Associate Planner

City of Lynnwood
Community Development Dept.
4114 198th St. SW, Ste.7
PO Box 5008
Lynnwood, WA 98046
(425) 670-5407

Procter response.txt

-----Original Message-----

From: Steve Procter [mailto:traderdollar@earthlink.net]
Sent: Thursday, October 14, 2010 1:48 PM
To: John Bowler
Subject: Notice of Public Hearing (SMP)

Your notice was particularly un-informative except that it said you own 700ft. of shoreline. (Your don't mention access and a Park - no mention of the footprint of the facility.)

I own property within 1100ft which is currently listed for sale. Your letter is particularly obsequies. How do I know my rights? Does this letter jeopardize my possible sale?

Again, you say 700ft of water front (several times) but that is a sham in my opinion. You own a lot more and don't say what you are going to do.

I can't attend and there is no good information about what the SMP is going to do. I Protest!

Steve Procter
16921 76th Ave W
Edmonds WA
425 741-9583

Lynnwood Planning Commission
Meeting of October 28, 2010

Staff Report

Agenda Item: G-1
Transition Area Zoning Regulations
(2008CAM0003)

- Public Hearing
- Informal Public Meeting
- Other Business
- Work Session
- Information
- Miscellaneous

Lynnwood Depts. of Community Development and Economic Development

Action

Discuss and provide direction to staff.

Background

The Transition Area is located on the east side of 36th Ave. W. between the City Center and Alderwood Mall. The area had been included in the Lynnwood City Center Subarea as part of the North End District. However, at adoption of the City Center Subarea Plan, neighbors raised concerns about potential impacts on the adjoining single family neighborhood (west of 36th Ave. W). Implementation of the City Center Plan in this area was deferred by designating this area as a Study Area. The 2007 Comprehensive Plan Amendments removed this area from the City Center and designated it as the Alderwood – City Center Transition Area (see description of land use concept, below).

This area is currently designated with two zones: Business and Technical Park (BTP), and Planned Commercial Development (PCD). The portion of the area west of 33rd Ave. W is zoned BTP; the portion east of 33rd Ave. is zoned PCD.

In November, 2008, the City Council authorized a contract with Makers Architecture to recommend new zoning regulations for the Transition Area.

Relevant Legal Citations

In 2007, the City Council amended the Land Use Element of the Comprehensive Plan to include the following land use concept for this area:

"Alderwood – City Center Transition Area

"Purpose: This Plan category is intended to provide for a transitional area between the Alderwood Mall and the City Center. The Mall is the retail center of south Snohomish County and experiences a high level of activity, consistent with its retail character. The City Center is intended to be the business center of Snohomish County, with the character and intensity of an urban, mixed use

downtown area. This Transition Area will contain a mix of land uses that complements these two areas but at a lower intensity so as to minimize impacts on the residential area to the west (across 36th Ave. W.).

Principle Uses: Offices, retail (excluding big-box stores), restaurants, services and multiple family residences (as part of a mixed use development).

Locational Criteria: This land use category will be applied to the properties between the Alderwood Mall and the City Center and east of 36th Ave. W.

Site Design: Buildings will typically cover up to 50 percent of a site, with open parking or parking structures, landscaping, and open space occupying the rest of a site. Usually parking will be located in open parking areas, although some parking may be located in parking structures (either as separate structures or under buildings with other land uses). Pedestrian connections between properties and through the area to both the City Center and Alderwood will be required.

Building Design: Buildings will be architecturally interesting in appearance, with modulation and articulation of walls, ground-floor transparency, architectural highlighting of pedestrian entries, exterior pedestrian amenities and complementary colors, all as provided by the Citywide Design Guidelines. Building height and location will be managed so as to minimize shading and view blockage for the residential area west of 36th Ave. W.

Performance Standards: On-site activities shall not substantially impact adjoining properties. Traffic flow from this area shall be managed so as to minimize impacts to the residential area west of 36th Ave. W."

The current zoning regulations for the portion of the area west of 33rd Ave W (BTP zone) are in LMC Chapter 21.50. The current zoning regulations for the portion east of 33rd Ave W (PCD zone) are in LMC Chapter 21.46.

Analysis and Comment

At the Planning Commission meeting of September 23, 2010, the Commission reviewed the matrix of alternative zoning concepts for the Transition Area. That matrix summarized the major regulatory elements of three alternative zoning concepts and compared them, side-by-side, with the existing BTP zone. Following that discussion, the Commission directed staff to continue working on new zoning for the area based on the "Stairstep" concept (Concept #1). The Commission also asked staff to assess potential impacts on existing views from 191st Pl. SW and to report on projected traffic volumes for 36th Ave.

Outline of Zoning Regulations

Based on that direction, staff has developed an expanded outline of new zoning regulations for this area; a copy is attached. This outline expands on the concepts listed in the comparison matrix, as follows:

- The lists of permitted, conditional and prohibited uses have been expanded in order to describe the land uses that would or would not be allowed in this area. Also shown (on page 2) are the uses that would be restricted or would not be allowed in the Limited Development Area (LDA) along 36th Ave. Staff is requested direction from the Commission regarding any changes to these lists.
- The development standards for the LDA are revised, as requested by the Planning Commission. In addition, a second scenario of possible building bulk standards is suggested; staff will discuss this scenario at the meeting. Staff is asking for direction from the Commission regarding the two scenarios for the LDA.
- Development Standards for the rest of the area have been expanded. Specific standards for 33rd Ave. W follow from developing that street as a “Main Street” for the area (on the expectation that 33rd Ave. will be connected across I-5 to 196th St. and Poplar Way). Staff is suggesting also applying this concept to the future extension of 194th St. SW, due to that street’s connection to the City Center. A wider setback is proposed for 188th St. SW, as part of framing the “entrance” to Alderwood Mall. Staff is seeking direction regarding any changes to these standards.

Some of the primary design guidelines for the area are listed on page 4. Staff believes that design guidelines for this area should be based on the current City Center Design Guidelines, part of the intent for the Transition Area is to create a pedestrian-oriented, walkable urban area, and those guidelines were developed to guide creation of that type of environment in the City Center. Modifications to those Guidelines will be made to address design issues that are specific to the Transition Area.

Answers to Planning Commission Questions

1. Impact on Views on 191st Pl.

Staff has done an analysis of the visibility of a multiple setback structure east of 36th Ave W. The hypothetical structure was set a 35 feet high at a 40-foot setback, 60 feet high at an additional 65-foot setback, and 85 feet high at an additional 50-foot (or 150 feet total) setback. Building height was measured from the estimated current grade level. The results are shown in the accompanying profile, figure “Stairstep Scenario 1”. All analysis is based upon a viewer just under six-foot tall standing at the high point of 191st Place, near the upper turnout. Areas that are visible to the observer are shown in green; areas not visible are shown in red. Three questions were posed by Commission members at the last meeting:

- Does an 85-foot building at this setback block the mountain view? Yes, but just barely. The sightline over the top of the hypothetical structure is a few tens of meters above the highest currently visible ridgelines.

- *Where is the direct line-of-sight to the building?* A level line from the observer to the building would intersect the building at about 496 feet MSL (above mean sea level). This corresponds to a point about 14 feet from the top of the 65-foot face.
- *How much of the building would be visible?* The lowest visible point would be about eight feet above grade level on the 35-foot face.

2. Traffic Volumes on 36th Ave.

Future traffic volumes on 36th Ave. were analyzed as part of the Supplemental Environmental Impact Study for the City Center Subarea Plan. This is an appropriate study for understanding the potential impact of redevelopment of the Transition Area because the Area was included in the City Center when the study was written and the City Center Subarea Plan had assumed redevelopment of the Transition Area in a manner similar to, although somewhat more intense than the current concept for the Transition Area.

That study assessed peak-hour traffic operations at key intersections in the vicinity of the City Center. The Study examined two intersections on 36th Ave. W: 188th St. and 196th St. For the intersection of 36th Ave. with 188th St., the study reports that the 2001 level of service (LOS) and average vehicle delay were “C” and 20 seconds. Following redevelopment of the City Center as described in the Plan, the LOS and delay are projected to be “C” and 26 seconds. For 36th Ave at 196th St., the 2001 LOS and delay were “C” and 29 seconds; the projected metrics are “C” and 32 seconds. (Source: Table 3-26 of the Draft SEIS for the City Center Subarea Plan.) These data show that traffic is expected to increase with redevelopment of the combination of the City Center and the Transition Area, but City standards for traffic operations will not be violated.

Conclusions and Recommendation

Discuss outline and other information and provide direction to staff regarding zoning regulations for the Transition Area.

Attachments

- A. Outline of Zoning Regulations
- B. Cross Section Figure “Stairstep Scenario 1”
- C. Letter from DREAL, dated October 19, 2010

Alderwood-City Center Transition Area Outline of Zoning Regulations

Purpose

The Alderwood-City Center Transition Area is intended to provide a linkage or connection between the Alderwood Mall and the City Center, while recognizing the proximity of the single-family neighborhood on the west side of 36th Ave. This linkage/connection would be developed by allowing a mix of land uses that complements the two areas but at a lower intensity than the City Center and in a manner that minimizes impacts on the residential area to the west.

Use Regulations

Permitted Primary Uses

Office (all types)
Financial, insurance and real estate services (all types)
Retail (max. floor area for a premise (21.02.578) of 50,000 sf.)*
Research and Development
Assembly
Flex space
Personal care services (barber, hair salon, nail salon, tanning, etc.)
Print and electronic media businesses, not including external transmitting equipment
Eating establishments (restaurants (except drive-up or drive-through service), taverns, wine and/or beer bars, brew-pubs, etc.)*
Colleges, universities, trade and professional schools, technical and vocational schools*
Medical clinics
Hospitals*
Human service agency offices
Live/Work spaces*
Multi-family housing*
Senior housing (all types)*
Hotel/motel*
Athletic Clubs and facilities*
Clubhouse and fraternal, social, recreation and other not-for-profit associations, and similar
Libraries, museums, similar cultural uses
Wireless communication facilities (attached)
Veterinarian clinics* (may include boarding of and day-care for small animals, provided all on-site activities are enclosed in a building)

Conditional Uses

Child Day Care (all types, located in a larger building not as a stand alone use)*
Wireless communication facilities (not attached)
Manufacturing

* See uses prohibited in the Limited Development Area

Prohibited Primary Uses

All uses not listed above, and particularly:
Adult uses and establishments

Distribution and warehousing
Drive through businesses
Gas stations
RV Parks, campgrounds and similar
Mini Storage on street level
Municipal Shops (21.02.513)
Outdoor sales and/or storage (Uses not fully contained within a building)
Secure community transition facilities
Sewage treatment plants
Vehicles repair
Warehouses
Work release facilities and similar
Wrecking yards
Any other uses similar to those listed above or any other use determined by the community development director to be inconsistent with the intent of the Transition Area (ref. 21.04.300)

Uses in Limited Development Area (LDA)

100 feet back from property line on 36th Ave. W.

Retail uses may occupy no more that a total of 25% of the ground floor of a building in the LDA. (Where a building straddles the LDA boundary, this limitation applies only to the portion of the building in the LDA.)

Eating establishments, (restaurants taverns, wine and/or beer bars, brew-pubs, etc.) uses may occupy no more that a total of 25% of the ground floor of a building in the LDA. (Where a building straddles the LDA boundary, this limitation applies only to the portion of the building in the LDA.)

The following uses are prohibited in the LDA:

Multi-family housing
Senior Housing (all types)
Hotel/motel
Child Day Care
Colleges, universities, trade and professional schools, technical and vocational schools
Outdoor athletic facilities and playgrounds
Athletic Clubs and facilities
Veterinary Clinics
Hospitals
Live/Work spaces

Development Standards – Along 36th Ave. W.

Elements include:

- set backs from 36th Ave
- restricted building heights
- allow set back averaging

a. **Scenario 1:**

25-foot landscape set back from the front property line and 15 feet additional set back, with parking allowed (no buildings allowed in this area);
Then, maximum building height of 35', for next 60 feet (LDA)
Then maximum building height of 65 feet for next 50 feet and

Then maximum building height of 85 feet for remainder.

- b. **Scenario 2:**
25-foot landscape set back and 40 feet where parking is allowed (no buildings allowed in this area);
Then, maximum building height of 65 feet for next 80 feet (35 feet of this area is the LDA);
Then maximum building height of 85 feet for remainder
- c. **Optional:** Restrict building width on taller buildings to create a more open environment;
reduce set backs.

Development Standards – General

- 1. **Minimum lot area:** 1 acre
- 2. **Minimum lot width:** 150 feet
- 3. **Minimum set backs:**
 - a. Along 33rd Ave West: Make Exhibit C: None required (sidewalk width of 12 feet)
 - b. Along 188th St. : 10 feet
 - c. Along Future 194th St Extension: same as 33rd Ave
 - d. Interior Property Lines: No setback is required from interior property lines,(standard transition treatment adjoining residential zone at south)
- 4. **Minimum building separation:** none
- 5. **Maximum lot coverage:** none
- 6. **Maximum building height:** 85 feet
- 7. **Maximum Floor area:**
 - a. Limited Development Area: None
 - b. Elsewhere:(3.0)
- 8. **Access Management:** Per Citywide access management policy, 1 driveway per property
- 9. **Pedestrian Promenade:**
 - a. Provide safe and convenient East/West through block connection from City Center to Alderwood Mall (referred to as The Promenade)
 - i. Maintain development rights of The Promenade area (height/density)
 - b. Buildings fronting the Promenade: See Street Frontage Below
- 10. **Vehicular Connections:**
 - a. Connections between parking lots
 - b. 194th St ROW per ORD 2627
- 11. **Service Areas Including Loading Docks and Refuse/Recycling Areas:**
 - a. Locate to avoid visual, auditory, olfactory or physical impacts on street environment and adjacent residential uses
 - b. Prohibited facing 36th Ave W.
 - c. Should not be visible from the sidewalk or from a public right of way; may be achieved by screening
- 12. **Open parking and parking structures:** LMC 21.18.800
 - a. Residential Surface parking is limited to 1.5 spaces per unit. Tandem parking allowed only for residential uses and only in a structure. Shared parking is allowed.
 - b. Provide paved or marked walkways through parking areas
 - c. Landscaping required in parking areas to diminish the visual impacts of large paved areas
- 13. **Multi-Family Residential:**
 - a. Density: 50 units per acre
 - b. Provide common open space including landscaped courtyards or decks, gardens with pathways, play areas or other open space or activity amenities.

Project Design Review

Required, per City Center standard language

Design Guidelines

Use City Center Design Guidelines, with amendments for this area, and:

1. **Pedestrian Connections:**
 - a. Minimum of 6 feet in width
 - b. Provide safe and convenient pedestrian circulation throughout the site for users, between public right-of way and building entrances and between parking lots and building entrances (See City Center Design Guidelines page 11: Pedestrian Connections, except 6 foot width instead of 8 foot)
 - c. Seating, lighting and other pedestrian amenities required.
2. **Mechanical Screening:**
 - a. :Roof mounted must be screened so it is not visible within 150 feet of the structure when viewed from the ground level.
 - b. Ground mounted must be screened to minimize visual and noise impacts to pedestrians and adjoining properties
3. **Street Frontages: (Design Guidelines)**
 - a. Buildings fronting 36th Ave W:
 1. No blank, untreated walls
 - b. Buildings fronting 33rd Ave W: See City Center Design Guidelines: Building Design Standards
 1. Building must have a clear convenient entrance to the public sidewalk
 2. Parking areas fronting 33rd must be screened
 3. No untreated or blank walls
 4. Provide pedestrian oriented space or landscaping
 5. Transparency on ground floor façade
 - c. Buildings Fronting 188th, provide transparency
 - d. Buildings Fronting 194th: Same as 33rd
 - e. Buildings fronting the Promenade: Provide additional Pedestrian Oriented Articulation and Details

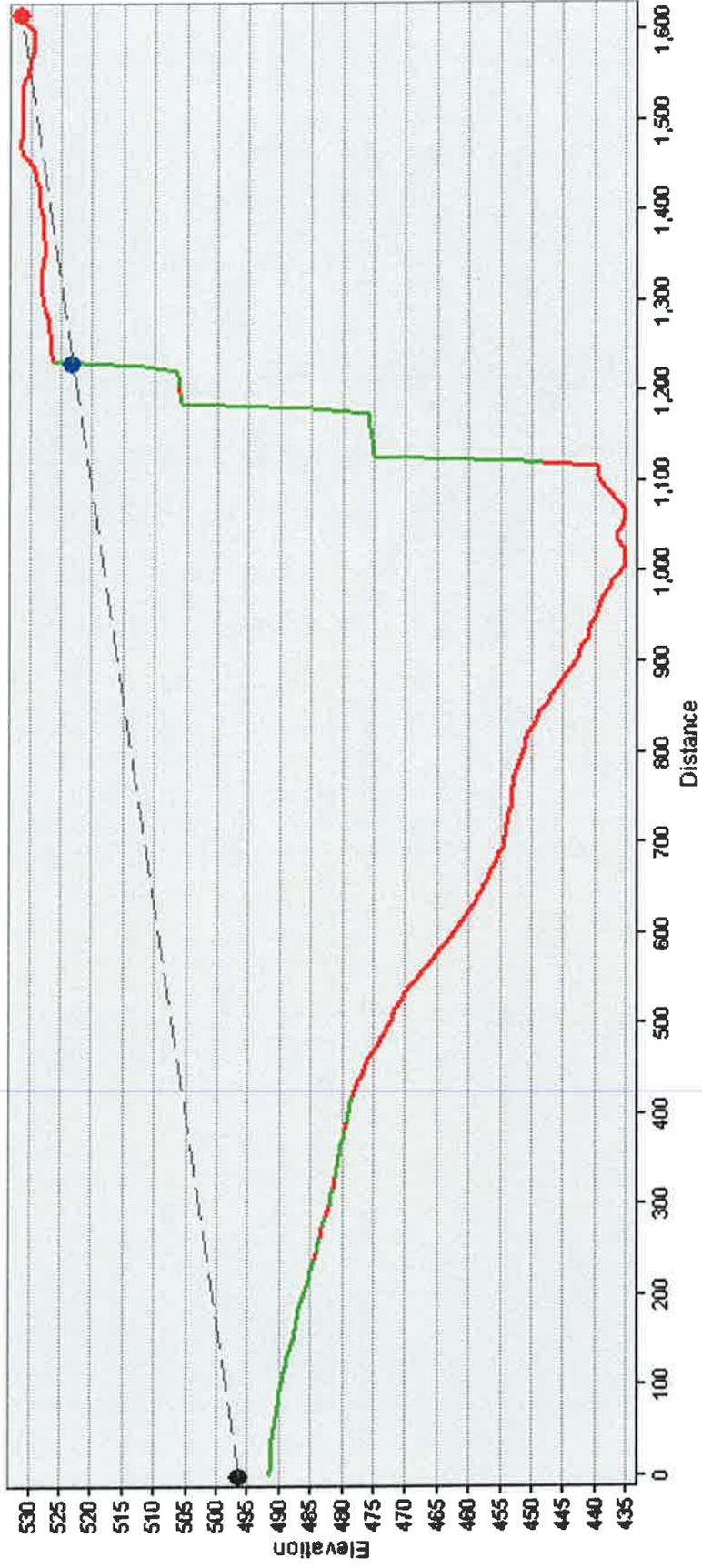
Non-Conforming Uses, Sites and Structures

Per City Center Standards

Signs

1. Each development shall submit a signage plan to show consistency throughout the project and consistency with guidelines including:
2. **General Sign Regulations:**
 - a. Signs with individual backlit letters (i.e. Channel Letter Signage) are permitted.
 - b. Neon signs are permitted except on top floor building facades facing West that would be visible from the residential areas West of 36th Ave
 - c. External sign lighting (i.e. Uplighting) is permitted but shall not be directly visible from adjacent residential zoned properties
3. **Sign types, sizes, locations, etc.**
To Be Determined

Stairstep Scenario 1



Transition Area Study



October 19, 2010

Planning Commission
City of Lynnwood
19100 44th Avenue W
Lynnwood, WA 98036

Attention: Ms. Janiene Lambert
jlambert@ci.lynnwood.wa.us

Members of the Planning Commission:

We previously submitted information regarding our desire for a property our company owns within the North End transition area of the City of Lynnwood. We were in attendance at the last Planning Commission hearing on September 23, 2010. Based on information provided to the Planning Commission at that meeting, we would like to augment and add to our earlier submission. Included for your information are the following:

- A site map indicating the location of our property and its relationship to the surrounding neighborhood.
- Based on information provided on setback and building heights at that Planning Commission meeting, we have come up with the attached sketches illustrating possible development within the project site.

The sketches highlight opportunities for creating open areas, promenades, and other site amenities, which we believe respects the City stated objectives for the area and enhances the overall nature of the site. The promenade and open area could serve as an open and attractive pedestrian link between the convention center (to the south) and Alderwood Mall (northeast of the property).

However, retaining the same approximate density and “opening” of the site would require other areas within the property to have higher building elevations. Please note that this does not increase the density but merely opens up views from both the street and surrounding areas, in accordance with the desires, as we understand them, of the Lynnwood City Council and Office of Economic Development.

- The sketches present an alternative that retains needed development densities to encourage projects to be built by providing desirable open space while allowing building heights to rise in certain areas of the property away from neighboring roads.

City of Lynnwood
Planning Commission
October 19, 2010
Page 2

The sketch envisions access to the property for the residential and office elements to be along 33rd Avenue. Retail users and visitors would access off 36th Avenue, though probably not in the numbers that exist today for our existing office complex.

Thank you for the opportunity to review our thoughts on the North End. We truly believe that the Lynnwood City Council has a unique opportunity to allow for the creation of an imaginative building product which includes open space that could, in fact, enhance the overall desirability of Lynnwood and the interconnected walkways joining the major City Center to the region's Alderwood Mall.

Very truly yours,

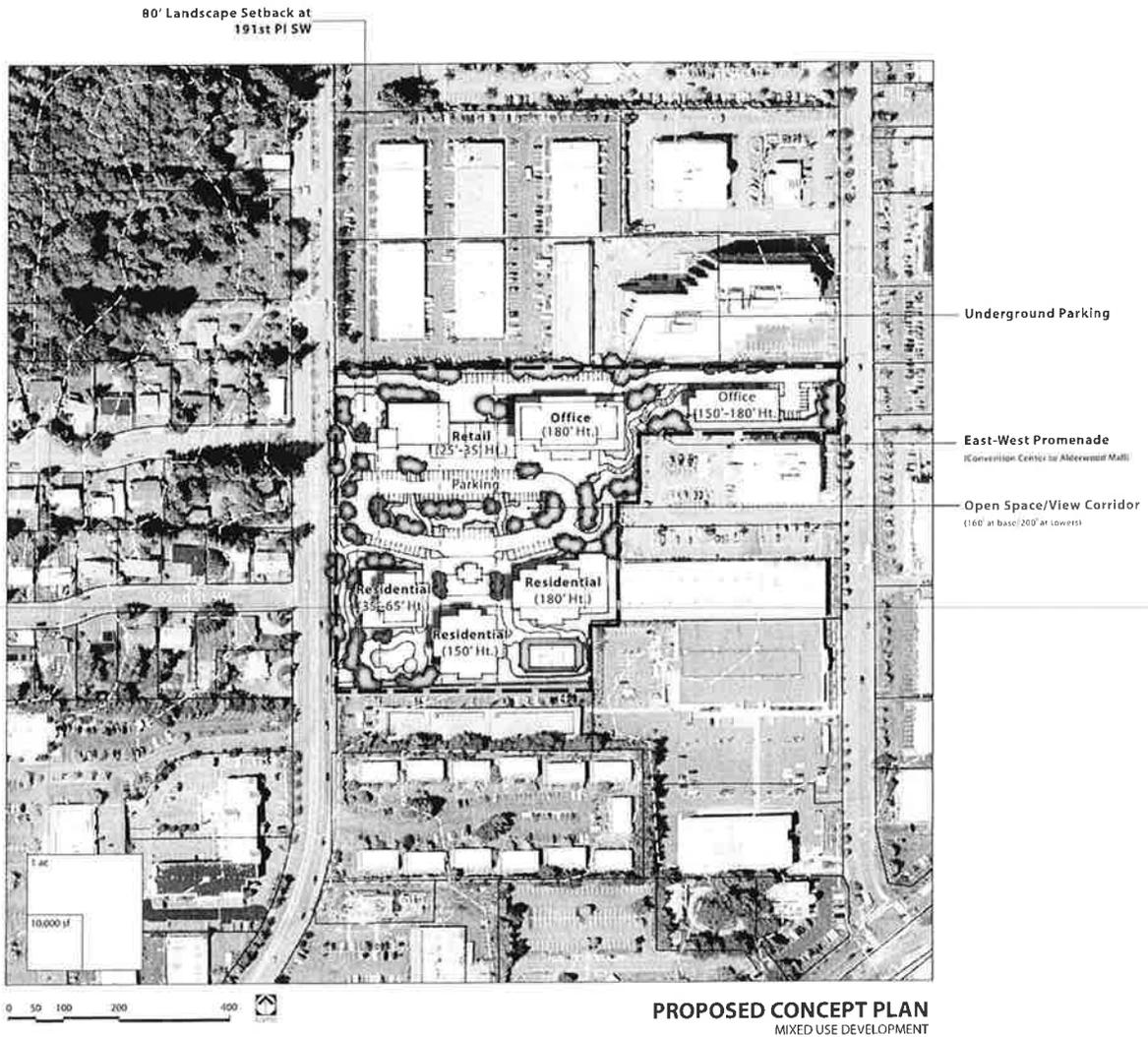
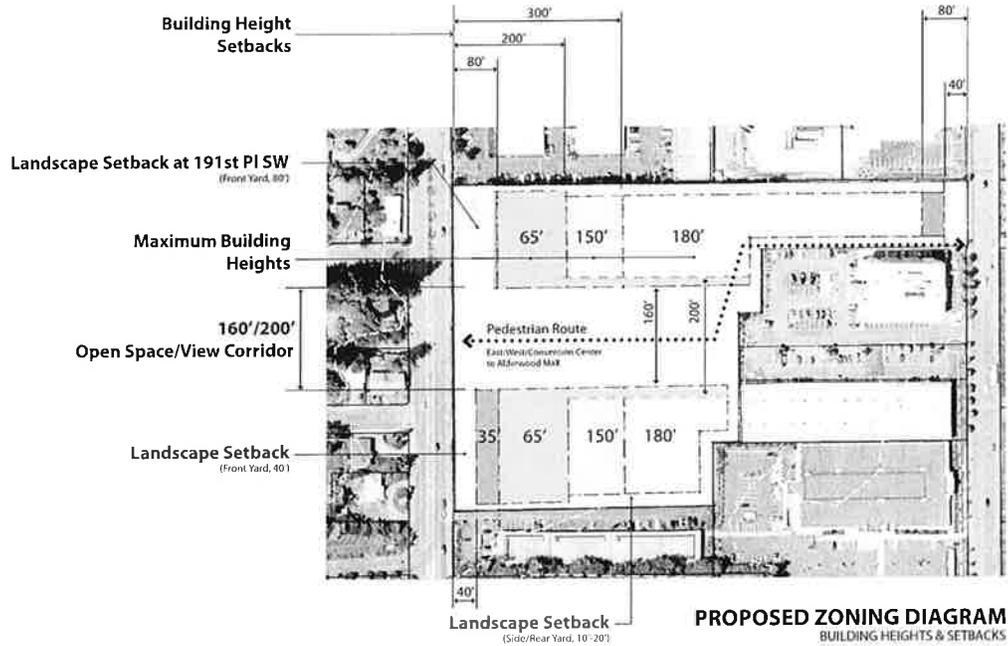
DESIGN REAL ESTATE ASSOCIATES LTD.

A handwritten signature in black ink that reads "Joe Vierra". The signature is written in a cursive style with a large, looping initial "J".

Joe Vierra
President
(425) 210-8577

JV:gok

Enclosures



PROPOSED

Master Plan & Zoning Concepts
ALDERWOOD NORTHWEST CAMPUS

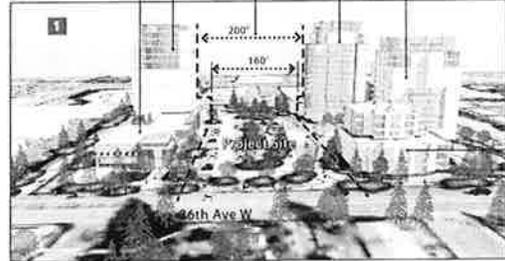
October 15, 2010

Prepared for : DREAL



KEY PLAN
MIXED USE DEVELOPMENT CONCEPT

- Open Space/View Corridor
160' at Base/200' at Towers
- Office Tower
180' Height (300' Setback)
- Neighborhood Retail
25'-35' Height (80' Setback)
- High-Rise Residential
180' Height (300' Setback)
- Mid-Rise Residential
150' Height (200' Setback)
- Low-Rise Residential
35'-65' Height (40'-80' Setback)



View through View Corridor



View from 191st PI SW



View from 191st PI SW (street-level)



Aerial View over 191st PI SW



Aerial View over 192nd PI SW



View from 36th Ave W (Looking South)



View from 36th Ave W (Looking North)

PROPOSED

**Master Plan & Zoning Concepts
ALDERWOOD NORTHWEST CAMPUS**

October 15, 2010

Prepared for : DREAL

Lynnwood Planning Commission
Meeting of October 28, 2010

Staff Report

Agenda Item: G-2
Project Highway 99 (2009CAM0001)

- Public Hearing
- Informal Public Meeting
- Other Business
- Work Session
- Information
- Miscellaneous

Lynnwood Depts. of Community Development and Economic Development

Action

Discuss

Background

On February 25, 2008, the City Council approved Revitalization Strategies for the Highway 99 corridor (Resolution 2008-02), . Among the actions to support economic activity in the corridor, the Strategies call for the City to consider changes to land use planning and zoning in the corridor. The following Strategies are most relevant to discussions of land uses in the corridor:

Create Gathering Places:

- Develop high density mixed use nodes at key locations
- Increase development capacity at key locations
- Introduce housing
- Create parks/plazas

Support Transit Oriented Development

- Allow flexibility in zoning and increase density, particularly at Gathering Places
- Leverage capacity of transit by concentrating housing in walking distance to stations

Allow a wide variety of business types along the corridor

- Connect the Gathering Places with a mix of commercial uses
- Expand commercial zoning back from Highway 99 where appropriate to encourage higher quality developments
- Broaden allowed uses at key sites

As part of implementing these Strategies, the City Council authorized contracting with MAKERS Architecture to prepare a Subarea plan and new zoning regulations and design guidelines for the Highway 99 Corridor (on November 24, 2008). Following a series of

public meetings and work sessions with the Planning Commission (serving as the project advisory committee), MAKERS and staff developed a land use concept for the corridor that provides for:

- Higher intensity mixed-use “nodes” at key intersections along the corridor;
- New zoning and design guidelines for the nodes to guide/direct redevelopment of these areas; and
- Continuation of the existing commercial land uses and zoning in-between the nodes;

Creating the opportunity for new residential development in these nodes is consistent with the City’s approach to accommodating future growth while protecting single family neighborhoods. For many years, the City has protecting these neighborhoods one of the key goals for the City’s land use plans. At the same time, the state Growth Management Act requires cities to accommodate future growth in existing urban areas (in order to limit sprawl). Allowing new residential development in mixed-use nodes along the Highway 99 corridor allows the City to accommodate new growth while protecting and maintaining the existing single family neighborhoods.

On July 20, 2009, the City Council was briefed on this concept. Following that briefing, the Council authorized staff to proceed with development of the corridor plan, zoning and design guidelines, and the Supplemental Environmental Impact Statement (EIS).

Relevant Legal Citations

The Land Use Element of the Comprehensive Plan describes the land use concept for the Highway 99 Corridor as follows:

“Purpose: This plan category is intended to identify the area where the City will encourage redevelopment of properties, consistent with the strategies in the Highway 99 Corridor economic study, by allowing a wide range of commercial uses AND allowing mixed use, transit supportive development at major intersections (“nodes”) in the corridor.

“Principle Uses: Throughout the corridor, principle land uses will include retail, office (all types), service, and eating and entertainment uses. Existing light industrial uses will be allowed to remain, but no new uses of this type will be allowed. At major intersections (designated by zoning), mixed use development (including multiple family residential) will be strongly encouraged. At properties not designated for mixed use, auto dealerships and other retail uses that require large parking lots will be permitted.

“Locational Criteria: The corridor crosses the City in the north-south direction, from 216th St. SW to 164th St. SW, and continues north in the City’s MUGA to 148th St. SW. Except at major intersections, properties either with frontage on the highway or that can be accessed through properties-with-frontage (or directly from an intersecting street) will be designated to this land use category.

"Properties at major intersections along the corridor will be designated for mixed used development, with densities and design requirements that will support transit-supportive development. In select locations (particularly at major intersections), this land use category may extend east or west of properties with highway-frontage in order to create areas that will encourage redevelopment consistent with the intent on this designation and the economic development strategies.

"Site Design: Development of "corridor" properties will often be at higher intensity and densities and greater lot coverage than is currently found along the Highway 99 Corridor. This will be particularly likely at major intersection "nodes" having high levels of transit service, where development could one day be dense enough to warrant structured parking. The appropriate relationship of buildings to Highway 99 will be defined.

"Building Design: All new development will be required to comply with design guidelines specifically developed to support Corridor strategies.

"Performance Standards: On site activities shall not significantly affect adjoining properties outside the corridor."

Analysis and Comment

Process

Draft versions of the following Project Documents were issued for public review and comment on September 10:

- Subarea Plan for the corridor;
- Zoning regulations for the mixed-use nodes;
- Design Guidelines for the mixed-use nodes; and
- Supplemental EIS (SEIS) for these proposals.

The public review period ended October 10, and we received comments on all four documents. Enclosed is a CD with copies of all comments that we received.

The next step in this project is to respond to these comments. State law requires publishing written responses to the substantive comments on the Draft SEIS; staff and the consultants will work together on these responses. The responses, together with the comments and any substantive changes to the Draft SEIS will be published in a Final SEIS. The Final SEIS will be reviewed and approved by the City's Environmental Review Committee. Following approval by the Committee, copies will be sent to the Commission. The SEIS then serves as a key information-resource document for consideration of the proposed Plan, zoning, etc. by the Commission and the City Council.

Meanwhile, staff will also be working with the consultants on responses to the comments on the Plan, Zoning Regulations and Design Guidelines. State law does not mandate a

particular process for processing these comments and responses, and so staff has developed the following process:

- Initial review of comments with Planning Commission (this meeting);
- Drafting responses on each topic in the comments (following this meeting);
- Review of responses with Planning Commission (November 18 meeting);
- Incorporation of responses into Project documents and issuance of Final Draft documents (November – December).

At this work session, staff will review the highlights of the comments with the Planning Commission. This discussion is intended to prepare the Commission for review of all the comments (in advance of the November 18 meeting) and for discussion of responses to the Comments at that meeting.

Attachments

CD of Comments on Project Documents

Summary of Comments

Project Hwy 99

Comments on Project Documents, with Responses

PLAN TOPIC/RESPONSE		
Issue	Comment	Response
<p>Automobile retention (existing and vacant) in nodes/single use operations</p> <p>21.62.210 banning all “auto-oriented commercial”, including dealerships, in HMU-RE</p>	<p>Automobile single-purpose structures in nodes (Rood and Ed)</p> <p>Allowance of 25% expansion for auto-dealer types inadequate (workshop comment)</p>	
<p>Residential required not fitting into marketing (Rood) (Daniels)</p>	<p>Costs versus revenues with residential development (Rood)</p> <p>SRO consultant determined retail best marketed and market would not support Residential /preference for zoning to remain the same (Daniels)</p> <p>Residential required would prevent most national retailers from wanting to be at their location (SRO)</p> <p>If a current CG owner finds “encouraged” financially viable, they should do it but if not viable, then they should be able to use CG (Ed)</p>	

PLAN TOPIC/RESPONSE		
Issue	Comment	Response
Assurance of business financial viability during transition	<p>Assurance of business financial viability during transition (Dana)</p> <p>Alternatives for businesses during transition (Dana)</p> <p>Solutions offered (allow current uses w/ node uses), change all permitted to CUP's, allow two year transition (Dana)</p> <p>Existing Uses and Renewal rights (Emerald)</p> <p>Reliance on constancy of city planning (Ed)</p> <p>How will a business/ property owner sustain these economic times if their use changes or ceases (meeting comment)</p>	
Large tenant requirements	Larger anchors need more flexibility with parking, access, and visibility (Barber/SRO)	
Residential not compatible with high traffic sites and Hwy 99 intersections (Barber/SRO)	Residential not compatible with high traffic sites and Hwy 99 intersections – residential at mid-block (Barber/SRO)	
Residential not compatible with industrial zones (SMR)	Residential not compatible with industrial zones near 202 nd This area should be maintained for commercial and industrial uses. Visibility of industrial needs to be maintained (SMR)	

62-6

PLAN TOPIC/RESPONSE		
Issue	Comment	Response
Focus on area within half mile	Focus on area within half mile. Upzone areas for medium density housing to support transit (Krueger)	
Force vs. Encourage	Forced residential within some nodes. Should encourage (Emerald)	
Incentives to provide housing	<p>Incentives to provide housing and mixed use. Unlimited densities and tax abatements (Emerald)</p> <p>Expand incentive area outside of nodes. Relax lot coverage to all properties. (Emerald)</p> <p>Provide incentives to build housing (workshop comment)</p> <p>City needs to provide incentives (Cantu)</p> <p>Incentives for residences (workshop comment)</p>	
Facilitate “large format” retail at 196 th	Facilitate “large format” retail at 196 th Proposed zoning and guidelines will preclude development. Counterproductive to city’s vitality (Emerald)	
Type of development versus fire and building codes. Incompatibility (Emerald)	<p>Type of development versus fire and building codes. Incompatibility (Emerald)</p> <p>Current codes don’t allow MAKER type development (workshop comment)</p>	

62-7

PLAN TOPIC/RESPONSE		
Issue	Comment	Response
Accommodations for pedestrians	Accommodations for pedestrians between 176 th and 188 th (Emerald) Emphasis on transit but pedestrian safety not addressed between 176 th and 188 th (workshop comment)	
Smaller lots that cannot economically accommodate multi-family	Smaller lots that cannot accommodate multi-family (Ed)	
Impacts on small business owners	Crushing value of smaller properties and smaller businesses with inability to sell or lease property (Ed) Condemnation of smaller businesses and sites (Ed)	
Selectivity in location of node at 204 th (inclusion of some dealers while exclusion of others)	Selectivity in location of node at 204 th (inclusion of some dealers while exclusion of others (Ed)	
Use of Public Development Authority	Use of Public Development Authority (CT)	
Coordinate growth and development with Edmonds	Students have limited choice in residences and shops (Cantu) Increases pedestrian access to college (Cantu)	
Improvements to parks/open space	Improvements to Gold and Scriber Parks – wasted opportunities (Cantu) Increase bike paths and linkages to existing parks (Cantu)	
Enforce housing standards	Force owners to maintain properties, including fines if necessary (Cantu)	

62-8

PLAN TOPIC/RESPONSE		
Issue	Comment	Response
Timetable for completion	Timetable for completion (Cantu)	
Pedestrian improvements versus impact to owners	How is pedestrian safety to be improved without loss of parking (Webster)	

G2-9

GUIDELINES TOPIC/RESPONSE		
Issue	Comment	Response
Increased development costs esp w/ market (Rood)	Requirement of housing, setbacks, amenities, etc.	
Guidelines too rigid, need flexibility	Guidelines too rigid, need flexibility (Emerald)	
Exemption of stations from PDR	Exemption of stations from PDR for continuity (CT)	

DEVELOPMENT REGULATION TOPIC/RESPONSE		
Issue	Comment	Response
	Prohibition of drive up windows/uses – these uses are essential to many retail businesses on Hwy 99 (SRO)	
	Outdoor displays often required for large, retail anchor tenants (SRO)	
	Residential should be encouraged not required (SRO)	
	Requiring new commercial to be at least 20,000 sq. ft. will impact small projects (SRO)	
	Parking should be increased (SRO)	
	Too many trees (SRO)	
	Should be longer distance between parking and landscaping (SRO)	
	Planting area is too high (SRO)	
	Too much open space for pedestrians (SRO)	
	30 feet between street trees is too tight (SRO)	
	Prohibited uses and limitations of zoning would eliminate uses supportive to anchor stores (Barber/SRO)	
Establishment of minimum # of multi-family units	# of units to meet density. Percentage of site to be dedicated to the residential use to meet the density? (Krueger)	

DEVELOPMENT REGULATION TOPIC/RESPONSE		
Issue	Comment	Response
Establishment of minimum amount of commercial/emphasis on commercial	Establishment of minimum amount of commercial. Amount of commercial appears plentiful along 99. For commercial to be successful, residential is needed. Market might best determine amount of commercial/residential. 20,000 may overwhelm small parcels. Flexibility left with planning director? (Krueger)	
Lack of bulk requirements/lack of incentives.	No restrictions besides setbacks. No restrictions. No incentives to provide community benefits (Krueger)	
	Amount of parking (residential) 1.25 seems excessive to encourage transit. No shared parking. (Krueger)	
	Include landscaping requirements in design guidelines. Would be easier to amend than zoning code. Include requirement for street trees to landscaping (Krueger)	
	Non-residential Open Space. Illustrations. 1% may not be sufficient (Krueger)	
	Residential Open Space. Illustrations. Calculation of 10%. Reduction of hard surface requirement. Green space. (Krueger)	

DEVELOPMENT REGULATION TOPIC/RESPONSE		
Issue	Comment	Response
	Incentives for affordable housing?(i.e. 10% of housing to be affordable) Increase of floor area ratio (Krueger)	
	Use of TDR's as incentive. Allowance of height or increase in density (Krueger)	
Maximum and minimum parking stalls	Maximum and minimum parking stalls. Discourage stalls to encourage ridership (CT)	
Exemption of stations from PDR	Exemption of stations from PDR for continuity (CT)	

62-13

City of Lynnwood

Project Highway 99

Public Workshop #3

SEPA Comment Form

We would like to hear from you! Write down your thoughts and ideas on this form and turn it in to Gloria Rivera at the City of Lynnwood. Email, or hand deliver your comments to:

Gloria Rivera, Community Development
4114 198th St. SW., Suite #7, P.O. Box 5008
Lynnwood, WA. 98046-5008
(425) 670-5409; grivera@ci.lynnwood.wa.us

Need an additional bus station
around 159th + 99 to serve the
~~sound~~ south end of the urban
center.

For more information, please visit the City's website:

www.ci.lynnwood.wa.us

HUIGHWAY 99 CORRIDOR PLAN

Public Meeting Evaluation Sheet

September 28, 2010

		RATING				
		Great/ High Priority	Good Idea	Not Sure/ Neutral	Bad Idea	Horrible!
General Concepts and Development Standards						
1.	Focus Mixed use development around transit stop nodes.	✓	✓			
2.	Retain commercial orientation along Highway 99 in the rest of the corridor outside of the nodes.	✓	✓			
3.	In the most intensive nodes with <i>Highway 99 Mixed Use – Residential Required</i> zoning, require that new residences be included as part of any <i>major</i> redevelopment. Existing development and uses may remain and existing buildings may be expanded up to 25% of original.			provides incentives to build housing units. ✓		
4.	In the nodes, do not restrict density, building footprint, height or building bulk, <i>provided</i> setbacks and other requirements are in place to protect single family residences from loss of privacy and solar access.		✓			
5.	Add or improve parks where needed in nodes.		✓			
Design Guidelines						
6.	Require attractive streetfronts along major pedestrian routes.	✓				
7.	Require good pedestrian circulation within large developments.	✓				
8.	Establish setbacks and design guidelines to protect privacy and livability of single family residences.	✓				
9.	Require open space and green features of new development.	✓				
10.	Require some architectural features at prominent intersections..	✓				

HUIGHWAY 99 CORRIDOR PLAN

Public Meeting Evaluation Sheet

September 28, 2010

	RATING				
	Great/ High Priority	Good Idea	Not Sure/ Neutral	Bad Idea	Horrible!
General Concepts and Development Standards					
1. Focus Mixed use development around transit stop nodes.			X		
2. Retain commercial orientation along Highway 99 in the rest of the corridor outside of the nodes.	X				
3. In the most intensive nodes with <i>Highway 99 Mixed Use – Residential Required</i> zoning, require that new residences be included as part of any <i>major</i> redevelopment. Existing development and uses may remain and existing buildings may be expanded up to 25% of original.					X
4. In the nodes, do not restrict density, building footprint, height or building bulk, <i>provided</i> setbacks and other requirements are in place to protect single family residences from loss of privacy and solar access.	X				
5. Add or improve parks where needed in nodes.			X		
Design Guidelines					
6. Require attractive streetfronts along major pedestrian routes.		X			
7. Require good pedestrian circulation within large developments.			X		
8. Establish setbacks and design guidelines to protect privacy and livability of single family residences.		X			
9. Require open space and green features of new development.		X			
10. Require some architectural features at prominent intersections..				X	

RATING

	Great/ High Priority	Good Idea	Not Sure/ Neutral	Bad Idea	Horrible!
11. Require screening of dumpsters and service areas.		X			
12. Establish design guidelines to increase safety and security.		X			

Comments: Plan does not address pedestrian crossing along highway 99.

Provisions needed to improve storm water drainage and sewer backups along highway 99

HUIGHWAY 99 CORRIDOR PLAN

Public Meeting Evaluation Sheet

September 28, 2010

	RATING				
	Great/ High Priority	Good Idea	Not Sure/ Neutral	Bad Idea	Horrible!
General Concepts and Development Standards					
1. Focus Mixed use development around transit stop nodes.			X		
2. Retain commercial orientation along Highway 99 in the rest of the corridor outside of the nodes.	X				
3. In the most intensive nodes with <i>Highway 99 Mixed Use – Residential Required</i> zoning , require that new residences be included as part of any <i>major</i> redevelopment. Existing development and uses may remain and existing buildings may be expanded up to 25% of original.					X
4. In the nodes, do not restrict density, building footprint, height or building bulk, <i>provided</i> setbacks and other requirements are in place to protect single family residences from loss of privacy and solar access.	X				
5. Add or improve parks where needed in nodes.			X		
Design Guidelines					
6. Require attractive streetfronts along major pedestrian routes.		X			
7. Require good pedestrian circulation within large developments.		X			
8. Establish setbacks and design guidelines to protect privacy and livability of single family residences.		X			
9. Require open space and green features of new development.		X			
10. Require some architectural features at prominent intersections..		X			

RATING

	Great/ High Priority	Good Idea	Not Sure/ Neutral	Bad Idea	Horrible!
11. Require screening of dumpsters and service areas.	X				
12. Establish design guidelines to increase safety and security.		X			

Comments: Prior comments made at earlier meeting disregarded re: existing uses at "nodes - key intersections"; allowing nonconforming auto dealer type uses expansion of up to 25% is INADEQUATE!

Plan places high emphasis on transit yet does not address pedestrian safety/crossing @ 7 lane 45 MPH HWY 99 in 12 block section between 188th + 176th where except at existing 188th + 176th signals. There are no controlled places to cross Hwy 99 despite Transit stops on opposite sides of Hwy 99 at 180th E & W; signal needed at 180th

Examples of mixed use in Nakovs presents ^{included} ~~consisted of~~ several six level structures - undoubtedly frame construction of 4 or 5 floors over 1002 levels of masonry - Lynnwood's Fire & Building codes not allow - codes must be modernized/updated to allow 6 levels with upper 4 or 5 floors being frame construction or the densities desired in Plan will not be achieved.

Incentives for residential uses ^{most} be included in zoning thru 99 Projector & forced/required in some of the area. Project Plan will work exceedingly better when projects are encouraged and are market driven. When requirements for components where there is no market &/or are not possible are mandated results will be NO NEW DEVELOPMENT &/OR REDEVELOPMENT.

HUIGHWAY 99 CORRIDOR PLAN

Public Meeting Evaluation Sheet

September 28, 2010

RATING

Great/ High Priority	Good Idea	Not Sure/ Neutral	Bad Idea	Horrible!
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General Concepts and Development Standards					
1. Focus Mixed use development around transit stop nodes.	✓				
2. Retain commercial orientation along Highway 99 in the rest of the corridor outside of the nodes.					
3. In the most intensive nodes with <i>Highway 99 Mixed Use – Residential Required</i> zoning , require that new residences be included as part of any <i>major</i> redevelopment. Existing development and uses may remain and existing buildings may be expanded up to 25% of original.	✓ ✓ ✓				
4. In the nodes, do not restrict density, building footprint, height or building bulk, <i>provided</i> setbacks and other requirements are in place to protect single family residences from loss of privacy and solar access.	✓				
5. Add or improve parks where needed in nodes.	✓				
Design Guidelines					
6. Require attractive streetfronts along major pedestrian routes.	✓				
7. Require good pedestrian circulation within large developments.	✓				
8. Establish setbacks and design guidelines to protect privacy and livability of single family residences.	✓				
9. Require open space and green features of new development.	✓				
10. Require some architectural features at prominent intersections..	✓				

RON CANTU

RONALD D CANTU DDC @
EARTHLINE.NET

RATING

	Great/ High Priority	Good Idea	Not Sure/ Neutral	Bad Idea	Horrible!
11. Require screening of dumpsters and service areas.	✓				
12. Establish design guidelines to increase safety and security.	✓				

Comments:

- 1) I would recommend attempting to coordinate growth and development with Edmonds C.C. Students have little choice in off-campus restaurant & shops, shops & professional care.
- 2) Increased pedestrian access and safe walkways between ED CC and transportation ~~node~~ node on High. 99 would be a great looking and enhance both areas. Similar to Mill Creek Town Center.
- 3) Need to greatly improve GOLD Park and not allow trucks to be parked along GOLD Park, Presumably, a world opportunity. Sucker Lake Park needs great improvement.
- 4) Increased bicycle paths and more integration with the existing paths. and attempt to reclaim abandoned streams.
- 5) Enforce housing standards - give owner the maintain properties. with potential for rezoning fines.
- 6) A timetable for completion. and need City of Lynnwood orientation.



7100 Hardeson Road
Everett, WA 98203-5834

www.communitytransit.org
425/348-7100 ph
425/348-2319 fax

Joyce Eleanor
Chief Executive Officer

Environmental Review Committee
ATTN: Mr. Kevin Garrett, AICP
City of Lynnwood
Lynnwood, WA 98046-5008

RECEIVED
OCT 11 2010
CITY OF LYNNWOOD
PERMIT CENTER

October 5, 2010

Re: Highway 99 Corridor Sub-Area Plan SEIS, Draft Plan, Draft Lynnwood Code Chapter 21.62 (Highway 99 Mixed Use Zones), and Draft Design Guidelines for Highway 99 Mixed-Use Zones

Dear Mr. Garrett:

Community Transit appreciates the opportunity to provide comment to proposed development plans throughout Snohomish County. It is our policy to help ensure that future growth is compatible with public transportation and services offered by Community Transit. The document mentioned above has been reviewed by planning staff and comments have been summarized below.

General Comments:

We commend the City of Lynnwood's effort to spur economic development within the Highway 99 corridor by planning for higher land use intensities around Community Transit's *Swift*, bus rapid transit (BRT), stations. Although BRT is relatively new in the United States, reports are emerging confirming that BRT stations are a catalyst for economic development.

Community Transit launched the first BRT system in Washington State in November 2009. There are 12 pairs of *Swift* stations within the 17.6 mile corridor between Everett Station and Aurora Village, with two additional pairs currently being constructed in the City of Everett. The buses run every 10 minutes Monday through Friday between 5 AM and 7 PM, and every 20 minutes on weekends and weekdays after 7 PM. Since beginning service, ridership has continued to increase, and exceeded the first year forecasts within the first six months of operation. In August 2010, *Swift* had 82,240 boardings, with average 3,337 weekday boardings and 2,211 Saturday boardings. The line has been so successful; it is already our highest ridership route.

The agency is also completing a Long Range Transit Plan; adoption is anticipated in early 2011. This plan includes transit emphasis corridors, where additional BRT lines may be developed in the future. The plan also includes performance standards for the types of services Community Transit offers, along with the conditions necessary to support each service type. The draft guidelines state the following need to be in place for *Swift* BRT:

1. Business Access and Transit (BAT) lanes or better
2. Signal priority system
3. Limited parking
4. Mixed land use with a minimum of 15 dwelling units per acre or 15,079 jobs per acre within one half mile of a station (30+ persons or jobs per acre).
5. Complete pedestrian network within one half mile of a station.

Community Transit's draft performance guidelines are attached for the record.

A key theme of the draft Long Range Plan is a three-part understanding of successful corridor development: land use, infrastructure, and transit service. The Washington State Department of Transportation, City of Lynnwood, Community Transit, and other south County partners have already provided transit infrastructure in the form of BAT lanes and signal priority. Community Transit, Everett Transit and our federal and state grantors have partnered to provide \$29 million in stations, buses, and ongoing \$5⁺ million annual operating commitment for *Swift* BRT service. Lynnwood's Project Highway 99 Sub-Area Plan has the potential to provide strong transit-oriented land use incentives to support the investments that have already been made and ensure this corridor reaches its highest potential for growth, economic vitality, livability and sustainability.

Specific Document Comments:

General comment relating to *Swift* stations:

There are several recommendations throughout the Supplemental Environmental Impact Statement documents and Highway 99 Sub-Area Plan that recommend the addition of and/or relocation of *Swift* stations in the corridor. *Swift* stations are intended to be permanent; however, Community Transit will consider a request, on a case-by-case basis, as part of a major redevelopment proposal at key intersections, such as Highway 99 and 196th Street. If Community Transit is agreeable, the cost to construct and/or move an existing station will be born solely by the developer and/or City.

The Supplemental Environmental Impact Statement

Summary - Mitigation Measures:

Pg 18, Land use – Please consider including a provision to work with Snohomish County to adopt the Highway 99 Mixed Use zones for the proposed 148th Street SW node. The area is already within the County's Urban Centers designation, which allows mixed-use development and encourages higher land use intensities.

Pg 18, Item #4, Access management - road widening will help improve the safety and efficiency of BRT service through the corridor. Community Transit's draft performance guidelines for BRT service recommend access management, driveway consolidation for transit emphasis corridors with BRT service.

Pg 18, Item #6 – see general *Swift* station comment above.

Pg 18, Item #7 – Consider restating to, “The City of Lynnwood will work with local and regional transit providers to increase the frequency and regional connectivity of *Swift* service...” The draft performance guidelines include specific requirements for BRT service; additionally the market and financial resources must be present to support such increases in service. Finally, Community Transit identifies 196th Street as transit emphasis corridor in the Draft Long Range Transit Plan where BRT service may be implemented in the future.

Pg 19, Item #12 – we fully support low cost projects that can be implemented immediately.

Pg 19, Item #13 – we encourage the City to complete the East/West Corridor Study as a priority. There may be partnership opportunities to help finance such study and creative funding sources such as the Congestion Mitigation and Air Quality (CMAQ) grant program.

Pg 19, Item #16 – Please consider expanding on the TDM mitigation options. Specific TDM measures could include, but are not limited to, requiring residential developments around *Swift* stations implement a TDM program by including at a minimum, a Residential Transportation Coordinator, having a centralized location for transit, vanpool, biking and walking information; requiring

developers to provide each living space with one annual transportation pass (ORCA electronic fare card products are available that cover transit, vanpool, and emergency ride home); or the implementation of a *Curb The Congestion* type program for the entire corridor.

Chapter 3 – Environmental Impacts, Mitigation Measures, and Unavoidable Adverse Impacts:

Pg 64, Goals 1 through 3 - Community Transit supports and encourages these goal and policy statements. By increasing densities at key intersections and adopting design guidelines, additional density can be developed in a manner that does not detract from adjacent neighborhoods or established specialty commercial areas within the corridor. This additional density will also support continued opportunities for a full range of transportation alternatives, and reduces the need for single-occupant vehicle trips. The preferred alternative further re-enforces the principles for a healthy community by promoting a built environment that provides opportunities for causal encounters between neighbors, a complete pedestrian network (sidewalks, trails, and bike lanes), vegetation, etc.

Pg 64, Goal 4 and associated policy statements – we support all, they are consistent with Community Transit’s goal of *Think Transit First*. By providing convenient, affordable, and safe services, the public will begin to use transportation alternatives as a matter of course.

Pg 66 and 67, Preferred Alternative parking requirements – please consider adopting maximum number of stalls standards in addition to the proposed minimums. Reports completed by the FTA, University of Florida’s Center for Urban Transportation Research, and the Transit Cooperative Research Program (TRCP) conclude the availability of free parking is the single largest deterrent from transit oriented developments and other land uses that encourage people to use alternative transportation options to the single-occupant vehicle.

Pg 79 - 80, Mitigation Measures – In general Community Transit supports all proposed mitigation measures, and concurs that addressing the east/west connections will improve efficiency through the corridor, as would an access control plan that combines driveways. Specific comments:

Mitigation measure 7 – see general *Swift* station comment above.

There is also an agreement between the City of Lynnwood and Community Transit that a southbound *Swift* station will be constructed at the intersection of Highway 99 and 204th Street when the city installs a traffic light. It is possible, that the 200th Street station may move to 204th Street if/when a north bound station is installed at 196th Street and a southbound station is installed at 204th Street.

Mitigation measure 8 – additional frequency could be added in the future when market demand and funding are available to support such service.

Mitigation 17 – we recommend specific examples of TDM be included. Residential TDM could include one annual bus pass per dwelling unit at the time of occupancy; a residential transportation coordinator position is required by Covenants, Conditions and Restrictions (CC&Rs); monthly dues include funding from transportation benefits (ORCA Area Passport that provide bus and vanpool products). Commercial TDM could require small businesses to provide employees with transportation benefits such as bus pass and/or vanpool subsidy, creation of a transportation management association (TMA) for the entire corridor, similar to the Greater Redmond TMA or Bellevue TMA.

Appendix B – SR-99 Corridor Land Use Revisions – Traffic Impact Assessment

Pg 11, Conclusions – Although Community Transit cannot confirm the statement, “Commuters using the *Swift* rapid transit, and internalization of other trips within the corridor due to mixed-use

development plans, will lead to trip reductions of between 10 percent and 30 percent compared to multi-family developments in more traditional settings”, we can provide information regarding the success of *Swift* since its inauguration in November 2009. The initial one year targets for boardings per day were achieved during the first six months of service. Over the past eight months, January through August 2010, the average growth rate in boardings is around 39 percent, with a monthly growth rate in boardings at 5 percent. In August 2010, *Swift* had a total of 82,240 boardings, with 3,336 average weekday boardings and 2,211 Saturday boardings.

Pg 12, Minimum mitigation measures – the same comments apply to the Traffic Impact Assessment as provided in the section above relating to pages 79 and 80 of Chapter 3 of SEIS.

Highway 99 Sub-Area Plan

General comments:

Community Transit generally supports the draft plan: there are many elements that support transit, and encourage the agency’s goal of *Think Transit First*. Please see the general *Swift* station comment above for all recommendations to add and/or relocate an existing *Swift* station.

Specific comments:

Pg. 11, Objective T-11 – Community Transit’s draft Long Range Transit Plan includes Performance Guidelines. The guidelines establish minimum standards for five categories for service: bus rapid transit (BRT), Corridor, Local, Suburban/Rural, and Commute. The City of Lynnwood was consulted early during this process and will again be contacted for input as part of the adoption process.

Pg. 23, second paragraph – As stated earlier, Community Transit has draft performance guidelines for BRT. These guidelines recommend and/or require a complete pedestrian network within ½ mile of a station, mixed-use development with a balance of housing and jobs, and a minimum of 15 dwelling units per acre or 15,079 jobs per acre within one half mile of a station (30+ persons or jobs per acre).

Pg. 27 – Concur with the design principles.

Pg. 33, Transportation Improvements – we concur with the recommendations, especially the first bullet relating to design and improved pedestrian circulation. Please see general *Swift* station comment relating to the addition and/or relocation of existing *Swift* stations.

Pg. 42, Establish specific standards for the Highway 99 Mixed Use zones – Community Transit supports the intent of the proposed zones: mixed-use and higher densities are needed to support transit services.

Pg. 42, Off-street parking requirements – we concur that parking requirements should reflect the mixed-use, walkable, transit-oriented character of the nodes. The city may want to establish a maximum cap for the number of off-street parking stalls in addition to the revised minimums.

Pg. 45, Implement a Planned Action EIS – Planned Actions are becoming a popular way for cities in Washington State to spur development by reducing a developer’s risk, liability, and time to complete the site specific development review process. Examples of where this tool was successfully implemented include Mill Creek Town Center, Bothell’s Downtown Sub-Area, and Monroe’s North Kelsey Sub-Area.

Pg. 46, Consider creating a Public Development Authority – several of the redevelopment projects occurring, nationally, around BRT stations use public development authorities.

Pg. 49, Goal 4 and associated policies – we support and encourage, especially the completion of an East/West corridor study, reconfiguration of access points, promotion of pedestrian safety and connectivity in the corridor, and the support and encouragement of transit ridership.

Pg. 51, the addition and/or relocation of *Swift* stops – please see the general *Swift* station comment above.

Pg. 57, Next Steps – Community Transit supports the potential measures identified to encourage private investment.

Draft Zoning Regulations and Design Guidelines

General Comments:

In 2008, Community Transit and the City of Lynnwood entered into a Developer’s Agreement (Agreement) to address several of the specific requirements of the *Swift* stations. Although, this type of agreement may be required again in the future, the following comments are intended to simplify the process by acknowledging the special requirements needed for the construction of Community Transit’s *Swift* BRT stations.

Specific Comments:

Section 21.62.300, Project Design Review – The 2008 Agreement exempted the *Swift* BRT stations from the City’s design standards, “to ensure the consistency of basic *Swift* station design in order to facilitate the public’s awareness of and utilization of the *Swift* station program.” Although the *Swift* stations do not appear in conflict with the design requirements, any future stations need to comply with the branding developed by Community Transit. A copy of these standards are attached for the record.

Section 21.62.400(B) – Please consider a provision for BRT transit stations: the proposed setbacks would prohibit the construction of future *Swift* BRT stations within the identified Highway 99 Mixed Use zones. The branded *Swift* stations are contained within a 640 square foot area, 10 feet by 64 feet, and are partially within the right-of-way. All stations must include the following elements that, by design, encroach the right-of-way:

- Iconic *Swift* sign, the setback is approximately six and one half feet from face of curb and 16 feet nine inches tall.
- The weather-proof awnings are cantilevered over the right-of-way: the street edge of the awning is only four and one half feet from face of curb.

Section 21.62.400(H) – Community Transit supports the pedestrian connectivity requirements within and between sites, as well as the requirement for access to *Swift* stations.

Chapter 21.16, Signs – as stated above, Community Transit has specific standards for the *Swift* stations, including two kiosks, the 16’ foot tall iconic sign, and automated next bus reader signs. Based on the draft code, we would not be able to develop future stations; please consider a sub-section for public signs, BRT stations, or other provision for the *Swift* station requirements.

Draft Design Guidelines for Highway 99 Mixed-Use Zones

Community Transit generally supports the design guidelines and thanks the City of Lynnwood for ensuring access to and supporting transit through the corridor. Many of the required elements are consistent with transit oriented development principles. The pedestrian and vehicular requirements are also consistent with the performance guidelines being development with Community Transit’s Long Range Transit Plan.

Additional Information

As mentioned at the beginning of this letter, numerous reports are becoming available that confirm BRT systems are a catalyst for economic development. The following is a small sample of the information available.

Bus Rapid Transit and Development Policies that Affect Development around Transit, a report funded by the Federal Transit Administration, completed in December 2009, evaluates six BRT lines around the country and in Canada. The findings conclude development around BRT can be as successful as development around light rail and heavy rail stations, when public support and development interest exist. A copy of this report is attached for the record.

An article in *Mass Transit Magazine*, published in 2008, came to similar conclusions. The article, "Attracting Transit Oriented Development," written by Bill Vincent, of the Bus Rapid Transit Policy Center, provides examples of how BRT stations are acting as a catalyst for economic development, and over time increasing the local tax base. Examples include:

- Markham, Canada, outside Toronto - 243 acres are being developed with 4,000 condos and townhouses and more than 4.2 million square feet of office, retail, restaurant, and entertainment uses. The Remington Group, developing this project, states this will be the largest mixed-use development in North America when it is complete. The VIVA BRT system, which will serve this development, currently has five lines with 90 custom shelters and stations, traffic signal priority, off-board fare collection (same as *Swift*) and real-time vehicle arrival times.
- El Monte Transit Village, 15 miles east of Los Angeles, CA – a 60 acres, \$1.2 billion dollar town center project that includes 1,850 residential units, 560,000 square feet of retail and entertainment uses, 500,000 square feet of Class A office space, 20 room hotel, theater, conference center on 60 acres of land. The project also included restoration of historic structures. The site is currently served by multiple bus routes and the El Monte busway.
- Fan Pier, in the South Boston, MA area – a 21 acre, \$3 billion dollar project near the Silver Line BRT Court House Station. The project includes 2.7 million square feet of new high density residential, retail center, hotel and office uses. Boston's Silver Line BRT, when complete will run 4.1 miles between Logan Airport and south Boston.
- Euclid Avenue, Cleveland, OH – The redevelopment occurring around Cleveland, Ohio's Euclid Avenue BRT system is the most high profile in the US. In, 2008, when this article was written, with the line still being constructed, the area had already attached more than \$800 million in new mixed-use development, with more than \$2.4 billion planned for, according to the Greater Cleveland Regional Transit Authority (GCRTA). The nine mile long line opened on October 24, 2008. The system has 36 unique stations, off-board fare payment, and an exclusive median bus guideway.

Finally, the Urban Land Institute (ULI) included an article on BRT systems and land use in their July/August 2010 publication. The article is an introduction to BRT, and how it can be a catalyst for development at similar intensities as development around rail stations. Examples cited in the article include the Orange Line in Los Angeles, CA, and the EMX line between Eugene and Springfield, OR. The article also goes into detail regarding the development occurring around the Cedar Avenue Transitway in the Twin Cities metropolitan region. The BRT line is 16 miles long and runs between Eagan and Bloomington, Minneapolis, with the Mall of America as an anchor.

As the above articles indicate, with public support and developer interest, BRT stations are acting as economic engines across the United States. Again, we applaud the City of Lynnwood's efforts to create a plan for the redevelopment of the Highway 99 corridor using transit oriented development techniques around Community Transit's *Swift* BRT stations. Thank you for including us in your review process.

Sincerely,

A handwritten signature in black ink, appearing to read 'June DeVoll', is written over a large, thin, hand-drawn oval. The signature is fluid and cursive.

June DeVoll
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Community Transit
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Enclosure

cc: Development Review Group, Community Transit