

# The Seattle Times

Wednesday, November 24, 2004 - Page updated at 12:00 AM

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Corrected version

Southwest Snohomish County

## Crosswalk had been denied

By Brandon Sprague

Times Snohomish County Bureau

Lynnwood at one time sought a signaled crosswalk for the stretch of Highway 99 where a pedestrian and motorcyclist were killed last week, but the request was denied by the state Department of Transportation (DOT).

The city had wanted the signaled crosswalk at 180th Street Southwest, a busy stretch of Highway 99 where a motorcyclist struck a man who was crossing the street last Wednesday, killing both men. The nearest crosswalks are at 176th Street Southwest to the north and 188th Street Southwest to the south, about nine-tenths of a mile apart.

Responding to the city's request, a DOT traffic engineer wrote in a letter to the city early in 2003 that the denial was based on, in part, a review of the 12-block area's history, which showed no pedestrian accidents from 1990 to 2001.

But since then there have been at least two pedestrian deaths in the same stretch, including last week's accident. Pat Foley, an accident-analysis engineer for the DOT, said the agency regards the stretch of Highway 99 from 52nd Avenue West, just south of 180th Street Southwest, to 176th Street Southwest as a high-accident location, although most accidents there do not involve pedestrians.

After last week's accident, the city may again ask the DOT to install a signaled crosswalk along that stretch of Highway 99. Lynnwood Mayor Mike McKinnon said he will ask the city's Public Works Department to study the stretch of highway and make a recommendation to City Council about a new crosswalk.

"It's too long of a distance without a controlled crosswalk," he said.

Employees and owners of businesses along the stretch of highway said that since the highway was widened to seven lanes in 2002 to accommodate bus lanes in each direction, the area has seen more accidents. In addition to last week's accident, an elderly man was killed last November while trying to cross the road.

The employees and owners said the city should install a crosswalk along the stretch to allow for pedestrians who are crossing the street between the existing crosswalks.

"You have three deaths within 50 feet of each other in a year, then something's wrong," said Jorge Garcia, a part owner of Tequila Motors at 18225 Highway 99.

Garcia and other Tequila Motors employees witnessed last Wednesday's accident outside the auto dealership.

Carlos Alberto Garcia, 32, no relation to Jorge Garcia, was crossing the seven-lane highway to get some money to buy a minivan from Tequila Motors, employees at the dealership said. Vehicles stopped for him as he made his way across the street except for Jeremy Molenda, 19, of Everett, who was riding a motorcycle. Molenda struck Garcia.

Sgt. Chuck Steichen, a crash investigator for Lynnwood police, said speed may have been a factor in the accident.

According to Steichen, Garcia was not crossing illegally when he died. Pointing to the state statute, Steichen said that to be jaywalking, one must be between adjacent intersections that have operating traffic control signals. Garcia was not.

Ed Seymour, the manager of Tequila Motors, said he's surprised by the number of traffic accidents near his business.

Most accidents have been fender-benders, but people crossing in that area are particularly at risk because drivers in the third lanes often can't see the pedestrians, he said.

In the two fatal accidents, pedestrians were hit in the new mass-transit lanes, ones that should be used for buses but have been abused by "cheaters," said Bill Franz, Lynnwood's director of public works.

In 1989, the city got about \$380,000 in federal funding to put in a traffic signal with a crosswalk at 180th Street Southwest but took no action for years, the 2003 letter from DOT said. McKinnon said the City Council had voted against the signal in 1991 because it would have allowed cross traffic onto the highway from 180th Street Southwest. The grant has since been withdrawn, McKinnon said.

But Franz said a signaled crosswalk at 180th Street Southwest would not have made a difference in last week's accident because it would have been at least two blocks away from where Garcia was struck.

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Steichen, the police sergeant, said the area doesn't have a propensity for fatal pedestrian accidents. "There's nothing that screams out, 'I have pedestrian accidents,' " he said. "If there was, we'd address it."

*Brandon Sprague: 425-783-0604 or [bsprague@seattletimes.com](mailto:bsprague@seattletimes.com)*

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# CITY OF Lynnwood

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September 15, 2000

Larry Ingraham, CCIM  
18027 Highway 99  
Suite B-2  
Lynnwood, Washington 98037

RE: Pedestrian Safety at 180<sup>th</sup> & Hwy 99

Dear Mr. Ingraham:

Thank you for your concern for pedestrian safety along SR-99. Mayor Roberts asked me to respond to your letter.

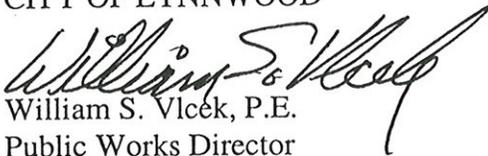
I do have some good news for you. We are proceeding with the installation of a pedestrian activated signal at 180<sup>th</sup>. The City Council recently approved the design contract and we hope to be under construction next year. One complication is the fact that the City will already have a contractor working on the widening project during that same time. We are looking at the options available with the intention of having the new signal completed during or shortly after the widening project.

Regarding the pedestrian accident you cited in your letter, while any accidental death is regrettable, the City of Lynnwood takes pedestrian safety very seriously. The circumstances surrounding the incident are substantially different than the issues at 180<sup>th</sup>. The victim was dressed in dark clothing and was inebriated. A signalized crossing was available, but not used.

Please feel free to call me if you have any additional questions. My phone number is (425) 670-6657.

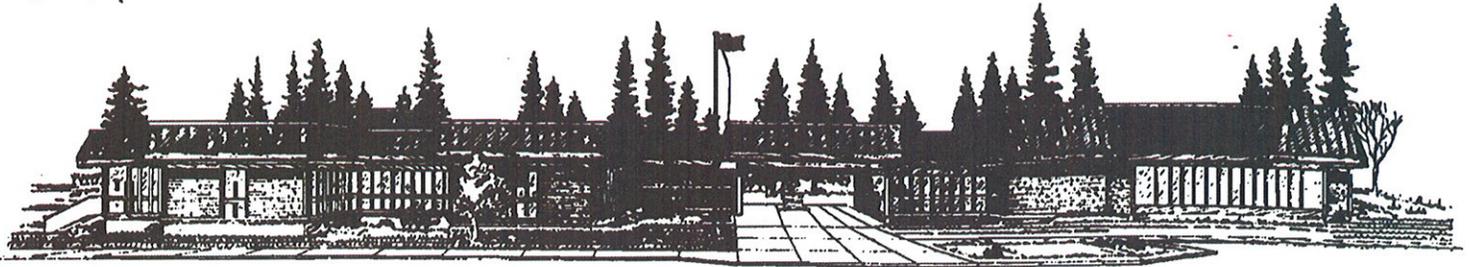
Sincerely,

CITY OF LYNNWOOD



William S. Vlcek, P.E.  
Public Works Director

cc: Mayor Roberts



# CITY OF LYNNWOOD

June 1, 1992

19100 44TH AVENUE WEST / P.O. BOX 5008  
LYNNWOOD, WASHINGTON 98046-5008  
PHONE 775-1971

Lamy  
FPI

RE: ACCESS TO SR99 AND ACCIDENTS AT 180TH STREET S.W.

Dear Citizen:

The City would like to take a moment of your time to update you on the condition of 180th Street SW and SR-99. The circulation problems on 180th Street SW at SR-99 will be solved in the future with a traffic signal. Until the signal is built the City will be restricting through traffic and left turns from 180th St. SW onto SR-99. This will be done with C-curbing and should alleviate the accidents. We apologize for any inconvenience this may cause in the short term, but we are trying to address your concerns of a traffic signal.

If you have any questions or comments please call me at 670-6663.

Sincerely,

CITY OF LYNNWOOD

RICHARD H. NORDON, P.E.  
Traffic Engineer  
Public Works Department

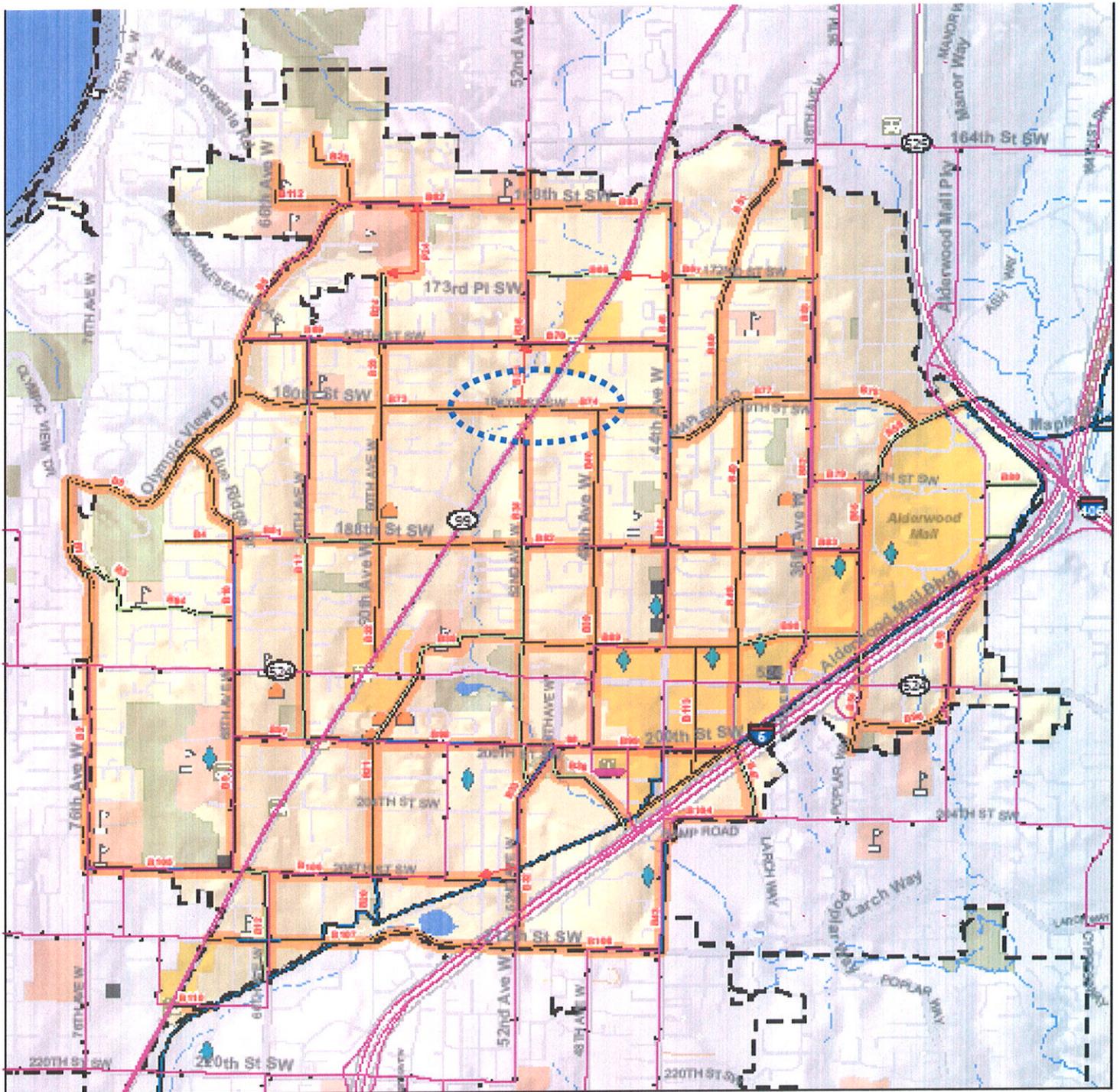
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P.S. If you write, please include a telephone number in case I need to get some clarification.

# Washington, United States, North America



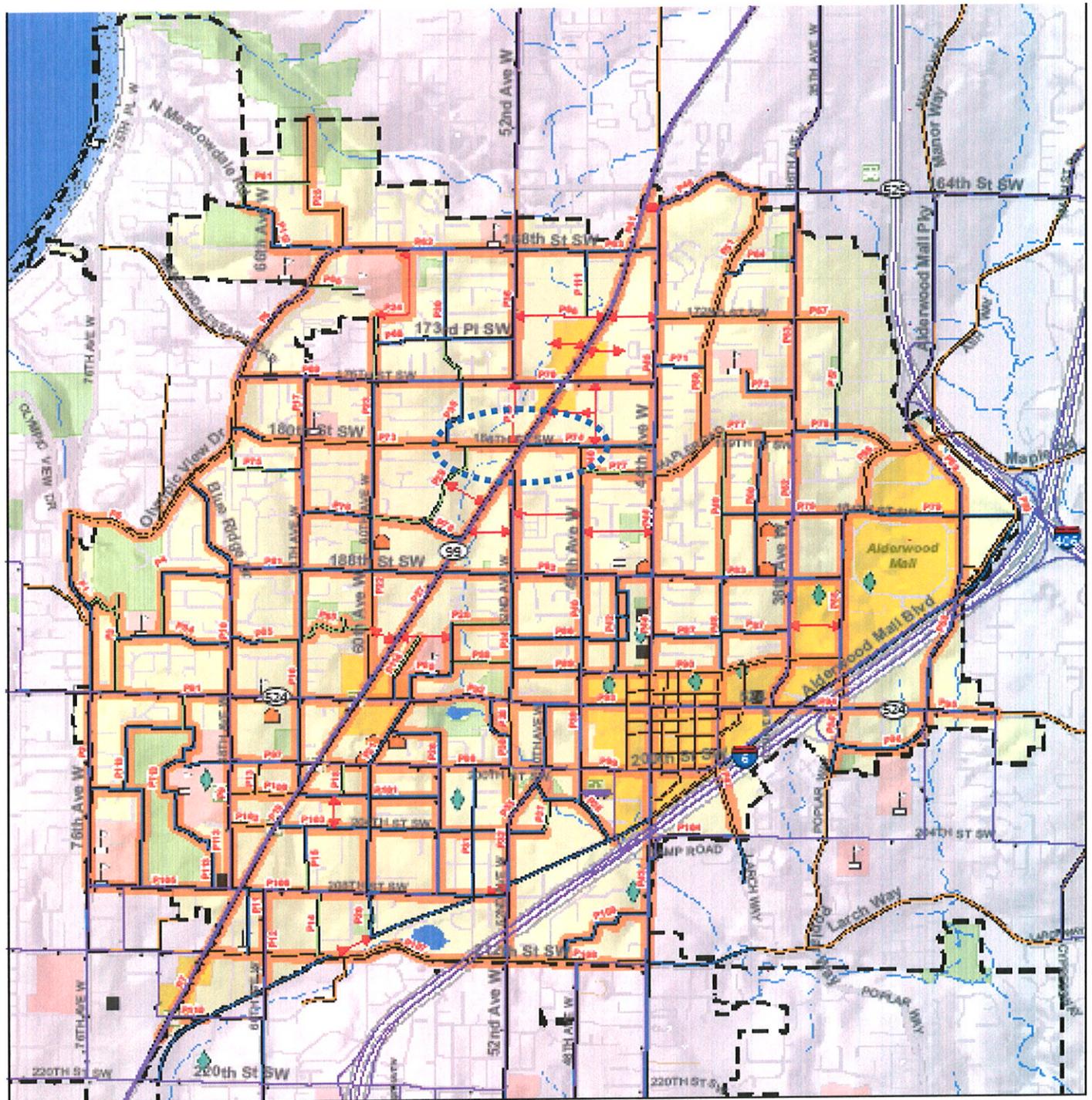
# Bicycle Skeleton System on 180<sup>th</sup> St SW "Crossing" Highway 99



	<b>Bike Facility</b> Existing Planned/Programmed Potential Bicycle Skeleton System Potential (Private Property) B00 Segment ID**	<b>Key Activity Centers</b> Community Facility Major Employer School Senior Center/Housing Transit	Bus Stops Transit Route Major Commercial Node Parks and Recreation	<h2>Lynnwood Transportation Business Plan</h2> <h3>Potential Bicycle Skeleton System</h3> <p>* Warns Future Studies          ** See Appendix A &amp; B</p>
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Sources: City of Lynnwood, Snohomish County, City of Mountlake Terrace, City of Edmonds, Community Transit, Sound Transit, ESRI, Parrett Inc.  
 J:\GIS\GIS\_Projects\00028500\_LynnwoodTransBusinessPlan\MapDocs\Perrett\_Figure3-2\_PotentialBicycleSkeletonSystem.mxd - 1/21/2009 @ 10:38:31 AM

# Pedestrian Skeleton System on 180<sup>th</sup> St SW “Crossing” Highway 99



	<b>Pedestrian Facility</b> Existing Planned/Programmed Potential Pedestrian Skeleton System Potential (Private Property)* P00 Segment ID**	<b>Key Activity Centers</b> Community Facility Major Employer School Senior Center/ Housing Transit	Bus Stops Transit Route Major Commercial Node Parks and Recreation	<h2 style="text-align: center;">Lynnwood Transportation Business Plan</h2> <h3 style="text-align: center;">Potential Pedestrian Skeleton System</h3> <p style="font-size: small;">* Warrants Future Studies ** See Appendix A &amp; B</p>
	<p style="font-size: x-small;">Sources: City of Lynnwood, Snohomish County, City of Mountlake Terrace, City of Edmonds, Community Transit, Sound Transit, ESRI, Perotek Inc.                  J:\GIS\GIS_P\Projects\00020028_LynnwoodTransBusinessPlan\MapDocs\Perotek_Figure3-1_PotentialPedSkeletonSystem.mxd - 3/18/2008 @ 2:02:54 PM</p>			

# Crosswalk had been denied

## Available on city's cultural board

is accepting applications to on its Architectural Design I meets at 7 p.m. on the first of each month to review residential and commercial ensure their building and site landscaping plans meet city ts. ns, due by Dec. 3, may be Edmonds City Hall, 121 Fifth y calling 425-771-0247.

## us give 250 coats for Kids

ry Club of Edmonds has de- new children's winter coats for Kids, a nonprofit Lynn- or Kids, 16725 52nd Ave. W., w and like-new clothing for children, primarily South County residents. ry donation last week was igh Operation Warm, a nam that last year provided v winter coats to children in The Pennsylvania nonprofit ble that this year. on: www.operationwarm.org.

## erate \$2,000 recreation classes

et Bank has donated \$2,000 'ake Terrace's Recreation Fund, which helps sub- scription classes for low-income created in 2002, has helped 300 children participate in swimming, dance, preschool, sports programs. ions may be mailed to the Terrace Recreation Pavilion, 1 St. S.W., Mountlake Ter- 043. Information: 425-776-

## to offer caregivers holiday stress

s for disabled or elderly fam- s and friends may attend a ee seminars on managing ss. ly Support Center of South County will hold evening Sunrise Assisted Living of 18625 60th Ave. W., on hts through Dec. 14. sion will offer different in- tips for reducing and under- loliday-related stress. on and information: www rtcenter.net or 425-670-

by the Seattle Times Snohomish County bureau

**LYNNWOOD** | Last year, the state Department of Transportation turned down the city's request for a crosswalk on a stretch of Highway 99; a motorcyclist and pedestrian were killed there last week.

BY BRANDON SPRAGUE  
Times Snohomish County bureau

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But since then there have been at least two pedestrian deaths in the same stretch, including last week's accident. Pat Foley, an accident-analysis engineer for the DOT, said the agency regards the stretch of Highway 99 from 52nd Avenue West, just south of 180th Street Southwest, to 176th Street Southwest as a high-accident location, although most accidents there do not involve pedestrians.

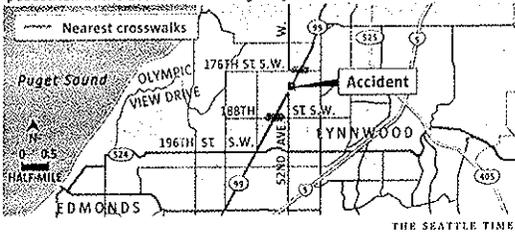
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## Double fatality on Highway 99

Two people were killed last Wednesday when a motorcyclist hit a pedestrian in the 18300 block of Highway 99.



THE SEATTLE TIMES

ember while trying to cross the road.

The employees and owners said the city should install a crosswalk along the stretch to allow for pedestrians who are crossing the street between the existing crosswalks.

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Brandon Sprague: 425-783-0604 or bsprague@seattletimes.com

# Cash from casinos helps city keep potholes at bay

## MOUNTLAKE TERRACE

BY DIANE BROOKS  
Times Snohomish County bureau

Lured by the prime-rib special, the pull-tabs and the blackjack tables, the Klimgensmiths dropped some spare cash the other night at the Crazy Moose Casino.

Their fellow Mountlake Terrace residents appreciate it.

Cities throughout Snohomish, King and Pierce counties are struggling to fill potholes and lay down fresh asphalt on aging streets as a result of the 2002 passage of state Initiative 776. Among other things, it killed a \$15 vehicle-license tax charged by

some counties for road construction and maintenance.

Mountlake Terrace, which is using gambling taxes to replace those lost road funds, is the only South Snohomish County city with plans for any significant street projects next year. The county's neighboring cities don't allow casinos, forgoing that revenue.

Please see > ROAD WORK, 16

**THE BUDGET PROCESS:**  
where South Snohomish County cities stand > 16

# NEWSWATCH

## Pacific Northwest

### Man trying to cross Highway 99 hit, killed

LYNNWOOD — A 29-year-old man was struck by a van and killed yesterday while trying to cross Highway 99 near the intersection with 164th Street Southwest, police said.

The driver of the van told police he didn't see the man, who was wearing dark clothing. The accident occurred just after midnight and the man died from massive head trauma at the scene. His name was not released pending notification of relatives.

### Tulalip tribal elder dies at 71

TULALIP — A tribal elder who helped revive the Tulalip tribal language has died.

Grace Lena Meninick Goeddel began teaching the language, Lushootseed, in the early 1980s when she realized her fluency was something she could contribute to tribal culture.

"Lushootseed isn't considered a dying language anymore — that you can buy at her doorstep," said Tulalip Tribes language program teacher Toby Langen.

Goeddel died at her home here July 30. She was 71.

Goeddel, raised by grandparents steeped in native culture, was spared the fate of many of her generation who were prohibited from speaking their language at Indian boarding schools.

As a Navy wife and mother, Goeddel did not put her language skills to much use.

But when she became an elder, she began teaching adults in night classes on the reservation and more recently at Everett Community College.

Family members and elders hadn't heard the Lushootseed language, rich in throaty words and clucks, in 60 years.

### Ex-apple chief investigated

WENATCHEE — The state Attorney General's Office will investigate whether the recently resigned president of the Washington Apple Commission violated state ethics codes.

The investigation is in response to complaints that Steve Lutz might have created a position in a company that benefited from the assessments apple growers pay to the commission.

mission to take a position with Perishables Group, a new produce-industry consulting group. Lutz was to become executive vice president as well as part owner of the new firm, which also started July 1 as a spin-off of Willard Bishop Consulting of Chicago.

The two companies are now completely separate, Lutz said. Willard Bishop previously handled category management and other retail research for the Apple Commission.

### Group joins diabetes fight

SEATTLE — The state Department of Health has announced a partnership with more than 100 doctors to help Washington residents who suffer from diabetes.

The resulting Washington State Diabetes Collaborative will work to help patients control the disease, says Dr. Maxine Hayes, agency health officer. The main goal of the program is to prevent diabetic patients from developing serious complications, said Jan Norman, manager of the department's diabetes-control program.

"Traditionally, doctors have treated diabetes as an acute condition instead of a chronic disease that needs to be managed," Norman said in a news release.

That includes evaluating patients on a regular basis to spot problems before they become serious, she said.

The Health Department says about 209,000 people in Washington have been diagnosed with diabetes — but that 100,000 more people have it and don't know.

### Drowning victim identified

Seattle — A 42-year-old man who apparently drowned near a log boom at the Scafair hydroplane races on Lake Washington has been identified.

The King County Medical Examiner's office identified the man as David R. Browning of Kent. An autopsy was planned Monday.

Browning reportedly dove off a 40-foot boat Friday, struck the boom and never resurfaced.

Divers recovered his body in 160 feet of water Saturday morning, police spokesman Clem Benton said. Divers had difficulty because of the depth, and one stayed down too long and was recovering in a hyperbaric chamber Saturday.

# Just In!

**Juniors'**  
Famous mall specialty store tops, jeans and more.

&

**Girls'**  
(sizes 7-16)  
Famous maker knit tops, jeans and twill pants.

**TOPS**  
**\$9.99**

**BOTTOMS**  
**\$12.99**

## Back to School Fashion at Incredible Prices.

**Boys'**  
(sizes 8-20)

**TOPS**  
**\$9.99**

**BOTTOMS**  
**\$12.99**

Famous maker long-sleeve tops

## Kevin Garrett

---

**From:** Gloria Rivera  
**Sent:** Tuesday, October 05, 2010 9:31 AM  
**To:** Kevin Garrett; Paul Krauss; Mary Monroe  
**Subject:** FW: highway 99 corridor comment sheet  
**Attachments:** Lynwood highway 99 corridaor plan comment sheet 100110.pdf

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**From:** Dana Kapela [mailto:[dana@davisinvestors.com](mailto:dana@davisinvestors.com)]  
**Sent:** Tuesday, October 05, 2010 9:15 AM  
**To:** Gloria Rivera  
**Subject:** highway 99 corridor comment sheet

Dear Gloria,

Here are some comments attached regarding the Highway 99 corridor plan.

Thanks for talking the other night☺

-Dana

10/13/2010

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) How will a business/property owner sustain these economic times if their use changes or ceases to exist?

(OR)

2) What plan does the city have to ensure properties along in the nodes remain financially viable if their use ceases that redevelopment is not yet feasible?

Solutions:

a) continue to allow current uses in addition to node uses.

(OR)

b) change all permitted uses to conditional uses so that when the economy changes + redevelopment occurs the use may be accepted or denied depending on the node's infrastructure/status.

(OR)

c) allow property owners 2 years to change use under current zoning.

## **Craig J. Krueger – Community Land Planning**

733 – 7<sup>th</sup> Avenue, Suite 100

Kirkland, Washington 98033

425.285.2393

October 11, 2010

### **Mr. Kevin Garrett, AICP**

Planning Manager

Community Development

City of Lynnwood

PO Box 5008

Lynnwood, Washington 98046-5008

### **Re: Draft – Chapter 21.62 Mixed Use Zones**

I wanted to briefly comment on the Draft code provisions for the Highway 99 Mixed Use Zones as distributed by the City of Lynnwood. I am a strong proponent for the Bus Rapid Transit program and the transit oriented development that can result from the availability of frequent, reliable bus service. Yet I do have some questions and concerns regarding the proposed zoning provisions, including the following:

1. In Section 21.62.260 Minimum Residential Density, there is a required density for the residential portion of the development when required, yet there doesn't appear to be a minimum **number** of multifamily homes to satisfy the requirement for residential development. I suppose the assumption is that to achieve a density of 40 per acre there will need to be a certain number of homes, yet there may be a need to require a certain percentage of the site dedicated to the residential uses to meet the requirement.
2. In Section 21.62.270 Minimum Commercial Development, I wonder why there needs to be a minimum amount of commercial required. As I travel along SR 99 today, from Edmonds to Everett, there is a large amount of vacant commercial space. And with the change in buying habits as a result of the "Great Recession", the demand for commercial space could take years to catch up with the supply. Not only that, but for commercial to be successful there needs to be adequate nearby residential uses. It took many years before Mill Creek had enough residential development to support the Town Center commercial. It seems best to let the market determine if commercial or residential uses are best along the corridor. In addition, I wonder if a minimum of 20,000 square feet would overwhelm the smaller sites. Perhaps there could be some flexibility in this requirement based on the review and approval by the City's planning director.
3. In paragraph B of Section 21.62.400 Development Standards, there appear to be no restrictions on development other than some setbacks from roads and vehicular accessways. There is no height limit, no density limit, no maximum lot coverage, etc. As a result, there are no incentives for superior design, affordable housing, public art, additional landscaping, public dedication of land, community facilities or other beneficial aspects to add to the livability of the corridor. I understand wanting to encourage the re-

development of the corridor, yet the corridor will include a great deal of land with no restrictions as to the intensity of development. Perhaps there is a way to create incentives that encourage proposals to redevelop land in the near term or to those that provide community benefits beyond the standard requirements. To start out with a rezone of all the corridor land with no restrictions will make it difficult to revise the code in the future to promote public benefits.

4. In paragraph C of the same Section 21.62.400, the parking requirement of 1.25 per dwelling unit seems to be excessive for development along the transit corridor, where the concept is to promote the use of transit and reduce the reliance on automobile travel. Plus there doesn't seem to be any differentiation between the size of the multifamily homes and the number of stalls. I also couldn't find any reference to **shared parking** between the residential and non-residential uses. With underground parking stalls being encouraged, and yet costing between \$30,000 and \$40,000 each, it would seem best to require as little parking as necessary.

5. In paragraph D of the same Section 21.62.400, there is a long list of very detailed landscaping requirements for surface parking lots. It would seem best to include this level of detail in design guidelines or other documents that are simpler to revise as needed, rather than having to revise the zoning code in the event that one of the restrictions turns out to be troublesome. I personally found the number of requirements in this section, and the impact on site design, to be daunting.

6. For paragraph E of the same Section 21.62.400 dealing with non-residential open space, I presume that the City staff or consultants have prepared illustrations for potential developments that show the result of this requirement on site design, since this requirement is in addition to the parking lot landscaping, landscape buffers, etc. My presumption is that 1% of the site area and the non-residential floor area will not result in significant open space areas.

7. For paragraph F of the same Section 21.62.400 dealing with residential open space, I also wonder if illustrations have been created to show the impact of these requirements. I am familiar with the requirement for 10% of the site area for open space, not 10% of the building living area. Plus in paragraph 3.c., I am wondering if you have considered reducing the hard surface requirement (to perhaps 50%?) if **green roofs** are provided?

8. In paragraph J of the same Section 21.62.400, it would seem like this requirement for street trees could be moved to the landscaping section. It may be overlooked if one were searching for the landscaping requirements for the mixed use zone.

9. I also wonder if perhaps there can be incentives or requirements for the provision of a certain amount of affordable housing within the corridor. When the City of Redmond rezoned their downtown area a few years ago and significantly increased the allowed density, they required 10% of the multifamily homes to be affordable. They apparently found it appropriate to receive community benefits from the increase in value

that resulted from the upzoning of the properties. For the Bel-Red Corridor area in Bellevue, the City included incentives for affordable housing through an increase in the allowed floor area ratio.

10. I would also like to encourage looking at incentives in the code that promote the use of TDR's or transfer of development rights, where the proponents can purchase development rights from outlying resource or agricultural land and transfer them to an urban site. The code could perhaps allow an increase in building height, again as provided in the code for the City of Redmond, or an increase in density. It seems totally appropriate to place higher density housing along the transit corridor in the urban area and reduce the development pressure on the outlying rural lands.

My understanding is that the scope of this current work is focused on the areas within ¼ mile of the Swift bus rapid transit corridor and stations, but I am hoping that the City can also look at those areas within ½ mile as well. Perhaps these areas could be upzoned to allow more medium density housing over time, including duplexes or townhouses, to provide additional housing in support of the transit.

Please let me know if you have any comments or questions regarding these items, I will be glad to respond. Thank you.

Sincerely,

Craig J. Krueger  
Community Land Planning  
733 – 7<sup>th</sup> Avenue, Suite 100  
Kirkland, WA. 98033  
425.478.3267 cell

**RECEIVED**

SEP 30 2010

CITY OF LYNNWOOD  
COMMUNITY DEVELOPMENT

September 29, 2010

To: Gloria Rivera, Senior Planner  
Kevin Garrett, Planning Manager

From: William Linton

Subject: Highway 99 Overlay Zone and Interim Development Regulations  
6306 202<sup>nd</sup> St SW, 6312 202<sup>nd</sup> St SW, 6324 202<sup>nd</sup> St SW,  
6321 204<sup>th</sup> St SW, 6323 204<sup>th</sup> St SW, 6327 204<sup>th</sup> St SW, 6329 204<sup>th</sup> St SW

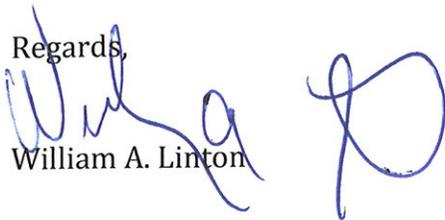
To Whom It May Concern:

In response to your letter dated September 10, 2010, I am writing to remind you of our concerns. Please see the attached E-Mail, dated 2/25/2009, to Lauren Balisky from Brent Carson of Gordon Derr, our representative. Also I have attached a copy of a letter delivered to the City Council Members, dated November 24, 2008.

Thank you in advance for your assistance in this matter.

Regards,

William A. Linton



Cc: Robert Linton  
James E. Linton  
Brent Carson

RE: City of Lynnwood - Project Highway 99

2/25/2009 3:54:02 P.M. Pacific Standard Time

bcarson@GordonDerr.com

lbalisky@ci.lynnwood.wa.us

smrllc@aol.com, WALinton@aol.com, jiminton@comcast.net

Please accept the following comments on the physical plan for the Highway 99 Corridor and on the scope of the SEIS for this proposal.

I am writing on behalf of SMR LLC, owned by the Linton family. The Lintons own the light industrial zoned property on 202<sup>nd</sup> Street SW in Lynnwood, in proximity to Highway 99. They have owned this property since the City's inception. Linton Industries, operating at this location, has been an important business in Lynnwood, having employed over 120 individuals in living wage manufacturing jobs with annual sales of over \$22 million.

The Lintons are very concerned that the Highway 99 Corridor plan take into consideration the importance of maintaining the viability of existing light industrial zoned properties near this corridor. While the Linton's support future revitalization of the Highway 99 Corridor, it should not be done at the expense of light industrial zoned property and the businesses, owners and employees that depend on this zoning.

Light industrial zoned property provides important non-commercial business and employment opportunities in the City. These properties are vital to maintaining a diverse economic base within the City.

The City should not be encouraging additional residential development within the corridor in close proximity to light industrial zoned property. We ask that you pay close attention to land uses in the 202<sup>nd</sup> Street vicinity. This area of the corridor should be maintained for commercial and light industrial uses and not for residential uses.

With regard to the scope of the proposed SEIS, we ask that the city expand its scope so that economics and land use compatibility are addressed.

While the June 2007 Urban Activity and Market Profile Assessment looked at economic opportunities in the corridor, it did not evaluate the economic impacts of potential land use changes, particularly considering potential adverse effects on existing land uses in the corridor. The SEIS should address the potential adverse economic effects of the action on light industrial development in the area.

The environmental checklist refers to transitions from uses in the corridor to single family residential uses. The SEIS should expand upon this issue by addressing compatibility among the various uses proposed in the corridor and those that exist in and immediately adjacent to the corridor. The potential adverse effects of encouraging residential uses immediately adjacent to light industrial zoned property should be specifically evaluated. Alternatives to discourage new residential uses in the corridor adjacent to light industrial zoned property should also be considered.

Thank you for this opportunity to comment on the proposal.

**From:** Lauren Balisky [mailto:lbalisky@ci.lynnwood.wa.us]

**Sent:** Friday, February 20, 2009 8:33 AM

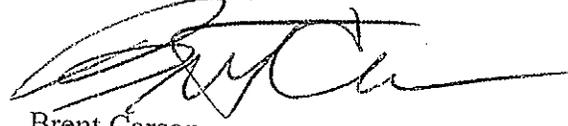
**Subject:** City of Lynnwood - Project Highway 99

Wednesday, February 25, 2009 AOL: WALinton

November 24, 2008

The goals of the Highway 99 Corridor can be fully met without these light industrial zoned properties included in the Amendment. We ask that you remove the light industrial zoned properties from the proposed Highway 99 Corridor Comprehensive Plan Amendment.

Very truly yours,



Brent Carson

BC:bc

Enclosures

cc: Mr. Bob Linton

November 24, 2008

City Council  
City of Lynnwood  
19000 44th Avenue West  
P. O. Box 5008  
Lynnwood, WA 98046-5008

Re: Request to Remove Light Industrial Zoned Properties on 202<sup>nd</sup> Street SW from  
the Proposed Highway 99 Corridor Comprehensive Plan Amendment

Honorable Councilmembers:

GordonDerr LLP represents SMR LLC, owned by the Linton family. The Lintons have owned this light industrial zoned property on 202<sup>nd</sup> Street SW in Lynnwood since the City's inception. Linton Industries, operating at this location, has been an important business in Lynnwood, having employed over 120 individuals in living wage manufacturing jobs with annual sales of over \$22 million.

The Lintons' property should not have been included in the proposed Highway 99 Corridor Comprehensive Plan Amendment (the "Amendment"). These light industrial zoned properties do not meet the locational criteria set forth in the Amendment. They front on 202<sup>nd</sup> Street SW, not Highway 99, they have no access rights to Highway 99 and they are not located at a major intersection where inclusion of deeper properties may be appropriate.

These are the only light industrial zoned properties in the entire Highway 99 area proposed to be covered by the Amendment. By adopting the Highway 99 Corridor Amendment as proposed, the City will be discouraging anyone from leasing space in any of these light-industrial zoned buildings. In this time of economic recession, the City should be doing everything in its power to encourage, not discourage, light manufacturing tenants to locate in the City. Instead, this Amendment will threaten the current tenants with nonconforming use status and will send the clear signal to brokers and potential tenants that new light industrial users are not welcome on these properties.

The Lintons have invested considerable financial resources in their buildings to install infrastructure that supports light industrial users, including significant electric power supply panels and 5 and 10 ton overhead cranes. These significant investments were made in reliance on the existing light industrial zoning and comprehensive plan designations for their properties. The Lintons should be rewarded for making these significant investments, not punished by the threat of nonconformity.





October 8, 2010

City of Lynnwood Community Development  
Attn: Project Highway 99  
PO Box 5008  
Lynnwood, WA 98046-5008

**Re: Project Highway 99**

Dear Ms. Rivera:

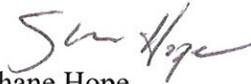
The City of Mountlake Terrace appreciates the opportunity to comment on the draft Highway 99 (from 148<sup>th</sup> Street SW to 216<sup>th</sup> Street SW) proposals. We were interested in the major planned action, which includes over 5,000 dwelling units in five pedestrian-oriented nodes, typically situated around existing SWIFT bus rapid transit stations. The closest node to Mountlake Terrace is proposed at 204<sup>th</sup> Street SW, with 377 dwelling units anticipated. The proposal has the potential to help revitalize Highway 99, perhaps similarly to recent changes to the Highway 99 corridor in Shoreline.

Any potential infrastructure needs are of interest to the City of Mountlake Terrace. We note that an upgrade to the sewer lift plant will be necessary to accommodate the new residents. Additionally, the traffic analysis notes limited changes in level of service (LOS) along Highway 99 between the proposal and no action, which appears to preclude requirements for traffic mitigation.

The lack of traffic mitigation is Mountlake Terrace's one concern with the proposal. The majority of signalized intersections in the study area are projected to fall to LOS F by 2025 (including 212<sup>th</sup> St SW). However, we also recognize a recommendation is for an east/west corridor study to address LOS failures. The City of Mountlake Terrace would like to participate in the recommended east/west corridor study to determine how LOS can be maintained at a reasonable level along Highway 99.

Thank you for considering these comments.

Sincerely,

  
Shane Hope  
Community and Economic Development Director

SH/lnl

cc: City Manager  
Engineering Services Director  
Senior Planner  
Traffic Engineer  
Transportation Planner  
CED Read File

**RECEIVED**

OCT 13 2010

CITY OF LYNNWOOD  
COMMUNITY DEVELOPMENT

## Gloria Rivera

---

**From:** Marty Rood [mrood@mr99.com]  
**Sent:** Wednesday, September 29, 2010 11:44 AM  
**To:** David Kleitsch; Gloria Rivera; mrood@mr99.com  
**Cc:** Jack Carroll; bnylund@aol.com; bnylund@mr99.com; Kim Gardner; Norm Strickland; John Peehl; Gediminas Trimakas; jimbob@cyclebarn.com; Rick Hedges  
**Subject:** Comments on Project Hwy 99/Marty Rood-Mr. 99

Dear City of Lynnwood,

I attended the Project Highway 99 meeting last night at Trinity Lutheran Church. Here are my comments:

Many of us have not fully studied the proposed changes in the zoning in certain Hwy 99 corridors. My first inclination was to totally negate the entire thought of what you are proposing to do: to change the zoning in certain areas (usually within 1/4 mile of the rapid bus terminals) to force landlords to incorporate and require residential in previous commercial-only properties, to require setbacks, require attractive street, require good pedestrian circulation, require open space and green features, require screening of dumpsters and service areas, establish design guidelines to increase safety and security, and to require architectural features at "prominent" intersections. All of this to me, and the general opinion of last night's attendees, means expensive development costs that are "out of touch" with normal development costs, but especially egregious during these tough economic times. Lynnwood is hurting economically as are their residents and businesses.

Being the commercial real estate agency that does most of the business in the Lynnwood/Edmonds area, we are on Hwy 99 everyday talking to businesses. Many of our clients are in the automobile business. Some dealers are doing okay. Some have sold their franchises. Some have been put out of business by their respective manufacturer. Some of these properties are vacant and are special purpose buildings basically suitable only for automotive applications. Some of these properties have been left vacant recently because of consolidation, franchise vacations, and franchise terminations. Other businesses have moved to smaller locations and few have gone from smaller to larger facilities. Some properties have been sold by publicly traded automotive companies that are shedding assets to bolster their stock prices. This is leaving many properties that would normally be available for expansion franchises that need a new location in a growing suburb city like Lynnwood. Lynnwood needs these automobile dealers because they are such great revenue producers for the city. However, these properties, if these new zoning restrictions are put into effect, will not allow these properties, that landlords have spent millions building for these special purpose buildings (thereby benefiting Lynnwood great over the past 40 years through sales tax generation--23.2% of Lynnwood's sale tax revenue comes from Hwy 99 and most of that comes from automobile dealers) the zoning, building and ancillary requirements will be punitive and will make development of these properties very, very difficult if not impossible. It is currently hard enough to obtain a per square foot price that makes sense for an automobile dealership, let alone any other type of development that MUST include residential. This approach will destroy cap rates for these properties and will make the revenue that one can generate by, for example having apartments that will lease for low rates where the actual development costs will skyrocket with these new regulations and make the project unfinanceable and not plausible from an investment perspective. Lynnwood can't subsidize these project either. They don't have the money to do this. Instead, I would propose that the City of Lynnwood establish a blue-ribbon panel of experts on properties in this area and get their input before embarking such an ambitious vagabond. We talk to the business people everyday and know their wants and needs. The areas that have been preliminarily selected contain about 6-7 of the existing 20 or so automotive-centric facilities in the Lynnwood area and would adversely affect each and every one. I would propose a meeting in the near future and invite these property owners to these meetings. Last night were several clients that we have represented in property sales and leases: Sterling Realty Organization, Jim Boltz of Cycle Barn, Ed Trimakas (former Lexus and Mercedes-Benz's landlord), Cindy Kay of Miller's Interiors (leases car lots to two used car dealers currently), and Detroit Auto Works at 212th and Hwy 99. If everyone knew what Lynnwood was up to regarding these rezoning proposals, I believe many would be very upset to know what is potentially going to happen.

Please call me with any questions or any issues you would like to discuss regarding your proposals for Highway 99.

All the best,

Marty Rood  
Mr. 99  
207 713 1304

Martin S. Rood, President/Managing Broker, Mr. 99 & Associates, Inc.

Founder, Instant Service (Acquired by ATG)

<http://www.instant-service.com/news/20100112.html>

Founder, Sharebuilder (Acquired by ING Direct)  
Founder, Newsstand.com  
Founder, DealerNet (Acquired by Reynolds & Reynolds)  
Series 63 Washington State General Securities License  
CCIM Member & Candidate  
[www.mr99.com](http://www.mr99.com)

Mr. 99 & Associates, Inc.  
15562 Lakeshore Blvd. NE  
Lake Forest Park, WA 98155-6700

Ph: (425) 670-MR99 (6799) X-1  
Fax: (425) 954-4092  
Cell: (206) 713-1304  
Email: [mrood@mr99.com](mailto:mrood@mr99.com)  
Website: [www.martyrood.com](http://www.martyrood.com)

**Gloria Rivera**

**From:** Marty Rood [mrood@mr99.com]  
**Sent:** Wednesday, September 29, 2010 4:38 PM  
**To:** Marty Rood; David Kleitsch; Gloria Rivera  
**Cc:** Jack Carroll; bnylund@aol.com; bnylund@mr99.com; Kim Gardner; Norm Strickland; John Peehl; Gediminas Trimakas; jimbob@cyclebarn.com; Rick Hedges; Randy Lindquist; Rob Will; Tim Hays  
**Subject:** [SUSPECT] Re: Comments on Project Hwy 99/Marty Rood-Mr. 99  
**Importance:** Low

Dear City of Lynnwood,

Please have Ms. Rivera add the following comments to my previous comments below:

I also want to direct your attention to the mixed-use development at 19200 Aurora Ave. N. in Shoreline, WA. This was developed by the Inland Corporation and entailed around 400 residential units. This project was and still is in financial trouble and this is without trying to mix residential with commercial enterprises. Another development just off Hwy 99 (Aurora N.) at 147th and Linden in Shoreline, WA also entailed about 425 units and is in a similar state of the Inland project, again not trying to combine residential and commercial.

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

**From:** Marty Rood *See 9/29 email*  
**To:** David Kleitsch ; [grivera@ci.lynnwood.wa.us](mailto:grivera@ci.lynnwood.wa.us) ; [mrood@mr99.com](mailto:mrood@mr99.com)  
**Cc:** Jack Carroll ; [bnylund@aol.com](mailto:bnylund@aol.com) ; [bnylund@mr99.com](mailto:bnylund@mr99.com) ; Kim Gardner ; Norm Strickland ; John Peehl ; [Gediminas Trimakas](mailto:Gediminas.Trimakas) ; [jimbob@cyclebarn.com](mailto:jimbob@cyclebarn.com) ; Rick Hedges  
**Sent:** Wednesday, September 29, 2010 11:43 AM  
**Subject:** Comments on Project Hwy 99/Marty Rood-Mr. 99

Dear City of Lynnwood,

I attended the Project Highway 99 meeting last night at Trinity Lutheran Church. Here are my comments:

Many of us have not fully studied the proposed changes in the zoning in certain Hwy 99 corridors. My first inclination was to totally negate the entire thought of what you are proposing to do: to change the zoning in certain areas (usually within 1/4 mile of the rapid bus terminals), to force landlords to incorporate and require residential in previous commercial-only properties, to require setbacks, require attractive street, require good pedestrian circulation, require open space and green features, require screening of dumpsters and service areas, establish design guidelines to increase safety and security, and to require architectural features at "prominent" intersections. All of this to me, and the general opinion of last night's attendees, means expensive development costs that are "out of touch" with normal development costs, but especially egregious during these tough economic times. Lynnwood is hurting economically as are their residents and businesses. Being the commercial real estate agency that does most of the business in the Lynnwood/Edmonds area, we are on Hwy 99 everyday talking to businesses. Many of our clients are in the automobile business. Some dealers are doing okay. Some have sold their franchises. Some have been put out of business by their respective manufacturer. Some of these properties are vacant and are special purpose buildings basically suitable only for automotive applications. Some of these properties have been left vacant recently because of consolidation, franchise vacations, and franchise terminations. Other businesses have moved to smaller locations and few have gone from smaller to larger facilities. Some properties have been sold by publicly traded automotive companies that are shedding assets to bolster their stock prices. This is leaving many properties that would normally be available for expansion franchises that need a new location in a growing suburb city like Lynnwood. Lynnwood needs these automobile dealers because they are such great revenue



**Aaron Reardon**  
County Executive

3000 Rockefeller Avenue, M/S 607  
Everett, WA 98201-4046

(425) 388-3488  
FAX (425) 388-6449

October 6, 2010

Gloria Rivera, Senior Planner  
Community Development Department  
City of Lynnwood

Snohomish County Public Works has reviewed the proposed development outlined in the Supplemental Environmental Impact Statement. We offer the following comments:

1. The county generally supports the overall goal of the city's SR99 plan, which is to move towards a more mixed use and higher intensity development pattern along the corridor – and particularly the introduction of higher-density residential around the “nodes” defined by the new BRT (SWIFT) stations. Such development has the potential to increase transit (particularly SWIFT) ridership and achieve reductions in per capita fossil fuel use, vehicle miles travelled, and corresponding greenhouse gas emissions. This plan also is consistent with the county's comprehensive plan provisions for the northern, currently unincorporated stretch of the corridor. Given the final location of the SWIFT stations at 148<sup>th</sup> St., the county may re-examine the limits of its Urban Village designation at this location (which was applied in 2005, well before SWIFT station planning began) and could propose some modifications to the boundaries of that designation - either before or during its upcoming 10-year comprehensive plan update. The county staff does have some isolated concerns about certain specific provisions in the plan and the proposed zoning, as well as suggestions for strengthening the SEIS. These follow below.
2. The introduction of increased pedestrian activity along an auto-dominated corridor like SR99 presents some unique challenges – particularly for one of the plan's stated goals of “keeping people moving.” Seven lanes of relatively high speed traffic will probably not mix very well with pedestrians – at least not within the SR99 right-of-way itself. While the auto-orientation of much of the SR99 frontage is unlikely to change in the foreseeable future, the introduction of more pedestrian activity around the nodes will likely require pedestrian crossing times to increase in frequency – and possibly in duration. This will inevitably slow traffic along the roadway – which may be desirable for pedestrian safety, but could reduce the traffic capacity of the corridor. One possible approach might be to concentrate the pedestrian activity areas to the rear of the SR99 commercial frontage – focusing on pedestrian and bike connections to the existing neighborhoods behind the commercial frontage rather than along the roadway frontage itself. Both the plan and, particularly, the design guidelines would have to be modified to achieve such an orientation. At the very least, this issue should be explored more in both the plan narrative and the SEIS (particularly in the section on traffic impacts).
3. The proposed new zones for these nodes would allow residential and mixed use development – which is a major step forward over the city's previous regulations that limited the frontage to general commercial (and some light industrial) uses. This is also in line with county zoning regulations, which permit multi-family residential development within the commercial zones. However, some of the specific provisions in the city's proposed regulations seem a bit excessive for the historical development patterns of Lynnwood and Snohomish County. The proposed minimum residential density of 40 units per acre, for example, seems high for Snohomish County, where such densities are typically found only in downtown areas. Snohomish County's

density regulations have historically topped out at about 24 units/acre and most residential developments within those zones have come in below that number. Land values along SR99 may not be sufficient to support the structured parking that would most likely be needed to reach densities above 40 units/acre – in which case the regulations could have the unintended effect of discouraging redevelopment. We would encourage the city to consider lowering this required minimum density.

4. The proposed new zones have no maximum building height, which could produce challenges for the city's water supply and fire suppression systems. While the plan envisions buildings of 4-6 stories within these nodes, the regulations appear to permit much taller structures that could pose such infrastructure challenges for the city. This approach might be appropriate in the city's new and compact downtown area, but it seems excessive along this 5-mile corridor. While it is highly doubtful that the city would be confronted with a 30-story or higher development proposal, a 10-15 story hotel or condominium tower in proximity to the city's convention center is not beyond imagination. The SEIS should consider what impacts such a proposal would have on city infrastructure and/or how other provisions in city code would mitigate such potential impacts. It is noteworthy that a few years ago the City of Everett found that its overly generous bulk regulations may actually have been depressing development and redevelopment activity by inflating property owner expectations above what the market could actually support. In response, that city actually lowered its maximum height regulations in some areas around its downtown to be more in line with those market conditions and to stimulate more redevelopment.
5. Because of the convergence of three cities' corporate limits around the 216<sup>th</sup> St. SWIFT station, Lynnwood should consider engaging in a joint planning study for that node with Edmonds and Mountlake Terrace and continue coordination with Snohomish County throughout this process. The SEIS language suggests that the proposal will "decrease" certain environmental impacts. In fact, the substantial new development anticipated along the corridor will almost certainly increase these impacts over current levels, although the increase may be lower (in some cases) than what might be expected under current regulations.
6. The SEIS does not address noise impacts. The high traffic volumes and speeds on SR99 will certainly create significant noise impacts on future multi-story residential development. Since such development will now be permitted through rezoning within the nodes identified by the plan, an assessment of noise impacts seems appropriate. The illustrations of possible residential development found in the plan, and the proposed regulations for the new zones, indicate that this new residential/mixed use development could occur a mere 12 feet from the SR99 curb line. The presence of significant road noise from SR99 – as well as from some of the major intersecting streets – could negatively impact the desirability of fronting properties for residential development, thereby inhibiting realization of the plan's vision.
7. The SEIS does not appear to address critical areas/habitat and ESA issues. Although this document is not at a project level, it would have been helpful to know if those issues are present in any of the five nodes. If they are not it should be noted as such.

Thank you for the opportunity to review and comment on this extremely important development issue. If you have any questions or comments, please direct them to me and I will forward them to the appropriate reviewer. My phone contact is (425) 388-3488 extension 4259.

Sincerely,



Candice Soine, Environmental Review Coordinator

## Will Daniels

---

To: Gloria Rivera  
Subject: Public Meeting Evaluation

Sterling Realty Organization has been a property owner near the corner of 196th Street S.W. and Highway 99 since the 1950s when SRO developed the Lynn Theater. Over the decades SRO has purchased and assembled approximately twelve acres on which we manage today four single family residences and six commercial buildings comprising approximately 35,200 S.F. of warehouse, retail and office space.

The property is clearly underdeveloped at this time. The age, appearance and condition of our properties restrict our rental rates to drastically below market rates for the most part. Roughly four acres are surrounded by a temporary fence for public safety reasons due to having demolished five buildings that were not leasable and unsafe. There is a large vagrant presence constantly occurring on and across the property as well as public intoxication, vandalism and people dumping everything from used electronics to furniture to trash. We believe redevelopment would greatly help alleviate these issues.

In the Spring of 2004 SRO hired a land use consultant to analyze our holdings at this location; the objective was to explore opportunities to position SRO's Lynnwood property for long term redevelopment and to help us determine the highest and best use for our property at this location. The study also specified which properties adjacent to SROs would be best to add in order to enhance our ability to redevelop. It was determined that retail was the highest and best use and that market forces would not support multifamily residential.

Since 2004 SRO has made seven significant purchases of adjoining properties to assemble the current twelve acres. In 2008, prior to the start of this deep recession, SRO had a preliminary design for a 130,000 S.F. retail center with letters of intent in hand from mostly national retailers for approximately seventy-five percent of the designed building area. Due to the recession and the lending environment SRO was forced to table the redevelopment until the return of better economic conditions.

In recent months we have detected some improvement to the real estate market, specifically for retail development, and we have been in contact with many of the national retailers who are still keenly interested in our location.

We recently discussed Project Highway 99 with our real estate brokers, with other property owners along Highway 99 and with other developers. They all agree that this location will not support residential development in any foreseeable term scenario, but would support retail now. No one we spoke with could say with any degree of confidence how many business cycles it would be before this would change, if ever.

If the draft of the plan of Project Highway 99 is approved in its current condition SRO believes it would force us to do nothing with our property for perhaps a very long time. On the other hand, we feel strongly that if the zoning will remain the same we have a very good chance of redeveloping in the foreseeable future.

## Gloria Rivera

---

**From:** Will Daniels [WillD@SterlingRealty.com]  
**Sent:** Monday, October 11, 2010 3:49 PM  
**To:** Kevin Garrett; Gloria Rivera  
**Cc:** johno@makersarch.com; David Osaki  
**Subject:** RE: SRO Comments to City on Project Hwy 99

**Attachments:** SRO Comments to City on Project hwy 99 101110.pdf



SRO Comments to  
City on Projec...

Kevin and Gloria:

Please disregard the last version as there were some corrections made to the last attachment. This is the correct version. As before, please let me know by reply that we submitted our comments on time prior to 5 P.M. today.

Sorry for the confusion on versions.

Thank you,

Will Daniels  
Property Manager  
Sterling Realty Organization Co.  
425.455.8153

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

**From:** Will Daniels  
**Sent:** Monday, October 11, 2010 3:29 PM  
**To:** 'Kevin Garrett'; 'Gloria Rivera'  
**Cc:** 'johno@makersarch.com'; 'David Osaki'  
**Subject:** RE: SRO Comments to City on Project Hwy 99

Kevin and Gloria:

Here are our comments. Please reply to confirm your receipt of our comments prior to 5 P.M. today.

Thank you,

Will Daniels  
Property Manager  
Sterling Realty Organization Co.  
425.455.8153

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

**From:** Kevin Garrett [mailto:kgarrett@ci.lynnwood.wa.us]  
**Sent:** Monday, October 11, 2010 1:34 PM  
**To:** Will Daniels; Gloria Rivera  
**Cc:** johno@makersarch.com; David Osaki  
**Subject:** RE: Public Meeting Evaluation Sheet and Comments, September 28, 2010

Will:

You can email your comments to me .... PDF files are fine.

Yes, it begins at 7:00 PM in the Council Chambers - 19100 44th Ave. W.  
Just so there's no confusion, the hearing tonight is on the interim Hwy  
99 regulations, not the draft subarea plan and related documents.

Kevin Garrett, AICP  
Planning Manager  
Lynnwood Community Development  
Lynnwood, Washington 98036

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

From: Will Daniels [mailto:WillD@SterlingRealty.com]  
Sent: Monday, October 11, 2010 1:21 PM  
To: Kevin Garrett; Gloria Rivera  
Cc: johno@makersarch.com; David Osaki  
Subject: RE: Public Meeting Evaluation Sheet and Comments, September 28, 2010

Kevin:

We are finishing our submittal comments to be delivered before 5 today.  
Can we email them to you?

I also want to confirm the public hearing tonight will start at 7 in the council chamber?

Thanks,

Will Daniels  
Property Manager  
Sterling Realty Organization Co.  
425.455.8153

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

From: Kevin Garrett [mailto:kgarrett@ci.lynnwood.wa.us]  
Sent: Thursday, September 30, 2010 11:52 AM  
To: Will Daniels; Gloria Rivera  
Cc: johno@makersarch.com; David Osaki  
Subject: RE: Public Meeting Evaluation Sheet and Comments, September 28, 2010

Confirming that we received your email and that the PDF opened with no problem.

Thanks for taking the time to send in your comments.

Kevin Garrett, AICP  
Planning Manager  
Lynnwood Community Development  
Lynnwood, Washington 98036

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

From: Will Daniels [mailto:WillD@SterlingRealty.com]  
Sent: Thursday, September 30, 2010 11:45 AM  
To: Gloria Rivera  
Cc: Kevin Garrett; johno@makersarch.com; David Osaki  
Subject: Public Meeting Evaluation Sheet and Comments, September 28, 2010

Hi Gloria,

Here is our evaluation sheet and our comments. Please let me know that you received them.

Thanks,

Will Daniels  
Property Manager  
Sterling Realty Organization Co.  
425.455.8153



STERLING REALTY ORGANIZATION

David Schooler  
President  
(425) 455-8167  
davids@sterlingrealty.com

October 11, 2010

City of Lynnwood  
Community Development Department  
4114 198<sup>th</sup> St. SW, Suite 7  
Lynnwood, WA 98036  
Attn: Paul Krauss, Director

RE: SRO Comments on Project Hwy 99 Draft Zoning Guidelines

ATTACHED: Letter of Opinion on Mixed-Use Development- Ralph Barber, First Western Properties  
Comments on Draft SEIS and Pending Subarea Plan/Regulations, Jim Egge, Land Use  
Consultant

Sterling Realty Organization Co. (SRO) is submitting comments related to Project Highway 99 Draft Zoning Guidelines. We want to make known some of our concerns and to propose changes to the draft. We strongly believe that this intersection is best suited today to retail as its highest and best use and think requiring residential/mixed-use would be severely detrimental to any development at this important intersection.

As part of this submission we are also including the attached comments from Jim Egge, Land Use Consultant and Ralph Barber, Principal First Western Properties.

SRO has been a property owner at the of 196<sup>th</sup> Street SW and Highway 99 intersection for at least sixty years. Over the decades we have assembled approximately twelve acres on which we currently manage four single family dwellings, one four-plex apartment, and approximately 35,200 square feet of warehouse, retail and office space.

The property is clearly underdeveloped at this time. The age, appearance and condition of the properties restrict our rental rates to drastically below market rates. There is a constant vagrant presence occurring on and across the property which includes public intoxication, vandalism as well as illegal dumping of trash, furniture and used electronics. We believe redevelopment will greatly alleviate these issues.

Over the past ten years we have conducted much analysis on what types of uses to develop at this location. It is clear to us that market forces would not support multifamily residential there. We think that markets today would best support a retail development, bringing in the most tax revenue to the

600 106<sup>th</sup> Ave. NE, Bellevue, WA, Suite 200 – Mail to: P.O. Box 91723, Bellevue, WA 98009-1723  
(425) 455-8100 – Fax (425) 455-8165

City. We feel a residential required component would prevent most national retailers from wanting to be at the location.

We have recently discussed Project Highway 99 with our real estate brokers, with other property owners along the Highway 99 corridor, and with other developers. They all agree that this location will not support residential development in any foreseeable term scenario, but would support retail today.

No one we spoke with could say with any degree of confidence how many business cycles it would be before this would change, if ever.

If the draft of the plan of Project Highway 99 is approved in its current condition SRO believes it would force us to do nothing with our property for perhaps a very long time. On the other hand, we feel strongly that if the zoning will remain the same as it is today we have a very good chance of developing in the near term.

#### COMMENTS ON PROJECT HIGHWAY 99 DRAFT ZONING GUIDELINES

21.62.210 Prohibited Uses – A. Drive-up or drive through service and/or window.

Comments: 196<sup>th</sup> and Hwy 99 is one of the busiest traffic intersections in the State. Drive-up and drive-through capabilities are essential to many retail businesses at locations such as this.

21.62.250 Limitations on uses- D. Outdoor Display of Merchandise -

Comments: Many large, national, quality anchor retail tenants must necessarily require outdoor display areas, often times on longer than temporary term basis, such as for garden centers.

21.62.260 Minimum Residential Density- Residential *Required* Zone.

Comments: We feel strongly that at this location residential should be only suggested or encouraged but not required.

21.62.270 Minimum Commercial Development –

Comments: requiring new commercial development to be at least 20,000 sq. ft. will negatively impact small projects.

21.62.400 Development Standards –

C.3. Parking for commercial and other non-residential uses- 3/1000 minimum. Comments: This is not sufficient. We think a range of a minimum of 4/1000 to a maximum of 6/1000.

D.3. Tree count- One tree for every 5 parking stalls non residential.

Comments: This is too many.

D.4. Maximum distance between parking and landscape area shall be no more than 45 feet.

Comments: This is too constricting; should be longer distance

D.6. Planting strips size and dimensions of at least 100 sq. ft. ?

Comments: This is too high.

E. Non residential Open Space- on-site pedestrian-oriented open space-

Comments: This is too much.

J. Street Trees- provided every 30 feet  
Comments: This is this too tight.

SRO hopes that our comments and suggestions will be taken into serious consideration as you move forward with Project Highway 99. We have been property and business owners in the City of Lynnwood for a long time and have assembled what we believe to be an excellent site to develop a top class retail center at what we believe to be one of the most important intersections in the City of Lynnwood.

Please distribute our letter and other consultant comments to the Mayor and City Council, as well as to staff and the SEPA responsible official.

Regards,

A handwritten signature in black ink, appearing to read "David Schooler". The signature is written in a cursive, flowing style.

David Schooler  
President

To: Mr. Will Daniels  
**Sterling Realty Organization**  
600 106<sup>th</sup> Ave. NE, #200  
Bellevue, WA 98004  
RE: Letter of Opinion

October 11, 2010

Dear Mr. Daniels,

I started my Commercial Real Estate career in Lynnwood 31 years ago and have been involved in the development and/or lease up to well over 1 million square feet of space in the Lynnwood commercial real estate market. My company, First Western Properties, Inc. currently represents over 40 national & local retail chains and some 3 million square feet of shopping center space. I have witnessed over my career many mixed use projects that have been forced on developers by the municipalities and have been total economic failures for the developer, tenant, and the city. The oldest example I recall is the development on Nickerson and 15<sup>th</sup> Ave. West at the foot of Queen Anne Hill that has yet to be successful after 15 years or more, and I believe is on its 3<sup>rd</sup> owner after a bank foreclosure. Recently, Burien Town Square, Woodinville Village, The Landing in Renton, Kenmore Village by the Lake, Lacey Gateway Town Center, and Othello Station in Seattle have had difficulty in Leasing and some of these projects are on hold or close to foreclosure. The failure of this type of product in suburban areas has to do with many factors, not the least of the requirement of National anchor type tenants regarding parking, access and visibility. These tenants are not flexible on any of these items as they have over the years seen success and failures of their stores based on these requirements being adhered too.

A site of your size in order to be successful will need to have anchor type retail Tenants to attract the smaller retailers and service providers that pay a significantly higher per square foot rate that drives the economics of the center. Prohibited uses and limitations suggested by this zoning change would effectively eliminate banks, restaurants, and coffee shops and tire stores from locating here. I am also of the opinion that mutli-family units should not exists at a major intersection such as 196<sup>th</sup> and Hwy 99 as I would not want to rent to a family with children based on the high traffic at this site and most of the other highway 99 intersections. Kids and traffic don't mix. I believe if this city wants a mixed use concept on Hwy 99 that the best location would be mid-block sites, where both anchors and other tenants won't go and these properties could be utilized for mixed use developments, thus creating a higher and better use for that property.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized initial 'R' followed by a long, horizontal line extending to the right.

Ralph Barber, President

October 11, 2010

City of Lynnwood  
Community Development Department  
4114 198<sup>th</sup> St. SW, Suite 7  
Lynnwood, WA 98036  
Attn: Paul Krauss, Director

Re: Comments on Draft SEIS and pending subarea plan/regulations

On behalf of Sterling Realty Organization, Inc., owner of 12 acres situated in the southwest quadrant of Highway 99 and 196<sup>th</sup> St. SW., we have been requested to offer our review of the following documents:

- **Highway 99 Corridor Subarea Plan DRAFT SEIS – September, 2010**
- **Highway 99 Corridor Subarea plan DRAFT – September, 2010**
- **Proposed Highway 99 Zoning – DRAFT 7-26-10**

NOTE: Where a specific comment relates to more than one document, it is generally noted. However, comments on specific documents may also apply to other proposed implementing regulations that others have reviewed on behalf of Sterling Realty Organization – e.g. Design Guidelines for Hwy 99 Mixed Use Zones – DRAFT final 8-23-10.

## **Highway 99 Corridor Subarea Plan DRAFT SEIS – Sept, 2010**

### **PROJECT DESCRIPTION AND ALTERNATIVES**

#### 1.2. Overview of Highway 99 Corridor

##### 1.2.4. Environmental Review – State Environmental Policy Act (SEPA) Process

...”This Draft SEIS is considered a “companion document” to the proposed Subarea Plan, Zoning Code and map Amendments, and Design Guidelines....

...WAC 197-11-442 provides for greater flexibility in the format for a non-project EIS. This applies where the action is a master plan, planning document, or policy statement because less detailed information is usually available on specific environmental impacts and on any subsequent project proposals....” (emphasis ours)

#### **BACKGROUND – AVAILABLE SEPA INFORMATION:**

The city currently projects a \$22 million revenue shortfall for the 2011-2012 biennium. The budget office and Mayor have submitted a realistic fiscal analysis and conclude: “Our revenue forecasts tell us that we will collect \$87 million dollars over the next biennium. There *is nothing on the economic horizon that would change this estimate.*”

On October 4, 2010, City staff subsequently presented a proposed 2011-2012 budget based on the above stated revenue projection. A substantial number of full and part time city employees will likely receive layoff notices in the immediate future. Over 100 have already received an early "heads up". Community Development is proposing substantial development review fee increases ("full cost recovery vs. current fixed fee in some cases), as well as layoffs.

Staff concluded their presentation on the proposed budget reduction with the following statement: *"Proposed revenue enhancements will increase the cost of developing in Lynnwood."* They also noted that these impacts would be offset by more timely reviews and inspections. This last assumption is hard to envision with substantially less staff available to do reviews (e.g. Snohomish County's review times have been substantially longer due to recent reductions in force) The Parks & Recreation program has proposed elimination of a number of community programs, and significant onsite park employee and park maintenance layoffs. One impact among several, according to the Parks Dept budget presentation is that this will likely result "in user dissatisfaction, and potential safety and liability issues". Impact mitigation fees were also offered as a means of offsetting impacts.

**COMMENT:**

The flexibility afforded non-project EIS preparation by WAC 197-11-442 (1) is based on a normal "lack of detail" available to non-project actions. That is no longer the case. With the broadly publicized and significantly detailed economic forecast for the city and the region, alongside the fiscal realities envisioned in the 2011-2012 proposed city budget reductions now available, the Hwy 99 "SEIS, Subarea Plan, Zoning, and Design Guidelines" should all be revisited. Since the final conclusions and implementation of these documents are to be relied upon by city decision makers, landowners and the general public over the next 15 years, they should be corrected in light of the "detailed" information not previously available.

These financial givens should be reflected in a REVISED Draft SEIS. The current level of critical information available to SEIS document authors is far greater than that normally available under a programmatic non-project EIS. The responsible SEPA official should not allow the environmental review process to move forward to a Final SEIS without consideration of all relevant and available information. To proceed without otherwise would not be in the public interest, and dilute the intent of cited section of SEPA.

As the SEIS states, there will be subsequent and specific project related SEPA documents prepared by landowners at the time of individual land use permit requests. However, that fact does not relieve the lead agency and the city of their obligation to acknowledge current information available to them. *"If the nonproject proposal concerns a specific geographic area, site specific analyses are not required, but may be included for areas of specific concern. The EIS should identify subsequent actions that would be undertaken by other agencies as a result of the nonproject proposal, such as transportation and utility systems."* (WAC 197-11-442[3])

The Highway 99 Corridor is the specific geographic area under analysis in the SEIS, and concerns have now been identified by the City of Lynnwood that affect the validity of assumptions in the current DRAFT SEIS, Subarea Plan, Zoning and Design Guidelines. Policy and Implementation Recommendations of the draft Subarea plan related to Land Use, Transportation and Infrastructure, and Parks and Open Space, should all be revised in light of newly publicized economic information. The cited portion of the WAC gives the lead agency the ability to redress the inadequacy of the draft SEIS document in the identified

areas. The listed sections of the subarea plan should also be revised to reflect the impact of newly available economic data.

## **SUMMARY OF ALTERNATIVES, ENVIRONMENTAL IMPACTS AND MITIGATION**

### **G. Significant Unavoidable Adverse Impacts**

#### **Land Use, Plans, Policies or Regulations:**

- “No significant unavoidable adverse impacts associated with plans, policies, or regulations are identified with the proposed alternatives”.

#### **COMMENT:**

The preferred alternative converts a large geographic area that is predominantly zoned commercial or community business, both of which specifically prohibit residential land use, and proposes conversion to “mixed use” residential/commercial. The preferred alternative is thus geared to conceivably add over 5000 residential units in the Highway 99 subarea within the next 15 years.

The city’s adopted 6 yr Capital Facilities Plan (CFP) does not identify funding mechanisms that realistically cover this paradigm shift in land use policy along the SR99 corridor. GMA requires that comprehensive plans be internally consistent, and that if capital improvements needed to support proposed land use can not be achieved, that either the land use element be revisited, or required levels of service be adjusted downward.

Question: The required addition of a residential component at a minimum 40 units per developed acre of commercial property will significantly affect the feasibility and type of commercial land use constructed in the city over the next 15 years. What will be the economic impacts of severely altering the commercial retail potential of several hundred acres of existing zoned retail property within the city’s sale tax base, historically nearly 60% of annual revenue (*“An overview of Lynnwood City Finances” - City of Lynnwood Executive Department Memorandum, September 10, 2010*) ?

Question: Given the projected \$22 million dollar shortfall now fully recognized in the city’s proposed biennial budget for 2011/2012, what effect will that have on the plan and SEIS identified capital facilities required to acquire and construct the public infrastructure needed to support the land use, parks, transportation and other elements of the proposed Highway 99 Subarea Plan?

Question: What related reductions in LOS (levels of service) can be expected, and how will they affect quality of life for the surrounding built community, and over 5000 new residents projected in the corridor mixed use nodes over the 15 year planning horizon?

## **Highway 99 Corridor Subarea plan DRAFT – September, 2010**

### **BACKGROUND – GMA: INTERNAL CONSISTENCY RCW 36.70A.070**

#### **Comprehensive plans -- Mandatory elements.**

“The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. **The plan shall be an internally consistent document** and all elements shall be consistent with the future land use map....

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

... (3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) **a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.** Park and recreation facilities shall be included in the capital facilities plan element.” (all emphasis ours)

The background documents foundational to adoption of the "City of Lynnwood 2020 Comprehensive Plan", as amended 9/14/09 speak generally of "allowing" or "encouraging" mixed residential/commercial use at the Hwy 99 activity nodes. The response to this broadly stated goal, includes provisions within the Proposed DRAFT "Highway 99 Subarea Plan", DRAFT "Highway 99 Proposed Zoning" and DRAFT "SEIS" that go well beyond the scope of that intent.

Specifically, two types of proposed "mixed use" nodes are identified at several key intersections within the Highway 99 corridor:

- A. Highway 99 Mixed Use – Residential Required (HMU-RR); and
- B. Highway 99 Mixed Use – Residential Encouraged (HMU-RE)

Draft subarea plan language and zoning requirements related to land use at primary nodes, such as 196th St. S.W. and Highway 99 proposes that new development be required (under HMU-RR zoning) to provide a "residential" mixed use component at a minimum density of 40 du for each acre of commercial development. The proposed Highway 99 Zoning regulation also sets a minimum size threshold for new commercial development at 20,000 sq. ft. (proposed LMC 21.62.270).

#### **COMMENT:**

The term "require" is substantially stronger in terms of meaning and impact than either "allow" or "encourage". The draft SEIS simply concludes that there will be no significant, unavoidable adverse impacts from the preferred land use alternative. Assumptions made from background documents in preparation of the current Draft SEIS and draft Subarea Plan pre-date the current recession, which has

been identified by at least one reliable source as the deepest in "living memory" (see *City of Lynnwood Executive Memorandum from Mayor and Interim Finance Director - "Update: Economic and Revenue Information as of September 16, 2010 "*).

Either the impacts should be analyzed in a revised SEIS regarding potential reduction in commitments of anchor tenants at primary activity nodes, when faced with the inclusion of an acre-for-acre required residential element, or the proposed subarea plan should be revised to "allow" or "encourage" mixed use at Primary centers, instead of "requiring" it. Such change would allow the market to adjust to a mixed unit component as the local economy and job outlook improve over time, and when conditions justify the addition of multi-family residential at the targeted locations. There should be no minimum threshold for residential, as it will likely discourage larger commercial anchor tenants from locating in the corridor.

### **BACKGROUND – FUTURE POPULATION vs. INFRASTRUCTURE:**

The Draft SEIS and Subarea Plan project an additional 5,000+ new residents over the next 15 years in the 5 activity nodes to be established along the Hwy 99 corridor. And it is also assumed that about 1000 residents are needed at each BRT (Bus Rapid Transit) location to support a sufficient transit/pedestrian rider base.

However, in at least one background document to the SEIS, (*"City of Lynnwood Highway 99 Urban Activity Profile and Market Assessment – April, 2008"*) the regional population forecast (by Puget Sound Council of Governments) for Lynnwood West, which encompasses that portion of the corridor that lies westerly of Highway 99 is only expected to increase by 858 residents over the next 20 years, and then remain virtually flat between 2020 and 2030. The assessment concludes at page 21: *"Lynnwood's FAZs (forecast analysis zones) along the Highway 99 corridor have much slower growth rates than countywide.... This is likely due to the fact that the corridor is largely built out and does not have much additional capacity for residential development under its current zoning"*.

Finally, the Highway 99 Urban Activity Profile and Market Assessment points out that the Alderwood Mall FAZ...*"has a forecasted compound annual growth rate that is nearly twice that of Snohomish County"*

### **Comment:**

The city in adopting the 2010-2015 Capital Facilities Plan (CFP), has earmarked over \$11 million dollars for City Center Parks related acquisition in 2013, and ultimately (outside of the 6 yr forecast window), an additional \$10+ million dollars for improvements to those facilities. In terms of comparative funding, there are relatively very few park improvements and/or acquisitions planned or funded, or planned for funding within the Highway 99 corridor during the same 6 yr period.

Contrasting the PSCG projected residential growth rates over the next 20 years for the Highway 99 corridor with that of the Alderwood Mall FAZ, the disparity in funding between the two separate areas of the city would seem to make sense. However, if one factors the major shift from commercial to mixed use commercial/residential proposed along the Highway 99 corridor, along with a new 5,000+ new residents, there would appear to be a significant disconnect between allocation of necessary infrastructure to implement plan policy, and what has actually been committed to the Highway 99 corridor in the current C.F.P. The comprehensive plan must be internally consistent with its implementing policies.

Question: Why does the DRAFT SEIS not recognize this disconnect? What are the impacts?

Question: How does the substantial planned allocation of future capital to acquisition and infrastructure in the Alderwood Mall and City Center portions of Lynnwood affect the city's ability to fund improvements identified in Hwy 99 subarea plan documents necessary to implement the proposed land use plan?

The 2010-2015 Capital Improvement Plan was prepared in December, 2009. In the Introduction it recognizes the important link that must exist between the comprehensive plan and its ability to achieve its stated goals through a realistic capital facilities plan:

"The CFP is an important link between the City's planning and budgetary processes, allowing us to determine the projects that are needed to achieve the goals of the Comprehensive Plan and assuring that we will have adequate funds to undertake these projects. It is an integral component of the City's twenty-year Comprehensive Plan and directly related to growth management and Plan implementation. New information and priorities are continually reviewed and annual amendments to the CFP must maintain consistency with all other elements of the Comprehensive Plan." (emphasis is ours).

◆◆◆◆◆

Thank you for the opportunity to comment on the proposed DRAFT SEIS and related documents. We would request that we be advised of any subsequent revisions to the Draft SEIS, and/or related plans and regulations, and of course the Final SEIS.

Sincerely,



Jim Egge, Senior Consultant - Land Use

**JAMES EGGE & ASSOCIATES** for Sterling Realty Organization, Inc.

Cc Sterling Realty Organization, Inc. – attn: Mr. David Schooler

# HUIGHWAY 99 CORRIDOR PLAN

## Public Meeting Evaluation Sheet

September 28, 2010

	RATING				
	Great/ High Priority	Good Idea	Not Sure/ Neutral	Bad Idea	Horrible!
<b>General Concepts and Development Standards</b>					
1. Focus Mixed use development around transit stop nodes. <i>NOT at 196th + Hwy 99</i>				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	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.					
5. Add or improve parks where needed in nodes.			X		
<b>Design Guidelines</b>					
6. Require attractive streetfronts along major pedestrian routes.		X			
7. Require good pedestrian circulation within large developments.					
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			



**Mary Monroe**

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**From:** Gloria Rivera  
**Sent:** Monday, October 11, 2010 3:51 PM  
**To:** Lauren Balisky; Mary Monroe  
**Subject:** FW: Gloria Rivera Fwd: Highway 99 Corridor meeting last night  
**Attachments:** Rezoning notes.docx; ATT50557759.htm

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**From:** Gediminas Trimakas [mailto:gediminas@earthlink.net]  
**Sent:** Wednesday, September 29, 2010 6:28 PM  
**To:** Gloria Rivera  
**Cc:** David Kleitsch; Kevin Garrett  
**Subject:** Gloria Rivera Fwd: Highway 99 Corridor meeting last night

Hi Gloria Rivera,

Forgive me for belatedly forwarding this email that I should have copied you in on this morning. But I noticed that Marty Rood did, so I'm following in his steps. That said I wish to also add that I respect the good work the city and its planners have been doing to make Lynnwood a good place in our lives, thus I hope you won't see my objections to the proposed Corridor plan as mere quibbles.

As you will see from the letter I sent to your boss, my concerns are profoundly personal, and I wish in retrospect that I had Mr. Rood's helpful detachment. But it is what it is, my financial lifeline is at stake. If you need anything else from me, please let me know.

I see also that Richard Wright, Maria Ambalada, Van Aubuchon, Bob Larsen, Chad Braithwaite, and Michael Wojack, with whom I had an amiable conversation last night, are all on the Planning Commission. I would like to lobby each of them personally, and if it's allowed - I know they are private citizen volunteers - I would like to have their contact information so I can speak to them personally, or at least email my thoughts on the matter.

All Best,

Ed Trimakas

Begin forwarded message:

**From:** Gediminas Trimakas <gediminas@earthlink.net>  
**Date:** September 29, 2010 12:26:52 PM PDT  
**To:** kgarrett@ci.lynnwood.wa.us  
**Cc:** dkleitsch@ci.lynnwood.wa.us, johno@makersarch.com  
**Subject:** Highway 99 Corridor meeting last night

Dear Kevin Garrett,

Thank you for your time last evening. I've attached a certified letter addressed to you, in a Microsoft Word document, that's going out in the US mail today. Please confirm that you've received this email to let me know for sure that I have your correct email address.

10/11/2010

Kevin Garrett  
Planning Manager  
4114 198<sup>th</sup> St. Suite 7  
Lynnwood, WA 98036  
[kgarrett@ci.lynnwood.wa.us](mailto:kgarrett@ci.lynnwood.wa.us)  
(425) 670-5405

September 29, 2010

Mailed by e-mail and US mail, certified #70010320000411373631.

Re: New Zoning, "Housing encouraged" in the Highway 99 Corridor Plan as it affects the undivided two acre site with two buildings on it, Mills Music, and the former Mercedes-Benz dealership, vacant buildings at 20505 and 20515 Highway 99, Lynnwood, WA 092036. Site pictures are available at [www.trimakas.com](http://www.trimakas.com).

Dear Kevin Garrett,

I felt badly that I might have offended John Owen, your consultant, by some of my questions last night. I felt however that we were in strange and indeterminate conversation. While the City of Lynnwood scrambles to bridge a severe revenue shortfall, laying off employees, and folks like myself and my wife grapple with economic survival, the planning ship that had set sail two years earlier when no one could predict the depth of our generation-ending Great Recession, now continues to sail, innocent of turbulence, unaware of the financial pain most of us are feeling.

I love the Lynnwood community, and its eagerness to make the American Dream come true. I'm happy to say Lynnwood made it possible for my wife and I to purchase raw land 35 years ago, a purchase financed with "sweat capital". On a portion of the land we built and developed our floor carpeting business. After keeping the undeveloped portion fourteen years we took a huge risk to invite Lexus to Lynnwood in 1989, betting all we owned when no one paid attention to Lynnwood, when no one believed that "Luxury" and "Japanese" could be said in the same breath, when all the wise financial auto men said "no way are we going to risk money on this venture" but my wife and I found a way to take the risk. In fact we bet the farm that Lexus would succeed in Lynnwood, mortgaging ourselves to the hilt to build them a dealership next to our carpet store.

They did succeed and we didn't go broke. (It was close.) Fifteen years later they built across the street in order to expand and thus they were the avant-garde that attracted others to Lynnwood, car dealers that now support at least 23% of the City of Lynnwood's sales tax revenue.

When Lexus came to the end of their lease, and moved across the street from us, we leased to Mercedes-Benz, who also did well, and using the incubator energy we provided, they grew big enough to build their own building two miles north, but within city limits. Since they moved to their new home a month ago we remain vacant. Zip. Zero income.

So here's our story: Lexus, Mercedes-Benz, both are huge Lynnwood sales tax and real estate tax assets that Donna and I brought into the City of Lynnwood. (Other cities were competing to get these luxury brands.) The proposed new zoning category, "housing encouraged", apparently spares them, indeed our off-spring, but guarantees our own financial ruin.

The issue is this: We own a single use, high-quality, expensively mortgaged building, that we had built in 1989 on what was once considered undesirable and difficult to build on land. Our risk-taking brought into the community 35 job and huge sales tax revenues to the City of Lynnwood. Your internal sales tax studies suggest that 23.2% of the city's operating sales tax revenue come from Highway 99. We helped make it happen for Lynnwood!

So consider this: our remaining Bank of America mortgage on this building makes it impossible for us to consider tearing down the 21-year-old building; we have no spare money with which to re-develop, and no sane bank would loan us a nickel. What's equally important our 2-acre site, with its steep drop off, inconceivably expensive building teardown, is much too small to allow economically viable high-density residential re-development. That said, independent real estate appraisals in-hand, including the Bank of America's, report that the highest and best use for this specialty building is an auto dealership. Yet, your proposed zoning change specifically prohibits such use.

Since we cannot re-develop, and the proposed zoning changes prevent auto-type businesses in our future, this zoning change would doom us to foreclosure by the Bank of America, assuring loss of revenue to the City of Lynnwood, and the loss of roughly 35 jobs that dealership could bring to the city.

I'm stunned to think, that the Highway 99 planning ship that set sail two years ago, when none of us knew the extent or the severity of the Great Recession, could now be allowed to sail unhindered, carrying its crew of planners, consultants and architects working in peaceful offices, while the rest of us scramble for survival.

I'm hoping to persuade you, also our elected officials, and Planning Commission members, that the plan as it stands is a beautiful folly, well intentioned, good-hearted, but ignorant of the irreparable damage to folks like myself, life-long Lynnwood supporters.

We are truly a "small" business, not someone large masquerading as small. And now that I'm 71, and my wife's 68, after having spent our energetic youthful efforts over