

roughly 35 years working the Lynnwood site, we hope that we can persuade others to see the sub-text of your good intentions: a devastating loss to small business folks like ourselves, causing unintended collateral damage to the life-blood of our local economy.

The plans, as they stand, are in effect condemnation of our property, taken from us without reimbursement. A policy, of locals be-damned, with only the large out-of-town developers left to gobble up the small fry like us.

Honestly? Do I think this is your true intention? Not by a long shot. And now that we have met, opened up a conversation, you have in your planning oversight the capacity to make changes in the Highway 99 consultant's proposal to prevent this awesome damage to one of your loyal local supporters.

There you have it. We live eighteen minutes away from our Lynnwood site; we have bet it all on Lynnwood's prosperity thirty-five years ago when no one believed in Lynnwood; we're a couple who has no retirement, no 401 plan, no salary, no investors or big-time developers behind us. Though we are vacant today, and might remain vacant for a year or so, we hope, with good luck willing, and our general commercial zoning undisturbed, to contribute employment and sales tax revenue to the City of Lynnwood again.

We've given the City of Lynnwood a fair shake with our once youthful energy, what we need now, or would like to get from you, the city planners, the consultants, the council and mayor, is assurance that our loyalty to Lynnwood will not be betrayed.

All Best Wishes,

Ed Trimakas  
Member, Trimakas LLC  
gediminas@earthlink.net  
(425) 355-9608  
6029 95<sup>th</sup> Pl SW  
Mukilteo, WA 98275

Cc: David Kleitsch  
Economic Development Director  
[dkleitsch@ci.lynnwood.wa.us](mailto:dkleitsch@ci.lynnwood.wa.us)

John. H. Owen Jr.  
Makers  
[johno@makersarch.com](mailto:johno@makersarch.com)

**Mary Monroe**

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**From:** Gloria Rivera  
**Sent:** Monday, October 11, 2010 4:01 PM  
**To:** Lauren Balisky; Mary Monroe  
**Subject:** FW: Highway 99 Corridor

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**From:** Gediminas Trimakas [mailto:gediminas@earthlink.net]  
**Sent:** Friday, October 01, 2010 7:14 AM  
**To:** Kevin Garrett  
**Cc:** David Kleitsch; johno@makersarch.com; Gloria Rivera  
**Subject:** Highway 99 Corridor

Hi Kevin,

What you say about public forums makes good sense to me. I simply want to make sure our commissioners hear me out.

Given the facts on the ground - an expensive, relatively new, high-quality, single-use building I built on a small site, a place useful to auto sales and service companies and undesirable to anyone else; myself, a long-time, law-abiding supporter of Lynnwood, a guy who bet the farm to bring a huge dose of sales tax prosperity to the city, and now, the same guy and building condemned as scrap by a proposed change in zoning rules...well, you can see why I'm suddenly awake at night.

The corridor plan's provision for existing auto businesses to stay in business I had hoped would take in my circumstances but Mr. Owen said that wouldn't be allowed. In other words I have no way out: I could not continue my business of leasing (or selling) to an auto-type tenant. But a small change in the corridor proposal could easily grandfather-in special situations like my own. This is what I'm asking you and the planning commissioners to do. I don't think there are more than two to three people affected as badly as I would be if the new "residential encouraged" re-zoning is indiscriminately applied, which I hope is not going to be the case by the time the corridor proposal reaches the council.

Kevin, please enter this reply to your note into the public record and make it available for each commissioner's review. Thank you.

All Best,

Ed Trimakas

On Sep 30, 2010, at 4:27 PM, Kevin Garrett wrote:

Ed:

Regarding your request to lobby members of the Planning Commission personally regarding Project Hwy 99, while there is no law that would prevent such lobbying, staff believes that the public planning process is best served by having all discussion of a proposal with those who will make recommendations or decisions on the proposal out in public, either at public meetings, hearings, or

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other public fora. Therefore, while we can't prohibit you from contacting the members of the Planning Commission, we do not provide contact information for the Commissioners to the public. As always, staff will provide any copies of written correspondence from anyone interested in a matter before the Planning Commission to all of the Commissioners.

I hope that you can understand the importance of maintaining a fair and open process for consideration of City planning proposals. Thanks in advance for your cooperation.

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

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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

10/11/2010

pay upscale prices for condo housing. The real estate market, the strip itself, the rush of cars, the noise and exhaust fumes, are not likely to attract young professionals. Clearly, the plan means to support only low-income housing.

The consultants have artfully identified their work as the City's Vision. But the plan is their vision, and here is what it says: We're willing to crush economic development along HWY99 to attract a few more pedestrians to move into low-income housing and walk the five and a quarter mile stretch.

A close study of city documents shows that the City Council in 2008 meant to foster civic amenities along with economic development. The latter portion of this wish has been hijacked by the consultants to solely facilitate pedestrian amenities, low-income and student housing. If this wasn't what the City Council intended earlier, is this what the City Council wants today when the prospects for the plan's success are dim?

Thankfully the consultants listed a "No Action" option as part of their proposal. The council would serve the peoples best interest by embracing the no action option.

Respectfully and sincerely submitted,

Ed Trimakas  
(425) 355-9608

## Gloria Rivera

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**From:** Gediminas Trimakas [gediminas@earthlink.net]  
**Sent:** Monday, October 04, 2010 9:40 AM  
**To:** Kevin Garrett  
**Cc:** David Kleitsch; Gloria Rivera  
**Subject:** Additional Comments, images

**Attachments:** Planning commision City Council.docx; ATT51385344.txt; AbbeyR.jpeg; ATT51385345.txt; Auto Building sent to planning.jpeg; ATT51385346.txt; wedding.jpeg; ATT51385347.txt



Planning commision  
City Council...



ATT51385344.txt  
(326 B)



AbbeyR.jpeg (263  
KB)



ATT51385345.txt  
(271 B)



Auto Building sent  
to planning...



ATT51385346.txt  
(284 B)



wedding.jpeg (94  
KB)



ATT51385347.txt  
(245 B)

Hi Kevin,

I've not had anyone reach out to me regarding my concerns, thus I'm forwarding additional comments and images via email and Certified US Mail. Please add these to the public record for planning commission members and council members to review in advance of the council's deliberation on the Highway 99 Corridor proposals.

My comments are submitted in a Microsoft Word letter addressed to you. The images are jpegs. If the intended recipients of this information are unable to open jpegs I can resend the images as pdfs.

All Best,

Ed Trimakas  
(425) 355-9608

**Gloria Rivera**

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**From:** Gediminas Trimakas [gediminas@earthlink.net]  
**Sent:** Friday, October 01, 2010 7:14 AM  
**To:** Kevin Garrett  
**Cc:** David Kleitsch; johno@makersarch.com; Gloria Rivera  
**Subject:** Highway 99 Corridor

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10/11/2010

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

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**From:** Gediminas Trimakas [mailto:[gediminas@earthlink.net](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

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All Best,

Ed Trimakas

Begin forwarded message:

**From:** Gediminas Trimakas <[gediminas@earthlink.net](mailto:gediminas@earthlink.net)>  
**Date:** September 29, 2010 12:26:52 PM PDT  
**To:** [kgarrett@ci.lynnwood.wa.us](mailto:kgarrett@ci.lynnwood.wa.us)  
**Cc:** [dkleitsch@ci.lynnwood.wa.us](mailto:dkleitsch@ci.lynnwood.wa.us), [johno@makersarch.com](mailto: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.

All Best,

Ed Trimakas  
Member, Trimakas LLC

Kevin Garrett  
Planning Manager  
4114 198<sup>th</sup> St. Suite 7  
Lynnwood, WA 98036

October 4, 2010

Re: Corridor 99 impact. Additional comments and images submitted to the planning commission and the city council prior to the October 11<sup>th</sup> meeting. Sent by email and certified US Mail #700103200004411373624.

Dear Kevin Garrett,

I'm still reeling from the re-zoning shock delivered at last Tuesday's meeting. I don't understand why this harsh rezoning proposal should go forth, and I don't agree with what little I do understand about the creation of the nebulous "housing encouraged" zoning category to replace General Commercial that has brought jobs to the City of Lynnwood since its incorporation in 1959.

In the aftermath of your consultant's previously unannounced but radical recommendations just days before the scheduled council hearing, I couldn't help wondering what background interests, and why, such a huge change in the Commercial General zoning was kept secret, or at least under wraps, from much of the general public until the very last week to make a comment before the cut-off date.

For the record, I wish to point out that Mr. Owen, a partner in the Seattle firm MAKERS, is one of six partners, three associates, five planning, support and architectural staff members, a staff of fourteen Seattle professionals. I believe that consulting work on the Highway 99 corridor project would be a great asset to any consulting outfit, and I'm guessing this might also be true for MAKERS. You may retrieve this information at [www.makersarch.com](http://www.makersarch.com). Among their successful projects are the Zoo Carousel and Seward Park Picnic Shelters.

In a great leap from picnics and zoo carousels, they are now proposing long-term radical changes along Highway 99 that profoundly affect Lynnwood's future revenues. Indeed, I have read and *supported* the published Corridor study electronically available since 2007. A study submitted by another consulting company. But it wasn't until the night of the Trinity Lutheran Church meeting last week that I understood MAKERS was a separate company, presenting us with a radical anti-business agenda. In his remarks Mr. Owen suggested that his zoning changes might take 10 to 20 years to show true merit. This casual approach to our future stunned me in its harsh disregard for the many people who had worked to build Lynnwood to its rightful leadership as a regional commercial community asset.

I can speak with specificity what Mr. Owen's remarks failed to deliver. To put his suggestions into perspective, let's imagine the useful life of an auto dealership building my wife and I own as roughly sixty-five years. Mr. Owen's proposed changes would end the usefulness of this single purpose, special-use, building *immediately*, thus depriving the community of about 45 more years the building could contribute to the commercial life of the community for which it was built.

Twenty-one years earlier we broke ground for Lexus, a building subsequently occupied by Mercedes-Benz. At the time we launched this project, city leaders were pleased with our risky venture to attract a luxury franchise to Lynnwood. In fact, I was praised for bringing into the community a business that offered good jobs, huge sales tax revenues, and a quality image. The proposed zoning change would destroy the project's financial viability, but myself aside, the city's revenues would be hurt, and Lynnwood's residents short-changed, by this thinly-veiled, radical, anti-business proposal pitched at us during a time of systemic economic weakness.

Mr. Owen, our Seattle-based consultant, has no imperative to carry Lynnwood's historical memory. He may or may not know that we've celebrated the city's 50<sup>th</sup> Anniversary just last year, and he certainly has no professional obligation to go back to 1989, but there are pictures in several archives of city leaders proudly ushering in a new Lexus auto dealer era along Highway 99. My wife and I accepted the city's challenge to encourage this growth, and bet the farm to give Lexus a home.

The building's age today is 21 - in generational terms, a newby just coming of age. Mr. Owen's proposals, if accepted by the planning commission and approved by council, would in effect impose capital punishment by prohibiting an auto-type business on our site, making the building useless for its intended purpose, denying us a livelihood, and the city its much needed revenue.

To give a historical sense of the huge risk we took to build the Lexus auto dealership building in Lynnwood, I'm including a picture from the appraisers report back then. The environs were untidy. We took an unpromising site next to our business, Abbey Carpet, and removed tons of fill and replaced it with construction grade gravel. You can see the results at [www.trimakas.com](http://www.trimakas.com), a web site designed to sell or lease the currently vacant premises, or in the picture attached to this correspondence.

I'm including one other picture, myself as U.S. Army soldier, getting married just as the Vietnam conflict was getting hot. I'm proud to serve in the Army; my wife wears a borrowed gown. What does our wedding have to do with the proposed zoning changes? It's a footnote on experts: they told us the Vietnam conflict was going to be a cakewalk, easily won. We have learned otherwise. What makes us now think that our out-of-town experts, with no skin in the game, are right about Lynnwood's future? Can we please take a moment longer to think this through?

Thus the picture offers a personal narrative: my wife and I have worked to maintain community standards, we battled two major recessions before our current Great

Recession, and we've persevered. Our daughter served at Children's Hospital; our son remains a paramedic and firefighter in Bellingham. So the wedding picture begs the next question: why would city leaders, the planning commission, the council, turn against the people who had worked to make Lynnwood a success?

The conflict is between an out-of-town consultant's aesthetic elitism, removed from the facts on the ground, and our local realities. Mr. Rood, in his presentation of comparable projects, points to severe shortfalls. There is every possibility that Lynnwood's revenues will deteriorate further if these radical zoning changes are enacted.

With that in mind, and because no one has yet reached out to talk to my wife and me about our concerns, and because I was asked not to contact individual city leaders, I'm inviting all, the council, the planning commissioners, for a tour of the former Lexus and Mercedes-Benz building, to see its quality, look at its history, offer suggestions, and judge for themselves if an act of eminent domain hidden within the sly use of zoning revision as proposed by Mr. Owen, is in fact in the best interests of Lynnwood's future.

I'm happy to show the premises to each member individually, or as a group. Should anyone wish to contact me directly, my home phone number is 425-355-9608, or you may reach me by email, [gediminas@earthlink.net](mailto:gediminas@earthlink.net).

All Best,

Ed Trimakas







**Gloria Rivera**

---

**From:** Gediminas Trimakas [gediminas@earthlink.net]  
**Sent:** Wednesday, October 06, 2010 10:57 AM  
**To:** Kevin Garrett  
**Cc:** David Kleitsch; Gloria Rivera  
**Subject:** Additional Highway 99 Corridor comments

Hi Kevin,

I've not been informed of Mr. Owen's anti-business bias, as expressed in the Highway 99 Corridor plan, until eight days ago. Thus I'm playing catch-up to get all my comments forwarded to our city leaders before the end of the comment period.

Essentially, I object to the clever use of Orwellian language in the proposed rezoning. The factual circumstance is this: those of us who risked our financial future to develop portions of long-dormant Highway 99 by borrowing large chunks of money to do so, had relied on the constancy of city planning to assure us of CG zoning for the life of our project. But now, with a flick of Mr. Owen's proposed zoning ordinance changes - which I doubt would survive judicial scrutiny - if we happen to fall in CG zones re-labeled as "Residential Encouraged", we will be prohibited from certain kinds of CG activity we could engage in before the change.

This job-killing Corridor proposal, if enacted, would crush the value of the smaller properties and smaller businesses, punishing the small business owners who helped Lynnwood grow. Unfortunately, though we love technology, we're brick and mortar folks; we can't call on Peter Pan to move our buildings to more welcoming sites, nor ask Wizard of Oz to intercede on our behalf with the banks who had mortgaged our properties.

In Lynnwood we have been used to straight talk. To us, the meanings of CG, General Commercial, or B1, Community Business, or RMH, Multiple Residential High Density, were clear. The proposed, ambiguous, "Residential Encouraged" category abandons what was once a level-playing field for the squishy idea of "encouraging" private behavior. This is as clever as it is cynical. A word trick, an effort to fool us into accepting the friendly meaning of "encouraged" to hide social engineering better known for its devastating poor results in the former Soviet Union.

Mr. Owen, in his personal comments, tries to glide past the plan's radical wrinkle. Neither the city, nor county, nor state are giving tax credits or paying in any way for this "encouragement". The proposed plan's prohibitions aimed at CG zoning are so severe, that in effect it represents a partial city condemnation of businesses that had stayed loyal to Lynnwood, owners like my wife and myself, who over a period of 35 years took an unpromising small two-acre Lynnwood site to start our business (Abbey Carpet), and were successful, and went on to develop the remaining raw land, bringing good jobs to Lynnwood, and much needed city revenue. As the record shows, we are not developers in the ordinary sense of the word, but more like "mom and pop" who took a big risk.

We couldn't have done it without continued CG zoning. In fact, we relied on CG zoning. So did our bankers. But now, our minds affectionately jerked around by the consultant's newspeak - "encouraged" - owners of small CG sites along Highway 99 will see their properties jailed, hindering Lynnwood's growth as a commercial regional powerhouse.

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As a practical matter, CG zoning henceforth transmogrified into “Residential Encouraged” zoning means you can’t sell or lease your property for the business it was intended; it means the value of your property would collapse. If consultants can disguise their bold attack on small entrepreneurs in Lynnwood, job-creators, small commercial property owners, will they then attack residential property owners in the same way tomorrow? Orwellian, indeed.

We’re just creeping out of the Great Recession, our future promising but uncertain. The first Corridor study was published in 2007, when city revenues were heftier, but now those revenues have caved, and we have traffic cameras searching every thoroughfare for ways to raise more revenue. Given such a huge fall-off in business and city revenue, can we afford to enact this nakedly anti-business, anti-jobs, zoning proposal? Who is asking for this plan?

Kevin, thank you for your patience in posting my comments, these included. I look forward to attending the council meeting October 11th and I’ll bring copies of my correspondence to hand out to those present who have not had a chance to look at the digital record online.

All Best,

Ed Trimakas

Home phone: 425 355-9608  
20505 and 20515 Highway 99, Lynnwood, WA

**Gloria Rivera**

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**From:** Gediminas Trimakas [gediminas@earthlink.net]  
**Sent:** Friday, October 08, 2010 10:37 AM  
**To:** Kevin Garrett  
**Cc:** David Kleitsch; Gloria Rivera; johno@makersarch.com; Inc. (206)713-1304 Martin S. Rood Mr.99 & Associates  
**Subject:** A solution, and summary comments on Highway 99 Corridor proposal

Good Morning Kevin,

I think I might have been overloading the online comment forum with my comments. But I wish to affirm that I'm in favor of comprehensive planning and admire it's proper role in guiding a city's growth. I'm opposed to specific details of the Highway 99 Corridor plan, not the overall view, or it's intention to better our community.

I'm still startled that no one, to my knowledge, physically *looked* at the individual properties that are to be designated as "housing encouraged" nodes in previously Commercial General areas, to see the practical impact of Mr. Owen's idealistic zoning proposal, that sweeps everyone, willy-nilly away from free market choices into a one-size-fits-all.

On my 2.14 acre Commercial General site, for example, sit two buildings, one in which I started my business career in Lynnwood 34 years ago, and the second, a relatively new and expensive auto dealership building I had built for the Lexus of Lynnwood auto dealer. Still mortgaged and in excellent condition, the building has very few uses other than as a car dealer's facility. The proposal's implied suggestion that I tear it down and build housing on the site goes beyond utopian to something almost off-the-wall.

Long-time Lynnwood loyalists, such as myself, view the compulsory one-size-fits all approach to build housing on previously zoned CG property as an attempt to chop off their financial limbs if they, as in my case, are incapable of following Mr. Owen's proposed "encouragement."

His proposal would prohibit leasing or selling to an auto dealer the specially designed, single-purpose building, built to house Lexus of Lynnwood, and subsequently, Mercedes-Benz of Lynnwood, thus denying me the use of the building for the purpose it was built.

The clear injustice in this matter can be easily resolved by integrating market choice into Mr. Owen's utopian, and generally well-intentioned, though flawed, proposals. If a current CG owner finds "housing encouraged" financially viable, then he or she can go for it. But if housing is not financially viable on their CG site, then owners should be free to remain true to unrestricted use of Commercial General zoning.

The City Council may cure this injustice by removing the compulsory "Thou shalt not" prohibition, that rules out future auto dealership use, even where such use has been the sole economic justification for developing the site. Such a change would loosen Mr. Owen's straightjacket and allow market forces to decide what the people of Lynnwood will support.

Kevin, I've overburdened your system with several long emails and letters. This is the last one I would like to include for City Council discussion. If the previous correspondence is too long, this one, is a good summary for City Council members hard pressed to read all that's been submitted. Thanks much for your patience.

Have a good weekend. All Best, Ed

10/13/2010

**Gloria Rivera**

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**From:** Gediminas Trimakas [gediminas@earthlink.net]  
**Sent:** Sunday, October 10, 2010 12:48 PM  
**To:** projecthwy99; Kevin Garrett  
**Cc:** Gloria Rivera; David Kleitsch  
**Subject:** Request to change the Corridor 99 draft proposal

Dear Kevin Garrett,

I thought I was done with my comments but new details require me to speak out again. The March 3rd, 2009 Corridor presentation lists Gloria Rivera as the contact person for the Highway 99 Corridor project. On page 16 of the same presentation my property is clearly circled and identified as part of a General Commercial zone that serves "Auto-oriented uses such as car dealerships." I was perfectly in accord with your planning on that date, and thus secure in the public information you provided on the web I had no reason to contact Ms. Rivera until I heard of the stunning reversal of what I was led to believe earlier.

The first time I heard of the "housing encouraged" stipulation was at the Trinity Lutheran informational meeting held September 28th, 2010 - just days after hundreds of detailed draft proposals were made available on your website. Under 21.62.210 of the draft proposal that defines Prohibited Uses, subparagraph B, line item 5, and bans all "auto-oriented commercial uses" including auto dealerships from Housing Encouraged (HMU-RE) nodes. A re-zoning that essentially destroys the value of my small parcel used to introduce Lexus of Lynnwood and Mercedes-Benz of Lynnwood to the local market.

Given my track record for organizing ventures that have brought much revenue to Lynnwood, and given the quality of the projects, I now believe that I've been unfairly targeted, that either by design or accident, your department and your consulting firm have kept me in the dark about the radical consequences your draft would have on my property.

Specifically, within the 204th and SR99 node, Mr. Ikigami's auto properties on both sides of the street are allowed variances because he's actually *operating* an auto dealership. Mr. Jack Carroll's former Dodge dealership on three and half acres across the street, its Dodge building built in 1964, currently vacant and available for lease might also find a way around the exclusion because he's been an auto dealer. In fact the 204th and SR99 node is a Commercial General "auto dealership node" within which I've housed Lexus and Mercedes-Benz for 21 years. Given these facts on the ground, it's certainly strange, perhaps even suspect, that my currently vacant building, the newest and highest-quality dealership building in the above group, should be targeted for extinction by denying it the right to serve auto-centric businesses.

I wish to further note the arbitrary selection of "housing encouraged" boundaries in the 204th & SR99 node that selectively privileges one owner and punishes another. Roughly 1000 yards north of me on Highway 99 is the Lexus of Lynnwood dealership I introduced to the City of Lynnwood as my tenant for a period of 15 years. They are allowed to continue as General Commercial, unhampered by "housing encouraged" while the draft proposal denies the same zoning to me even though I've had it for 34 years.

The mystery surrounding the selection of borders deepens further when we realize that the current Lexus site across the street occupies five acres and would be a far more suitable site, closer to the Edmonds Community College, on which to encourage housing, than what is available on my steep two

acre site. Again, this targeted, and at the same time arbitrary, selection process to define HMU-RE nodes by excluding the current neighboring Lexus site, but imposing new restriction on my site should raise eyebrows.

Likewise, the potentially huge economic damage this draft, if adopted, would impose on the city's revenues is another mystery. Who actually stands to benefit from the draft proposal? The number of strange threads keep multiplying.

While the draft proposal targets the value of my property, it rewards the neighbor immediately to the east of me. Specifically, if I'm unable to lease to an auto-type tenant, the value of the buildings on my site at 20505 and 20515 HWY 99 would see their value collapse by as much as half, while the property east of me, identified as 5412, 6414, and 6416, warehouses at 204th St. W with no HWY 99 exposure, but more than twice my land size, would see a sharp rise in value if allowed to build multiple housing residences, which I'm unable to do on my small site. So, despite the presenters use of such words as "encourage" and "enhance" to befriend our community and champion small business, the draft plan has a punitive edge, a bias toward shifting ownership rights away from small property owners like myself toward big, aggregative, land owners and developers.

I suspect that even an impartial real estate observer might find the selective nature of the targeted draft zoning changes, effectively lowering the value of one property-owner to benefit another property owner, not only flawed, but open to skepticism about the fair-mindedness of the entire process.

What's more, the consulting community seems to be unaware that our business community fell off a cliff two years ago, and the city's revenues have suffered the greatest setback in my lifetime. And why would anyone associated with the Corridor project want to keep secret for a year and a half the all-important draft *details* of the proposed changes? Was an agenda in place before we began?

In March 2009 my site was designated as an auto-centric community asset, thus implying its continued acceptance, but a number of days ago the polar opposite was announced. What went on behind closed doors during those nineteen months? The entire decision process, a sort of black box, and subsequent unwillingness to engage with me, suggests a move *away* from open forums in an effort to restrict decision-making to private channels whose point-of-view could then be left unchallenged in an effort to maneuver City Council members to accept a pre-ordained outcome that pleases consultants but few others.

I'm petitioning the City Council to review the plan's grave flaws, and resolve the draft's injustice; I'm looking for relief from City Council law-makers.

All Best,

Ed Trimakas  
Member, Trimakas LLC  
(425) 355-9608

## Mary Monroe

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**From:** Gloria Rivera  
**Sent:** Wednesday, October 13, 2010 11:42 AM  
**To:** Mary Monroe  
**Subject:** FW: Who hi-jacked the HWY 99 Corridor Plan?

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**From:** Gediminas Trimakas [mailto:gediminas@earthlink.net]  
**Sent:** Monday, October 11, 2010 8:00 AM  
**To:** projecthwy99  
**Cc:** Kevin Garrett; David Kleitsch; Gloria Rivera; Inc. (206)713-1304 Martin S. Rood Mr.99 & Associates  
**Subject:** Who hi-jacked the HWY 99 Corridor Plan?

Dear City Council Members:

In my earlier emails and planning department correspondence I've documented the market distortions the Highway 99 Corridor Sub-area Plan would have on a small section of the 5.25 miles affected. I asked the City Council to step in and make corrections to cure uncertainty in the interpretation of *21.62.600 Nonconforming structures, sites and uses, sub-section, A Prohibited Uses* should the plan be adopted. Two officials I've queried have opposing views on whether my property would qualify as a legally approved non-comforming site. I could not leave this interpretation up in the air, since one of the views would destroy my life's work in Lynnwood. (I'll send all those earlier emails before 5 PM today to the email address listed above for the City Council's use.)

This email is different, it steps back from my own concerns and attempts to understand what happened in the planning process of a project initially welcomed by Lynnwood before it's hand-off to a Seattle consulting firm. Thus the question: Who hi-jacked the HWY 99 Corridor plan?

What started out as an encouragement for economic development along Highway 99 has turned into a plan to foster "Gathering places along Highway 99", and build low-income housing abutting a five-lane highway that you'd have to risk your life to cross. The City Council voted in Ordinance No. 2744, April 2008 it's intentions, but those good intentions placed in the hands of private consultants have now morphed into a dramatic example of bureaucratic over-reach.

The city proposed (taken from page 10, Highway 99 Subarea draft plan - I'll keep referring to the shorter draft released in July even though the same information is available in the much longer September draft) to "Promote infill commercial development and redevelopment with opportunities for new residential development in specific locations within Highway 99 activity..." Infill means fill-in, it means in-between existing activity, it means vacant land and underused areas. But what have we gotten from our consultants? We have gotten low-income housing and gathering places to displace businesses along HWY 99.

How viable is this plan? The plan's cards are stacked on the extravagant hope that the much-welcomed Swift Bus Rapid Transit (BRT) bus service would have the same effect on civic participation in Lynnwood as light rail has had in Portland, Oregon, or the subways in New York City, thus enabling urban "gathering places". On the face of it, this is an injudicious ambition, expecting too much from mere bus service, and an example of plan's assertions that are not supported by evidence. (If it were otherwise, Greyhound stations would become "gathering places" worthy of civic pride.)

In addition, based on their top-down observations, the Seattle consultants have decided pedestrian traffic along the five and a quarter mile stretch of Highway 99 Corridor should become a privileged "walkable" site. Really? For those of us who have lived our lives within minutes of the proposed Corridor changes, this is simply absurd, and a comment on the consultants' continuing estrangement from the very people they claim they wish to help. (One morning last week during the going to work period from seven-thirty AM through about eleven AM, I counted on the average one pedestrian an hour walking past 20515 HWY 99.)

A quick inspection of the Preferred Alternative Concept Diagram on page 18 of the Highway 99 Subarea Draft Plan shows generic templates overlaid in a grid that suppresses the organic way in which hard-won commerce developed along HWY99. Instead of embracing natural development our consultants offer us a formulaic, top-down, design that could be City Anywhere, USA. If we are going to impose so much hardship on the City's business community, shouldn't we at least choose to support projects that won't harm Lynnwood? Nowhere in the ink spilled on this Corridor project is there a conversation about how it would affect Lynnwood's revenues. Why is this information hidden from us?

Increased high-density, low-income housing? More population? So who pays for the City's infrastructure? Who pays for the schools and the teachers, and road maintenance? Where is the budget for more police and fire-fighters? This isn't the free ride, paid solely by commercial property owners, as the consultants would have us believe it is. Lynnwood's homeowners will have to pick up the tab for the additional infrastructure. Shouldn't this have been studied before proposing a radical change?

According to the April 2008, Community Attitudes study Lynnwood residents earn roughly ten thousand dollars less annually than their Seattle counterparts. With unemployment at 9.6%, crushed city budgets, why would the City Council vote for a Corridor plan that would end up costing Lynnwood residents additional taxes?

Interspersed between the draft plan's grandiose hopes, and mundane details, are references to many meetings, suggesting a pattern of community outreach and involvement, that to my ears and my personal experience, are not only not credible, but sounds like self-justification to win support for a radical plan clearly out-of-sync with the community. It's often said that a County Prosecutor could indict a ham sandwich; likewise, a planning consultant can indict an entire community.

The Council Members, and we, may read the draft plan quoting Policy LU 3.1 and Policy LU 4.4 to encourage amenities along HWY 99, but when this was formulated no one expected the consultants to design a strangle-hold on HWY 99 business development. Likewise, when the city formulated the heart-felt and universally liked testament of *Our Vision...* (see page 9 of the Subarea draft plan) no one expected a runaway planning consortium to hijack these good intentions to build a testament to themselves.

What's more, the Corridor planning steam-roller was fueled by a 2006 market study delivered to us at the top of the euphoric real estate bubble, a study finalized in June 2007 prior to the collapse of the real estate market, and updated in April 2008, before the grim news was obvious to everyone. We're running on old data, but even the old data our consultants misuse by off-handedly dismissing the economic value of auto-centric businesses to keep Lynnwood solvent. This anti-vehicle bias is as breathtaking as it is narrow-minded; it attempts to stuff Lynnwood into a pre-concieved, urban, development straightjacket suited to residential areas and locales where people don't have to cross five lanes of speeding traffic.

The draft generalities, optimistic assessments, seductive, selective, impossibly grand pictures of other developments, puff pieces actually, marketing stuff, have little bearing on how Highway 99 developed, or how it is likely to develop in the next 40 years. In all, it's hard to take seriously the advice of consultants who pretend that whooshing traffic along Highway 99 is only a one-horse lane. It's even harder to believe that high density housing along the strip will attract high-income earners willing to

**Gloria Rivera**

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**From:** Gediminas Trimakas [gediminas@earthlink.net]  
**Sent:** Monday, October 11, 2010 10:40 AM  
**To:** projecthwy99  
**Subject:** City Council information, Corridor HWY 99

Correspondence sent to with copies sent to Mr. Owen and Mr. Kleitsch. No response received:

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

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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 roughly 35 years working the Lynnwood site, we hope that we can persuade others to see the sub-text of your good intentions: a devastating loss to small business folks like ourselves, causing unintended collateral damage to the life-blood of our local economy.

The plans, as they stand, are in effect condemnation of our property, taken from us without reimbursement. A policy, of locals be-damned, with only the large out-of-town developers left to gobble up the small fry like us.

Honestly? Do I think this is your true intention? Not by a long shot. And now that we have met, opened up a conversation, you have in your planning oversight the capacity to make changes in the Highway 99 consultant's proposal to prevent this awesome damage to one of your loyal local supporters.

There you have it. We live eighteen minutes away from our Lynnwood site; we have bet it all on Lynnwood's prosperity thirty-five years ago when no one believed in Lynnwood; we're a couple who has no retirement, no 401 plan, no salary, no investors or big-time developers behind us. Though we are vacant today, and might remain vacant for a year or so, we hope, with good luck willing, and our general commercial zoning undisturbed, to contribute employment and sales tax revenue to the City of Lynnwood again.

We've given the City of Lynnwood a fair shake with our once youthful energy, what we need now, or would like to get from you, the city planners, the consultants, the council and mayor, is assurance that our loyalty to Lynnwood will not be betrayed.

All Best Wishes,

Ed Trimakas, Member, Trimakas LLC

[gediminas@earthlink.net](mailto:gediminas@earthlink.net)

(425) 355-9608

6029 95<sup>th</sup> Pl SW

Mukilteo, WA 98275

Cc: David Kleitsch

Economic Development Director

[dkleitsch@ci.lynnwood.wa.us](mailto:dkleitsch@ci.lynnwood.wa.us)

John. H. Owen Jr.

Makers

[johno@makersarch.com](mailto:johno@makersarch.com)

**Gloria Rivera**

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**From:** Gediminas Trimakas [gediminas@earthlink.net]  
**Sent:** Monday, October 11, 2010 10:42 AM  
**To:** projecthwy99  
**Subject:** Fwd: Highway 99 Corridor

Self-explanatory exchange of emails with the Planning Department:

Begin forwarded message:

**From:** Gediminas Trimakas <[gediminas@earthlink.net](mailto:gediminas@earthlink.net)>  
**Date:** October 1, 2010 7:14:27 AM PDT  
**To:** Kevin Garrett <[kgarrett@ci.lynnwood.wa.us](mailto:kgarrett@ci.lynnwood.wa.us)>  
**Cc:** [dkleitsch@ci.lynnwood.wa.us](mailto:dkleitsch@ci.lynnwood.wa.us), [johno@makersarch.com](mailto:johno@makersarch.com),  
[grivera@ci.lynnwood.wa.us](mailto:grivera@ci.lynnwood.wa.us)  
**Subject:** Highway 99 Corridor

Hi Kevin,

What you say about public forums makes good sense to me. I simply want to make sure our commissioners hear me out.

Given the facts on the ground - an expensive, relatively new, high-quality, single-use building I built on on a small site, a place useful to auto sales and service companies and undesirable to anyone else; myself, a long-time, law-abiding supporter of Lynnwood, a guy who bet the farm to bring a huge dose of sales tax prosperity to the city, and now, the same guy and building condemned as scrap by a proposed change in zoning rules...well, you can see why I'm suddenly awake at night.

The corridor plan's provision for existing auto businesses to stay in business I had hoped would take in my circumstances but Mr. Owen said that wouldn't be allowed. In other words I have no way out: I could not continue my business of leasing (or selling) to an auto-type tenant. But a small change in the corridor proposal could easily grandfather-in special situations like my own. This is what I'm asking you and the planning commissioners to do. I don't think there are more than two to three people affected as badly as I would be if the new "residential encouraged" re-zoning is indiscriminately applied, which I hope is not going to be the case by the time the corridor proposal reaches the council.

Kevin, please enter this reply to your note into the public record and make it available for each commissioner's review. Thank you.

All Best,

Ed Trimakas

On Sep 30, 2010, at 4:27 PM, Kevin Garrett wrote:

Ed:

Regarding your request to lobby members of the Planning Commission personally regarding Project Hwy 99, while there is no law that would prevent such lobbying, staff believes that the public planning process is best served by having all discussion of a proposal with those who will make recommendations or decisions on the proposal out in public, either at public meetings, hearings, or other public fora. Therefore, while we can't prohibit you from contacting the members of the Planning Commission, we do not provide contact information for the Commissioners to the public. As always, staff will provide any copies of written correspondence from anyone interested in a matter before the Planning Commission to all of the Commissioners.

I hope that you can understand the importance of maintaining a fair and open process for consideration of City planning proposals. Thanks in advance for your cooperation.

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

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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 proposes 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](mailto:gediminas@earthlink.net)>  
**Date:** September 29, 2010 12:26:52 PM PDT  
**To:** [kgarrett@ci.lynnwood.wa.us](mailto:kgarrett@ci.lynnwood.wa.us)  
**Cc:** [dkleitsch@ci.lynnwood.wa.us](mailto:dkleitsch@ci.lynnwood.wa.us),  
[johnno@makersarch.com](mailto:johnno@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.

All Best,

Ed Trimakas  
Member, Trimakas LLC

**Gloria Rivera**

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**From:** Gediminas Trimakas [gediminas@earthlink.net]  
**Sent:** Monday, October 11, 2010 10:45 AM  
**To:** projecthwy99  
**Subject:** Fwd: Additional Comments, images for the City Council  
**Attachments:** Planning commission City Council.docx; ATT52679634.htm; AbbeyR.jpeg; ATT52679635.htm; Auto Building sent to planning.jpeg; ATT52679636.htm; wedding.jpeg; ATT52679637.htm

Self-explanatory email and attached letter and images. No response received:

Begin forwarded message:

**From:** Gediminas Trimakas <[gediminas@earthlink.net](mailto:gediminas@earthlink.net)>  
**Date:** October 4, 2010 9:39:59 AM PDT  
**To:** Kevin Garrett <[kgarrett@ci.lynnwood.wa.us](mailto:kgarrett@ci.lynnwood.wa.us)>  
**Cc:** [dkleitsch@ci.lynnwood.wa.us](mailto:dkleitsch@ci.lynnwood.wa.us), [grivera@ci.lynnwood.wa.us](mailto:grivera@ci.lynnwood.wa.us)  
**Subject:** **Additional Comments, images**

Hi Kevin,

I've not had anyone reach out to me regarding my concerns, thus I'm forwarding additional comments and images via email and Certified US Mail. Please add these to the public record for planning commission members and council members to review in advance of the council's deliberation on the Highway 99 Corridor proposals.

My comments are submitted in a Microsoft Word letter addressed to you. The images are jpegs. If the intended recipients of this information are unable to open jpegs I can resend the images as pdfs.

All Best,

Ed Trimakas  
(425) 355-9608

**Gloria Rivera**

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**From:** Gediminas Trimakas [gediminas@earthlink.net]  
**Sent:** Monday, October 11, 2010 10:50 AM  
**To:** projecthwy99  
**Subject:** For the City Council

Contents of letter attached to the previous email containing images. No response received.

To:

Kevin Garrett  
Planning Manager  
4114 198<sup>th</sup> St. Suite 7  
Lynnwood, WA 98036

October 4, 2010

Re: Corridor 99 impact. Additional comments and images submitted to the planning commission and the city council prior to the October 11<sup>th</sup> meeting. Sent by email and certified US Mail #700103200004411373624.

Dear Kevin Garrett,

I'm still reeling from the re-zoning shock delivered at last Tuesday's meeting. I don't understand why this harsh rezoning proposal should go forth, and I don't agree with what little I do understand about the creation of the nebulous "housing encouraged" zoning category to replace General Commercial that has brought jobs to the City of Lynnwood since its incorporation in 1959.

In the aftermath of your consultant's previously unannounced but radical recommendations just days before the scheduled council hearing, I couldn't help wondering what background interests, and why, such a huge change in the Commercial General zoning was kept secret, or at least under wraps, from much of the general public until the very last week to make a comment before the cut-off date.

For the record, I wish to point out that Mr. Owen, a partner in the Seattle firm MAKERS, is one of six partners, three associates, five planning, support and architectural staff members, a staff of fourteen Seattle professionals. I believe that consulting work on the Highway 99 corridor project would be a great asset to any consulting outfit, and I'm guessing this might also be true for MAKERS. You may retrieve this information at [www.makersarch.com](http://www.makersarch.com). Among their successful projects are the Zoo Carousel and Seward Park Picnic Shelters.

In a great leap from picnics and zoo carousels, they are now proposing long-term radical changes along Highway 99 that profoundly affect Lynnwood's future revenues. Indeed, I have read and *supported* the published Corridor study electronically available since 2007. A study submitted by another consulting company. But it wasn't until the night of the Trinity Lutheran Church meeting last week that I understood MAKERS was a separate company, presenting us with a radical anti-business agenda. In his remarks Mr. Owen suggested that his zoning changes might take 10 to 20 years to show true merit. This casual approach to our future stunned me in its harsh disregard for the many people who had worked to build Lynnwood to its rightful leadership as a regional commercial community asset.

10/13/2010

**Gloria Rivera**

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**From:** Gediminas Trimakas [gediminas@earthlink.net]  
**Sent:** Monday, October 11, 2010 10:54 AM  
**To:** projecthwy99  
**Subject:** Fwd: Additional Highway 99 Corridor comments for the City Council

For the City Council: No response received to the contents of this email.

Begin forwarded message:

**From:** Gediminas Trimakas <[gediminas@earthlink.net](mailto:gediminas@earthlink.net)>  
**Date:** October 6, 2010 10:56:44 AM PDT  
**To:** Kevin Garrett <[kgarrett@ci.lynnwood.wa.us](mailto:kgarrett@ci.lynnwood.wa.us)>  
**Cc:** David Kleitsch <[dkleitsch@ci.lynnwood.wa.us](mailto:dkleitsch@ci.lynnwood.wa.us)>, Gloria Rivera <[grivera@ci.lynnwood.wa.us](mailto:grivera@ci.lynnwood.wa.us)>  
**Subject:** Additional Highway 99 Corridor comments

Hi Kevin,

I've not been informed of Mr. Owen's anti-business bias, as expressed in the Highway 99 Corridor plan, until eight days ago. Thus I'm playing catch-up to get all my comments forwarded to our city leaders before the end of the comment period.

Essentially, I object to the clever use of Orwellian language in the proposed rezoning. The factual circumstance is this: those of us who risked our financial future to develop portions of long-dormant Highway 99 by borrowing large chunks of money to do so, had relied on the constancy of city planning to assure us of CG zoning for the life of our project. But now, with a flick of Mr. Owen's proposed zoning ordinance changes - which I doubt would survive judicial scrutiny - if we happen to fall in CG zones re-labeled as "Residential Encouraged", we will be prohibited from certain kinds of CG activity we could engage in before the change.

This job-killing Corridor proposal, if enacted, would crush the value of the smaller properties and smaller businesses, punishing the small business owners who helped Lynnwood grow. Unfortunately, though we love technology, we're brick and mortar folks; we can't call on Peter Pan to move our buildings to more welcoming sites, nor ask Wizard of Oz to intercede on our behalf with the banks who had mortgaged our properties.

In Lynnwood we have been used to straight talk. To us, the meanings of CG, General Commercial, or B1, Community Business, or RMH, Multiple Residential High Density, were clear. The proposed, ambiguous, "Residential Encouraged" category abandons what was once a level-playing field for the squishy idea of "encouraging" private behavior. This is as clever as it is cynical. A word trick, an effort to fool us into accepting the friendly meaning of "encouraged" to hide social engineering better known for its devastating poor results in the former Soviet Union.

Mr. Owen, in his personal comments, tries to glide past the plan's radical wrinkle. Neither

the city, nor county, nor state are giving tax credits or paying in any way for this "encouragement". The proposed plan's prohibitions aimed at CG zoning are so severe, that in effect it represents a partial city condemnation of businesses that had stayed loyal to Lynnwood, owners like my wife and myself, who over a period of 35 years took an unpromising small two-acre Lynnwood site to start our business (Abbey Carpet), and were successful, and went on to develop the remaining raw land, bringing good jobs to Lynnwood, and much needed city revenue. As the record shows, we are not developers in the ordinary sense of the word, but more like "mom and pop" who took a big risk.

We couldn't have done it without continued CG zoning. In fact, we relied on CG zoning. So did our bankers. But now, our minds affectionately jerked around by the consultant's newspeak - "encouraged" - owners of small CG sites along Highway 99 will see their properties jailed, hindering Lynnwood's growth as a commercial regional powerhouse.

As a practical matter, CG zoning henceforth transmogrified into "Residential Encouraged" zoning means you can't sell or lease your property for the business it was intended; it means the value of your property would collapse. If consultants can disguise their bold attack on small entrepreneurs in Lynnwood, job-creators, small commercial property owners, will they then attack residential property owners in the same way tomorrow? Orwellian, indeed.

We're just creeping out of the Great Recession, our future promising but uncertain. The first Corridor study was published in 2007, when city revenues were heftier, but now those revenues have caved, and we have traffic cameras searching every thoroughfare for ways to raise more revenue. Given such a huge fall-off in business and city revenue, can we afford to enact this nakedly anti-business, anti-jobs, zoning proposal? Who is asking for this plan?

Kevin, thank you for your patience in posting my comments, these included. I look forward to attending the council meeting October 11th and I'll bring copies of my correspondence to hand out to those present who have not had a chance to look at the digital record online.

All Best,

Ed Trimakas

Home phone: 425 355-9608  
20505 and 20515 Highway 99, Lynnwood, WA

## Gloria Rivera

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**From:** Gediminas Trimakas [gediminas@earthlink.net]  
**Sent:** Monday, October 11, 2010 10:56 AM  
**To:** projecthwy99  
**Subject:** Fwd: Public notices, City Council

For the City Council: no response received to my email query.

Begin forwarded message:

**From:** Gediminas Trimakas <[gediminas@earthlink.net](mailto:gediminas@earthlink.net)>  
**Date:** October 6, 2010 6:53:36 PM PDT  
**To:** Gloria Rivera <[grivera@ci.lynnwood.wa.us](mailto:grivera@ci.lynnwood.wa.us)>  
**Cc:** Kevin Garrett <[kgarrett@ci.lynnwood.wa.us](mailto:kgarrett@ci.lynnwood.wa.us)>, David Kleitsch <[dkleitsch@ci.lynnwood.wa.us](mailto:dkleitsch@ci.lynnwood.wa.us)>  
**Subject:** Public notices

Hi Gloria,

At the Trinity Lutheran Church meeting Mr. Owen had mentioned "workshops" and other meetings with Corridor interested parties. I have not been invited to, or even been aware of, any such meetings. Did I miss my cue? Was it announced in a newspaper? Were only special people invited? Could you please put me on the list of people notified about Highway 99 Corridor issues?

I also wish to attend all planning commission meetings. Could you give me some guidance if such meeting information, date, time, is available online? Please advise.

All Best,

Ed

## Gloria Rivera

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**From:** Gediminas Trimakas [gediminas@earthlink.net]  
**Sent:** Monday, October 11, 2010 3:39 PM  
**To:** projecthwy99  
**Cc:** Gloria Rivera; Kevin Garrett; David Kleitsch; Inc. (206)713-1304 Martin S. Rood Mr.99 & Associates  
**Subject:** Woman Killed Sunday, Oct. 10th, Crossing HWY99 at 21400 block, Edmonds

Dear City Council Members,

The Seattle Times reports today: Woman Killed Sunday, Oct. 10th, Crossing HWY99 at 21400 block, Edmonds. This tremendously valuable Highway Corridor, is actually seven (7) lanes across and not the five lanes I incorrectly noted in my email. The point I was making is that Highway 99 is not a pedestrian friendly place and the efforts to make it such are not likely to succeed.

All Best,

Ed Trimakas  
(425) 355-9608

**Gloria Rivera**

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**From:** Gediminas Trimakas [gediminas@earthlink.net]  
**Sent:** Tuesday, October 12, 2010 11:14 PM  
**To:** Kevin Garrett  
**Cc:** Paul Krauss; Gloria Rivera; Lauren Balisky; David Kleitsch; Mary Monroe; johno@makersarch.com  
**Subject:** Re: Project Hwy 99

Dear Kevin,

It's terrific not to worry about the zoning issue. The commercial market is so poor that I slashed the rent by half of what I was getting last year in an attempt to fill my vacant building, and then by another ten percent to attract the Infinity car dealer. No deal!

As you already know, Infinity walked and bought the former Saturn sight in Lynnwood in a short sale at a hugely distressed price - the bank gave up security, the second-mortgage guy caved, the brokers took reduced commissions, and so far, the former owner, Mr. Fox, avoided bankruptcy.

The Perfect Storm, with the 2008 financial crises marking the beginning, car manufacturers going bankrupt, car dealers with empty lots, and, as always, the dealers talking big. I've not seen anything quite as depressed on the Highway 99 Corridor since I started back in 1976. If a Dairy Queen could pay the mortgage I'd lease to it. A beauty school, a mortuary, a lemonade stand? Should I be so lucky, certainly I'd love to lease to another auto-centric business. Anyway, thanks for the community help in making the last option still available to me.

All best,

Ed Trimakas  
(425) 355-9608

On Oct 12, 2010, at 8:06 AM, Kevin Garrett wrote:

Ed:

This email is to confirm our conversation of last night regarding changes to the draft zoning regulations for the proposed mixed-use nodes along Highway 99. With the close of the public comment period on the Project Hwy 99 documents, staff has begun to review and consider the comments that we received. In particular, we have discussed the concerns expressed by you and others at the public meeting about releasing of single-purpose or purpose-built buildings. We understand that buildings built for a particular type of business (such as a dealership) can be very difficult (or impossible) to lease for a different type of commercial business. Therefore, in the final draft of the zoning regulations, staff will revise the discussion of land uses in the proposed zoning regulations for the nodes to permit re-occupancy of a single-purpose buildings and sites (such as an auto dealership) even if/when the use of that building/site is otherwise not permitted in the nodes.

As with all draft proposals, final confirmation of this approach to the re-use of single purpose buildings is subject to a recommendation of the Planning Commission and the City Council, and you may wish to continue to monitor discussion of the Project Hwy 99

documents. In the meanwhile, if I can be of any further assistance, please do not hesitate to contact me.

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

## Mary Monroe

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**From:** Kevin Garrett  
**Sent:** Tuesday, October 12, 2010 8:06 AM  
**To:** Gediminas Trimakas  
**Cc:** Paul Krauss; Gloria Rivera; Lauren Balisky; David Kleitsch; Mary Monroe; johno@makersarch.com  
**Subject:** Project Hwy 99

Ed:

This email is to confirm our conversation of last night regarding changes to the draft zoning regulations for the proposed mixed-use nodes along Highway 99. With the close of the public comment period on the Project Hwy 99 documents, staff has begun to review and consider the comments that we received. In particular, we have discussed the concerns expressed by you and others at the public meeting about releasing of single-purpose or purpose-built buildings. We understand that buildings built for a particular type of business (such as a dealership) can be very difficult (or impossible) to lease for a different type of commercial business. Therefore, in the final draft of the zoning regulations, staff will revise the discussion of land uses in the proposed zoning regulations for the nodes to permit re-occupancy of a single-purpose buildings and sites (such as an auto dealership) even if/when the use of that building/site is otherwise not permitted in the nodes.

As with all draft proposals, final confirmation of this approach to the re-use of single purpose buildings is subject to a recommendation of the Planning Commission and the City Council, and you may wish to continue to monitor discussion of the Project Hwy 99 documents. In the meanwhile, if I can be of any further assistance, please do not hesitate to contact me.

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

**Gloria Rivera**

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**From:** Gediminas Trimakas [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  
**Attachments:** Rezoning notes.docx; ATT50557759.htm

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 proposes 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](mailto:gediminas@earthlink.net)>  
**Date:** September 29, 2010 12:26:52 PM PDT  
**To:** [kgarrett@ci.lynnwood.wa.us](mailto:kgarrett@ci.lynnwood.wa.us)  
**Cc:** [dkleitsch@ci.lynnwood.wa.us](mailto:dkleitsch@ci.lynnwood.wa.us), [johno@makersarch.com](mailto:johno@makersarch.com)  
**Subject:** Highway 99 Corridor meeting last night

Dear Kevin Garett,

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.

All Best,

Ed Trimakas  
Member, Trimakas LLC

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

roughly 35 years working the Lynnwood site, we hope that we can persuade others to see the sub-text of your good intentions: a devastating loss to small business folks like ourselves, causing unintended collateral damage to the life-blood of our local economy.

The plans, as they stand, are in effect condemnation of our property, taken from us without reimbursement. A policy, of locals be-damned, with only the large out-of-town developers left to gobble up the small fry like us.

Honestly? Do I think this is your true intention? Not by a long shot. And now that we have met, opened up a conversation, you have in your planning oversight the capacity to make changes in the Highway 99 consultant's proposal to prevent this awesome damage to one of your loyal local supporters.

There you have it. We live eighteen minutes away from our Lynnwood site; we have bet it all on Lynnwood's prosperity thirty-five years ago when no one believed in Lynnwood; we're a couple who has no retirement, no 401 plan, no salary, no investors or big-time developers behind us. Though we are vacant today, and might remain vacant for a year or so, we hope, with good luck willing, and our general commercial zoning undisturbed, to contribute employment and sales tax revenue to the City of Lynnwood again.

We've given the City of Lynnwood a fair shake with our once youthful energy, what we need now, or would like to get from you, the city planners, the consultants, the council and mayor, is assurance that our loyalty to Lynnwood will not be betrayed.

All Best Wishes,

Ed Trimakas  
Member, Trimakas LLC  
gediminas@earthlink.net  
(425) 355-9608  
6029 95<sup>th</sup> Pl SW  
Mukilteo, WA 98275

Cc: David Kleitsch  
Economic Development Director  
[dkleitsch@ci.lynnwood.wa.us](mailto:dkleitsch@ci.lynnwood.wa.us)

John. H. Owen Jr.  
Makers  
[johno@makersarch.com](mailto:johno@makersarch.com)

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

RATING

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

Comments: How <sup>1</sup> is pedestrian safety going to be improved

... without taking away more commercial business

parking (ie as happened when 99 was widened)  
for "buildable" land

- Cindy Kay Webster - Miller's Interiors

<sup>2</sup> Redesign guidelines going to be met ...