

**City of Lynnwood
PLANNING COMMISSION MINUTES
November 18, 2010 Meeting**

Commissioners Present:	Staff Present:
Richard Wright, Chair	Shay Davidson, Administrative Asst.
Maria Ambalada	Kevin Garrett, Planning Manager
Van Aubuchon	Dave Osaki, Deputy Dir. Com/Dev
Chad Braithwaite	Mary Monroe, Tourism Manager Economic Development
Jeff Davies	Janine Lambert, City Center Project Manager, Economic Development
Bob Larsen, Vice Chair	
	Other:
Commissioners Absent:	Councilmember Ted Hikel
Michael Wojack, Second Vice-chair	

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

Approval of Minutes

1. Meeting of October 28, 2010

Motion made by Commissioner Larsen, seconded by Commissioner Ambalada, to approve the minutes. The motion passed unanimously.

Council Liaison Report

Councilmember Ted Hikel reported that the Council has been very busy trying to decide on a budget. The Mayor's Budget was presented to the Council in December. A task group of three councilmembers was appointed by Council President Mark Smith and came up with three reports with another one expected. On Monday November 22 the Council will be considering new taxes/revenues for the coming year. The proposals are for a new employee fee, maxing out all of our banked capacity for property taxes, increased utility taxes, and wage/step longevity freezes.

Citizen Comments

None.

Public Hearings

None.

Other Business

None.

Work Session

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

Chair Wright solicited public comment. There was none.

Planning Manager Garrett stated that they have continued to revise the outline of zoning regulations. He displayed and discussed aerial photos of the Alderwood City Center Transition Area. He discussed two changes from the last version:

- View impact and view issues – At the last work session staff heard concerns that the program that had been recommended at that point had a substantial impact on views from the neighborhood. Staff is now suggesting an approach that deals with establishing two view corridors (described at the top of page 3 of the outline). Regulations could establish a view corridor that would look somewhat like an extension of the two streets – 192nd and 191st. In the view corridor building height would be limited in a manner that still allows the existing view substantially to remain. Outside of that narrow corridor they would allow substantial development to compensate for the decreased development in those corridors.
- 36th Avenue Frontage – They have retained the stair step approach/limited development area but the building heights have been increased as shown at the bottom of page 2 of the outline.

Other changes are:

- The land use *Assembly* is now shown as a conditional use.
- General typos and edits.

He addressed the topic of a prior agreement that might have been in place when the zoning for the area was adopted back in 1979. Since the last meeting staff has reviewed City Council meeting minutes from mid-1977 to the adoption of the new zoning regulations in 1979. They saw indications of substantial discussions going on about how this area should be zoned. There was a special City Council meeting at Lynnwood High School in that period with substantial public comments. They did not find any Council action regarding an agreement; however the Council did adopt, by Ordinance, a land use map designation for this area. About 4 or 5 months later the actual zoning regulations were adopted. The record in the Council minutes and the Ordinance gives very little background. He stated that the Purpose Statement of this zone recognizes the need for development in that area not to substantially or significantly impact the

single-family neighborhood. Staff still recognizes that this is an active single-family neighborhood opposite properties with redevelopment potential. The challenge is modernizing the zoning regulations while still respecting this balance.

Discussion:

Commissioner Ambalada commented that the outline is very good and reasonable. She referred to the view and asked if it would be defined as *territorial*. Planning Manager Garrett commented that it would not be *territorial* from the streets. From the streets there are currently mountain views.

Commissioner Braithwaite had the following questions:

- He asked if the zoning regulations are flexible enough to be economically feasible for developers. Planning Manager Garrett commented that they do not have in-house capability of doing a detailed economic analysis, but they generally depend on outside services, such as contractors, or information from property owners. He acknowledged that very little development is viable under current conditions, but they expect that in five to seven years it will be.
- He asked for more of a definition of the view corridor. Planning Manager Garrett explained this. Commissioner Braithwaite commented that this would impact certain property owners more than others. Planning Manager Garrett affirmed this.
- He asked if 120 feet is the next cost-efficient point for the stair step plan. Planning Manager Garrett stated that this is based on what they have heard is possible with a single run of elevators. Commissioner Braithwaite pointed out that under Development Standards it still says 85 feet. Planning Manager Garrett noted that this would be corrected.
- He asked about screening for rooftop equipment. Planning Manager Garrett referred to page 4 of the Design Guidelines, item 2(a) which is a fairly standard approach that the City uses. He stated that this would take care of air conditioning units and vents, but would not totally screen elevator overruns. He suggested that the Commission discuss whether the 120 feet be measured to the top of the wall or to the top of the elevator overrun.
- He suggested that they not be too specific with Design Guidelines and requiring specific architectural styles because when this is finally developed it may not be popular anymore. Planning Manager Garrett noted that the Design Guidelines for 33rd are in there because they see that street as becoming the main street of the area and a key part of that is the retail character where you can see into the buildings.

Chair Wright requested more information about where they would be seeing building elevation of 120 feet. Planning Manager Garrett reviewed this and noted

that it would be the first 1/6th of the block which would have the stair step as described in the outline. He offered to provide a map for future reference.

Commissioner Larsen:

- He asked how tall the Fisher Building is. Staff replied that it is between 75 and 80 feet. Commissioner Larsen asked what they expect the tallest buildings would be in the City Center area when that is built out. Planning Manager Garrett stated that in the north end the maximum building height was 140 feet. In the highest areas the maximum height would be 350 and then it would drop in several bands to 35 feet near the single family neighborhoods.
- He suggested that noise may be a big issue with this development and pointed out that sound bounces off glass and buildings pretty effectively. He suggested stating that no surface should be parallel to 36th in order to reduce the sound impacts.
- He likes the concept of a view corridor, but recommended working with the owners to make sure they will be comfortable with this.

Commissioner Aubuchon:

- He asked Councilmember Hikel if the history that was shared by Planning Manager Garrett is what he recalled. Councilmember Hikel agreed that there was no formal agreement written down. The agreement recognized what would be a good compromise with developers and the neighborhood. He noted that the zoning they ended up with was Industrial Park/Business Park. He stressed that the view corridors would still impact the neighborhood because there would still be 10 or 12 story buildings right across the street from single-family. He also expressed frustration with the impacts of the red lighting at the top of the Loews Theater building. He spoke to the potential for increased traffic, density, and visual impacts. He asked how this meets the guidelines for protecting single-family neighborhoods and discussed the importance of protecting these neighborhoods. Commissioner Aubuchon stressed that there was no written agreement at the time. He wanted to make sure that no one was led astray. Councilmember Hikel replied that what was written in the original zoning was what everybody agreed to. Commissioner Aubuchon asked if there are any projects pending or any pressing planning issue that they have to address. Planning Manager Garrett stated that he was not aware of any pending projects, but there is a planning issue in that they need to make the Comprehensive Plan and the zoning consistent.
- Commissioner Aubuchon pointed out that under the General Sign Regulations it is stipulated that there would be no neon signs permitted on the top of the building except facing west. He recommended that no signage be allowed on the top of those buildings at all because even if it doesn't face the houses there is still a glow. Planning Manager Garrett discussed the importance of signage to the businesses, but noted that they could have restrictions. Commissioner Aubuchon stated that he did

not want neon signs at the top of buildings, but did not mind an "open" sign at ground level or on the 33rd Avenue frontage.

Ms. Monroe commented that from an economic development perspective the freeway visibility for signage might be important. Commissioner Aubuchon replied that we do not need to see billboards from the freeway.

Chair Wright quipped that if they allow 120 foot buildings in that area it would block the lights for Councilmember Hikel.

Commissioner Davies asked why 120 feet was desired when the height of the current Pemco and Fisher buildings is about 80 feet. He thinks that buildings higher than those two existing buildings would be found the most objectionable to the neighborhood whereas another additional building or two that height or lower would not be as objectionable. Planning Manager Garrett replied that they are looking for Commission direction for the building height. They came up with the 120 feet idea when they considered doing the view corridors because they knew that doing a view corridor would substantially reduce potential development in those corridors. Commissioner Davies suggested that they try to encourage the taller buildings in the City Center, not in this area. Planning Manager Garrett noted that they could follow that approach if it was the desire of the Commission.

Commissioner Aubuchon commented that they could put a 120-foot building over by the bus barn and it would be about the same height, relative to 36th Street, as the Fisher Building which is one of the tallest buildings currently. Commissioner Aubuchon suggested that there might be some compromise areas that they could agree to in order to get to the 120 feet to offset part of this view corridor. He spoke against the higher buildings on 36th.

Commissioner Ambalada suggested that they try to have a strong relationship with the neighborhood that they are protecting. With regard to the lighting, the new Mercedes Benz on Highway 99 has a couple lights that directly affect the mobile home park in that area.

Chair Wright agreed with the 120 feet on the east side of 33rd and possibly on a portion some distance back on the west side of 33rd as well. 36th does not seem workable for that height of a building.

Commissioner Larsen commented that when he first saw the Fisher building and the Cosmos buildings they seemed very big to him, but from a functional perspective this is an area with a lot of potential. He suggested trying 85 foot allowed by the zoning code to 120 feet with an SPU that would be partly based on access, orientation, mix, etc.

Commissioner Braithwaite observed that the zoning regulations as they are now have no maximum height restriction. Councilmember Hikel commented that

whatever impacts they make will have long-range consequences for the property owners and the neighborhood. He again stressed the importance of preserving single-family neighborhoods.

Commissioner Ambalada suggested setting up a special meeting with members of the neighborhood. Planning Manager Garrett commented that they attempted that and the response they got was that the neighbors didn't want *anything* changed. There will be opportunity for the neighborhood to come in for comments when they have public hearings and they are welcome to be present at any work sessions. Staff is feeling the need to move toward a resolution of one sort or another and would not be supportive of looping back into a broad-based neighborhood program at this point in the project. Commissioner Ambalada asked about the promenade project. Planning Manager Garrett replied that there are no pending projects.

Planning Manager Garrett restated what staff had heard from the Commission:

- Building Height – Some support of Commissioner Larsen's suggestion to have an 85-foot maximum by right and then allow up to 120 feet with some sort of special permit.
- 36th Avenue – Concerns about noise and suggestions to have buildings set at an angle.
- Land Use – No further comments tonight. Consensus from Commission to move forward with the regulations.

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

Public Comment:

Ed Trimakas, 20515 Highway 99, Lynnwood, stated that at the last meeting he had provided a pro bono study that he did of the corridor plan as he understood it. He offered to provide any answers to questions or disagreements that the Commission might have to this study. He also said that Planning Manager Garrett had stepped forward and made some proposals which he wanted to address tonight. They have a purpose-built building on property that has been zoned Commercial General (CG) for the past 34 years which is now being forced to become HMU-RE (Residential Encouraged). He expressed frustration that property 200 yards away from him still retains its Commercial General zoning while he is forced to jump through many different hoops. He discussed staff's solution to his dilemma. He asked how they could allow a competitor to his property to retain their CG zoning because they happened to be new. He criticized the concept of nodes along Highway 99 and pointed out that they normally result from a community, a locust or some reason which they would grow. In the case of the City's plans they have simply decided that certain

intersections would be nodes. Not only is this arbitrary, but it is unfair. He complained that in the course of the two years of this study he did not imagine the code would throw him out of business for the rest of his life. The building is useless if he can not do an auto-centric business. He suggested that instead of this broad approach they could leave this particular site CG. He criticized the Makers study and expressed frustration that he had not been automatically included as a person of interest. He expressed concern that this hybrid code has never been tried on a 5¼ acre strip with no real loci other than the fact that there are intersections.

Commissioner Ambalada thanked him for coming to share his thoughts with the Commission.

Commissioner Aubuchon also thanked him for taking the time to share his thoughts with the Commission. He commented that the area around Mr. Trimakas' building has increased in value substantially. He asked Mr. Trimakas if he is actively trying to lease his property. Mr. Trimakas replied that he is. He is not interested in selling it because the accumulated depreciation tax is huge. Commissioner Aubuchon asked Planning Manager Garrett how much of the zoning on Highway 99 is impacted by the state. Planning Manager Garrett was not aware of any parts that were impacted directly by the state. The larger question the city is facing is: *How do they accommodate future growth?*

Mr. Trimakas commented that the staff refers to the *need to respond to anticipated growth to limit sprawl*. He asked where they can sprawl in Lynnwood. He expressed frustration that Makers had expanded the project from the original intent of the City. By anecdotal survey he has ascertained that 80% of those with land in that area do not want the plan.

Staff Report:

Planning Manager Garrett briefly reviewed the history of this item. He reviewed summary tables of the comments on draft project documents with staff responses. He explained that they were looking for feedback from the Commission regarding the comments and responses.

Two other areas staff requested feedback were:

1. Trimakas' property - Staff is understanding and supportive of the concern of owners of single-purpose buildings. Staff's recommendation is to go forward and write regulations to allow their continued use and occupancy.
2. Public comments indicate concern that nodes of *residential required* may require too much of a hardship. Staff's recommendation at this point would be to set all nodes as *residential encouraged*. The *encouraged* concept would have a series of incentives for those that are open to doing mixed use. These incentives could include more density, higher building heights, more lot coverage, and reduced parking.

Commissioner Aubuchon referred to Shoreline's high density housing development at Echo Lake on Highway 99. He doesn't think this works well along a state highway moving 45 mph with 7 lanes of traffic. He also questioned the value of the Makers study. He suggested moving the high density residential development away from the Highway 99 corridor and leaving that area for commerce.

Commissioner Ambalada commented that she thinks they are going in the right direction, but that they need to be more compassionate and use common sense in dealing with requirements for businesses and property owners. She thinks encouraging residential rather than requiring it is a positive move. She recommended helping businesses as much as possible.

Commissioner Braithwaite stated that he has always been skeptical about residential development being successful on Highway 99. He commented that one of the challenges is to envision this area in 20 or 30 years. He is pleased to see that they have gone from requiring residential to encouraging it. He recommended encouraging incentives for larger lot sizes in order to get the efficiencies that make these sorts of developments economically viable. He emphasized that some of these nodes are far from pedestrian-friendly, but rather are *pedestrian-kill* zones at the moment. He suggested that they think more about pedestrian safety. He also wanted to be careful not to discourage traditional development in that area as well because of the tax revenue it can provide to the City. He had comments on the responses as follows:

- Page 1, the first item – He recalled that if a developer made improvements to more than 10% of the building they had to adhere to the new rules. He wondered if this might need to be revised or looked at again. Planning Manager Garrett commented that if the use of a property is non-conforming then the use could be expanded by no more than 25%. This would not apply to the re-occupancy because they would not be a non-conforming use. Also, going from *residential required* to *residential encouraged* removes the requirement for residential with the development of the property.
- Page 3, last item – He spoke against allowing 5-story wood frame buildings due to earthquake issues. Planning Manager Garrett commented that the current code allows wood frame construction only up to four stories and only for residential. The Wood Products Institute has come out with recommendations for allowing five-story wood frame residential construction using *engineered* wood products.
- Page 4, first item – They need to expand the plan for how they are going to address pedestrian safety.
- Page 7, first item – He thinks that in 20 years there will still be a lot of cars driving down Highway 99 and they should be more flexible in terms of both parking and drive-through facilities. Trying to eliminate those might be denying what Highway 99 really is.

Commissioner Larsen discussed the challenge of addressing rapid growth and the need to proceed with a lot of caution. His biggest concern, in addition to the pedestrian issue, is: *How do they bridge from today to where they want to go with this plan? How do they encourage investment to make this happen?* To the extent that they can soften some of these regulations, do more grandfathering, and not intimidate some of these owners they can encourage the owners to hang in there while the economy is in the dumps they can slowly move this where it needs to go. He suggested getting third-party input on this plan, perhaps by FutureWise or the City of Shoreline Planning Director Joe Tovar.

Staff's summary of comments:

- Some concerns about the overall direction we are going.
- General comments that if this goes forward, to go forward softly and slowly. Need to discuss how to encourage the transition.
- *Residential encouraged* is much better than *residential required*. Possibly move this further to *residential allowed* with the concept being that putting residential right on the highway doesn't seem very practical or feasible. Perhaps putting it further back off the highway could be a possibility in the future.
- Lighten up on some of the guidelines to allow development to occur so it won't be too restrictive to encourage growth along the highway.

Commissioner Aubuchon added that what Commissioner Larsen said was that we might want to consider situations like Mr. Trimakas' to be grandfathered in. He also referred to some of the public meetings they had earlier where it was always discussed that the residential would be behind the retail and not directly on Highway 99. That had been his understanding of what the presentation was. Ms. Monroe said the intention was not to preclude putting it on the highway, but realistically on those deeper properties a mixed development could be horizontal mixed use, not necessarily vertical.

Commissioner Larsen suggested recognizing the role of the Comprehensive Plan versus the zoning regulations. The Comprehensive Plan is more about the policy and what the City desires for an area. In the Comprehensive Plan they could voice the intent of what we are trying to accomplish in this area with recognition that markets evolve. They could say when these things develop, here's how we want to respond to them. This will give investors a sense of how long something's going to take to evolve and how it may play out in the future. Planning Manager Garrett replied that he would see the Sub-area Plan as being the place where this is kept.

Commissioner Ambalada added that in developing the Comprehensive Plan they should indicate that they are doing this towards accomplishing the Growth Management Act.

Commissioner Braithwaite summarized his comments as:

- Lots of carrot, less stick
- Allow residential
- Give incentives for property owners – additional density

Planning Manager Garrett suggested that they need to work with the Commission more to flush out the direction they have been given tonight prior to drafting any code language. He recommended that staff put together a document that encompasses the direction of where they are going to take this project before they actually write the code.

3. Zoning Code Amendment – Changing Electronic Message Board Signs (2009CAM0004). Amendment to City Zoning Code related to Changing Electronic Message Board Signs.

Deputy Community Development Director Dave Osaki explained that the draft that the Planning Commission came up with was in their packet. It was reviewed by the City Attorney and should be the final draft reflecting the Planning Commission recommendation. Since that time they have gone through the procedural matters such as the Environmental Review Process and the 60-day state agency review period where no comments were received. He stated that they intend to bring this back before the Planning Commission early next year for a public hearing. The next extension of the interim regulations is scheduled for April of 2011. There was a commitment to the City Council to at least get it through the Planning Commission hearing process before the next extension of those interim regulations.

Commissioner Braithwaite if the draft here was the same as the last time they looked at it. Deputy Director Osaki stated that it was exactly the same.

Director's Report

Planning Manager Garrett had the following comments:

- Most of the Council effort is going into the budget at this point. There are a lot of materials on the city website.
- The Lynnwood High School site process may become active again. Staff is recommending that the Commission take a project committee role in this process.
- He will be making a 2011 Work Program. Some items on it will be the Lynnwood High School site, the Changing Electronic Message Board Signs code amendment, Highway 99, Transition Area, and the 2011 Docket.
- Next meeting will be December 9 in the annex at 7:00 p.m.
- The Council approved 7 of the 8 docket items. The item still before them is the mobile home park zone and they have asked staff to final up an ordinance to institute a mobile home park zone similar to what the county

did. This will come back to the Council on December 13 and they may take final action that night.

- There are two Commission seats up for renewal – Commission Aubuchon and Commissioner Wojack.

Adjournment

The meeting was adjourned 9:22 p.m.



Richard Wright, Chair