

**City of Lynnwood
PLANNING COMMISSION MINUTES
May 12, 2011 Meeting**

Commissioners Present:	Staff Present:
Richard Wright, Chair	Kevin Garrett, Planning Manager
Bob Larsen, Vice Chair	Shay Davidson, Administrative Asst.
Van Aubuchon	Janiene Lambert, City Center Prog. Mgr.
Chad Braithwaite	
Doug Jones	Other:
Michael Wojack, Second Vice-chair	Councilmember Loren Simmonds
Commissioners Absent:	
Maria Ambalada	

Call to Order

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

Approval of Minutes

1. Meeting of April 28, 2011

Motion made by Commissioner Larsen, seconded by Commissioner Braithwaite, to approve the April 28, 2011 Planning Commission minutes as presented. Motion passed unanimously (6-0).

Citizen Comments

None.

Public Hearings

None.

Work Session

- 1. Revisions to City Center Development Regulations (2011CAM006).** Amendments to Ordinance No. 2627 (City Center Street Grid Protection Ordinance), Title 21 (Zoning), including (but not limited to) Chapter 21.60 of the Lynnwood Municipal Code (City Center (CC) zones), the City of Lynnwood Zoning Map, and the City Center Design Guidelines. These amendments, if approved, would revise:
- 1) The requirements to dedicate property for grid street and park/plaza purposes;

- 2) The zoning regulations for development/redevelopment of properties in the City Center (including, but not limited to building height, floor area ratios, bulk, street standards, setback and signage);
- 3) City Center design guidelines for site design and building design; and,
- 4) Zoning Map to identify gateways and prominent intersections.

Janiene Lambert, City Center Program Manager, gave the staff presentation. She thanked the department heads and staff involved in the interdepartmental working group for this project. Program Manager Lambert distributed and discussed the code amendments to LMC 21.60, LMC 21.02, the Design Guideline changes, and the amendments to the Zoning Map which reflect the gateway locations that were provided in the Sub-Area Plan. Program Manager Lambert gave an overview of the proposed amendments and discussed the reasons for the changes (as listed in the Planning Commission's packet under item E-1).

Use Limitations:

- Commissioner Braithwaite referred to Use Limitations and asked how the new gas station at Fred Meyer would be handled since it would be a prohibited use. Program Manager Lambert stated that it is an existing non-conforming use so it has expansion provisions that would apply.
- Commissioner Braithwaite then asked about the potential for a developer to build a parking structure that would serve several sites around it so that the parking structure would be the principal use. Program Manager Lambert explained that they are still trying to work out this issue, but the current proposal is that stand-alone parking structures would be prohibited. Commissioner Braithwaite thought that it would be good to be flexible to allow for some kind of development like that as long as it was serving other buildings around it.

Basic Development Standards:

- Program Manager Lambert explained that the goal in the City Center is to achieve dense urban form development. They are recommending a 3-story height minimum at no less than 30 feet. The minimum building height requirement does not apply for places of public assembly. She then reviewed setback requirements.
- Commissioner Jones asked about the height necessary for residents to have views. Planning Manager Garrett thought that anything above 50 or 60 feet would have views.
- Commissioner Braithwaite referred to minimum building heights and asked about the economic feasibility study that was done some time back. He recalled that part of their analysis was that having

minimum building heights discouraged development. He asked if there had been any consideration of this. Program Manager Lambert replied that they currently have a very low maximum building height and that has also been discouraging. Staff has looked at all the scenarios to try to change the environment, yet still encourage something that is feasible. The three-story minimum has been determined to be not too much of a deterrent.

- Commissioner Braithwaite then asked about the rationale for the change from 100% to 40% of frontage to be retail. Program Manager Lambert said that they did a lot of discussion internally and looked at many scenarios to come up with the figure that they did.
- Commissioner Wojack referred to the maximum building height restrictions and asked if they expected many builders to go for the architectural bonus height option for building tops. Program Manager Lambert did not think it was very likely, but it was in the currently adopted code and they decided to leave it in there.

Floor Area Ratio (FAR), Bonus FAR Features:

- Program Manager Lambert explained that the minimum and maximum for the existing non-conforming structure remains the same for all uses in all districts. A third tier has been added for new development which reflects the three-story height minimum requirement. Planning Manager Garrett explained how the FAR bonus system works. This is a key component of the City Center and is different from all the other zoning. The FAR number shows the relationship between the size of a property and the amount of gross or net floor area that is developed on the property. A developer can acquire the right to build more square feet by means such as building elements to LEED certification standards, providing parking in structures or underground, constructing the promenade, or providing residential, office or street level retail.
- Commissioner Larsen wondered how the FAR relates to the height limits on the buildings. Planning Manager Garrett explained that the height limit is still applicable. He reviewed examples of how these numbers could work out for developers.
- Commissioner Wojack referred to the FAR table and asked if non-residential and residential could be combined for mixed-use development. Program Manager Lambert explained that they would be calculated differently.
- Program Manager Lambert commented that how they incentivize development to be of the size, scale and form that we are looking for is the most substantial change that is in this document. She noted that the proposed FAR bonus structure sends a powerful message to the development community. What they have put together is a conglomeration of research, discussion and ideas

from other cities, and what's allowable by state law. She then reviewed the bonus FAR provisions.

- Commissioner Larsen referred to the original table 21.60.2 and asked if that was the product of earlier planning efforts where investors, staff and the community all got together. Program Manager Lambert indicated that it was.
- Commissioner Braithwaite suggested that it might be useful to have examples of how the FAR bonuses work. Program Manager Lambert stated that staff could put some examples together.

Required Off-Street Parking:

- Commissioner Jones discussed parking problems with the Echo Lake Apartments in Shoreline. He expressed concern about adequate parking being provided. Planning Manager Garrett stated that a developer would need to provide the minimum number of spaces, but they can decide where they provide them. He explained that there could be a 40% reduction in parking requirements for shared parking. He noted that there are maximums, but the Community Development Director may allow higher ratios than the maximum allowed. He stressed that there is a lot of flexibility built into the code.
- Commissioner Braithwaite referred to the parking maximum levels and noted that restaurants are often hit hard with the parking requirements. Program Manager Lambert concurred that restaurants are high turnover heavy parking facilities. Planning Manager Garrett added that initially development probably will want more parking and the Director has the authority to allow higher parking ratios. As the area becomes more of a true City Center there will be less need for parking because there will be more people just walking around.
- Commissioner Larsen commented that this is really good work. He agreed that over time this will work well, but he wondered if early on they might need a provision to allow more flexibility. Program Manager Lambert stated that their goal with these amendments is to provide enough clarification so people aren't confused. She noted that they have retained and increased the flexibility for discussion about how to redevelop the area.

Signs in the City Center:

- This moves code items from the Design Guidelines into the code and provides clarification. Staff will be coming back to the Planning Commission with the City Center Sign Code.

Street Types:

- The amendments in this section were to reflect the changes that were made based on the street grid network and the findings from

both the City Center Access Study from Perteet and the City Center Street Master Plan which created the basis for significant change for transportation movement and how we allocate funds.

- Commissioner Wojack asked if bicycle traffic would be set up similarly to 188th Street. Program Manager Lambert explained that it would be a shared road.

Design Review and Building Height Map:

- Commissioner Larsen asked if the map would be replaced with another map. Program Manager Lambert explained that it would not be replaced; it was just reflected in text. There is a map that has been created for a development handbook that staff is developing.
- Commissioner Larsen asked for more information about the plan for a town square. Program Manager Lambert explained that it is an essential part of the Sub-Area Plan; however the exact location has been removed from the code. It is put into practice in a more flexible way than the plan allows. This is a big priority for the City Center.
- Chair Wright asked if the promenade is part of the calculation for open space. Planning Manager Garrett said that there is language in the Sub-Area Plan on Parks Level of Service. Essentially the City Center was separated out from the rest of the city as far as Parks Level of Service. There is a certain amount of public parks, plaza, and other facilities in the City Center. The policy decision was that the facilities that are in the City Center will suffice for the population that's coming in there plus another 10-acre public park nearby the City Center. Also, the Interurban Trail is a park facility in the City Center.
- Commissioner Wojack referred to Section 7, item 12, Parking Structures. He expressed concern about the parking restrictions. He asked: When buildings have underground parking do they usually have them open at night? Do they sell their parking? Program Manager Lambert stated that some facilities have the ability to do that and some don't. Commissioner Wojack suggested that a parking structure as a principal use could probably work if they had a solid contract with at least two other businesses. He wondered if this would be an allowable use. Program Manager Lambert thought this was a good question and indicated that it would require more discussion.
- Commissioner Larsen said he keeps looking for ways that uses around the future station could somehow interface with the Center. One of those interface elements very well could be a parking structure. He recommended coming up with a list of uses around the train station to encourage an acceleration of growth. Program Manager Lambert relayed a concern that the directors shared that with Sound Transit coming in a good portion of City Center might

turn into a park-and-ride lot. This is one side of the equation; they also need to consider other market needs.

- Commissioner AuBuchon thought that the Sound Transit City Center station was going to be on a peripheral, not in the middle of City Center. Program Manager Lambert said there is a station currently planned at the Lynnwood Transit Center. That is the planned terminus for the Light Rail ST2 project. However, the City is working with Sound Transit trying to establish a second platform to get movement into the core portion. That would be a walk-on, walk-off platform without a parking structure or park-and-ride facilities.
- Commissioner Wojack recalled when Sound Transit said they could put two stations in. He wondered if they had changed their position. Program Manager Lambert said that Sound Transit is definitely feeling the economic downturn. They are currently looking at federal funding trying to get the cheapest, most affordable program established. Also, voters did not approve a second station so the possibility is there, but how it happens and if it happens is something they will be working through for a long time.

The Zoning Map to identify gateways and prominent intersections was discussed.

There was a recess from 8:24 to 8:30 p.m.

Draft Design Guidelines:

Program Manager Lambert explained that this is one of two Planning Commission work sessions that they have on this item. They have a public hearing scheduled for June 9. Following the hearing, the Planning Commission would have the option of having another work session if they feel it is necessary. Planning Manager Garrett discussed how the Design Review process works. He explained the difference between the Zoning Code and the Design Guidelines. There is much more flexibility in the Design Guidelines. Design Departure is a process that would apply citywide that states that, "An applicant may propose and the director may approve an alternative project design that does not strictly comply with applicable Design Guidelines, but is consistent with the intent of the Design Guidelines." The key part to look at in the Design Guidelines is the *Intent* statements.

By contrast, the Zoning Code is code. If someone wants to go outside what's in the code, they have to go through a variance which requires a separate hearing process with the hearing examiner. To approve a variance, the applicant must show an unusual set of circumstances on the property, substantial hardship caused by the strict application by the code,

and that what they want to do causes no further harm. Not many variances have been granted over the years.

Program Manager Lambert referred to Figure 1 on page 4 of 34 which reflects the changes to the Grid Street Network and removes park locations. It updates the Street Classification Plan and shows the existing network. There are guidelines that refer to these types of streets and that are based on those streets.

Curb Cuts and Access Standards, Parking Lot Locations:

- Commissioner Larsen asked how stormwater would be handled in the City Center. Program Manager Lambert said there is a stormwater analysis that is currently being updated through the Public Works department. They are studying different options. Jared Bond is managing that project.

Interior Parking Lot Landscaping, Streetscapes, Site Lighting:

- Commissioner Wojack referred to the Site Lighting guidelines and asked how the International Dark Skies compares to the Illuminating Engineering Society of North America. Planning Manager Garrett said they would research that and get back to the Planning Commission with that information.

Pedestrian Connections, Walkways, Promenade:

- Commissioner AuBuchon commented that 196th Street is a state route which means they can't slow the traffic down on it. Planning Manager Garrett stated that treatment of state routes is always a matter of negotiation between the City and WSDOT.
- Commissioner AuBuchon asked if the pedestrian promenade across 196th Street could be a sky bridge. Program Manager Lambert replied that a sky bridge is one of the options. They have created additional standards for the future and existing 40th and 42nd to accommodate promenade-like amenities at available crossings. However, they want to be flexible. She noted that if a connection across 196th is not available they would traverse on the existing public right-of-way and then head up 40th.

Vehicular Connections, Bicycle Facilities, Sidewalks, Open Space/Public Plaza:

- Commissioner Larsen brought up the concept of safety in the open spaces and public plaza. He suggested that they add some verbiage to examine some measures that might increase security for pedestrians.
- Commissioner Wojack expressed concern about increased surface water runoff with more concrete being put down in the open spaces. He suggested that grass be utilized as well. Program

Manager Lambert noted that permeable pavers and other options are available for hard surfaces. She added that the current area is mostly asphalt for parking so in general it wouldn't be a net increase in non-permeable surface area.

- Planning Manager Garrett stated that Public Works has been authorized by Council to do a study of stormwater permeability. They intend to look in the City Center and see what the soils are like and where the different soils are to see how much infiltration of stormwater we can promote. Under the DOE manual, if you can have it permeate down into the water table directly you don't have to provide for storage. Program Manager Lambert added that in the Site Landscape section there is a requirement for all areas to minimize runoff by utilizing bioswales and similar options.

Community Gateways and Prominent Intersections, Building/Sidewalk Relationship, Street Level Uses and Transparency, Weather Protection, Upper Level Setbacks, Roof Expression:

- Commissioner Larsen said he has noticed a lot of flat roofs in commercial urban settings. Interesting rooflines really enhance the landscape, even on the lower buildings such as 30-60 feet. He recommended keeping this as a voluntary or encouraged option.

Mechanical Screening, Screening of Parking Structures, Updating Street Types for Building Signage:

- Commissioner AuBuchon referred to downtown Minneapolis where they put in elevated sidewalks that were up above the traffic. He expressed concern about having a walking area along 196th with traffic moving at 35 mph. He wondered if they had considered an elevated walkway. In Minneapolis it was enclosed and heated so people could still get around in bad weather. Planning Manager Garrett said that the idea did come up earlier in the planning process. Some planning literature has pointed out issues with having two sets of public walkways/sidewalks. One is that you are dividing the amount of pedestrian traffic to an upper level and a lower level. Part of the success of pedestrian areas is the number of bodies walking around. This also creates lower value businesses on the street level and when you have two distinctly different areas it creates a separation of clientele. Program Manager Lambert added that the pedestrian network that is created off of the public right-of-way is an important element to be moving people not only along the public right-of-way, but through the sites via a different method.

Chair Wright commented that during the recess there had been a request to allow public comment. He asked the Planning Commission if there was consensus to allow that at this time. He noted that there would be a public

hearing on this so any comments or questions at this time are not part of the public record, but could be used for informational purposes.

Commissioner Larsen stated that they have done it before and they have always tried to encourage public comment. He expressed concern that anyone who might be allowed to comment would not have their comments shared with the public as part of the record. There was a consensus to allow public comments.

Public Comments:

Mike Echelbarger, 620 Sunset Avenue, Edmonds, Chairman of the Lynnwood Public Facilities District (PFD), stated that they have been trying to attract a hotel to their site for the last four or five years. He explained that the PFD is an arm of the City with a board that is appointed by the Council. Their consultants tell them that they can have a hotel there that has \$125 a night room. If they are required to have parking underground the room rates for a night would have to go to \$175 to \$200 a night. Economically this is not feasible and would cause most people to go to downtown Seattle. This is one of the problems with the plan. Because of the guidelines that the City currently has, the hotels in the area currently go where the guidelines aren't. As a result the PFD had asked staff to be a part of the proceedings and were told no. He thinks that staff missed a big opportunity to have their assistance. They also didn't talk to the committee that they set up originally to implement the original plan. He referred to Commissioner Larsen's earlier question about if the investors had been involved in this plan. Mr. Echelbarger remarked that they had dubbed this the *Secret Plan* because they could not get a copy of this. He stated that how the investor community is comfortable with this is a real interesting question because nobody has seen it or knows what it is. The PFD will be hiring a planner and architect to see exactly how this plan works on their site and they will make every attempt to have it done by June 9. He asserted that they feel that the process is flawed. He criticized that they did not involve the community before they presented the plan.

Commissioner AuBuchon shared Mr. Echelbarger's concerns about what will happen to the Convention Center and discussed issues he has with the convention center.

Commissioner Larsen suggested that they include the points that Mr. Echelbarger has raised, especially regarding parking guidelines, in their discussion in the future. Planning Manager Garrett remarked that he expected testimony from the PFD would include that.

Chair Wright thanked Mr. Echelbarger for his comments. He reiterated that he would have the opportunity to bring that testimony before them at the public hearing. He wondered if Mr. Echelbarger would have time to review

the guidelines prior to the public hearing and said he understood Mr. Echelbarger's frustration. With the length of time that has passed and the reality of the economics, they are seeing some increased flexibility with this. Hopefully that will help to address the issue specifically about parking that he brings up, as well as other issues that may not directly impact his project. Chair Wright welcomed further testimony from Mr. Echelbarger.

Commissioner Wojack thanked staff for their hard work and commended their detailed work.

2. **2011 Amendments to the City's Comprehensive Plan (2011CPL0001).** Proposed amendments to the City's Comprehensive Plan for consideration in 2011 ("2011 Docket").

Planning Manager Garrett stated that there are no policy implications to the proposals. He mentioned that the public hearing on this would be held on June 9.

Commissioner Larsen had the following comments and questions:

- He asked if the amount stated for water demand includes the annexation that might still be pending. Planning Manager Garrett replied that all of the annexation area is served by Alderwood Water and Wastewater District so it doesn't affect our capital facilities.
- He referred to the statement that sewer outfall could go up to PH 9. It surprised him to see that kind of number and he requested more information on that. Planning Manager Garrett stated he would look into that.
- He noticed that the water storage was going from 5 million gallons capacity to 49 million. He wondered about the details of this huge change.
- In the Environmental section it talks about 61% of the area of the city is in Swamp Creek. He was curious to know what the other 40% drains into.
- In Parks, a Metropolitan Park District was mentioned. He asked for more information about that. Planning Manager Garrett replied that Metropolitan Park District is authorized by state law and is a regional parks district. It is a separate governmental entity that is solely responsible for parks and related facilities and has its own taxing authority. There has been talk of setting one of those up somewhere in South County as an alternative to each city having its own parks and recreation program.

Commissioner Wojack referred to the Capital Plan. He asked who the "sponsor" of an essential public facility would be. Planning Manager

Garrett explained that it depends who is taking the lead on it. It could be a city or state agency or a private entity.

Commissioner Braithwaite stated that under the Capital Facilities District there is a lot of mention of specific service providers providing service. He asked if there is a requirement to have it be that specific or can they amend it in such a way so that it doesn't become stale quickly. Planning Manager Garrett said he would check on that.

Commissioner Braithwaite said he had a hard time understanding the Implementation section where it talks about the annexation. He wondered if this might need more clarification. Planning Manager Garrett indicated he would look into that.

Other Business

None.

Council Liaison Report

Councilmember Simmonds had the following comments:

- He said he was delighted to be here tonight and work through the City Center matter. Due to the density of this material, the amount of detail, and given the fact that 4 of the 7 Council members have not seen this material before, he suggested that when this comes before the Council, it be divided up into two sections. He remarked that this is too important in the long run for the City for us to run the risk of not giving this a reasonable amount of time.
- He commented that the idea of a Metropolitan Park District has been resurfacing periodically. Part of that was initially triggered by the fact that our park and recreation facility was previously used by over 600,000 people in a year. This will probably increase to 750,000-800,000 based on the new facility. Over half of the people who use that facility came from the projected Urban Growth Area that they have talked about annexing. In the long run the issue may surface again because we do have a long-term bond on that and we may need to look for an expanded source of funding.
- He commented that the Council had their first discussion on the Highway 99 Corridor Sub-Area Plan last Monday night with a good discussion.
- The Council held a public hearing on Ordinance No. 2885. No one showed up and the Council made no decision to change or alter that all.
- The Council approved a percolation study to see what that might turn up.
- He commented that the Council is working to reduce the lag time between when the Planning Commission works on items and when it gets to Council.

Director's Report

- Regarding the suggestion of splitting up the presentation of the City Center material, Planning Manager Garrett thought that the agenda for Monday night includes a work session on City Center.
- Economic Development will be reporting to the Council on their branding project to establish a new brand and identity for the City of Lynnwood.
- The State Court of Appeals is holding oral arguments on Mill Creek's challenge of the BRB approval of our annexation. He has been told that staff can expect their opinion in one to two months.
- Director Krauss is at labor relations training in Yakima. He will be back in two weeks because Planning Manager Garrett will be out of town.
- There will also be a public hearing on the two-year docket cycle code amendment at the June 9 meeting.

Chair Wright asked when they would be tackling the chickens. Planning Manager Garrett indicated he would find out and get back to him on that.

Adjournment

The meeting was adjourned at 9:54 p.m.

Richard Wright, Chair