

**City of Lynnwood  
PLANNING COMMISSION MINUTES  
May 26, 2011 Meeting**

<b>Commissioners Present:</b>	<b>Staff Present:</b>
Richard Wright, Chair	Community Devt. Director Paul Krauss
Bob Larsen, Vice Chair	David Mach, Project Manager
Maria Ambalada	Shay Davidson, Administrative Asst.
Van AuBuchon	David Osaki, Deputy Dir. Comm. Devt.
Chad Braithwaite	Janiene Lambert, City Center Prog. Mgr.
Doug Jones	David Kleitsch, Economic Devt. Director
Michael Wojack, Second Vice-chair	
	<b>Other:</b>
<b>Commissioners Absent: None</b>	Councilmember Loren Simmonds

**Call to Order**

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

**Approval of Minutes**

1. Meeting of May 12, 2011

*Motion made by Commissioner Braithwaite to approve the May 12, 2011 minutes as presented. The motion was seconded and passed unanimously (7-0).*

**Public Comments**

None.

**Public Hearings**

1. SEPA Responsible Official Code Amendment (2011CAM0005). Amendment to Sections 17.02.040, 17.02.050, 17.02.090, and 21.25.120 of the Lynnwood Municipal Code changing the designation of the City's Responsible Official under the State Environmental Policy Act from the Environmental Review Committee to the Community Development Director (or designee).

The public hearing was opened at 7:03 p.m.

Community Development Deputy Director David Osaki explained that the objective of this code amendment is to change the responsible official under the State Environmental Policy Act from the City of Lynnwood Environmental Review Committee to a single individual, the Community Development Director. He

explained how this would help to improve the permit process. It will also improve staff efficiencies and resources.

Chair Wright solicited public testimony. There were none. He then solicited questions from the Planning Commission.

Commissioner Braithwaite recommended that the 5<sup>th</sup> *Whereas* clause be amended to read, "WHEREAS, decisions made by Committee are **may be** difficult for an applicant . . . "

He then referred to the Severability Clause in Section 5, and recommended consistency between *committee* and *responsible official*. Community Development Director Paul Krauss concurred and explained that due to budget constraints the City Attorney's review has not yet occurred for the final language of this document.

Commissioner Wojack asked if the concerned parties and public comment would still come to the responsible official. Director Krauss explained that the procedures required for a SEPA review would remain exactly the same. In some ways, staff believes having a single-designated official will help the process.

Commissioner Ambalada asked if an appeal would go to the City Council or the Hearing Examiner. Director Krauss replied that they would be proposing changes to that process in the future, but they are not contained in this document tonight. Right now they are just cleaning up the document to make it easier to understand, easier to manage, and easier to respond to citizen input. Commissioner Ambalada recommended that they change it now. Director Krauss commented that this is a big issue that needs to be properly vetted and the language developed carefully.

The public hearing was closed at 7:16 p.m.

*Motion made by Commissioner Braithwaite that the Planning Commission approve the draft ordinance as written and forward it to the City Council with a recommendation for approval. The motion was seconded and passed unanimously (7-0).*

### **Other Business**

#### **1. Briefing: Six-Year Transportation Improvement Plan**

Project Manager David Mach introduced the map, list of projects, and staff report in the Commission's packet. He stated that staff would be meeting with the Council in June regarding this TIP. He offered to answer any questions that the Planning Commission might have and suggested that the Planning Commission recommend that the Council approve the Six-Year TIP.

Commissioner Larsen referred to the Changes in the proposed 2012-2017 TIP and noted that the North Link LRT Extension, Northgate to Lynnwood Transit Center was a new item. He asked that Project Manager Mach discuss this item.

Project Manager Mach stated that this project is not a City-lead project; it is led by Sound Transit, but because it extends within the city limits they decided to include it in the Six-Year TIP to show that we are coordinating with the agency. Commissioner Larsen asked if the project includes departure from I-5 into the Transit Center area. Project Manager Mach said he was not aware of the details of this project. Director Krauss explained that he is on a regional committee looking at this issue. He stated that the funding process that Sound Transit has elected to go through is called the federal New Starts program. If it is successful it brings a lot more federal dollars to the region, but to qualify for those dollars they have to look at alternative modes and alternative routes. That process is about halfway completed, but it appears that the I-5 alignment is the one that offers the most benefit for the investment. There are three or four options for how the Transit Center would be rebuilt to accommodate light rail, the existing buses, a parking garage, and transit-oriented development. Once the process is concluded and there is a preferred alternative they look at project engineering and right-of-way acquisition. Commissioner Larsen remarked that he was glad Director Krauss was on that committee.

Commissioner AuBuchon thought that the new transit center in Mountlake Terrace at 236<sup>th</sup> was in anticipation of the fact that light rail was going to go through there. Director Krauss responded that in the I-5 alignment the Mountlake Terrace station stays where it is as a bus station. The LRT will be elevated through there over the northbound lanes and will end up at the Lynnwood Transit Center.

Commissioner Braithwaite asked why the Recurring Annual Programs were zeroed out for 2012 and picked up in 2013. Project Manager Mach explained that those projects are not currently funded, but they hope they will be in the future.

Commissioner Braithwaite referred to the Neighborhood Traffic Calming Program and asked for a report on some of the experimental installations that were part of that. Project Manager Mach said he did not have all the details on that, but offered to provide it to the Commission at a later date. Commissioner Braithwaite was amenable to that response.

Commissioner Ambalada commended Project Manager Mach for his intelligence and diligence. She spoke in support of this Six-Year TIP. She expressed concern about the Sound Transit project noting that the newspaper said they are running out of money. Director Krauss explained that Sound Transit was approved by the voters as ST2; ST1 is still being built out and takes it from the airport to Northgate. Sound Transit's funding source is sales tax which is way down from

projected revenues. They are determining that they are unable to pay for running the LRT line as far south of SeaTac airport as they had hoped. He explained reasons for this decision.

Commissioner Braithwaite referred to the Non-Motorized section, the fourth item, Pedestrian Signal on Highway 99 and 180<sup>th</sup>, and recommended the use of an overpass, as opposed to a signal, due to the high volume of traffic on that road. Project Manager Mach commented on the tremendous expense of pedestrian bridges. He noted that the approaches to get people from the street level up to the bridge level must provide ADA compliant ramps. These are lengthy and expensive to construct. They have found that pedestrians tend to just run across the street instead of running up and down the zigzag ramps to the top. They are effective in areas where you have a concentrated pedestrian crossing like the Interurban Trail, but not so much along Highway 99 which is a mile-long stretch where pedestrians cross randomly throughout the area. The traffic signal may be used more and will cost significantly less than an overpass. He added that at the last Council work session there was an extensive discussion on that specific project.

Commissioner Larsen asked about the dramatic increases in annual expenditures that they have shown on the chart for the Six-Year TIP. Project Manager Mach explained that projects in the first few years have funding already; later years are scheduled, but not funded. Typically these projects stay on the list and get bumped another year until they are able to gain funding for those. They have been successful in the last three years in obtaining grant funding and there are some other funding sources they are looking at.

*Motion made by Commissioner Ambalada, seconded by Commissioner Larsen, to approve the Six-Year TIP and forward it to the City Council with a recommendation for approval. Motion passed unanimously (7-0).*

### **Work Session**

1. Revisions to City Center Development Regulations (2011CAM0006). 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 planning and building design; and,
4. Zoning Map to identify gateways and prominent intersections.

City Center Program Manager Janiene Lambert distributed the Addendum to the Supplemental EIS for the City Center and an updated matrix with more specific information. There is a public hearing scheduled in June for the Planning Commission to recommend these revisions to the Development Regulations to the City Council.

Summary of changes:

- Grid streets and parks are adopted on an interim basis through Ordinance No. 2885.
- There are some minor changes to the uses.
- Additions to the Parking Code in City Center.
- Some information has been moved into Signs. A Sign Code will be coming back at a later date.
- Changes to the street types based on the seed money project.
- Pedestrian and vehicular connections in the Design Guidelines.
- Revisions to the building, sidewalk relationship setbacks.

She reviewed the matrix which was distributed at the meeting.

- Use Limitations: The Ordinance does not describe permitted uses; it describes prohibited uses only.
  - Some *auto-oriented uses* have been added to the list of prohibited uses.
  - *Accessory uses* have been added as exceptions.
  - *Self-service storage facilities* are limited to 20% of the building and are intended to provide an amenity to urban spaces. Director Krauss discussed the issue of mini-storage, noting that it has come up several times. He discussed a gentleman who has testified at Council meetings who has a unique way of developing mini-storage. Commissioner AuBuchon commented that mini-storage might actually help encourage residential development of the City Center. Director Krauss concurred. Commissioner Ambalada discussed how Manila has used underground development for certain uses. Program Manager Lambert explained that the 20% limit is intended to accommodate the population and the employment growth and allow for mini-storage as an amenity, but not a primary use. Commissioner Ambalada suggested that partnership of government with private corporations is very essential for growth and economy. She discussed how this occurred with the construction of the new recreation center and the Bowl and Skate. Program Manager Lambert agreed.

- *Parking* is allowable as a standalone structure, but if it faces the street then it would need to have occupiable space on that frontage. Commissioner Braithwaite asked if the Design Guidelines would still apply to the parking structure. Program Manager Lambert indicated that they would.
- *Warehouses* would be prohibited.
- *Retail frontage* along the promenade and around a public park that abuts the promenade street has been reduced from 100% to 40%.
- Minimum Building Height: New Development – Three stories at no less than 30 feet height minimum with an exception for public assembly uses. Expansion of existing structures is permitted subject to the non-conforming regulations. This is for the purpose of accommodating the predicted growth that is planned for the City Center. She reviewed an example of FAR.
- Maximum Building Height: In the City Center Core zone the maximum building height shall be 350 feet with exceptions in certain areas. In the City Center West and City Center North zones the maximum building height shall be 140 feet. Portions of a building 150 feet or less from a residential zone shall be 35 feet. She further discussed FAR (floor area ratio) limitations and bonuses.

Commissioner Braithwaite commented that the way this project could get started is to have someone assemble a large number of lots especially the street dedication. He asked if they had any consideration of an FAR bonus for large projects. Program Manager Lambert commented that they did discuss incentivizing assemblages, but did not come up with an FAR bonus for that. Commissioner Braithwaite suggested that projects above a certain area could get an FAR bonus because they could do things like the street dedications. Director Krauss stated that this was a good point and offered to take another look at this.

- Setbacks: Buildings shall be located at back of sidewalks with some exceptions. Buildings may be setback from the street for the purpose of providing public plazas as an FAR bonus feature and as required by the City Center Design Guidelines. The plaza may exceed the minimum open space/public plaza size requirement. No more than 30% of any building frontage per street shall be setback from the sidewalk for use as a plaza. Along Boulevard streets, buildings may be setback up to 12 feet from the property line to provide public plazas.
- Floor Area Ratio (FAR): A new category was added to address the height minimum. The calculation language was also clarified.
- Incentive for Office Use.
- Increased incentive for structured parking.
- Clarification of Public Plaza Bonus.
- Adding Residential Use in a Vertically Mixed Use Building in addition to traditional Single Use Residential.

- Donation to the public fund for a public park.
- Bonus FAR items - Some items were deleted such as canopy, public art, and water feature because they are in a list of required items in the Design Guidelines.
- Basic Development Standards for Parking – The amount of stated parking requirements have been increased to make the requirements easier to understand for tenants.

Discussion:

Commissioner Larsen asked if staff had a good understanding of where these changes are going and if they are satisfied that these are good changes. He commented that he understands there is no money for a model, but that one would be very helpful. Program Manager Lambert stated that they have worked diligently with the seed money projects that occurred from 2006 to 2009 particularly with regard to transportation and parks. Economic Development Director David Kleitsch commented that he did not believe the design outcome would change significantly; what changes is the ability to achieve that outcome through simplification, clarification, and incentives. The focus today is more on sustainability and the development of the City Center as a sustainable space. Being able to address circulation without imposing the grid in such a rigid way allows flexibility for pedestrian and vehicle circulation.

Commissioner Ambalada expressed concern that this has been put on the back burner for awhile. She wants this to work, but would like to see it used as a vehicle to bring more professional builders and developers as partners in this project to create efficiencies in development. Program Manager Lambert concurred that strong partnerships with the property owners and business professionals are essential. They have discussed this in depth with property owners, businesses and developers. Commissioner Ambalada stressed the importance of working with *local* professionals.

Commissioner Braithwaite referred to Commissioner Larsen's comments about a model and noted that he recalled seeing a 3-D model of the City Center at one time. He asked if that still exists. Director Krauss did not think that was still around.

Commissioner Braithwaite referred to the park dedication requirement. Based on his calculations it seems to be economically positive for a developer to make a contribution assuming that they didn't have any other way to achieve the FAR bonuses to get to where they want to go. Program Manager Lambert said they want to address the feasibility and desirability of these FAR bonuses.

Councilmember Simmonds wondered if in addition to a donation to the Public Park fund for so many square feet the developer might be also be able to get a

tax write-off for the 501(c)(3) through the Lynnwood Recreation and Parks Foundation.

Program Manager Lambert continued with the changes:

- Signs in the City Center: Currently there are no regulations for signage in the code; it is in the Design Guidelines. Staff is recommending moving it into the code and additionally prohibiting cabinet signs, electronic changing message signs and changeable letter signs. Neon signs are permitted with some restrictions. Window signs may occupy only up to 20% of the area of the window. Staff will be coming back with a Sign code for the City Center.
- Street Types: Have reclassified streets.
- Design Review: Consistency with adoption of Interim Ordinance No. 2885 removing the grid streets and parks.
- Non-Conforming Signs: Clarification language for signs. This language allows signs to be replaced in the same place with a more conforming sign.

#### Design Guidelines:

- Street classification map shows the new streets with access zones.
- Curb cuts: Changes to width of the curb cut to be consistent with citywide access standards for the City Center.
- The area for access is delineated.
- Setbacks from property lines are not required.
- Parking lot location: Clarification that parking shall be to the rear of the building, but it may be to the side with provisions. The parking should not be within 140 feet from an intersection.
- Sites over an acre are to provide a plan for phasing parking.

Director Kleitsch commended Program Manager Lambert's accomplishment of pulling together many years' work in a matrix. This is a format they can follow to make informed changes to make the City Center more viable. Commissioner Ambalada concurred.

- Streetscape: Additional design guidelines were added for certain elements.
- Pedestrian Connections and Walkways: This relates to how connections occur with the removal of certain 70-foot wide grid street right-of-ways. This is the way to connect pedestrians through each site creating a pedestrian web network.

Commissioner Wojack asked who controls the design guidelines for street lighting. Director Kleitsch thought that 44<sup>th</sup> Ave W south of 196<sup>th</sup> and 196<sup>th</sup> street would be dictated by the state and all the other streets are local. He commented that they do have some influence on WSDOT on those major boulevards.

Program Manager Lambert noted that a Streetscape Plan would be coming which would address street lighting where appropriate.

- Open Space and Plaza: Standards were added to meet CPTED standards for safety through all of the public space provisions.
- Building/Sidewalk Relationship: This strengthens the verbiage for the connection from the building to the sidewalk.
- Street Level Uses and Transparency: Uses were removed because they belonged in the code and not in the Design Guidelines. Added clarification for the starting height of the windows to be pedestrian friendly.
- Roof and Architectural Form: Added distinctive roof elements or architectural form.
- Signs: Updated street classifications. Monument signs are allowed up to 8 feet high on boulevards.

Discussion:

Chair Wright thanked Program Manager Lambert for the format of the matrix.

Commissioner Larsen stated that this type of form gives him confidence that the changes are being well managed.

Commissioner Braithwaite had the following comments:

- He referred to the Ordinance, Section 5, item K, and expressed concern about the description of "street level retail". He thought it would be hard for a property owner to monitor whether they are in compliance with these retail uses. He suggested looking at a more generalized description of retail uses. Program Manager Lambert stated that this was a compilation of *street level retail* and *retail* from land uses that existed in the code. The reason they kept this list is because it has other items that aren't traditionally retail. Commissioner Braithwaite suggested language such as, "included, but not limited to."
- He pointed out a typo on the table on 21.60.2 with Gold/Platinum.
- He felt that Section 11 D was awkward and could be condensed into one paragraph.

Commissioner AuBuchon asked if they are going to address the requirements for accommodating wifi cell phone communications throughout the City Center. He suggested that the building developers provide for some sort of repeaters or access points. Director Krauss commented that providing wifi would be the obligation of private firms. He noted that they have run into problems with emergency radio utilities inside large buildings. He recommended putting a requirement for repeaters in large buildings for emergency services. He added that the IT department has started putting a wifi network around the city for use by emergency personnel, building inspectors, and others.

Commissioner AuBuchon echoed Commission Larsen's comments regarding Program Manager Lambert's hard work. He stated that it was excellent.

Commissioner Ambalada asked Councilmember Simmonds if the City has a policy to partner with private businesses. Councilmember Simmonds was not aware of a specific citywide policy in the code, but replied that on a department level he believes they realize that if they expect to be successful, the public private partnership needs to be an integral part of everything they are doing. In some instances in the past, the private sector has been more open to partnerships than the City was. This was mainly due to financial concerns. From the perspective of a Council as a whole, it probably varies from councilmember to councilmember. His personal opinion is that city government needs to be the catalyst to bring together all of the resources in the city. Commissioner Ambalada recommended bringing his opinion about encouraging partnerships as a policy of the City of Lynnwood to the rest of the Council to see how they would receive it. Councilmember Simmonds stated he has been an advocate of this since he has been on the Council. He thought there might be some verbiage in the visioning statement that addresses this.

Director Kleitsch commented that the City Center Plan speaks to partnerships and will not happen without all sorts of partnerships. He discussed ways they are keeping people engaged. As far as the City being a catalyst, the Plan speaks to having catalyst projects in the City Center. Those projects should be encouraged and funded by Lynnwood at least in part. He summarized that they have a mandate in their policies to go and pursue those types of partnerships. It is also contained in the Economic Development Plan.

Chair Wright referred to a letter from the Public Facilities District and wondered if they were allowing enough time for them to fully digest the changes prior to the public hearing at the Planning Commission. Director Krauss commented that at the public hearing the PFD might request to keep the record open or to extend the hearing to allow time to sufficiently digest the changes and provide their input.

Commissioner Larsen asked what else the letter had in it. Chair Wright stated that there was some concerning language about the process. They feel they haven't had sufficient time to take a look at this. Understanding that they are perhaps one of the major players in the City Center project, it is important to make sure they feel included in the process. Commissioner Larsen commented on the open process and the information that has been provided, especially the matrix. Chair Wright agreed that the information is available for them even if they have concerns about the process.

Commissioner AuBuchon asked Councilmember Simmonds if it was correct that the Planning Commission is appointed by the Mayor and answers to the City Council. Councilmember Simmonds commented that the members of the

Planning Commission are nominated and then confirmed by the Council. The Planning Commission acts as an advisory group to the City Council. Commissioner AuBuchon then asked who set up the Public Facilities District. Councilmember Simmonds said that the City Council took the initiative.

Councilmember AuBuchon thought that the responsibility for advising the PFD of anything that the Council might legislate would fall on the City Council rather than the Planning Commission. Councilmember Simmonds commented that there is a due process and the Planning Commission would normally have those items before the Council gets it. Commissioner AuBuchon suggested that this letter should have gone to the City Council. Director Krauss interjected that once the City set up the PFD it is an independent governmental entity. There are some financial relationships and appointment of board memberships, but beyond that they are completely independent.

Commissioner Ambalada stated that Mr. Echelbarger's concern is valid. She spoke again to the importance of reaching out to the community.

Director Kleitsch offered to put some clarification together along with Director Krauss and get back to the Commission on this matter. There was consensus of the Planning Commission to do this.

Director Kleitsch emphasized that there was no intent to exclude here. The City staff was charged with doing a set of analytic studies and then coming back with recommendations which is exactly what they did. Throughout that process they did meet with developers and with the public. They also plan to do so in the future.

Commissioner Wojack asked staff to forward any comments they get from the PFD prior to the next meeting. He also commended Program Manager Lambert on her work.

Director Krauss stated that they had a several hour long meeting with the consultant working with the PFD today who indicated that he would not be able to get his review done by the public hearing. The City is obligated to notice public hearings three weeks in advance, but they indicated that they would ensure that their comments were included somehow. Director Kleitsch added that they also made a commitment at that meeting for staff to work directly with the consultant on addressing their questions and getting information out to them.

Commissioner Larsen commented that if emails are forwarded to the Planning Commission he is not comfortable responding. Chair Wright concurred and added that it is not their place to respond to emails.

## **Council Liaison Report**

Councilmember Simmonds reported that Council approved the Shoreline Master Program last Monday night.

## **Director's Report**

Director Krauss reported:

- The City Council approved funding for a contract with Sound Transit to provide analysis of extending the light rail under ST2 from the Transit Center into the City Center. Staff has tentatively located a potential station around the Dania Furniture area which would be in the heart of City Center. This is envisioned to be an elevated station with no parking. He thinks it is significant in this time of fiscal distress that Council felt strongly enough about it for us to be able to partner with Sound Transit on doing that work.
- The Legacy Hotel project submitted their first installment of what it takes to get their plans analyzed. This project is two six-story hotel towers with a total of 250 rooms. They expect to have that project under construction later this summer or early fall.
- The appeal of the City's annexation by Mill Creek was heard yesterday by the State Board of Appeals in Seattle. He discussed next steps for the City.
- Lynnwood High School EIS is moving closer to having issuance of the Draft EIS. It's a very complex document and a very involved project.
- The Council will hold a public hearing on the Highway 99 Plan on June 13. He suggested that some members of the Planning Commission attend.

## **Commissioners' Comments**

Commissioner Larsen asked if the Planning Commission would have the ability to extend to a second public hearing on the City Center if necessary. Director Krauss commented that that would be fine.

Commissioner Wojack commented that the new pool is excellent. Director Krauss added that the pass sales at the pool are already at 78% of what they had projected for the entire year. They have booked a large number of events and the open swims are so popular that they have to turn people away every time. Sign ups for classes have also gone through the roof. Councilmember Simmonds added that Parks & Recreation Director Lynn Sordel had indicated they had now exceeded 1,000 annual memberships. There are 60 private parties scheduled for the facility from June through August. They have brought in hoteliers and PFD people encouraging them to encourage their people to come.

## **Adjournment**

The meeting was adjourned at 9:18 p.m.

---

Richard Wright, Chair