

# AGENDA

## Lynnwood Planning Commission

Thursday, September 8, 2011 — 7:00 pm

**Note Location:** Meeting Room at Fire Station 15,  
18800 – 44<sup>th</sup> Ave. W., Lynnwood WA

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### A. CALL TO ORDER – ROLL CALL

### B. APPROVAL OF MINUTES

none

### C. PUBLIC COMMENTS – on matters **not** on tonight's agenda for a public hearing.

### D. PUBLIC HEARINGS

#### **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) 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.

### E. WORK SESSIONS

**1. Keeping of Chickens Code Amendment (2011CAM0003).** Amendments to Lynnwood Municipal Code Chapter 21.42 (Residential Zones) regarding the keeping of chickens at properties zoned for single family residential use.

### F. OTHER BUSINESS

### G. COUNCIL LIAISON REPORT

### H. DIRECTOR'S REPORT

### I. COMMISSIONERS' COMMENTS

### J. ADJOURNMENT

*The public is invited to attend and participate in this public meeting. Parking and meeting rooms are accessible to persons with disabilities. Upon reasonable notice to the City Clerk's office (425) 670-5161, the City will make reasonable effort to accommodate those who need special assistance to attend this meeting.*

**Lynnwood Planning Commission  
Meeting of September 8, 2011**

**Staff Report**

**Agenda Item: D-1**

Proposed Development Regulations Related to the City Center

- Public Hearing
- Informal Public Meeting
- Work Session
- Business
- Information
- Miscellaneous

Lynnwood Economic Development Dept.

**ACTION**

Complete public hearing. Following the public hearing, make a recommendation on the proposed code and design guideline amendments to the City Council.

**UPDATE**

A public hearing was held on June 9, 2011 and was continued to July 14, 2011 to allow the public additional time for review and comment. The hearing was further continued to September 8, 2011 to meet with the Lynnwood Public Facilities District to discuss to the proposed amendments relating to a conceptual development.

The findings from the meetings with the PFD, described in greater detail in the PFD questions matrix attached, concluded that the proposed amendments support the PFD's site development.

Also attached is a summary matrix of proposed changes to the amendments since the July 14<sup>th</sup> Hearing as well as the redlined documents showing the proposed amendments. The changes in the redline documents since the July 14<sup>th</sup> Hearing are highlighted for reference.

A letter dated August 31, 2011 was received from Larry Ingraham of Emerald Properties Brokerage and Development, LLC regarding Snohomish County UC Zoning Municipal Agreements. The letter and Staff response are attached to this Report.

**BACKGROUND**

Staff provided Planning Commission background at the Hearing's on June 9<sup>th</sup> and July 14<sup>th</sup>, 2011. These documents are available online at:

<http://www.lynnwoodeconomicdevelopment.org/CityCenter/CouncilPresentations.ashx>

**NEXT STEPS**

The City Council is anticipated to review the Planning Commission's recommendations on the proposed code amendments fall 2011. A public hearing by City Council and consideration for adoption of the regulations will be scheduled before the end of 2011.

**RECOMMENDATION**

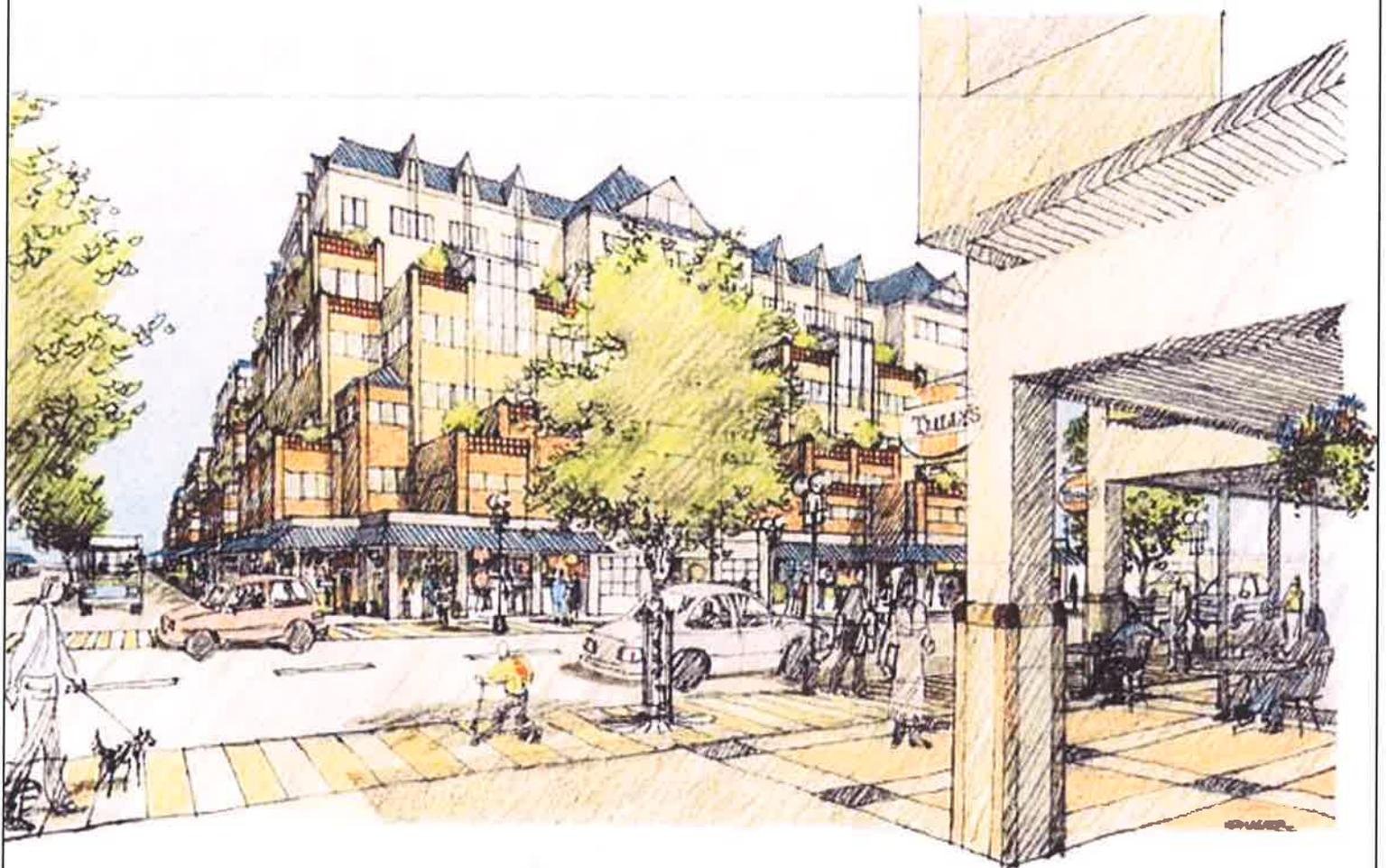
Following the public hearing, staff recommends that the Planning Commission recommend adoption of the proposed amendments to the zoning regulations and design guidelines for the City Center to the City Council.

**ATTACHMENTS**

1. Updates Matrix from July 14, 2011
2. PFD Questions and Staff Response Matrix
3. Draft Ordinance Amending Ordinance 2627, Title 21 and City Center Design Guidelines
4. Draft Ordinance Amending the City Zoning Map
5. 8/31/2011 Letter from Larry Ingraham and Staff Response

# CITY CENTER

September 8, 2011  
Planning Commission  
Continued Public Hearing Documents



**LYNNWOOD**  
WASHINGTON

# Planning Commission Hearing September 8, 2011: PFD QUESTIONS & STAFF RESPONSES

**Summary:**

- City Staff met with PFD Staff and Consultants on 7/28/11 and again on 8/18/11 to discuss the PFD’s questions on the proposed amendments as it relates to their proposed conceptual site phasing. Staff will be meeting again with the PFD on 9/7/11.
- Below is an outline of the questions the PFD raised in their 7/26/11 letter to Staff entitled “Conceptual Pre-Development Site Application” as the basis for the meetings.
- Staff created recommendations for items that relate to the proposed Code and Design Guideline Amendments under consideration and responses to the other questions.

Letter #	PFD Question	Applicable to Proposed Revisions?	Response
1. & 4.	Promenade Walkway		
1.a.ii & 4.e.	PFD proposes modified Promenade Walkway route along 196 <sup>th</sup> & 36 <sup>th</sup> right of way.	<b>YES</b>	<p>A mid-parcel Promenade Walkway connection is not required, but an FAR bonus incentive is available for the property owner to construct and maintain.</p> <p><b><u>STAFF RECOMMENDATION:</u></b> Provide a second tier FAR bonus incentive amount for the Promenade Walkway locations along or integrated into the public right of way and amend the Design Guideline language to allow.</p>
4.a.	Has the City included the Promenade Walkway costs along 194 <sup>th</sup> into the cost of 194 <sup>th</sup> ?	<b>NO</b>	The placement and cost of the Promenade Walkway could be addressed in the 194 <sup>th</sup> street project. Incentives are proposed for private property owners that choose to construct promenade improvements as part of their projects.
4.b.	How will the Promenade Walkway be ADA compliant connecting to 194 <sup>th</sup> ?	<b>NO</b>	This would be established as part of the construction project for the promenade which could be associated with construction of either a public or private project.
4.c.	Has the City discussed the Promenade Walkway with the current owners of the property to the west of the PFD	<b>NO</b>	The City has met with this property owner in addition to public meetings that were noticed, not related to this matter

Letter #	PFD Question	Applicable to Proposed Revisions?	Response
	property?		specifically. This is an optional FAR bonus feature.
4.d.	When and how will the Promenade Walkway construction be required as various properties are developed?	<b>YES</b>	This is an optional FAR bonus feature, which is not required. As developments decide to participate (or not) this pedestrian connection is anticipated to fill in over time as developments proceed.
<b>2.</b>	<b>194<sup>th</sup> Street Extension</b>		
2.a.	When will the new streets be built?	<b>NO</b>	194 <sup>th</sup> is included in the 6 year TIP. The 6 year TIP is updated annually and projects timeframes may shift based upon funding available and priorities. This street project is currently not funded.
2.b.	What is the alignment, route and grade?	<b>NO</b>	The proposed amendments to this ordinance add additional flexibility to the property owners affected by this project. The design of the project will be undertaken with the affected property owners.
2.c.-f.	What does “designate right of way” mean as called for in the City Center documents? How will the PFD be compensated? How will tenants be compensated? How will the City replace parking?	<b>NO</b>	<p>Ordinance 2627 states that development shall “dedicate” right of way. LMC 19.10.090 Dedication (relates to subdivisions) is defined as:</p> <p><i>“Dedication” means the deliberate appropriation of land or improvements by the owner for any general and public use, reserving to himself no other rights than are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The dedication shall be evidenced by the owner on the final recorded documents, and the acceptance by the public shall be evidenced by the approval of such plat for filing by the city council.</i></p> <p>The concept of right of way dedication and nexus as it relates to project development and development of future streets where right of way is needed was discussed at the meetings with the PFD on 7/11/11, 7/28/11 and 8/18/11.</p>
<b>3.</b>	<b>196<sup>th</sup> Street Crossing</b>		
3.a.	How should the PFD Plan for the Promenade to cross 196 <sup>th</sup> ?	<b>NO</b>	The placement of the Promenade Walkway will be driven by project proposals. Projects that want to achieve the FAR bonus will propose design meeting the requirements at that time.

Letter #	PFD Question	Applicable to Proposed Revisions?	Response
3.b.	Has the City reviewed the crossing with WSDOT?	NO	The City has worked with WSDOT in the Access Study for 196 <sup>th</sup> and will work further with WSDOT for the Channelization and Future Signals as design proceeds.
3.c.	How does the City plan to fund the crossing of 196 <sup>th</sup> ?	NO	Future projects may determine the need and ability for such crossing. The proposed amendments provide alternative crossing options at 40 <sup>th</sup> and/or 42 <sup>nd</sup> Ave. W.
5.	<b>Traffic Mitigation Fees</b>		
5.a.	Will Traffic Mitigation Fees apply to new development on the PFD property?	NO	Yes, the TriF is phased in over a 5 year period and there are waivers in the City Center to provide an incentive for development.
5.b.	What would the estimated amount be?	NO	The estimated amount of the Impact Fee is based on detailed information submitted by the applicant.
6.	<b>Design Guidelines</b>		
	PFD recommends the concept of phasing be memorialized at the beginning of the Design Guidelines document. At the same time the PFD recommends that the allowable degree of deviation if any from the Design Guidelines be addressed, as well.	YES	<b>STAFF RECOMMENDATION:</b> Added a reference to the design departure process in the introduction section of the Design Guidelines. Also added a 5 year waiver of the building height minimum.

**Planning Commission Hearing September 8, 2011:  
Matrix of Updates from July 14, 2011 Hearing**

<b>CODE</b>			
<b>#</b>	<b>LOCATION</b>	<b>ISSUE</b>	<b>CHANGE</b>
<b>1</b>	Code and Design Guidelines	General minor Clarifications to Language Needed	<ul style="list-style-type: none"> <li>• Minor Clarifications Made as Needed.</li> </ul>
<b>2</b>	Page 2	Whereas Statements	<ul style="list-style-type: none"> <li>• Updated with current status</li> </ul>
<b>3</b>	Pages 3 and 4 Sections 1 and 2	Future Street Rights of Way location flexibility and nexus for street dedications.	<ul style="list-style-type: none"> <li>• Clarified that the Public Works Director may deviate street location descriptions and that the dedications will be roughly proportional to the project impacts.</li> </ul>
<b>4</b>	Page 5-6 Section 5	Clarifications needed for definitions	<ul style="list-style-type: none"> <li>• New Development: Clarified definition and limited to building footprint expansion instead of any additional building square footage. Also limited certain minor footprint expansions. (See Nonconforming Buildings below).</li> <li>• Occupiable Space: Removed examples from the definition.</li> <li>• Promenade Street: Clarified boundary of Promenade Street definition (and updated reference in Table 21.60.4 Street Standards) due to possible future extension of 198<sup>th</sup> St. SW.</li> <li>• Promenade Walkway: Moved design items to Design Guidelines and simplified definition.</li> <li>• Public Plaza: Moved design items to Design Guidelines.</li> </ul>
<b>5</b>	Page 7 Section 7	Clarifications needed for prohibited uses	<ul style="list-style-type: none"> <li>• Accessory Outdoor Areas: Removed Community Development Director determination of type and size and added not to exceed half an acre in size.</li> <li>• Warehouses: Added allowance up to 20% of the building's gross floor area (for the purpose of retail operations).</li> </ul>

<b>6</b>	Page 7 Section 8	Implementation of Minimum Building Height	<ul style="list-style-type: none"> <li>• Changed effective date of building height minimum to five year from the date the ordinance will be adopted (2017) and added possible extension language.</li> </ul>
<b>7</b>	Pages 9-10 Section 8	FAR Notes and Bonus Features	<ul style="list-style-type: none"> <li>• Added a note to clarify the calculation of floor area.</li> <li>• Promenade Walkway: Added a FAR bonus for Promenade Walkway that is along or located within the public right of way based on discussions with the LPPD. Clarified requirements differences between the two Promenade Walkway bonus features.</li> <li>• <u>NOTE</u>: Did not reduce the as of right maximum FAR for New Development, although the height minimum was waived for 5 years. This means that the as of right allowable FAR is higher without the need for FAR bonus features or requiring a height minimum.</li> </ul>
<b>8</b>	Page 12 Section 8	Bicycle Facilities and Service Areas	<ul style="list-style-type: none"> <li>• Added language allowing bicycle storage may be located inside</li> <li>• Clarified Service Areas location and enclosure requirements</li> </ul>
<b>9</b>	Page 13 Section 9	Signs	<ul style="list-style-type: none"> <li>• Corrected Title and LMC reference</li> </ul>
<b>10</b>	Page 15 Section 10	Street Standards Table Notes	<ul style="list-style-type: none"> <li>• Updated the Promenade Street (198<sup>th</sup> St. SW) standards consistent with fire requirements within the existing curb to curb dimension.</li> <li>• Updated Director Determination language with concurrence of the Fire Marshal</li> </ul>
<b>11</b>	Page 17 Section 12	Nonconforming Buildings	<ul style="list-style-type: none"> <li>• Changed from 15% expansion not subject to building height minimum to a waiver of the building height minimum for five years to accommodate expansions and new development in the early years.</li> </ul>

## DESIGN GUIDELINES

#	LOCATION	ISSUE	CHANGE
12	Page 2	Design Departure	<ul style="list-style-type: none"> <li>Added Design Departure language to the Introduction based on discussions with the PFD.</li> </ul>
13	Page 6	Curb Cuts	<ul style="list-style-type: none"> <li>Clarified location of width requirements</li> </ul>
14	Page 7	Surface Parking Lot Location	<ul style="list-style-type: none"> <li>Removed requirement for larger sites to provide conceptual plan for phasing parking into structured parking garages.</li> </ul>
15	Page 8	Parking Lot and Site Landscaping	<ul style="list-style-type: none"> <li>Reverted to original lesser requirement for parking lot trees at 1:6 versus 1:4</li> </ul>
16	Page 10 & 11	Streetscape	<ul style="list-style-type: none"> <li>Removed sidewalk and parking requirements that are duplicated in the code.</li> <li>Retained original language regarding street trees in Appendix A as there will be a forthcoming streetscape program.</li> <li>Removed requirements for streetscape amenities, will be part of Streetscape Program Attachment A.</li> </ul>
17	Page 12	Site Lighting	<ul style="list-style-type: none"> <li>Removed complimentary lighting guideline</li> </ul>
18	Page 13	Pedestrian Connection/Walkways	<ul style="list-style-type: none"> <li>Simplified walkway through parking lots to be consistent with other walkway widths.</li> <li>Updated Promenade Walkway language based on discussions with the PFD to allow to be along and within the public right of way.</li> <li>Clarified phasing requirements of Pedestrian Connections/Walkways with development phasing.</li> </ul>
19	Page 15	Vehicular Connections	<ul style="list-style-type: none"> <li>Clarified language for requirements consistent with Pedestrian Connections and maximum width.</li> </ul>
20	Page 17	Open Space/Public Plazas	<ul style="list-style-type: none"> <li>Moved language from code definition requirements into Design Guidelines.</li> <li>Increased landscape area required from 10% to 20% minimum.</li> </ul>
21	Page 20	Building/Sidewalk Relationship	<ul style="list-style-type: none"> <li>Clarified to be consistent language with code language for future street right of way line.</li> </ul>
22	Page 23	Weather Protection	<ul style="list-style-type: none"> <li>Clarified canopies over sidewalks and walkways.</li> <li>Changed width from 6 feet to 5 feet minimum width to be consistent with Citywide standards.</li> </ul>

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**CITY OF LYNNWOOD**

**ORDINANCE NO. \_\_\_\_\_**

6 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON,  
7 AMENDING SECTION 1 AND SECTION 2 OF ORDINANCE NO.  
8 2627, AMENDING LMC SECTIONS 21.02.715, 21.60.075, 21.60.100,  
9 21.60.200, 21.60.300, 21.60.400, 21.60.500, 21.60.600, 21.60.700,  
10 21.60.800, ADDING A NEW SECTION 21.60.475 AND AMENDING  
11 THE CITY CENTER DESIGN GUIDELINES AND PROVIDING FOR  
12 SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY  
13 PUBLICATION

14 WHEREAS, the City of Lynnwood is a municipal corporation organized under the laws of the  
15 State of Washington; and,

16 WHEREAS, the City Council is authorized by RCW 35A.11.020 to adopt and enforce ordinances  
17 of all kinds relating to municipal affairs and appropriate to the good government of the City; and,

18 WHEREAS, on March 14, 2005, the Lynnwood City Council passed Ordinance No. 2553  
19 adopting the City Center Sub-Area Plan as an amendment to the City of Lynnwood Comprehensive Plan;  
20 and,

21 WHEREAS, on March 14, 2005 the Lynnwood City Council passed Ordinance No. 2554  
22 adopting zoning regulations and design guidelines for the Lynnwood City Center, adding a new chapter to  
23 Lynnwood Municipal Code Title 21; and,

24 WHEREAS, on July 10, 2006, the Lynnwood City Council passed Ordinance No. 2625 amending  
25 Section 21.60.600 of the Lynnwood Municipal Code regarding protection of planned sites of public  
26 streets and parks/plaza in the City Center; and,

27 WHEREAS, on July 10, 2006, the Lynnwood City Council passed Ordinance No. 2627  
28 establishing a street grid protection ordinance for the City Center Sub-Area; and,  
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30 WHEREAS, the Lynnwood City Center Sub-Area Plan identifies the need for parks/plazas in the  
31 City Center; and,  
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33 WHEREAS, the City Center Sub-Area Plan identifies the locations of the City Center parks as  
34 general, and not specific, evidenced by statements in the City Center Sub-Area Plan that the location of  
35 the Town Square park in the Core "should be roughly in the center" and CCPS #3 "...These parks and  
36 public spaces, or their spatial or functional equivalent, shall be provided as new development occurs in  
37 the City Center"; and,  
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39 WHEREAS, the City of Lynnwood zoning code (LMC section 21.60.600 entitled "Design  
40 Review"), provides for specific locations of the City Center parks requiring that development demonstrate  
41 consistency and compatibility with the planned location of City Center parks and plazas, the location of  
42 which are described in detail in that section (21.60.600); and,  
43

44 WHEREAS, the City Center Sub-Area Plan identifies the need for a finer City Center street grid  
45 system in the City Center to break down superblocks and encourage a more pedestrian friendly  
46 environment; and,  
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48 WHEREAS, the City Center Street Grid Protection Ordinance (Ordinance No. 2627) establishes a  
49 regulatory mechanism to require the dedication of public right of way to implement a finer City Center  
50 grid street system and to also provide for the acquisition of public right-of-way for streets that will serve  
51 to mitigate City Center transportation impacts; and,  
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53 WHEREAS, since the adoption of the City Center Sub-Area Plan the City of Lynnwood has  
54 conducted studies (“Lynnwood City Center Access Study” Perteet Engineering., September 2007 and  
55 “Lynnwood City Center Street Master Plan” David Evans and Associates, Inc., December 2009) to  
56 further analyze the City Center Street system and, the optimal location of the proposed street grid, to  
57 refine the transportation network and to identify improvement needs for the City Center with specific  
58 attention to analysis of the secondary street network and transportation improvements necessary to  
59 mitigate transportation impacts; and,  
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61 WHEREAS, the Lynnwood City Center Street Master Plan concluded that two new secondary  
62 streets (42<sup>nd</sup> Avenue W. and 194<sup>th</sup> Street SW extension) were “system improvements”, both needed to  
63 mitigate capacity within the City Center, and that the remainder of the new secondary streets (e.g. 41<sup>st</sup>  
64 Avenue W. 43<sup>rd</sup> Avenue W. etc.) are identified as “project improvements” and are not necessary to  
65 mitigate transportation capacity needs for the City Center; and,  
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67 WHEREAS, based on the conclusions of the above referenced studies, the City finds that the  
68 current street grid regulation (Ordinance No. 2627) is more comprehensive and encumbering than  
69 necessary to achieve the purpose of ensuring transportation mitigation than what was originally  
70 envisioned when the City Center Plan was adopted; and,  
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72 WHEREAS, with the passage of time since the adoption of the City Center zoning code,  
73 amendments to the code have been identified to better implement the intent of the City Center Sub-Area  
74 Plan; and,  
75

76 WHEREAS, factors influencing the preparation of amendments to City Center development  
77 regulations include recognition of the need to be responsive to the change in market conditions brought on  
78 by the “Great Recession” by offering more flexibility, findings of studies conducted since the time of the  
79 adoption of the City Center Sub-Area Plan, and the identification of opportunities to increase code clarity  
80 and predictability of the regulations; and,  
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82 WHEREAS, on June 7, 2011 the proposed amendments were received by the Washington State  
83 Department of Commerce for State agency review in accordance with RCW 36.70A.106 with no  
84 comments having been received; and,  
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86 WHEREAS, the City of Lynnwood Planning Commission held a duly noticed public hearing on  
87 June 9, 2011, which was continued to July 14, 2011 and then further continued to September 8, 2011; and  
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89 WHEREAS, the City of Lynnwood Planning Commission determined that the Hearing  
90 Continuations were appropriate to allow for further public outreach including informational meetings held  
91 on June 16, 2011 and June 29, 2011 as well as meetings with individual property owners that requested  
92 further meetings; and  
93

94 WHEREAS, following the public hearing and considering the testimony, the City of Lynnwood  
95 Planning Commission made a recommendation to City Council; and  
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97 WHEREAS, the City Council held a duly noticed public hearing on [INSERT DATE], 2011  
98

99 WHEREAS, the City Council finds that there are sufficient reasons to take action to ensure that  
100 the zoning ordinance and other implementing development regulations provide the level of predictability,  
101 certainty and consistency needed for redevelopment of the City Center by all property owners, businesses,  
102 citizens; and,

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WHEREAS, based on these findings, it is appropriate to amend the City of Lynnwood zoning code, City Center Design Guidelines, and Ordinance No. 2627; and,

WHEREAS, the City Council finds that it is in the interest of the public health, safety and welfare to adopt this ordinance, now therefore,

THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1.** Section 1 of Ordinance No. 2627 adopted by the Lynnwood City Council on July 10, 2006, is hereby amended as follows:

“Section 1. The following new streets shall be located in the City Center Sub-Area:

The proposed new streets in the City Center would follow centerlines defined approximately as follows. Such streets may deviate pursuant to the determination of the Public Works Director from the centerlines described below may be built with the centerline deviating up to 35 feet to either side of these descriptions, to take best advantage of physical conditions in the field and to coordinate with legal parcel boundaries. ~~The true alignment of the centerline of each route would run generally parallel to existing 44<sup>th</sup> Avenue W or existing 196<sup>th</sup> Street SW, to the extent practical.~~

~~41<sup>st</sup> Avenue W would run in a straight line generally aligned parallel to existing 44<sup>th</sup> Avenue W, from existing Alderwood Mall Boulevard to proposed 195<sup>th</sup> Street SW, approximately 360 feet north of the centerline of existing 196<sup>th</sup> Street SW. The centerline would cross existing 196<sup>th</sup> Street SW approximately 990 feet east of the centerline of existing 44<sup>th</sup> Avenue W. This street would not continue north of proposed 195<sup>th</sup> Street SW.~~

~~42<sup>nd</sup> Avenue W would run generally in a straight line generally aligned parallel to existing 44<sup>th</sup> Avenue W, from existing 200<sup>th</sup> Street SW to existing 194<sup>th</sup> Place SW. The centerline would cross existing 194<sup>th</sup> Street SW approximately 680 feet east of the centerline of existing 44<sup>th</sup> Avenue W.~~

~~42<sup>nd</sup> Avenue W Extension would continue southerly from Alderwood Mall Boulevard, curving southwesterly to reach 44<sup>th</sup> Avenue W in the alignment of proposed 201<sup>st</sup> Street SW. This route is more specifically described as follows. Beginning at the centerline of Alderwood Mall Boulevard, 42<sup>nd</sup> Avenue W Extension would proceed southward, following along an arc concave to the northwest of radius approximately 250 feet through 50 degrees of arc for a distance of 218 feet, then continue southwesterly on a tangent line for 235 feet, then follow along an arc concave to the northwest of radius approximately 250 feet through 40 degrees of arc for a distance of 174 feet, then follow the alignment of proposed 201<sup>st</sup> Street westward for approximately 250 feet to intersect with existing 44<sup>th</sup> Avenue W. The centerline of proposed 201<sup>st</sup> Street SW at 44<sup>th</sup> Avenue W would be located approximately 417 feet south of the centerline of existing Alderwood Mall Boulevard.~~

~~43<sup>rd</sup> Avenue W would run in a straight line generally aligned parallel to existing 44<sup>th</sup> Avenue W, from existing Alderwood Mall Boulevard to existing 194<sup>th</sup> Place SW. The centerline would cross existing 194<sup>th</sup> Street SW 260 feet east of the centerline of existing 44<sup>th</sup> Avenue W.~~

~~45<sup>th</sup> Avenue W would run in a straight line generally aligned parallel to existing 44<sup>th</sup> Avenue W, from existing 200<sup>th</sup> Street SW to existing 194<sup>th</sup> Street SW. The centerline~~

156 would cross existing 194<sup>th</sup> Street SW 384 feet west of the centerline of existing 44<sup>th</sup>  
157 Avenue W.

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159 ~~191<sup>st</sup> Street SW would run in a straight line generally aligned east-west, from existing~~  
160 ~~33<sup>rd</sup> Avenue W to existing 36<sup>th</sup> Avenue W. The centerline would cross existing 36<sup>th</sup>~~  
161 ~~Avenue W 1021 feet south of the centerline of existing 188<sup>th</sup> Street SW.~~

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163 **194<sup>th</sup> Street SW Extension** would follow a meandering line proceeding from a point of  
164 beginning located on the centerline of existing 194<sup>th</sup> Street SW approximately 140 feet  
165 west of the centerline of existing 40<sup>th</sup> Avenue W, then bearing generally east-  
166 northeasterly to existing 36<sup>th</sup> Avenue W, crossing existing 36<sup>th</sup> Avenue W approximately  
167 220 feet north of the point of beginning. From the centerline of 36<sup>th</sup> Avenue W the route  
168 would continue east-southeasterly approximately 78 feet, then east approximately 956  
169 feet to the centerline of existing 33<sup>rd</sup> Avenue W, meeting existing 33<sup>rd</sup> Avenue W  
170 approximately 220 feet north of the point of beginning.

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172 ~~195<sup>th</sup> Street SW would run in a straight line generally aligned parallel to existing 196<sup>th</sup>~~  
173 ~~Street SW, from existing 40<sup>th</sup> Avenue W to proposed 45<sup>th</sup> Avenue W. The centerline~~  
174 ~~would cross existing 44<sup>th</sup> Avenue W 360 feet north of the centerline of existing 196<sup>th</sup>~~  
175 ~~Street SW.~~

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177 ~~197<sup>th</sup> Street SW would run in a straight line generally aligned parallel to existing 196<sup>th</sup>~~  
178 ~~Street SW, from existing 40<sup>th</sup> Avenue W to existing 44<sup>th</sup> Avenue W. The centerline~~  
179 ~~would cross existing 44<sup>th</sup> Avenue W 257 feet south of the centerline of existing 196<sup>th</sup>~~  
180 ~~Street SW.~~

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182 ~~198<sup>th</sup> Street SW would be extended west of 44<sup>th</sup> Avenue W to proposed 45<sup>th</sup> Avenue W,~~  
183 ~~a distance of approximately 384 feet.~~

184  
185 ~~199<sup>th</sup> Street SW would run in a straight line generally aligned parallel to existing 196<sup>th</sup>~~  
186 ~~Street SW, from existing 40<sup>th</sup> Avenue W to existing 44<sup>th</sup> Avenue W. The centerline~~  
187 ~~would cross existing 44<sup>th</sup> Avenue W 925 feet south of the centerline of existing 196<sup>th</sup>~~  
188 ~~Street SW.~~

189  
190 **Section 2.** Section 2 of Ordinance No. 2627 adopted by the Lynnwood City Council on July 10, 2006, is  
191 hereby amended as follows

192  
193 “Section 2. All development shall dedicate rRight of wWay for streets designated herein,  
194 and shall be a width in accordance with the adopted City Center Sub-Area plan or as  
195 approved by the Public Works Director. The Public Works Director may make a  
196 determination to waive or modify the extent of the dedication to ensure that the extent of the  
197 dedication, if any, is roughly proportional to the project impacts. The Public Works Director  
198 shall also have the authority to waive the requirement for right of way dedication for the  
199 streets designated herein and/or approve modified alignments if the Public Works Director  
200 finds that such waiver or modification does not impact the functions for those streets  
201 including fire lane standards. For purposes of this ordinance, the term "development" shall  
202 include subdivisions, short subdivisions, planned unit developments, binding site plans and  
203 design review approvals.” Appeals of the Public Works Director’s decision shall be  
204 processed as a Process II application (LMC 1.35.200).”

205  
206 **Section 3.** LMC Section 21.02.715 is hereby amended as follows,

207  
208 **21.02.715 Sign, roof.**

209 “Roof sign” means a business sign erected upon or above a roof or, in cases where a parapet is  
210 present, above the parapet of a building. This definition does not apply to signs attached to

211 parapets or walls when such parapets or walls are at a point six (6) feet in height or less above the  
212 roof deck.

213 **Section 4.** LMC Section 21.60.075 is hereby amended as follows,

214 **21.60.075 Relationship to rest of title.**

215 The regulations in this chapter, together with the applicable regulations in the rest of LMC Title  
216 21 and other titles of the Lynnwood Municipal Code, shall govern development and use of  
217 property in the city center zones ~~districts~~. Where the regulations of this chapter conflict with or  
218 vary from regulations in other chapters or titles, the regulations in this chapter shall control.

219  
220 A. Exceptions. The following chapters of this code LMC 21 shall not apply in the city center:

221 1. Chapter 21.06 LMC;

222 2. Chapter 21.12 LMC;

223 3. Chapter 21.14 LMC.

224 **Section 5.** LMC Section 21.60.100 is hereby amended as follows,

225 **21.60.100 Definitions.**

226 The following definitions shall only be applicable to the City Center zones.

227  
228 ~~“Canopy” means a cover over a sidewalk, providing protection from rain, that is constructed of~~  
229 ~~permanent materials. The height shall range between eight feet and 12 feet, and it shall be a minimum of~~  
230 ~~six feet in width.~~

231 A. “City center” means the land area designated on the official zoning map ~~comprised of the~~ a city  
232 center ~~zones~~ district.

233 B. “Donation to Public Park Fund” shall mean a voluntary contribution from the developer to a dedicated  
234 City fund established specifically for the purpose of acquiring and development of public park land to  
235 serve new development and growth consistent with the City Center Sub-Area Plan. The voluntary  
236 donation shall be executed by an agreement acceptable to the City.

237 C. “Floor area ratio” means the amount of floor area within a building as a multiple of the lot area.

238 D. “New Development” means construction of a new building or the expansion of an existing building  
239 footprint (in which case that portion of the building being expanded shall constitute new development).  
240 Exterior reconstruction of existing buildings (involving wall and/or roof removal) within existing  
241 footprints, and construction of new facades, parapets, entrances, vestibules, and similar shall not  
242 constitute New Development.

243 E. “Occupiable Space” means spaces for uses such as retail, office, residential, personal service shops,  
244 customer serving offices, restaurant, entertainment, and the like. Structured parking and self-service  
245 storage facilities (mini-storage and similar spaces designed to contain objects, not persons as the primary  
246 use are not considered occupiable space.

247 ~~“Green roof” means a roof designed with principles of environmental sustainability, involving the use of~~  
248 ~~vegetation and storm water collection and cleaning. It may or may not be accessible.~~

249 F. “Parking, below grade” means any portion of a structure containing parking that is located below the  
250 average finished grade around a building.

251 G. “Parking, structured” means parking contained within a ~~multi-story structure above grade. n enclosed~~  
252 building, designed to appear like it is part of the larger building complex.

253 H. “Promenade Street” means the public pedestrian and vehicular way along 198<sup>th</sup> St. SW identified in the  
254 City Center Sub-Area Plan bounded on the east by 40<sup>th</sup> Ave. W. and 44<sup>th</sup> Ave. W. unless 198<sup>th</sup> Street SW  
255 is extended west of 44<sup>th</sup> Avenue in which case the west boundary shall be the westerly terminus of 198<sup>th</sup>  
256 Street SW within the City Center.

257 I. “Promenade Walkway” means the pedestrian connection conceptually illustrated in the City Center  
258 Sub-Area Plan that connects the Promenade Street to the Transit Center on the South and the Convention  
259 Center and towards Alderwood Mall on the North .

260 “Public art” means any form of painting, mural, mosaic, sculpture, or other work of art, so long as it can  
261 be appraised as a work of art and its value as such documented. It must be displayed on the exterior of a  
262 building, at or near the pedestrian entrance or on a public plaza.  
263 J.I. “Public plaza” means an open space that is accessible to the public at all times, predominantly open to  
264 the sky, and for use principally by people, as opposed to merely a setting for the building. It must abut  
265 and be within three feet in elevation of a sidewalk, and at least 10 percent of the area shall be planted with  
266 trees and other vegetation. There must be seating, lighting and penetration of sunlight.  
267 K. J. “Story” means the portion of a building included between the upper surface of the floor and the  
268 upper surface of the floor or roof next above, measured as the vertical distance from top to top of two  
269 successive tiers of beams or finished floor surfaces and for the topmost story, from the top of the floor  
270 finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.  
271 L. K. “Street level retail” means any pedestrian-oriented uses providing goods and services, including  
272 food and drink, adjacent to, visible from, and accessible from the sidewalk, including any pedestrian-  
273 oriented use, such as retail stores, groceries, shoe repair shops, dry cleaners, floral shops, beauty and  
274 barber shops, art galleries, travel agencies, restaurants, theaters, public offices, libraries and other  
275 businesses that are intended to be pedestrian-attracting or pedestrian-generating in nature.  
276 “Water feature” means a fountain, cascade, stream, fall, pond of water, or combination thereof, that serves  
277 as a focal point. It must be located outside of a building and be publicly visible and accessible. It must be  
278 active during daylight hours.

279 **Section 6.** LMC Section 21.60.200 is hereby amended as follows,

280 **21.60.200 DistrictZones established and described.**

- 281 A. City Center – Core (CC-C). This districtzone is envisioned to have the highest intensity uses,  
282 especially office buildings, residences, and hotels contained within high-rise buildings. Shops and  
283 restaurants would be located along key streets, particularly thea principal pedestrian corridor,  
284 referred to as the “Promenade” in the City Center Sub-Area Plan. A major public open space  
285 would anchor the districtzone. Over time, parking would be increasingly located within parking  
286 structures. The convention center is planned located infor the northeast corner of this districtzone.  
287 B. City Center – West (CC-W). This districtzone is envisioned to have a mixture of higher density  
288 housing, retail and restaurants, and some office buildings contained within mid-rise buildings. A  
289 public open space would anchor the districtzone. Over time, parking would be increasingly found  
290 within parking structures.  
291 C. City Center – North (CC-N). This districtzone is envisioned to have a mixture of mid-rise office  
292 buildings and retail, Over time, parking would be increasingly found within parking structures,  
293 with a relatively small amount of housing. Parking would largely be on the surface, but over time,  
294 some parking may be within structures.

295 **Section 7.** LMC Section 21.60.300 is hereby amended as follows,

296 **21.60.300 Use limitations.**

297 All uses shall be allowed in the city center districtszones unless specifically prohibited below.

298  
299 A. Prohibited in all city center districtszones:

- 300 1. Adult establishments;  
301 2. Billboards;  
302 3. Industrial uses (excluding management, research and development, and sales operations);  
303 4. Outdoor storage or display of materials and equipment (except during construction);  
304 5. Repair of vehicles, unless entirely within a building; Auto-oriented uses, including:  
305 a. Vehicle washing;  
306 b. Drive-throughs, including drive-up windows and drive up kiosks;  
307 c. Vehicle Repair;  
308 d. Battery Exchange Station (Electric Vehicles);

- 309 e. Battery Charging Station (Electric Vehicle), Level 1, Level 2 or Level 3, (unless  
 310 contained within an enclosed parking structure or attached to the exterior of a  
 311 building containing a principal use.);  
 312 f. Gasoline service stations;  
 313 g. Rental-Car agencies with outdoor fleet;  
 314 h. Outdoor sales of boats, vehicles, or equipment.  
 315 6. Sewage treatment plants;  
 316 7. Work release facilities;  
 317 8. Wrecking yards;  
 318 9. Secure community transition facilities;  
 319 10. Uses not fully contained within a building except;  
 320 a. Accessory outdoor dining;  
 321 b. Accessory outdoor display of merchandise up to a maximum of 200 square feet and  
 322 where the display only occurs during business hours;  
 323 c. Temporary special events;  
 324 d. Accessory outdoor recreation areas, in an amount not greater than the gross floor area  
 325 of the principal use it serves, not to exceed half an acre;  
 326 11. Self-service storage facilities (also known as mini-storage) consisting of more than 20% of  
 327 the building's total gross floor area.  
 328 12. Warehouses consisting of more than 20% of the building's gross ground floor area.  
 329 13. Any other uses similar to those listed above or any other use determined by the Ceommunity  
 330 Ddevelopment Ddirector to be inconsistent with the intent of city center districts-zones as  
 331 described in this chapter and the Ceity Ceenter Ssub-Aarea Pplan. Appeals of the Community  
 332 Development Director's decision shall be processed as a Process II application (LMC 1.35.200).  
 333 ~~B. Additionally prohibited in the city center — core district (CC-C) (allowed in other districts):~~  
 334 ~~1. Vehicle washing, unless located within a building or parking structure;~~  
 335 ~~2. Drive-through businesses, unless located within a building or parking structure;~~  
 336 ~~3. Gasoline service stations;~~  
 337 ~~4. Mini storage on the street level;~~  
 338 ~~5. Outdoor sales of boats, vehicles, or equipment.~~  
 339 BG. Additionally prohibited in the portion of the city center – core districtzone (CC-C) that is north of  
 340 194th St. SW:  
 341 1. Multiple-family residential.  
 342 C. Ground floor principal uses in all City Center Zones shall be Occupiable Space.  
 343 1. Exception. Parking may occupy the ground floor of a building; provided that, the parking does not  
 344 occupy ground floor space facing a street frontage. In such instances, that portion of the building facing  
 345 the street shall still consist of occupiable space.  
 346 D. For buildings that directly front the Promenade Street, no less than 40 percent of the lineal frontage of  
 347 any building shall be Street Level Retail uses.  
 348

349 **Section 8.** LMC Section 21.60.400 is hereby amended as follows,

350 **21.60.400 Basic development standards.**

351 **A. Height.**

352 **1. Minimum Building Height.**

353 The intent is that the City Center zones accommodate dense urban form development and that all New  
 354 Development shall be built to at least the minimum building height. However, due to current economic  
 355 conditions, in the first five (5) years from the date of adoption of this ordinance, this requirement is  
 356 waived and if conditions are not improved beyond this five (5) year period, City Council may extend this  
 357 waiver further.

358 a. New Development effective [INSERT EFFECTIVE DATE]: Three Stories at no less than 30  
 359 feet. This requirement shall not apply to uses predominantly characterized as places of public  
 360 assembly featuring auditoriums or meeting facilities including but not limited to religious  
 361 institutions, movie or performing arts theaters, symphony halls, and convention facilities.

362 2. Maximum Building Height

- 363 a. In the City Center – Core (CC-C) zone, the maximum building height shall be 350 feet,
- 364 except as follows:
- 365 i. From the centerline of 196th St. SW north up to but not exceeding a distance of 360 feet,
- 366 the maximum building height of any portion of a building shall be 240 feet.
- 367 ii. North of a line 360 feet north of the centerline of 196th St. SW, the maximum building
- 368 height of any portion of a building shall be 130 feet.
- 369 iii. Notwithstanding the above paragraphs, the maximum height of any portion of a
- 370 building 150 feet or less from a residential zone shall be 35 feet.
- 371 b. In the City Center – West (CC-W) and City Center – North (N) zones, the maximum building
- 372 height shall be 140 feet, except as follows:
- 373 i. The maximum height of any portion of a building 150 feet or less from a residential zone
- 374 shall be 35 feet.

375 3. Mechanical penthouses, stair/elevator overruns, and antennas shall be excluded from building height

376 calculation, provided they are no more than 20 feet above the roof deck.

377 4. Building height may be increased by up to 20 percent for a non-habitable, architectural roofline

378 element. This allowance does not apply within 150 feet from a residential zone or in the city center –

379 core zone (CC-C) where the maximum height is less than 350 feet.

380

381 B. Setbacks

382 1. From Streets:

- 383 a) To permit the widening of City Center streets without creating nonconforming situations or
- 384 the need to impact buildings, all buildings shall be located at the property line established by
- 385 the future street right of way contained in Table 21.60.4 utilizing the fronting street for fire
- 386 access except as permitted otherwise in this chapter, the City Center Design Guidelines or
- 387 unless there is or will be a building between such building and the future street right of way.
- 388 In exceptions where buildings do not utilize the street for fire access, a circulating fire lane
- 389 may be required.
- 390 b) Buildings may be setback from the street for the purpose of providing public plazas as a FAR
- 391 bonus feature and as required by the City Center Design Guidelines. The public plaza may
- 392 exceed the minimum open space/public plaza size requirement provided in the Design
- 393 Guidelines. Up to 30% of any building’s street frontage per street may be setback from the
- 394 setback line to accommodate a Public Plaza. Open Space/Public Plaza space may be
- 395 combined at intersections.
- 396 c) To allow buildings to be setback from wider streets, buildings along Boulevard streets may be
- 397 setback up to 17 feet from the property line established by the future street right of way
- 398 provided in Table 21.60.4 subject to the following requirements:
- 399 i. The Boulevard street shall be utilized as the fire lane. No setback shall be allowed
- 400 that would result in requiring a fire lane between the building and the street
- 401 ii. The setback shall be utilized only for Open Space/Public Plazas complying with
- 402 LMC 21.60.400 B (1) (b) and the City Center Design Guidelines.

403 2. Interior Side: None required.

404 3. Interior Rear: None required.

405

406 AC. Floor Area Ratio.

407 1. Basic Allowable Floor Area Ratio. The basic floor area ratio (FAR) of buildings in the city center shall

408 be limited as shown in Table 21.60.1. The bonuses are described in subsection (AC)(2) of this section.

409 See also subsection (DC) of this section.

410

411

Table 21.60.1: Floor Area Ratio (FAR)

	Basic Allowable “As of Right”		Basic Allowable with Bonuses	
District	Nonresidential	Residential	Nonresidential	Residential

CC-C	0.5	1.0	8.0	10.0
CC-W	0.5	1.0	3.0	5.0
CC-N	0.5	1.0	3.0	5.0

412  
413

<b>Table 21.60.1: Floor Area Ratio (FAR)</b>				
<b>Basic Allowable/Maximum FAR</b>		<b>District</b>		
		<u>CC-C</u>	<u>CC-W</u>	<u>CC-N</u>
<u>Basic Maximum Allowable “As of Right” for Existing Nonconforming Sites and Structures</u>	<u>Nonresidential</u>	<u>0.5</u>	<u>0.5</u>	<u>0.5</u>
	<u>Residential</u>	<u>1.0</u>	<u>1.0</u>	<u>1.0</u>
<u>Basic Maximum Allowable FAR “As of Right” for New Development</u>	<u>Nonresidential</u>	<u>2.0</u>	<u>2.0</u>	<u>2.0</u>
	<u>Residential</u>	<u>3.0</u>	<u>3.0</u>	<u>3.0</u>
<u>Maximum with Bonuses</u>	<u>Nonresidential</u>	<u>8.0</u>	<u>3.0</u>	<u>3.0</u>
	<u>Residential</u>	<u>10.0</u>	<u>5.0</u>	<u>5.0</u>

414

415

Notes:

416

a. Floor area is measured to the inside face of exterior walls.

417

b. The following uses shall be excluded from floor area calculation:

418

- Space underground (e.g. basements) below grade;

419

- Space dedicated to parking;

420

- Mechanical spaces;

421

- Floor Area devoted to Rainwater collection;

422

- Floor Area devoted to Greywater collection/storage/distribution;

423

- Floor Area devoted to Waste recovery/separation;

424

- Floor Area devoted to Bicycle storage facilities;

425

- Floor Area devoted to Service areas

426

- Elevator and stair shafts;

427

- Lobbies and common spaces, including atriums;

428

- Space used for any as a FAR bonus feature (see Table 21.60.2).

429

c. Privately owned Land area for the Promenade Walkway with the required public access easement shall be included in determining the basic allowable FAR.

430

d. ~~b.~~ Allowable FAR for nonresidential and residential uses ~~shall~~ may be added together for the respective use types within a mixed-use residential project, to provide for a combined FAR total.

431

e. ~~e.~~ Hotels shall be considered nonresidential for the purpose of this chart.

432

f. In situations where both conforming and non-conforming development are located on a site, the maximum FAR for conforming and non-conforming development may be combined, but each shall be limited to their respective maximum FAR per Table 21.60.1. (For example, conforming development FAR maximum is 2.0; non-conforming FAR maximum is 0.5. Conforming development on the site may have a maximum FAR of 2.0; non-conforming a maximum FAR of 0.5.)

433

434

2. FAR Bonus. The FAR at a property may be increased above the amount permitted “as of right” shown in Table 21.60.1 by including any of the features listed in Table 21.60.2 into development of the property.

441

442

Table 21.60.2: Bonus Features Allowing Increased Floor Area Ratio

Feature	Additional Floor Area for Each Feature
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Street level retail	100 sq. ft. of floor area for each linear foot of retail frontage
Public plaza	5 sq. ft. of floor area for each sq. ft. of plaza
Canopy	4 sq. ft. of floor area for each sq. ft. of canopy
Public art	10 sq. ft. of floor area for each \$100.00 of valuation
Water feature	10 sq. ft. of floor area for each \$100.00 of valuation
Structured parking	0.5 sq. ft. of floor area for each sq. ft. of required parking above grade
Below grade parking	1 sq. ft. of floor area for each sq. ft. of required parking below grade
Green roof	2 sq. ft. of floor area for each sq. ft. of green roof
Residential use	2 sq. ft. of floor area for each sq. ft. of residential

443

**Table 21.60.2: Bonus Features Allowing Increased Floor Area Ratio**

<u>Bonus Features</u>	<u>Feature Requirements</u>	<u>Additional Floor Area for Each Feature</u>
<u>LEED Silver or Similar Certification Elements</u>	<u>Checklist stamped by the project architect illustrating LEED Silver or similar certification elements have been incorporated into project.</u>	<u>10 percent increase in total floor area for meeting LEED Silver Certification standards (or similar) or above</u>
<u>LEED Gold or Similar Certification Elements</u>	<u>Checklist stamped by the project architect illustrating LEED Gold or similar certification elements have been incorporated into project.</u>	<u>25 percent increase in total floor area for meeting LEED Gold Certification standards (or similar) or above</u>
<u>LEED Platinum or Similar Certification Elements</u>	<u>Checklist stamped by the project architect illustrating LEED Platinum or similar certification elements have been incorporated into project.</u>	<u>40 percent increase in total floor area for meeting LEED Platinum Certification standards (or similar) or above</u>
<u>Office Use Above the Ground Floor</u>		<u>2 sq. ft. of floor area for each sq. ft. of office use above the ground floor</u>
<u>Parking, underground</u>		<u>2 sq. ft. of floor area for each sq. ft. of parking below grade</u>
<u>Parking, structured</u>		<u>1 sq. ft. of floor area for each sq. ft. of structured parking above grade</u>
<u>Public Plaza</u>	<u>Provision of public plaza in excess of the requirement identified in the City Center Design Guidelines.</u>	<u>5 sq. ft. of floor area for each sq. ft. of plaza above the amount required by the City Center Design Guidelines.</u>
<u>Promenade Walkway (along public right of way)</u>	<u>Portions or all of the Promenade Walkway that are adjacent to or near and parallel to the public right of way or are located within the public right of way. (Access easement dedication where on private property to the public must be recorded with approved maintenance provisions). The Promenade Walkway must conform to the Design Guidelines.</u>	<u>5 sq. ft of floor area for each sq. ft. of Promenade</u>

<u>Bonus Features</u>	<u>Feature Requirements</u>	<u>Additional Floor Area for Each Feature</u>
<u>Promenade Walkway (bisecting large blocks)</u>	<u>Promenade Walkway providing a connection through a large block not adjacent to or in the public right of way. However, up to 5 percent of the project's Promenade Walkway (bisecting large blocks) can be adjacent to or within the public right of way and still receive 20 sf of floor area bonus.</u>  <u>(Access easement dedication to the public must be recorded with approved maintenance provisions). The Promenade Walkway must conform to the Design Guidelines.</u>	<u>20 sq. ft of floor area for each sq. ft. of Promenade</u>
<u>Residential Use (single purpose building)</u>	<u>Residential development granted as bonus square footage cannot be used to achieve additional square foot bonus.</u>	<u>2 sq. ft. of floor area for each sq. ft. of residential use</u>
<u>Residential Use in Vertically Mixed-Use Building</u>	<u>Residential development granted as bonus square footage cannot be used to achieve additional square foot bonus.</u>	<u>4 sq. ft. of floor area for each sq. ft. of residential use if the development is vertical mixed-use.</u>
<u>Street Level Retail</u>	<u>See definition (LMC Section 21.60.100.L)</u>	<u>200 sq. ft. of floor area for each linear foot of retail frontage</u>
<u>Donation to Public Park Fund</u>	<u>See definition (LMC Section 21.60.100.B)</u>	<u>20 sq. ft per \$100 contributed to Public Park Fund</u>

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3. Change of Use and Continuation of Bonus.

a. FAR bonuses granted based on the use of the building (e.g. office use, residential use, Street Level Retail) and use of an area (e.g. Promenade Walkway or public plaza) shall be acknowledged in a document recorded in a form acceptable to the City with the Snohomish County Auditor's Office. The document shall also reflect the requirement in subsection LMC 21.60.400 (3)(b) below.

b. If a business, or activity, or feature that supported a FAR bonus under this section is terminated, that use shall either be replaced by another use or feature of the same type (as listed in Table 21.60.2) or by another use that qualifies for an equal (or greater) FAR bonus. Alternatively and only in the case of a bonus use terminating, the property owner may request approval of a substitute method to qualify for the FAR bonus. Such substitution shall be subject to the approval of the Community Development Director, who shall approve the substitution if he/she finds that the proposed substitution complies with this section and chapter. Appeals of the Community Development Director's decision shall be processed as a Process II application (LMC 1.35.200)

~~B. Building Height. The height of buildings in the city center shall be limited as shown in Map CC-1 at the end of this chapter.~~

~~C.D. Parking Ratios. Notwithstanding Chapter 21.18 LMC, off-street parking shall be provided in conformance with Table 21.60.3 and the regulations in this subsection.~~

**Table 21.60.3: Required Off-Street Parking**

Use Type	Minimum	Maximum
<u>Retail, Personal services and Offices serving customers on site</u>	3 stalls/1,000 <u>Gross Floor Area (gfa) nsf*</u>	4 stalls/1,000 <u>gfa nsf*</u>
<u>Offices, not serving customers on site.</u>	2 stalls/1,000 <u>gfa nsf*</u>	4 stalls/1,000 <u>gfa nsf*</u>
Residential	0.5 stalls per unit	3 stalls per unit
Senior housing	0.25 stalls per unit	1 stalls per unit
Restaurant	1 stall per 4 seats	2 stalls per 4 seats
<u>Hotels, Motels or Other Overnight Accommodations</u>	<u>1 stall per room, plus additional parking in accordance with this table for other businesses or facilities associated with the hotel or motel.</u>	<u>1.5 stalls per room plus, additional parking in accordance with this table for other businesses or facilities associated with the hotel or motel.</u>
<u>Institutional uses</u>	<u>20 percent less than required in LMC Table 21.18.03</u>	<u>Same as Required in LMC Table 21.18.03</u>
<u>Places of Assembly</u>	<u>20 percent less than required in LMC Table 21.18.06</u>	<u>Same as Required in LMC Table 21.18.06</u>
<u>Entertainment/Recreational Activities</u>	<u>20 percent less than required in LMC Table 21.18.07</u>	<u>Same as Required in LMC Table 21.18.07</u>
<u>Other uses</u>	<u>20 percent less than required in LMC Table 21.18.11</u>	<u>Same as Required in LMC Table 21.18.11</u>
*nsf = net square feet		

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Notes:

1. Parking requirements for permitted uses not listed in Table 21.60.3 shall be determined by a study of parking demand for that use.
2. Uses sharing a common parking facility that is accessible to all respective uses may reduce the required number of stalls by 40 percent.
3. Parking may be located off-site, so long as it is within 1,000 feet of the property (measured along public sidewalks or walkways), is connected to the property by sidewalks or walkways, and is tied to the site by a contractual agreement that is filed with the city and deed of record at the county.
4. All developments with more than 50 parking spaces shall provide a minimum of one dedicated and signed carpool/vanpool space. All developments with more than 100 parking spaces shall provide a minimum of two dedicated and signed carpool/vanpool spaces.
54. The Ceommunity Ddevelopment Ddirector may allow ratios higher than the maximums allowed if a parking demand study for a particular development indicates that additional parking is needed and a parking demand management program would not be effective. Appeals of the Community Development Director’s decision shall be processed as a Process II application (LMC 1.35.200)

E. Bicycle Facilities.

1. All non-residential developments providing 20 or more parking stalls, shall be required to provide at least one bicycle stall for every 20 vehicular parking stalls, up to a maximum of 20 bicycle stalls. Bicycle stalls may be storage lockers or bicycle racks/stands.
2. Bicycle stalls shall be located either inside of a building or outside within 100 feet of a building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement or to a structure. It is not necessary for all on-site bicycle stalls to be located in one central location. Bicycle stalls may be located within vehicular parking areas.

494 3. One indoor bicycle stall shall be provided for every four dwelling units in multifamily residential  
495 uses, with the exception of senior housing, unless individual garages are provided for every unit.

496  
497 **F. Service Areas.**

498 1. Exterior service areas shall not be located within 30 feet of a residential-zoned property. Service  
499 areas include but are not limited to: loading docks, trash dumpsters, compactors, all equipment, dedicated  
500 parking or serving areas, refuse and recycling areas, and mechanical equipment areas.

501 2. External services areas shall be located within the dedicated parking areas.

502 3. All external refuse and recycling shall be enclosed on three sides within masonry walls with a  
503 minimum height of seven feet that shall match or complement the exterior materials of primary  
504 building(s). Enclosure doors shall be provided and shall not be constructed of wood or chain link (with or  
505 without slats).

506  
507 **G. Fire Standards**

508 1. To eliminate private land devoted to fire lanes between the building and the right of way, all New  
509 Development in the City Center shall be constructed with sprinklers regardless of size.

510  
511  
512 **Section 9.** A new section LMC 21.60.475 entitled “Signs” is hereby adopted as follows,

513  
514 **21.60.475 Signs.**

515 Signs in the City Center zones shall comply with LMC 21.16.310 and other applicable sections of that  
516 chapter. Notwithstanding the regulations in LMC 21.16, the following sign regulations apply in the City  
517 Center zones:

518 A. Prohibited signs. The following signs are prohibited in the City Center zones:

519 1. Pole Signs

520 2. Electronic Changing Message Signs and Changeable Letter Signs, except for  
521 entertainment, public transportation uses, places of assembly, and institutional uses with  
522 an occupancy load of 200 persons or greater.

523 3. Roof Signs.

524 4. Cabinet Signs for New Development.

525 B. Monument Signs: Maximum height shall be eight (8) feet.

526 C. Neon signs are permitted, however outlining buildings or portions of buildings in neon is  
527 prohibited.

528 D. Window signs (signs located on the inside of a window so as to be easily and readily viewed from  
529 outside the window) may occupy up to 20 percent of the area of the window.

530 E. Non-conforming signs shall be governed by LMC 21.16.250, except that the structure, frame or  
531 support of an existing non-conforming pole sign, or monument sign may be modified provided:

532 1. Such modifications result in a sign that is more conforming; and,

533 2. Such new or modified sign is located in the same location as the existing sign.

534  
535 **Section 10.** LMC Section 21.60.500 is hereby amended as follows,

536  
537 **21.60.500 Street types.**

538 Notwithstanding LMC Title 19 and other adopted street standards, development and redevelopment of  
539 streets in the city center shall comply with Table 21.60.4 entitled Street Standards. the following  
540 paragraphs:

541 A. ~~Boulevards. These are the principal arterial streets serving the city center and connecting it to~~  
542 ~~other parts of the community. They are connected to the regional highway system. While they can~~  
543 ~~be visually pleasing and allow for safe and convenient pedestrian movement, their primary~~  
544 ~~purpose is to move vehicular traffic. Developments along boulevards exhibit an emphasis on~~  
545 ~~planting more so than retail storefronts.~~

<b><del>Boulevards: Standards</del></b>	
<b><del>Street:</del></b>	<b><del>5 – 7 travel lanes with left turn restrictions, except at intersections</del></b>

Sidewalks:	12 feet wide, including 5-foot wide planting zone along curb
Street trees:	30—35 feet on center, minimum of 2-inch cal.
Building line:	5—15 feet from back of sidewalk

546 B. Pedestrian Streets. These streets accommodate both vehicles and pedestrians, but provide greater  
547 accommodations for people. Vehicles move at a relatively slow speed. Sidewalks are very wide,  
548 on-street parking is present, and vegetation is emphasized. Pedestrian-oriented street furnishings  
549 are also present.

Pedestrian Streets: Standards	
Street:	2—3 travel lanes, with left turn restrictions, except at intersections
Sidewalks:	14—16 feet wide, including a 5-foot wide planting zone along curb
Street trees:	25 feet on center, minimum of 3-inch cal.
Building line:	Locate buildings at back of sidewalk, except for public spaces
Curb cut limitations:	200-foot minimum separation or from intersection
Street furnishings:	Pedestrian-sealed lighting, seating, waste cans, art

550 C. Other Streets. These streets serve to break up the super-blocks into smaller increments and to  
551 provide for vehicular access to development. They are visually pleasing and speeds and volumes  
552 are relatively low.

Other Streets: Standards	
Street:	2—3 travel lanes, on-street parking is present
Sidewalks:	12 feet wide, including a 5-foot wide planting zone along the curb
Street trees:	25—30 feet on center, minimum of 2-inch cal.

553  
554

**Table 21.60.4: Street Standards**

Design Standards	Boulevard	Collector Arterial	Grid Street	Promenade Street
<b>Streets</b>	44 <sup>th</sup> Ave W, 200 <sup>th</sup> St SW/AMB, 196 <sup>th</sup> Street SW, 36 <sup>th</sup> Ave W	194 <sup>th</sup> St SW, 40 <sup>th</sup> Ave W	42 <sup>nd</sup> Ave W	198 <sup>th</sup> St SW (see definition for Promenade Street)
<b>Right of Way Width</b>	200 <sup>th</sup> : 5 Lanes: 99 feet 200 <sup>th</sup> : 6 Lanes: 110 feet 200 <sup>th</sup> : 7 Lanes: 121 feet 196 <sup>th</sup> : 7 Lanes: 111 feet 44 <sup>th</sup> : 7 Lanes: 111 feet 44 <sup>th</sup> : 8 Lanes: 122 feet 36 <sup>th</sup> : 6 Lanes: 97 feet 36 <sup>th</sup> : 5 Lanes: 85 feet	194 <sup>th</sup> : 2 Lanes with on-street parking: 73 feet 40 <sup>th</sup> : 3 Lanes without on-street parking: 76 feet	2 Lanes with on-street parking: 77 feet	2 Lanes with on-street parking: 73 feet
<b>Parking Lane</b>	No Parking	194 <sup>th</sup> St. SW: Both sides, 8 feet wide 40 <sup>th</sup> Ave W: No Parking	Both sides; 8 feet wide	Both sides; 7 feet wide
<b>Sidewalks</b>	Both sides, 12 feet wide, including 5-foot wide zone for tree wells along the curb (Plus 6" curb)	Both sides, 194 <sup>th</sup> St. SW: 12 feet wide, including 5-foot wide zone for tree wells along the curb (Plus 6" curb) 40 <sup>th</sup> Ave. W.: 16 feet wide, including 5-foot wide zone for tree wells along the curb (Plus 6" curb)	Both sides, 16 feet wide, including 5-foot wide zone for tree wells along the curb (Plus 6" curb)	Both sides, 16 feet wide, including 5-foot wide zone for tree wells along the curb (Plus 6" curb)

<u>Design Standards</u>	<u>Boulevard</u>	<u>Collector Arterial</u>	<u>Grid Street</u>	<u>Promenade Street</u>
<u>Curb and Gutter</u>	<u>Both sides; 6" Raised</u>	<u>Both sides; 6" Raised</u>	<u>Both sides; 6" Raised</u>	<u>Both sides; 6" Raised (or Rolled with Decorative Bollards for Pedestrian Safety)</u>
<u>Travel Lanes and Turning Lanes (maximum #)</u>	<u>5-8</u>	<u>194<sup>th</sup> St. SW: 2 40<sup>th</sup> Ave. W: 3</u>	<u>2</u>	<u>2</u>
<u>Travel Lane Width</u>	<u>11-12 feet</u>	<u>11 feet</u>	<u>14 feet</u>	<u>13 feet</u>
<u>Bicycle Travel Lane</u>	<u>44<sup>th</sup> Ave W., 196<sup>th</sup> St. SW., and 36<sup>th</sup> Ave W.: No bicycle travel lane 200th St. SW: 5-foot on-street bicycle lanes (both sides)</u>	<u>5-foot on-street bicycle lanes (both sides)</u>	<u>No separate on-street bike lane. Incorporate sharrows in traffic lane of street section</u>	<u>No separate on-street bike lane. Incorporate sharrows in traffic lane of street section</u>
<u>Intersection Curb</u>	<u>35-foot radius with no curb bulb extension along boulevard</u>	<u>35-foot radius at boulevard; 25-foot radius at all other with 6-foot curb bulb extension</u>	<u>35-foot radius at boulevard; 25-foot radius at all other with 6-foot curb bulb extension</u>	<u>35-foot radius at boulevard; 25-foot radius at all other with 6-foot curb bulb extension</u>
<u>Raised Landscape Median (width)</u>	<u>6 feet in left turn pocket areas; 18 feet at all other areas</u>	<u>None</u>	<u>None</u>	<u>None</u>

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Notes:

- A. Refer to City Center Design Guidelines for access requirements.
- B. The Public Works Director may, with the concurrence of the Fire Marshal, modify the street standards in Table 21.60.4 above if the modification does not impact the function for those streets. Appeals of the Public Works Director's decision shall be processed as a Process II application (LMC 1.35.200)

563 **Section 11.** LMC Section 21.60.600 is hereby amended as follows,

564 **21.60.600 Design review.**

- A. Design Guidelines for Nonresidential Uses. The following structures and parking facilities permitted in the city center district zones shall comply with Lynnwood city center design guidelines (which are adopted by this reference as if fully set forth herein) and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter: for proposals in these district zones, the citywide design guidelines shall be replaced with the city center design guidelines.
  1. Construction of any nonresidential structure or building with a gross floor area of more than 1,000 square feet.
  2. Construction of any parking lot and/or parking structure with 20 or more stalls or paved parking area of 5,400 square feet or more.
  3. Construction of any multiple-family residential structure.
- B. Supersede. Applicable Lynnwood city center design guidelines shall supersede any development standards and requirements of this title and other titles of this code that may conflict, unless otherwise specified in this chapter.
- C. Gateways and Prominent Intersections. See city of Lynnwood zoning map to identify development project sites within a gateway or prominent intersection location. Such sites shall be subject to applicable gateway and/or prominent intersection design guidelines in the Lynnwood city center design guidelines. If any portion of a project site lies within a gateway or prominent intersection location, then the entire project shall comply with the applicable design guidelines.

- 584 D. Compliance with Sub-~~a~~Area Plan and Related Documents. For determining compliance with the  
 585 comprehensive plan (that includes the ~~C~~eity ~~C~~eenter ~~S~~sub-~~a~~Area ~~P~~plan), as required by LMC  
 586 21.25.145(B)(2), an application for approval of structures and facilities under this section shall:  
 587 1. Demonstrate consistency and compatibility with the following ~~locations and design of public~~  
 588 ~~streets and parks/plazas~~:  
 589 a. ~~Planned~~ location and design of streets, as shown in the street protection ordinance, ~~as~~  
 590 ~~amended~~.  
 591 b. ~~Planned~~ location of public parks/plazas, as follows:  
 592 i. ~~Town Square (Core District. The rectangular parcel formed by the existing right of way~~  
 593 ~~of 198th St. S.W. and the future rights of way of 42nd Ave. W., 199th St. S.W., and 43rd~~  
 594 ~~Ave. W., as those streets are described in Ordinance No. 2627, also known as the street~~  
 595 ~~protection ordinance.~~  
 596 ii. ~~West End Square. Starting at the intersection of the eastern right of way line of 44th Ave.~~  
 597 ~~W. and the southern right of way line of 198th St. S.W., then west a distance of 480 feet~~  
 598 ~~to the eastern boundary of the square (true starting point), then south a distance of 200~~  
 599 ~~feet to the southeast corner of the square, then west a distance of 210 feet (southwest~~  
 600 ~~corner), then north a distance of 460 feet (northwest corner), then east a distance of 210~~  
 601 ~~feet (northeast corner), then south to the true starting point.~~  
 602 iii. ~~North End Park/Plaza. Starting at the southwest corner of Snohomish County Tax Lot~~  
 603 ~~Parcel No. 00 3726 002 008 05, then generally east along the south boundary of this~~  
 604 ~~parcel a distance of 320 feet, then generally north and perpendicular to the south property~~  
 605 ~~line a distance of 235 feet to the north boundary of this parcel, then west along the north~~  
 606 ~~boundary of this parcel to the northwest corner of this parcel (300 feet), then generally~~  
 607 ~~south along the west boundary of this parcel to the starting point.~~  
 608 iv. ~~West End North Park/Plaza. The rectangular parcel formed by the existing right of way~~  
 609 ~~of 194th St. S.W. and 44th Ave. W. and the future rights of way of 195th St. S.W. and~~  
 610 ~~45th Ave. W., as those streets are described in Ordinance No. 2627, also known as the~~  
 611 ~~street protection ordinance.~~  
 612 Where any locations and designs in subsections (D)(1)(a) and (b) of this section conflict  
 613 with the ~~e~~City ~~C~~eenter ~~S~~sub-~~a~~Area ~~P~~plan, such locations and designs shall supersede the  
 614 conflicting provisions of the ~~C~~eity ~~C~~eenter ~~S~~sub-~~A~~area ~~P~~plan.  
 615 a) 2. Locate “retail frontage land uses” along the portion of the Promenade, as depicted and  
 616 described in the city center subarea plan, that is south of 196th St. S.W. and also around  
 617 public parks/plazas that abut the Promenade. “Retail frontage land uses” in this case includes  
 618 any pedestrian-oriented use, such as retail stores, groceries, drug stores, shoe repair shops,  
 619 cleaning establishments, floral shops, beauty and barber shops, department stores, apparel  
 620 shops, art galleries, travel agencies, restaurants, theaters, public offices, libraries and other  
 621 businesses that are intended to be pedestrian-attracting or pedestrian-generating in nature (as  
 622 determined by the community development director).  
 623

624 **Section 12.** LMC Section 21.60.700 is hereby amended as follows,

625  
 626 **21.60.700 Nonconforming structures, sites and uses.**

627 It is expected that much development within the city center will be as a result of renovations and  
 628 expansions as much as entirely new development, especially in the years before 2015 or 2020. It is not the  
 629 intent of the city to discourage such development, as new investment should enhance the image and  
 630 appeal of the city center. However, it is also necessary to ensure that all forms of development contribute  
 631 positively to the character and quality of the area. The general principle to be applied is that changes to  
 632 nonconforming conditions should not increase the degree of the nonconformity, but rather move the site  
 633 and its uses and buildings towards greater conformity. Given the location and configuration of current  
 634 buildings, application of all design standards may not be possible or practical; however, every effort  
 635 should be made to comply with such standards for the portions of sites and buildings in proximity to the  
 636 alterations being made. This section supersedes Chapter 21.12 LMC.

- 637 A. Nonconforming Uses. ~~A relatively small number of land uses have been identified that are~~  
 638 ~~determined to not comport with the long-term vision for the city center. Therefore, they are not~~

639 permitted. Any such prohibited uses legally existing at the time of the adoption of the ordinance  
640 codified in this chapter shall be considered “legal nonconforming uses.” Such uses are not  
641 permitted to expand. Exterior landscaping, facade improvements, or interior upgrades are  
642 permitted.

643 B. Nonconforming Sites. Throughout the city center, there are many properties where site  
644 development existing at the time of the adoption of the ordinance codified in this chapter does not  
645 comply with the site design standards and guidelines in this chapter. Certain types of minor  
646 changes to existing site development would not trigger compliance with the development  
647 standards and design guidelines in this chapter, such as re-striping of stalls, and new or altered  
648 signage or lighting or renovation of landscaping. Any other site improvements, exterior  
649 renovation or expansion of building footprints, ~~however~~, shall incorporate site design features that  
650 bring the site more into compliance with the standards of the City Center Design Guidelines  
651 regardless of whether or not the site improvements, renovation, and/or expansion triggers the  
652 design review process requirement per LMC 21.60.600.

653 C. Nonconforming Buildings. Throughout the city center, there are many buildings and other  
654 structures existing at the adoption of the ordinance codified in this chapter that do not comply  
655 with the building standards and guidelines in this chapter. In keeping with the general principle  
656 that changes to nonconforming conditions should not increase the degree of the nonconformity,  
657 but rather move the site and its uses and buildings towards greater conformity, the following shall  
658 apply:

659 1. Exterior renovation of buildings and structures shall not increase the degree of non-  
660 conformance.

661 2. All expansion of building footprints or increases in building height shall incorporate standards  
662 that bring the site and building more into compliance with the requirements of this Chapter  
663 and the City Center Design Guidelines regardless of whether or not the expansion triggers  
664 subject to the design review process requirement per LMC 21.60.600. Expansion or major  
665 renovation of such structures shall trigger compliance with both site design and building  
666 design standards.

667 3. When practicable, as determined by the Community Development Director, the expansion of  
668 building footprints shall locate towards the property line of the future street right of way as  
669 described in Table 21.60.4. Appeals of the Community Development Director’s decision shall  
670 be processed as a Process II application (LMC 1.35.200).

671 4. Compliance with standards ~~should~~ shall be localized to the area of the building being altered.  
672 Particular emphasis ~~should~~ shall be given to the provision of pedestrian amenities oriented  
673 towards the streets. For example, if a building is expanded towards the street, elements such as  
674 building design features and transparency, parking lot landscaping and pedestrian connections  
675 to the sidewalk are expected to be accomplished.

676 5. For buildings that are demolished, the replacement structure shall be considered New  
677 Development.

679 D. Alternative Process for Compliance. The ~~Ceommunity D~~ Community Development Director may approve a  
680 plan and design for alteration of a nonconforming site or building that does not fully comply with  
681 the requirements of subsections (B) and (C) of this section if the director finds that the alternative  
682 plan and design provides overall a greater degree of compliance with the principle of this section  
683 (as stated above). Appeals of the Community Development Director’s decision shall be processed  
684 as a Process II application (LMC 1.35.200). (Ord. 2554 § 10, 2005)

685 **Section 13.** LMC Section 21.60.800 is hereby amended as follows,

686 **21.60.800 Maximum amount of development in city center.**

687 In no case shall the total amount of development (including all land uses) in the city center exceed 9.1  
688 million square feet. (Ord. 2554 § 11, 2005)

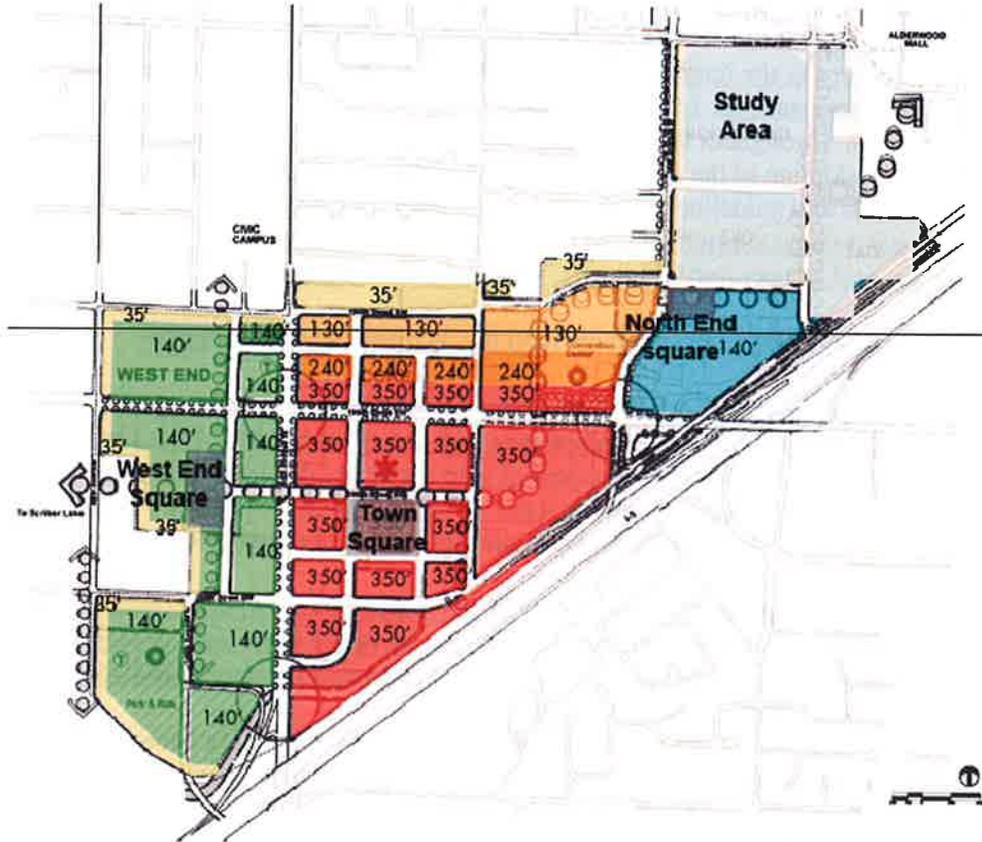
691 **Map CC-1**

### Building Height Map

Note: maximum heights listed do not include allowance for unoccupied architectural features

#### Legend

- West End
- Core
- North End
- Minimized Area  
(may be within 150' of single or multiple family zone)



City of Lynnwood

October 20, 2004

#### Notes to Map CC-1:

1. Mechanical penthouses, stair/elevator overruns, and antennas may be excluded from building height calculation, provided they are no more than 20 feet above the roof deck.
2. Building height may be increased by up to 20 percent if the top is designed as a nonhabitable, architectural element. This allowance does not apply in the city center core district (CC-C) where the maximum height is less than 350 feet.
3. The maximum height of any portion of a building lying within 150 feet of a residential district shall be 35 feet.  
(Ord. 2554 § 6, 2005)

**Section 14.** The Lynnwood City Center Design Guidelines is hereby amended as provided for in Exhibit "A", attached to this ordinance and incorporated herein by reference.

711 **Section 15.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or  
712 unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect  
713 the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

714 **Section 16.** This ordinance or a summary thereof consisting of the title shall be published in the official  
715 newspaper of the City, and shall take effect and be in full force five (5) days after publication.

716 PASSED BY THE CITY COUNCIL, the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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APPROVED:

\_\_\_\_\_  
Don Gough, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Lorenzo Hines  
Finance Director

APPROVED AS TO FORM:

\_\_\_\_\_  
Rosemary Larson  
City Attorney

FILED WITH ADMINISTRATIVE SERVICES: \_\_\_\_\_

PASSED BY THE CITY COUNCIL: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

ORDINANCE NUMBER: \_\_\_\_\_

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On the \_\_\_\_\_ day of \_\_\_\_\_, 2011, the City Council of the City of Lynnwood, Washington, passed Ordinance No. \_\_\_\_\_. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The full text of this Ordinance will be mailed upon request.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
LORENZO HINES, FINANCE DIRECTOR

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# EXHIBIT A

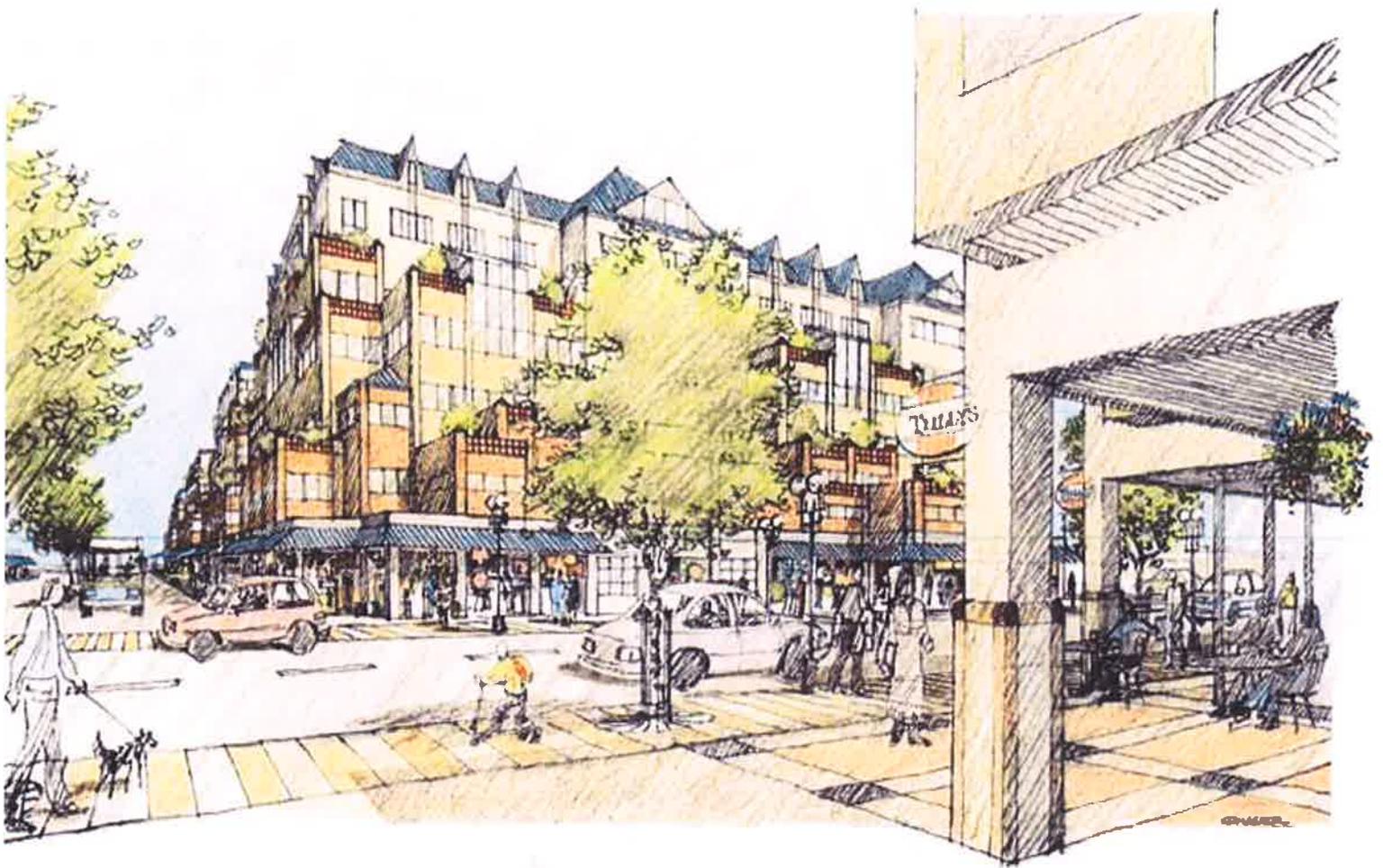
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773

## Amendments to Lynnwood City Center Design Guidelines

774

775



# CITY CENTER

## Design Guidelines

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# INTRODUCTION

The provisions of this document shall apply to all development and redevelopment within the Lynnwood City Center. The degree to which each standard applies to a development or redevelopment project shall be evaluated on a case by case basis in an effort to achieve an overall design that meets the purpose and intent of the City Center Design Guidelines. These guidelines are intended to carry out the Comprehensive Plan for the City of Lynnwood with respect to the Planning and Urban Design Principles of the City Center Sub-Area Plan, including:

- ~~Humanize the streets~~ Establish streetscapes in order to provide a strong visual character and to encourage pedestrian activity;
- Create an array of public spaces;
- Present a distinctive skyline for the City Center ~~as a highly visible symbol of commerce and vitality~~; and
- Encourage new ~~intense~~ high density development to display quality and character through materials and architectural expression.

Each standard includes examples and illustrations of ways in which the intent of the standard can be achieved. The graphic images are meant to be examples, and are not the only acceptable means towards accomplishing the intent of the standards. Applicants and project designers are encouraged to consider designs, styles, and techniques not pictured in the examples that fulfill the intent of the design standard.

The Community Development Director may approve design departures from the guidelines, pursuant to LMC Section 21.25.150, upon written request by the applicant and a finding that the proposal provides equivalent or superior results to the original guideline.

Some of the guidelines contained in this document use the word "shall" while others use the word "should".

Regardless of which term is used, each guideline must be addressed by an applicant. The City will expect to see how the design of a project has responded to every one of the guidelines.

The "shall" statements, with such wording, are absolutely mandatory and offer relatively little flexibility unless choices are provided within the statement itself. All projects must include these elements as described.

However, guidelines that use the word "should" are meant to be applied with some flexibility. They indicate that the City is open to design features that are equal to, or better than, that stated - so long as the intent is satisfied. The applicant assumes the burden of proof to demonstrate how a proposed design meets this test and determination will be made by the Community Development Director.

# STREET CLASSIFICATION

## FIGURE 1:



### CONCEPTUAL CITY CENTER STREET CLASSIFICATIONS AND ACCESS ZONES



CITY CENTER  
**SITE DESIGN**  
**STANDARDS**

## Curb Cuts & Access Control

### INTENT

To ensure that curb cuts do not detract from the continuity and safety of sidewalks, particularly along Pedestrian Streets.

### GUIDELINES

Access control within the city center shall comply with the City of Lynnwood Access Control Policy except as amended as follows:

1. Curb cuts shall be no wider than 36 30 feet at the property line.
2. Curb cuts shall be no closer together than 200 feet at the property line, unless the dimension of a property's frontage precludes such spacing.
3. Curb cuts shall not be located along the Promenade Pedestrian Streets, unless no other access to a property is available.
4. Curb cuts along Boulevards shall be located a minimum of 150 feet from signalized intersections, 100 feet from unsignalized intersections. For all other city center streets, curb cuts shall be located a minimum of 75 feet from an intersection. Left turn restrictions shall be imposed at curb cuts that do not meet these criteria.
5. Curb cuts shall be located within Driveway Access Zones (see Figure 1) and shall be consolidated and shared through access agreements, where possible.
6. Curb cuts are not required to be setback from internal property lines.



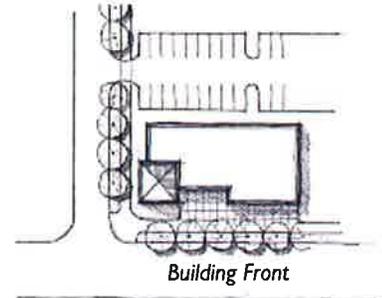
## Surface Parking Lot Location

### INTENT

To ensure that surface parking lots are not the dominant **visual** element within the City Center and to create a pedestrian-friendly environment.

### GUIDELINES

1. Along designated Pedestrian the Promenade Streets (198<sup>th</sup> Street SW), surface parking shall ~~not be located between a building and the street.~~ be located to the rear of a building. No surface parking shall be adjacent to the street.
2. ~~Along designated Boulevards~~ Along any public street other than the Promenade Street surface parking should ~~shall~~ be located either to the side rear of a building ~~or to the rear.~~ but may be located to the side of a building if the building abuts a street and the parking is not located at any intersection. Parking lots shall not be located at intersections or within 150 feet of any intersection.



*Parking is located behind the buildings, not between the building and the street nor at the intersection*

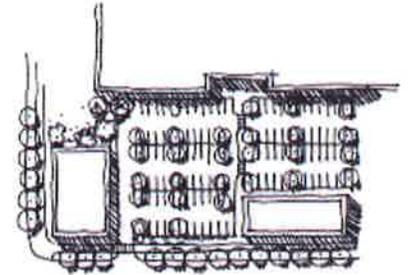
## Interior Parking Lot & Site Landscaping

### INTENT

To diminish the visual effect of large areas of surface parking and to contribute to the amount of vegetation in the City Center.

### GUIDELINES

1. Surface Parking lot landscaping shall be used to reinforce pedestrian and vehicular circulation, including:
  - Parking lot entrances
  - Ends of driving aisles
  - Defining pedestrian connection/walkways through parking lots.
2. Landscape areas next to a pedestrian connection/walkway shall be maintained and of plant material chosen selected to maintain a clear zone, except for tree trunks between 3 and 8 feet from ground level.
3. A setback shall be provided that allows space for all trees and shrubs where vehicle overhang extends into landscape areas.
4. The number of trees required in the interior landscape area in parking lots shall be dependant upon the location of the parking lot in relation to the building and public right-of-way:
  - ~~Where the parking lot is located between the building and the public right-of-way, one tree for every four spaces shall be provided (1:4).~~
  - Where the parking lot is located to the side of the building and/or partially abuts is visible from the public right-of-way, one tree for every six spaces shall be provided (1:6).
  - Where the parking lot is located behind the building and is not visible from the public right-of-way, one tree for every eight spaces shall be provided (1:8).
5. Drought tolerant plants and/or plants native to the Pacific Northwest should be used. Temporary irrigation for plant establishment shall be provided.
6. All landscaped areas should be designed to minimize stormwater run-off by utilizing bioswales, rain gardens, filtration strips and other facilities where appropriate.
7. Pedestrian connection/walkways meeting provisions of that guideline may traverse required landscape areas.
8. A landscape maintenance plan, identifying maintenance tasks and schedules, shall be submitted to the City for review.



## Parking Lot Screening

### INTENT

To soften the impact of surface parking on the streetscape.

### GUIDELINES

1. Parking lots that abut the public right-of-way and/or adjacent developments neighboring properties shall be screened with one or a combination of the following treatments:

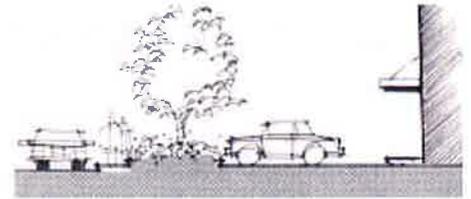
- Low walls made of concrete, masonry, or other similar material and not exceeding a maximum height of 3 feet.
- Raised planter walls planted with a minimum of 50% evergreen plant materials not to exceed a total height of 3 feet, including the plant material planted on top.
- Landscape planting consisting of 50% ~~evergreen trees,~~ evergreen plants and shrubs, and evergreen groundcovers.

~~2. A minimum 5 foot wide landscape planting area shall be provided between parking lots and adjacent developments to include a year-round sight barrier except where parking lots have been consolidated.~~

3. Walls and raised planters shall not exceed a maximum height of 3 feet, unless all of the following are provided:

- Screen treatment does not create a safety hazard.
- Portion of treatment that is above 3 feet in height is a minimum of 75% transparent (i.e. see-through metal railing or other similar treatment).

~~4. Chain link fencing shall not be permitted to screen or enclose parking along a public sidewalk. In addition, the use of chain link fencing, wood fencing, razor ribbon, or barbed wire, or similar shall be prohibited.~~



## Sidewalks and Street Trees

### Streetscape

#### INTENT

To produce a streetscape that is safe, convenient, comfortable and appealing for people on foot and to help frame the streets with vegetation.

#### GUIDELINES

1. Sidewalks and Street trees shall be provided in accordance with the descriptions associated with each street type:

##### **Boulevard (public):**

- **Sidewalks:** 12 feet wide, including 5 foot wide planting zone along curb
- **Street trees:** Per City Center streetscape program, 30-35 feet on center, minimum of 2" caliper at time of planting

##### **Pedestrian Promenade Street (public, 198<sup>th</sup> St SW):**

- **Sidewalks:** 16 feet wide, including a 5 foot wide planting zone along curb
- **Street trees:** Per City Center streetscape program, 25 feet on center, minimum of 3" caliper at time of planting

##### **Other Collector Arterial and Grid Street (public):**

- **Sidewalks:** 12 feet wide, including a 5 foot wide planting zone along curb
- **Street trees:** Per City Center streetscape program, 25-30 feet on center, minimum of 2" caliper at time of planting

Street trees shall be selected from an approved list found in Appendix A: City Center Streetscape Program.

2. Sidewalks shall be cast in place concrete with broom finish and scoring every 4 feet and shining around dummy joints and regular joints or as required per the City Center Streetscape Program. Alternative sidewalk design concepts may be approved by the City Engineer.

3. Tree planting pits shall be covered by ADA compliant decorative cast iron tree grates per City Center streetscape program. An electrical outlet shall be provided for street tree lighting. one of the following:

- Living plant material, surrounded by a low, protective and decorative metal fence.
- Cast iron tree grates, of a type that meets ADA requirements.



4. Pedestrian scale decorative street lighting, no taller than 15 feet shall be provided at regular intervals. The lighting support shall have banner arms or basket hooks. Lighting design should comply with the Illuminating Engineering Society of North America's Recommended Practices and Design Guidelines, latest editions.

5. Cabinets and structures for traffic signals, utility connections and the like where needed in the public Right of Way shall be located within the tree well zone between the curb and sidewalk and not obstructing the walking path.

7. Transit shelters should not be considered as merely utilitarian structures but should convey a strong design identity and incorporate features such as artwork.

8. Pedestrian areas should be designed with Crime Prevention Through Environmental Design (CPTED) standards.

9. See Appendix A for additional Streetscape requirements.



## Site Lighting

### INTENT

To ensure that lighting contributes to the character of the site, provides pedestrian scale interest and security throughout the site and does not disturb adjacent developments and residences **and the night sky.**

### GUIDELINES

1. Lighting shall be provided throughout the site to provide a safe and comfortable atmosphere.
2. All lighting should be shielded from the sky and adjacent properties and structures, either through exterior shields or through optics within the fixture.
3. Accent lighting is encouraged but should be combined with functional lighting to highlight special focal points such as building/site entrances, public art and special landscape features.
4. Lighting should contribute to and integrate with the overall character of the site architecture or other site features.
5. Lighting in parking lots shall not exceed a maximum of 30 feet in height. Pedestrian scale lighting a maximum of 15 feet in height shall be provided throughout all Pedestrian Connections/Walkways.
6. Lighting design should comply with the Illuminating Engineering Society of North America's Recommended Practices and Design Guidelines, latest editions, for each applicable lighting type (i.e. Parking Lot, Walkways, etc.).



## Pedestrian Connections / Walkways

### INTENT

To ensure that the City Center is conducive to pedestrian circulation.

### GUIDELINES

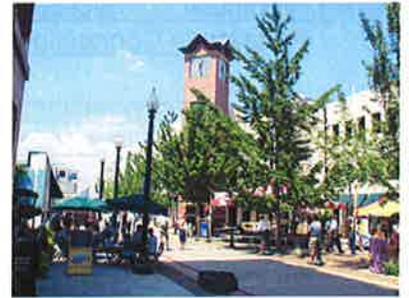
1. Walkways Connecting Building Entrances to Nearest Public Sidewalk. All major building entrances shall be connected with the nearest public sidewalk by a walkway that is at least 8a minimum of 10 feet wide and is separated from any adjacent parking stalls by a planting bed a minimum of 3 feet wide. (Buildings set to the back of the sidewalk automatically meet this standard.)
2. Walkways Through Surface Parking Lots. A walkway shall be provided through any surface parking lot with more than 30 stalls. Such walkways shall be a minimum of 10 feet wide and separated from any adjacent parking stalls by a planting bed at least 3 feet wide.
3. ~~Walkways should be provided that allow pedestrians to walk safely between adjacent properties~~
3. Walkways Connecting Parcels. Walkways a minimum of 10 feet wide shall be provided that allow pedestrians to connect to all adjacent properties. These walkways shall connect to public sidewalks within the boundaries of the Driveway Access Zones (Figure 1).
4. Promenade Walkway. Providing the Promenade Walkway is optional. The following standards are required to receive the floor area bonus per LMC Table 21.60.2.

The Promenade Walkway shall extend east and north from the 198<sup>th</sup> Street SW Promenade Street (public) at 40<sup>th</sup> Avenue W. to connect to 194<sup>th</sup> Street SW as conceptually depicted by Figure 1. The Promenade Walkway shall be a minimum of 16 feet average width.

Properties located between the Promenade Access Zones shall demonstrate the provision of the Promenade Walkway through the site, connecting to and from other parcels to create a linear or meandering path as conceptually depicted in Figure 1 and will be determined through the project design review process. The objective of the Promenade Walkway in the City Center-Core is to provide pedestrian connectivity centrally through large blocks as conceptually depicted in the City Center Sub-Area Plan. For areas where the Promenade Walkway is provided, but follows the public Right of Way or upgrades right of way with design elements and additional furnishings stipulated below, a different FAR Bonus amount shall be provided.



5. In the absence of a walkway on an abutting property, the walkway constructed shall stub out to the property line which shall set the walkway connection location for the adjacent parcel.
6. Uniform type of pedestrian scale lighting shall be provided along the length of the walkway on an individual parcel.
7. Walkways that are not raised sidewalks shall use special decorative paving such as decorative concrete, or pavers (not exposed aggregate) to distinguish them from vehicular drive aisles.
8. At least three types of pedestrian amenities shall be provided in every 100 lineal feet of walkway, such as: seating, trash receptacles, potted plants or landscape features, artwork, and water features. Other amenities may be proposed that meet the intent of this guideline.
9. The applicant shall submit a plan for the walkway to include a description of all landscaping; lighting; street furniture; paving color and materials; relationship to building frontage; specific location of the walkway on the site and connection to other parcels, and the relationship to and coordination with any plaza.
10. The entire walkway should be open and available to the public 24 hours a day.
11. The property owners of Walkways Connecting Parcels shall execute a legally binding access agreement providing that the walkway is subject to a right of pedestrian use and access by the public. The agreement shall be in form and substance acceptable to the city and shall be recorded with Snohomish County. The obligations under the agreement shall run with the land.
12. Pedestrian areas should be designed with Crime Prevention Through Environmental Design (CPTED) standards.
13. Walkway types may be combined, in total or in part. If they are combined, the portions that are combined will be held to the more restrictive standard.
14. Walkways shall be provided for the area of the site being developed. If the Walkways will be completed in phases accompanying future phases of development, a conceptual phasing plan for all Pedestrian Connections / Walkways shall be provided.



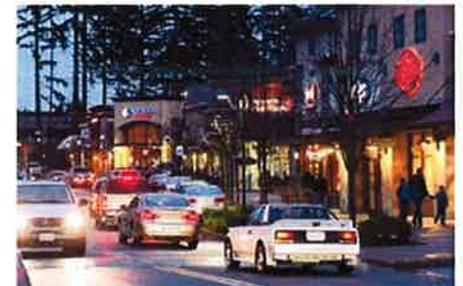
# Vehicular Connections

## INTENT

To allow private vehicular connections through blocks between public streets in coordination with pedestrian connections / walkways, with pedestrian safety and experience as the priority.

## GUIDELINES

1. Vehicular connections shall meet all of the standards of Pedestrian Connections/Walkways.
2. Vehicular connections shall be a maximum of two lanes, with a maximum 10 feet wide lane width or as needed per the building and/or fire code.
3. No parking other than parallel or angled parking shall be allowed on vehicular connections. Parallel parking may be located on one or both sides of the vehicular connection and shall be 8 feet in width per side. Angled parking may be on only one side of the vehicular connection.
4. Pedestrians shall be protected from vehicles by sidewalk or by use of design elements such as decorative protective bollards or large potted plants. Use of traffic calming features should also be incorporated, including but not limited to curb extensions, speed tables, textured pavement, decorative pavers, and mini-roundabouts. Raised or flat cement concrete curb or curb and gutter are required on both sides of vehicular connections. Decorative storm drain covers should be provided. In areas with flat curb, appropriate storm drainage features are required.



# Bicycle Facilities

## INTENT

To provide bicycle stalls, storage and facilities and support reducing demand for parking.

## GUIDELINES

1. All bicycle stalls shall be located in secure locations that do not impede pedestrian or vehicular flow and shall be well lit for nighttime use.
2. Design of the outdoor bicycle stalls shall compliment other pedestrian features and design of the building(s).



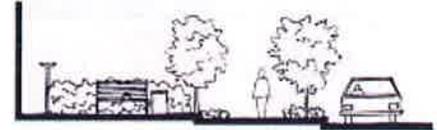
# Open Space/Public Plazas

## INTENT

To provide a variety of public spaces in association with individual buildings, so that, over time, there is are numerous choices for gathering, meeting friends and associates, and enjoying good weather.

## GUIDELINES

1. Every new building shall provide Open Space/Public Plazas in an amount at least equal to 1% of the sum of the square feet of building area and the square feet of site area. This requirement may be combined with the Promenade Walkway and/or Community Gateways and Prominent Intersection guidelines to meet both requirements.
2. Such space shall be located where it is visible and accessible from either a public sidewalk or a pedestrian connection. Open Space/Public Plazas shall abut and be no greater than three feet in elevation from the adjoining sidewalk and allow penetration of sunlight. Open Space/Public Plazas may include or consist of active recreation areas.
3. Such space Open Space/Public Plazas shall include at least four types of the following features coordinated with amenities provided in walkways on the same site:
  - Benches. Ledges are also acceptable, as long as they are 15" to 18" in height.
  - Planting, including specimen trees, shrubs and seasonal plantings. Plantings may be potted.
  - Pedestrian scaled lighting
  - Artwork - Public Art
  - Water feature(s)-
  - Where open space abuts storefronts, accommodate accessory outdoor dining/seating
  - Trellis and/or shelter.
  - Decorative paving.
  - Other methods may be proposed that meet the intent of this guideline Another feature not listed above
4. Between 625% and 8075% of the area of the space should shall be hardsurfaced.
5. The space and any art or water within it qualify as bonus feature(s). All features provided shall be durable materials designed for outdoor public use.
6. Pedestrian areas should be designed with Crime Prevention Through Environmental Design (CPTED) standards.



## **Community Gateways and Prominent Intersections**

### **INTENT**

To mark key intersections within and around the edges of the City Center.

### **GUIDELINES**

1. At designated Gateways and Prominent Intersections, there shall be a Special features shall be provided at the corner of a site abutting or adjacent to next to the Gateways or Prominent Intersections (see Citywide Zoning Map for locations), street(s) and composed of at least two Three or more of the following elements features shall be included:

- Seasonal plantings
- Flowering Specimen tree(s).
- Public Artwork
- Monument
- Open space / plaza Public Space
- Special landscape treatment
- Water Feature
- Unique pedestrian-scale lighting
- Decorative paving
- Other methods may be proposed that meet the intent of this guideline

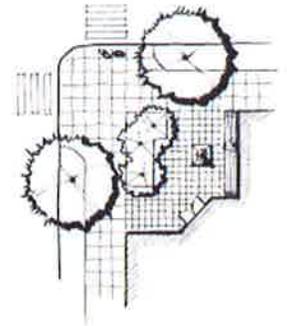
2. A Gateway or Prominent Intersection Features may also be combined with a the Open Space/Public Space Plazas to meet both requirements.

3. Corners of buildings may be setback from the property line to provide public plazas per Open Space / Public Plaza guidelines.

4. Features used shall be oriented towards both pedestrians and vehicles along the street right-of-way.

5. Features used shall not block vehicular sight distance requirements.

6. Pedestrian areas should be designed with Crime Prevention Through Environmental Design (CPTED) standards.



CITY CENTER

**BUILDING  
DESIGN  
STANDARDS**

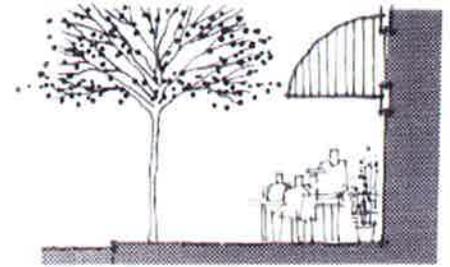
## Building / Sidewalk Relationship

### INTENT

To ensure that buildings within the City Center contain frame and enliven the streets and sidewalks.

### GUIDELINES

1. Within the City Center, it is ~~expected~~ that buildings shall will be oriented to the adjacent street rather than ~~merely~~ to a parking lot or structure. ~~In general, buildings should be set relatively~~ shall close to the ~~directly about the~~ back of the sidewalk (be located at the future Right of Way line per the LMC Table 21.60.4 Street Standards), ~~if not directly abutting it.~~ The façade nearest the sidewalk ~~shall~~ ould incorporate windows, entrances, canopies and other features (see other guidelines which address these elements.)
2. Buildings may be set back from the sidewalk for the purpose of providing articulation of a building façade, and/or usable public space, ~~forecourts that are primarily hardscaped,~~ or in order to ~~provide vegetative screening of parking structures.~~
3. ~~Along Pedestrian Streets, it is expected that there will be relatively continuous facades lining the back of the sidewalk.~~
34. Setting full floor building facades close up to the street may be accomplished through base structures building area that extends out to the sidewalk, not necessarily the full height of the building.
4. Design of buildings shall avoid requiring a fire lane between the building and the street.



## Street-Facing Entrances

### INTENT

To reinforce pedestrian activity and orientation and enhance liveliness of streets through building design.

### GUIDELINES

1. Entrances to buildings shall be visible from the street and oriented toward the sidewalk so that pedestrian access by foot is clear and convenient.
2. Entrances shall be given a visually distinct architectural expression by two or more of the following elements:
  - Prominent door and windows
  - Taller Bay(s)
  - Projecting Canopy
  - Slightly recessed facade
  - Set behind a forecourt
  - Portico with distinctive Roof form



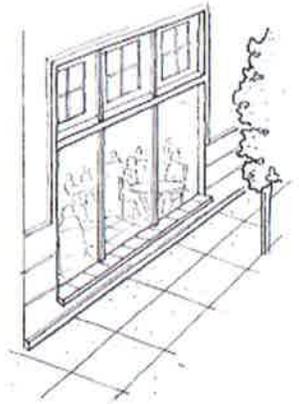
## Street Level Uses and Transparency

### INTENT

To ensure that sidewalks are lined with activities and uses and visibility for that attract pedestrians.

### GUIDELINES

1. The ground level facades of buildings that are oriented to particular streets and the Promenade Connection Walkway shall have Pedestrian-Oriented Uses and transparent windows between an average of 2 feet and 10 feet above grade, starting no higher than 3 feet from grade, according to the following:
  - Along Pedestrian Streets the Promenade Street and Promenade Connection Walkway a minimum of 60% in P-O Uses and transparency
  - Along Boulevards, Collector Arterials, and the Grid Street: a minimum of 40% in P-O Uses and transparency
  - Along Vehicular & Pedestrian Connections Other Streets: a minimum of 20% in P-O Uses and transparency
2. To qualify as transparent, windows shall not be mirrored glass or darkly tinted glass.
3. Where Pedestrian-Oriented Uses and transparency are is not provided required, the façade shall comply with the guideline entitled “Treating Blank Walls.”



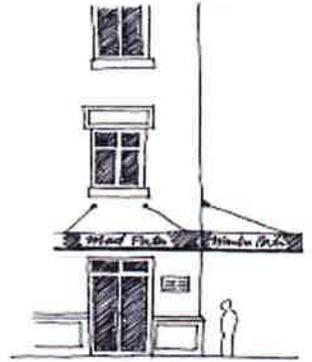
## Weather Protection

### INTENT

To provide pedestrians with cover from rainfall with durable and aesthetically pleasing canopies thereby making the experience of walking during inclement weather more pleasant.

### GUIDELINES

1. Along Pedestrian Streets, Buildings that abut sidewalks and walkways shall provide canopies with a minimum width of 5 feet over the sidewalk or walkway that to provide weather protection shall be provided along at least 75% of the frontage. Canopies shall be a minimum of 8 feet above and maximum of 14 feet above the sidewalk or walkway.
2. Canopies may be constructed of any permanent, durable material, but glass and/or steel, are strongly suggested. Wood, fabric and plastic awnings may not be used to meet this guideline.
3. Overhead, pedestrian-oriented signs may be hung from canopies.
4. Café table umbrellas are permitted where outdoor dining tables are permitted, but shall not replace provisions of this section.



## Ground Level Details

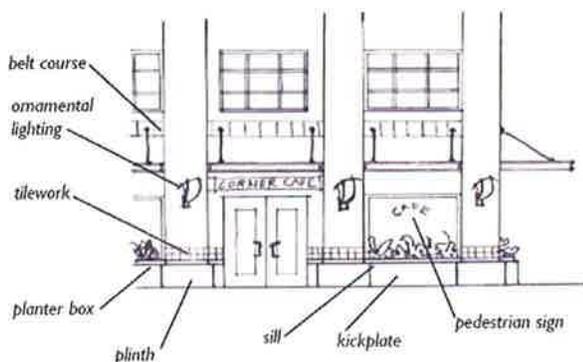
### INTENT

To emphasize the importance of the sidewalk level as a place of activity and visual interest.

### GUIDELINES

1. Ground-floor, street-facing façades of commercial and mixed used buildings along Pedestrian the Promenade Streets (198<sup>th</sup> Street SW) and Promenade Connection shall incorporate at least six (6) types of the following elements, while buildings along Boulevards, Collector Arterials, and Grid Street, and Other Streets shall include at least four (4) types of the following elements:

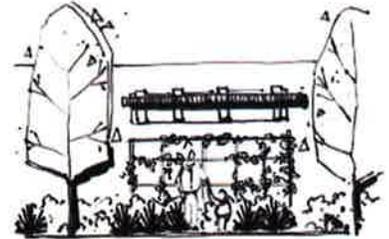
- a) lighting or hanging baskets supported by ornamental brackets.
- b) medallions.
- c) belt courses.
- d) plinths for columns.
- e) shallow recesses.
- f) awnings.
- g) cornice.
- h) pilasters.
- i) kickplate for storefront window.
- j) projecting sills.
- k) tilework.
- l) awnings.
- m) pilasters.
- n) pedestrian scale sign(s) painted on windows.
- o) planter box.
- p) Other methods may be proposed that meet the intent of this guideline
- ~~an architectural element not listed above, as approved, that meets the intent.~~



## Treating Blank Walls

### INTENT

To ensure that situations in which glass windows are not practical, there are still features that add visual interest and variety to the streetscape.



### GUIDELINES

1. Where windows are not provided on walls (or portions of walls) longer than 30 feet which face streets or are visible from right-of-way, the street at least four of the following types of elements shall be incorporated:

- a) decorative masonry (but not flat plain concrete block)-
- b) concrete or masonry plinth at base of wall-
- e) belt courses of a different texture, material and/or color-
- d) projecting cornice.-
- e) projecting metal canopy.-
- f) decorative tilework.-
- g) trellis containing planting-
- h) medallions.-
- i) opaque or translucent glass windows.-
- j) artwork.-
- k) vertical articulation.-
- l) lighting fixtures.-
- m) architectural recesses.-
- Other methods may be proposed that meet the intent of this guideline
- ~~n) an architectural element not listed above, as approved, that meets the intent of these guidelines.~~

2. On ~~pedestrian streets~~ the Promenade Street (198<sup>th</sup> Street SW) and the Pedestrian Walkway where windows are not provided, no more than 10 feet unembellished surface shall be allowed.



## Upper Level Setbacks

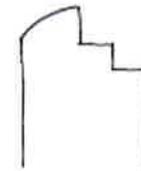
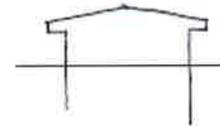
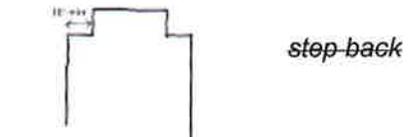
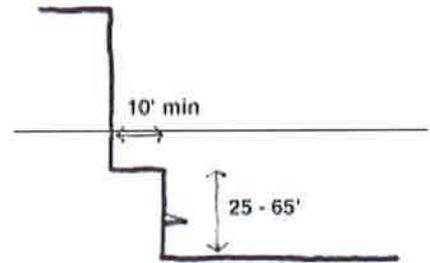
### INTENT

To reduce the bulk of taller buildings, to reinforce pedestrian scale on street frontages, and to allow for a reasonable visibility of the sky from street level.

### GUIDELINES

1. Street-facing facades of buildings should step back. The amount of step back should be sufficient to create a distinct "base." 2. Step backs shall be at least an average of 10 feet.

3. An upper level setback may incorporate a sloping roof.



Kirkland



## Roof and Architectural Expression

### INTENT

To create a skyline and built environment that is visually interesting.

### GUIDELINES

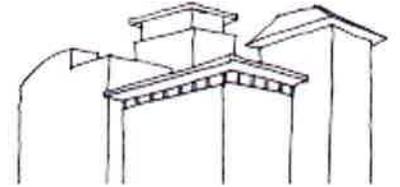
1. Buildings between ~~over 50-40~~ feet and 140 feet in height should incorporate features that create a visually distinctive roof form. The following are examples

of such features:

- Terraced Step Backs, 8 feet or greater on average
- Pitched Roof Elements
- Projecting Cornice Elements
- Trellises along the Parapet
- Geometric Forms (dome, pyramid, etc.)
- Change of materials or color on top floor

Note: 2. Buildings taller than 250 feet should incorporate step backs in their uppermost floors. Such

Step backs need not be located on all sides, but should be enough to create a distinct “top” to the building. Alternatively, a top may be created by another architectural device such as an overhang, geometric form, or decorative architectural feature.



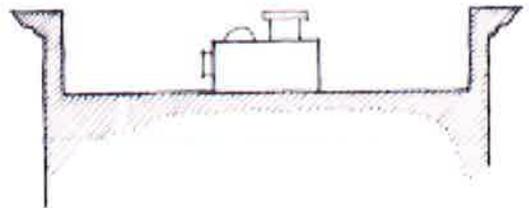
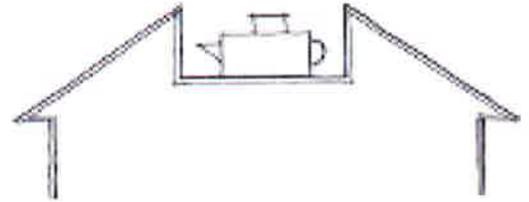
## Screening Mechanical ~~Screening~~ and Communications Equipment on the Roof

### INTENT

To conceal, to the greatest extent possible, equipment, dishes and other appurtenances located on the roofs of buildings or alternatively, to integrate them into the architecture.

### GUIDELINES

1. All mechanical equipment located on or near the roof shall be contained within opaque parapet walls or placed behind (or within) roof forms. Plywood walls or chain-link fencing with slats are not acceptable forms of screening. ~~Whatever the~~ Screening method, it shall be integrated within into the architectural design of the building.
2. Efforts ~~shall~~ ould be made to locate communication equipment so that it is not visible from nearby streets. ~~If it is possible to~~ conceal such ~~Equipment~~ shall be concealed behind parapet walls if possible, ~~and still allow it to operate, that is the preferred method.~~



## Screening of Parking Structures

### INTENT

To reduce the visual impact of structured parking located above grade.

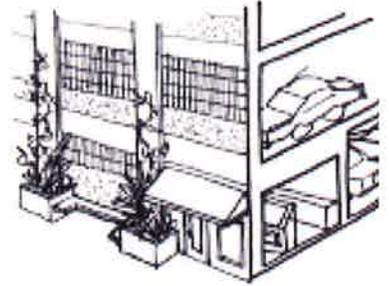
### GUIDELINES

1. The ~~s~~Street-facing facades of parking levels ~~within a building should shall~~ be treated in such a way as to seem appear more like a typical floors, rather than open slabs with visible cars and ceiling lights. This may be accomplished by two or more types of the following methods:

- Square openings, rather than horizontal
- Planting designed to grow on the façade
- Louvers
- Expanded metal panels
- Decorative metal grills
- Spandrel (opaque) glass
- Other methods may be proposed that meet the intent of this guideline.

~~Other methods devices may be proposed that will accomplish meet the intent of this guideline.~~

2. Free-standing parking structures shall incorporate the above features on portions of the façade above the ground level. At ground level, parking structures they shall comply with Guidelines addressing Street Level Uses and Transparency, Weather Protection and Ground Level Details.



## Gateway Locations

### INTENT

To identify and highlight major entrances into the City Center.

### GUIDELINES

1. Within designated Gateway Areas, buildings ~~are encouraged~~ to should incorporate architectural features that are bold and dramatic.

The following is a list of possible features:

- Tower forms at corners
- ~~Landscaped forecourts~~
- Large entries
- High bay lobbies
- More intense color
- Accent lighting
- Unusual shapes or forms
- Artwork, such as a sculpture or mural
- Other methods may be proposed that meet the intent of this guideline



CITY CENTER

# **SIGN DESIGN STANDARDS**

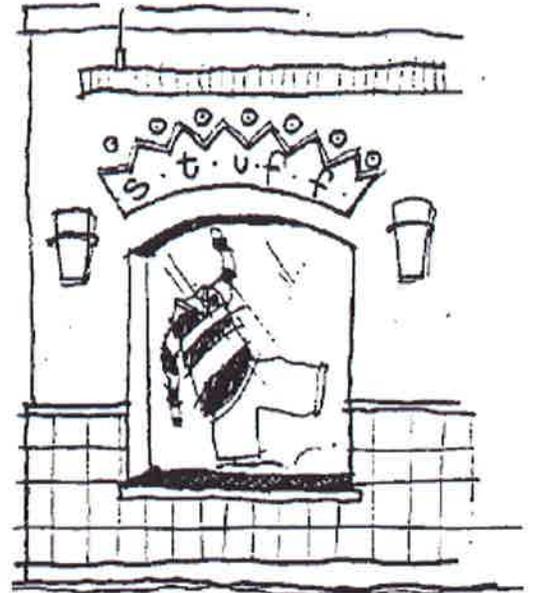
## Pedestrian-Oriented Signs Sign Types

### INTENT

To ensure that the City Center reinforces pedestrian activity and commerce and to convey an image for the City Center that is urban in nature, rather than a collection of auto-oriented uses.

### GUIDELINES

1. Pole signs shall not be permitted on any street within the City Center. Generally, signs shall be affixed to building facades, but monument signs, not exceeding 8 feet in height, are allowed on Boulevards, and Other Streets. The area around the base of such signs shall be landscaped with shrubs and seasonal color.
2. Free-standing signs shall not be permitted along the Promenade Street, any Pedestrian Street.
3. Roof **top** signs shall not be permitted within the City Center.



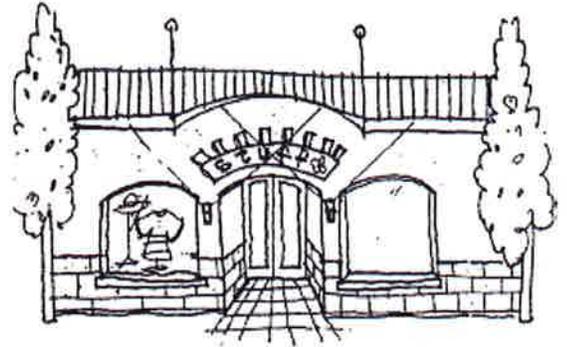
## Integrating Signs with Architecture

### INTENT

To ensure that signs design is are considered in the design of buildings and that the design of signs fits with the building they are associated with.

### GUIDELINES

1. The design of buildings and sites shall identify locations and sizes for future signs. As tenants install signs, it is expected that such signs shall be in conformance with an overall sign program for the building and project that allows for advertising which signage that fits with the architectural character, proportions, and details of the development.



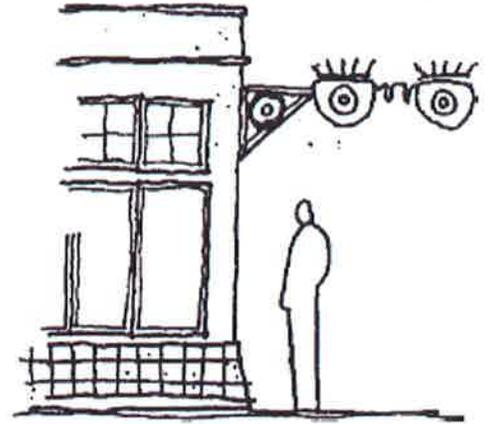
## Creative and Artistic Elements

### INTENT

To encourage businesses to employ graphic symbols, creative elements, lighting and other features to identify their products and services.

### GUIDELINES

1. Signs should be expressive and individualized.
2. Signs should convey the product or service offered by the business in clear, graphic form.
3. Projecting signs, supported by ornamental brackets and oriented to pedestrians are strongly encouraged.
4. Neon may be used incorporated into signs in an artful way in signs; however, simply outlining the roof or building in neon tubing shall not be allowed.





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**DRAFT**

**CITY OF LYNNWOOD**

**ORDINANCE NO. \_\_\_\_\_**

6 AN ORDINANCE OF THE CITY OF LYNNWOOD,  
7 WASHINGTON, AMENDING THE OFFICIAL ZONING MAP  
8 OF THE CITY OF LYNNWOOD BY ADDING LOCATIONS OF  
9 GATEWAYS AND PROMINENT INTERSECTIONS IN THE  
10 CITY CENTER ZONES, PROVIDING FOR SEVERABILITY,  
11 AN EFFECTIVE DATE, AND SUMMARY PUBLICATION

12 WHEREAS, the City of Lynnwood is a municipal corporation organized under the laws  
13 of the State of Washington; and,

14 WHEREAS, the City Council is authorized by RCW 35A.11.020 to adopt and enforce  
15 ordinances of all kinds relating to municipal affairs and appropriate to the good government of  
16 the City; and,

17 WHEREAS, on March 14, 2005, the Lynnwood City Council passed Ordinance No. 2553  
18 adopting the City Center Sub-Area Plan as an amendment to the City of Lynnwood  
19 Comprehensive Plan; and,

20 WHEREAS, on March 14, 2005 the Lynnwood City Council passed Ordinance No. 2554  
21 adopting zoning regulations and design guidelines for the Lynnwood City Center, adding a new  
22 chapter to Lynnwood Municipal Code Title 21; and,

23 WHEREAS, City Center Sub-Area Plan Policy CCUD 9 states,

24  
25 “CCUD 9: Designate and Describe gateway treatments

26  
27 Locations of gateways should be established, along with the nature of planting,  
28 lighting and signage that would reinforce the sense of entering the City Center.”;  
29 and,

30  
31 WHEREAS, the City Center Sub-Area Plan identifies Gateways as a “Key Concept” and  
32 states,

33  
34 “2. Gateways

35 Major intersections and access points into the City Center should be identified and treated  
36 as gateways. Gateway locations should include landmark type structures, significant  
37 buildings and landscaping. These gateway features would provide orientation and  
38 identity for the Center;” and,

39

40 WHEREAS, Lynnwood Municipal Code section 21.60.600 C addresses gateways and  
41 prominent intersections and states,  
42

43 “C. Gateways and Prominent Intersections. See city of Lynnwood zoning map to identify  
44 development project sites within a gateway or prominent intersection location. Such sites  
45 shall be subject to applicable gateway and/or prominent intersection design guidelines in  
46 the Lynnwood city center design guidelines. If any portion of a project site lies within a  
47 gateway or prominent intersection location, then the entire project shall comply with the  
48 applicable design guidelines.”  
49

50 WHEREAS, after due deliberation the City Council of the City of Lynnwood has  
51 determined to amend the official zoning map of the City of Lynnwood by adding Gateway and  
52 prominent intersection locations in the City Center; and,  
53

54 WHEREAS, the proposal was transmitted to State agencies for State agency review in  
55 accordance with RCW 36.70A.106; and,  
56

57 WHEREAS, on \_\_\_\_\_, 2011, the City of Lynnwood Planning Commission held a  
58 duly noticed public hearing to take testimony on the proposed ordinance on and, following the  
59 public hearing, made a recommendation to the Lynnwood City Council; and,  
60

61 WHEREAS, on \_\_\_\_\_, 2011 the City of Lynnwood City Council held a duly  
62 noticed public hearing to take testimony on the proposed ordinance; now therefore  
63

64 WHEREAS, the City Council finds that it is in the interest of the public health, safety and  
65 welfare to adopt this ordinance, now therefore,

66 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO  
67 ORDAIN AS FOLLOWS:

68 **Section 1.** The official zoning map of the City of Lynnwood is hereby amended to  
69 identify the location of gateways and prominent intersections as provided for in Exhibit “A”,  
70 attached to this ordinance and incorporated herein by reference.  
71

72 **Section 2.** If any section, sentence, clause or phrase of this ordinance should be held to  
73 be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or  
74 unconstitutionality shall not affect the validity or constitutionality of any other section, sentence,  
75 clause or phrase of this ordinance.  
76

77 **Section 3.** This ordinance or a summary thereof consisting of the title shall be published  
78 in the official newspaper of the City, and shall take effect and be in full force five (5) days after  
79 publication.  
80

81 PASSED BY THE CITY COUNCIL, the \_\_\_\_\_ day of \_\_\_\_\_, 2011 and approved  
82 by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

83  
84 APPROVED:

85  
86  
87 \_\_\_\_\_  
88 Don Gough  
89 Mayor

90  
91  
92  
93 ATTEST/AUTHENTICATED:

94  
95  
96  
97 \_\_\_\_\_  
98 Lorenzo Hines  
99 Finance Director

100  
101  
102 APPROVED AS TO FORM:

103  
104  
105 \_\_\_\_\_  
106 Rosemary Larson  
107 City Attorney

108  
109 FILED WITH ADMINISTRATIVE SERVICES: \_\_\_\_\_  
110 PASSED BY THE CITY COUNCIL: \_\_\_\_\_  
111 PUBLISHED: \_\_\_\_\_  
112 EFFECTIVE DATE: \_\_\_\_\_  
113 ORDINANCE NUMBER: \_\_\_\_\_

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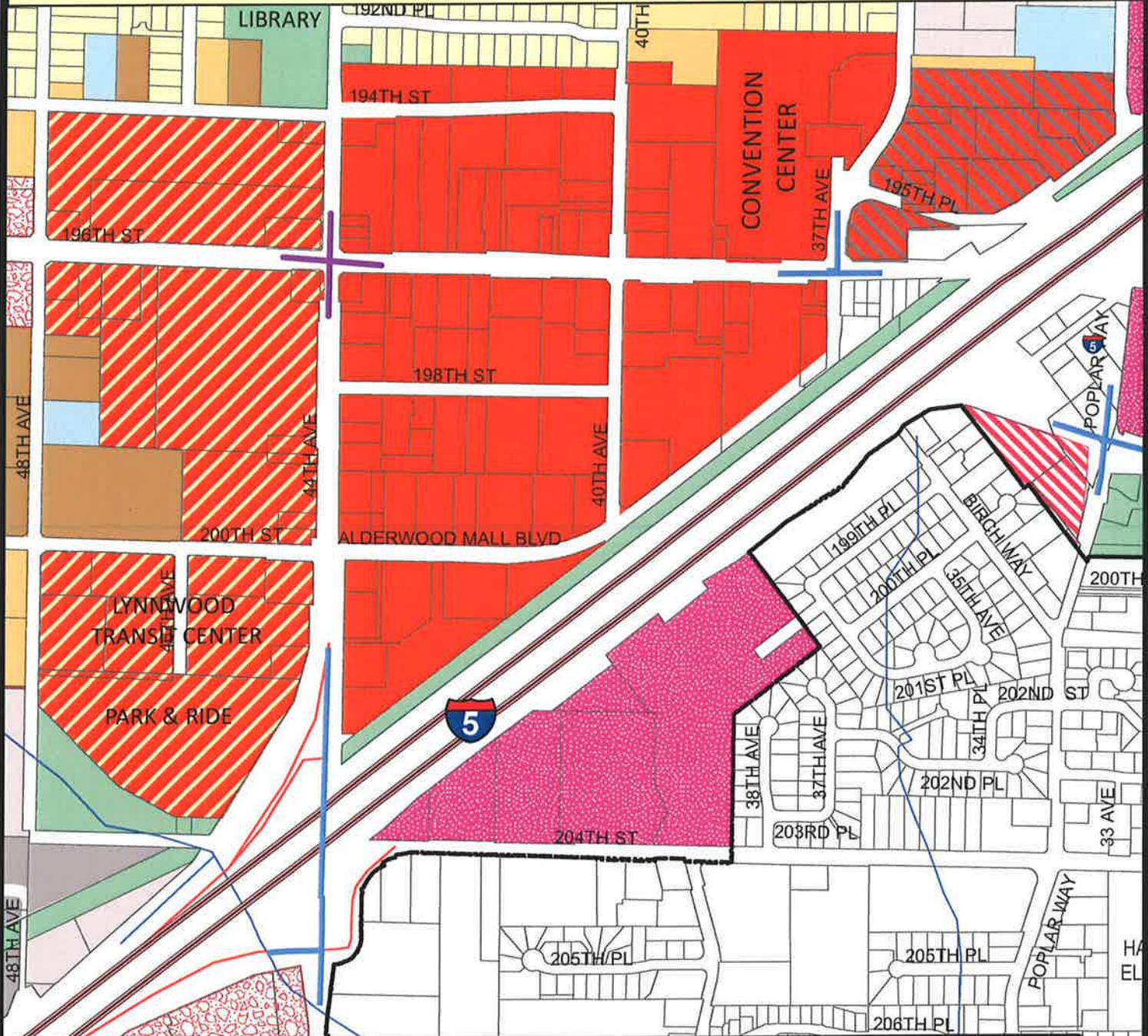
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# EXHIBIT A

## ZONING MAP AMENDMENT

### Gateways and Prominent Intersection Locations



### CURRENT ZONING

Residential	Commercial	Other	Overlays
RS8 - Residential 8400 Sq Ft	B1 - Community Business	BTP - Business/Technical Park	College District Overlay
RS7 - Residential 7200 Sq Ft	B2 - Limited Business	LI - Light Industrial	Lynnwood City Limits
RS4 - Residential 4000 Sq Ft	B3 - Neighborhood Business	P1 - Public	Intersection Guidelines (ord #2388)
MHP - Mobile Home Park	B4 - Restricted Business	PUD - Planned Unit Development	Gateway (blue line) / Prominent (purple line)
RML - Multiple Residential Low Density	CG - General Commercial	MU - Mixed Use	Highway 99 Overlay (ord #2852)
RMM - Multiple Residential Medium Density	PCD - Planned Commercial Development	CDM - College District Mixed Use	Interim Zone Effective 10/25/2009 through 4/25/2011
RMH - Multiple Residential High Density	PRC - Planned Regional Center	CC-C - City Center Core	
		CC-W - City Center West	
		CC-N - City Center North	



Note 1: Per section 17.02.250 and Chapter 17.10 of the Lynnwood Municipal Code (LMC), a property shall be subject to additional restrictions if it is located in an environmentally sensitive or critical area. For the location of these areas please see the Environmentally Sensitive Areas map and consult LMC Chapter 17.10.

Note 2: Streets, lots, and plats on this map are maintained by the Snohomish County GIS Department and may not be current.

Commercial  
Property Consulting,  
Brokerage & Development



**Emerald Properties**  
Brokerage & Development, LLC

Previously  
Harmon & Associates  
Real Estate, Inc.  
1974 - 2002

**RECEIVED**

**AUG 31 2011**

**CITY OF LYNNWOOD  
COMMUNITY DEVELOPMENT**

August, 31, 2011

Via Hand Delivery

Richard Wright, Chair  
City of Lynnwood Planning Commission  
C/O Community Development and Permit Center  
4114 198th St SW, Suite 7  
Lynnwood, WA 98036

**RE: City Center Design Regulations/Guidelines and Snohomish County UC Zoning  
Municipal Agreements**

Dear Chairman Wright and Commission Members:

Thank you for the opportunity to provide this written input regarding the impact the City Center Design Regulations/Guidelines have outside both the City Center and the City of Lynnwood and to request the inclusion of an additional provision in your recommendations to the City Council.

In May 2010 Snohomish County's new Urban Commercial (UC) zoning, which is not an overlay with optional provisions, become effective both to implement this new zone classification and rezone several significant areas in the County envisioned for increased densities. The enclosed County's UC Assistance Bulletin # 96 describes the zoning and areas including most property on 164<sup>th</sup> St SW between SR 525 and Martha Lake, on Alderwood Mall Parkway near its north terminus, and on Hwy 99 generally between SR 525 and 152<sup>nd</sup> St SW. The initial governmental approval process mandates the applicant and adjacent City/Town attempt for 45 days to negotiate a Municipal Agreement (see enclosed UC Development Review Process - Flow Chart). A key purpose of the Municipal Agreement is to evaluate how a proposed project's design follows the County's UC Development Illustrative Assistance Handbook and is compatible with the adjacent City's standards and vision for the area. So far the process seems to work as designed.

However, meetings with both Kevin Garrett and Director Krauss indicate Lynnwood's only Design Standards/Guidelines available as benchmarks in negotiating a UC Municipal Agreements are the City Center Design Guidelines. While requiring an applicant to work with



18023 Highway 99, Suite I · Lynnwood, WA 98037  
Phone: 425-744-0900 · FAX 425-744-0311  
[www.emeraldcbd.com](http://www.emeraldcbd.com)



the adjacent City's professional staff was surely the County's intent, we believe proposed UC projects being evaluated against the City Center Plan is an unintended consequence. The Planning Commission and City Council can easily correct this by including provisions in the City Center Design Regulations/Guidelines to equip the Planning Staff with substantial flexibility to deviate from the City Center standards when negotiating Municipal Agreements for County UC projects.

Staff is justified in having this latitude for at least the following reasons:

1. City Center Design Regulations/Guidelines accommodate densities several or more times greater than UC allows (Max FARs - Lynnwood up to 10; UC typical 2.0 - 2.5 with 5 potential only available via a "super bonus")
2. City Center zoning allows heights of up to 350' vs. UC's 90' (up to 180' with EIS and adjacency to major mass transportation facilities)
3. Specific City Center Design Regulations/Guidelines were derived from expensive and lengthy studies specific to the City Center core - not from unincorporated County properties several or more miles away
4. City Center Design Regulations/Guidelines were not formulated to apply elsewhere
5. The County certainly did not intend proposed UC projects being strictly evaluated against Lynnwood's City Center Design Standards which together with Everett's CBD are the two areas between King County and Vancouver, BC zoned for that region's most densest development

Additional UC information is available at:

[http://www1.co.snohomish.wa.us/Departments/PDS/Divisions/Permitting/land\\_use\\_forms.htm](http://www1.co.snohomish.wa.us/Departments/PDS/Divisions/Permitting/land_use_forms.htm)  
Snohomish County Code Section 30.34A SCC

Being unable to attend the September 8<sup>th</sup> continued public hearing, if you have questions or if additional information would be helpful please let me know via email.

Thank you,



Larry Ingraham, CCIM  
Managing Member

Enclosures

CC: David Kleitsch  
Janiene Lambert  
Paul Krauss  
Kevin Garrett



**Snohomish County**  
*Planning and Development  
 Services*

Visit us at :

2nd Floor Robert J. Drewel Bldg.  
 3000 Rockefeller Avenue  
 Everett, WA 98201

425-388-3311  
 1-800-562-4367, ext. 3311



**PERMIT SUBMITTAL**

Appointment  
 425.388.3311  
 Ext. 2790



This Assistance Bulletin only applies to property within unincorporated Snohomish County and does not apply to property within incorporated city limits.

**Q: What is an Urban Center?**

**A:** Urban centers are compact, well-designed areas that concentrate a variety of land uses in one place. Urban centers are people-oriented living and working places that allow residents to walk to shops and high capacity transit stations. The County Council (Council) has designated Urban Centers on the Snohomish County Future Land Use Map (FLUM) where significant population and employment growth can be located, a community-wide focal point can be provided, and the increased use of transit, bicycling, and walking can be supported. Snohomish County has designated seven urban centers, all located in the unincorporated Southwest Urban Growth Area. The implementing zoning for these seven urban centers is UC. There are seven designated urban centers in unincorporated Snohomish County (I-5/164<sup>th</sup> St, I-5/128<sup>th</sup> St, SR 527/196<sup>th</sup> St, SR 99/152<sup>nd</sup> St, Point Wells, I-5/44<sup>th</sup> Ave W, and SR 99/SR 525).



**Q: Are there local examples of urban center development?**

**A:** Five developments were approved and constructed under Snohomish County's Urban Centers Demonstration Program (UCDP), which preceded the adoption of the UC zone and Snohomish County Code (SCC) Chapter 30.34A. The five developments are:

- Newberry Square (west of the Ash Way park and ride lot located north of 164<sup>th</sup> St)
- Prestonwood (1726 165<sup>th</sup> Place SW, Lynnwood)
- Nichorwynd (15503 18<sup>th</sup> Avenue W, Lynnwood)
- Esplanade (148<sup>th</sup> Street and Seattle Hill Road)
- Zocalo (201<sup>st</sup> Place and Bothell-Everett Highway)

Other examples within cities include:

- Mill Creek Town Center (Mill Creek)
- Village Center (Mukilteo)
- Village Commons (Stanwood)
- Portola Village (Everett)
- Redmond Town Center (Redmond)
- University Village (Seattle)
- Kent Station (Kent)

**This bulletin is intended only as an information guide. The information may not be complete and is subject to change. For complete legal information, refer to Snohomish County Code.**

**Q: What are the submittal requirements for an urban center development application?**

**A:** All applications shall contain the items on the *Urban Center Development Submittal Checklist* and any other applicable submittal checklists (e.g landscaping plan, land disturbing activity, etc.) and shall be accompanied with the following:

- Master permit application
- Site plan, landscaping plan, and drawings of the proposed building(s)
- Targeted or full stormwater site plan pursuant to SCC Chapter 30.63A
- Traffic study pursuant to SCC Chapter 30.66B (Applicants are required to schedule a traffic pre-submittal conference)
- SEPA Checklist
- Transit compatibility plan
- Transportation Demand Management (TDM) plan
- Summary of pre-application neighborhood meeting

The *Urban Center Development Submittal Checklist* is available from PDS or may be accessed from the web at: <http://www.co.snohomish.wa.us/documents/Departments/PDS/Checklists/UrbanCenterSubmittalChecklist.pdf>

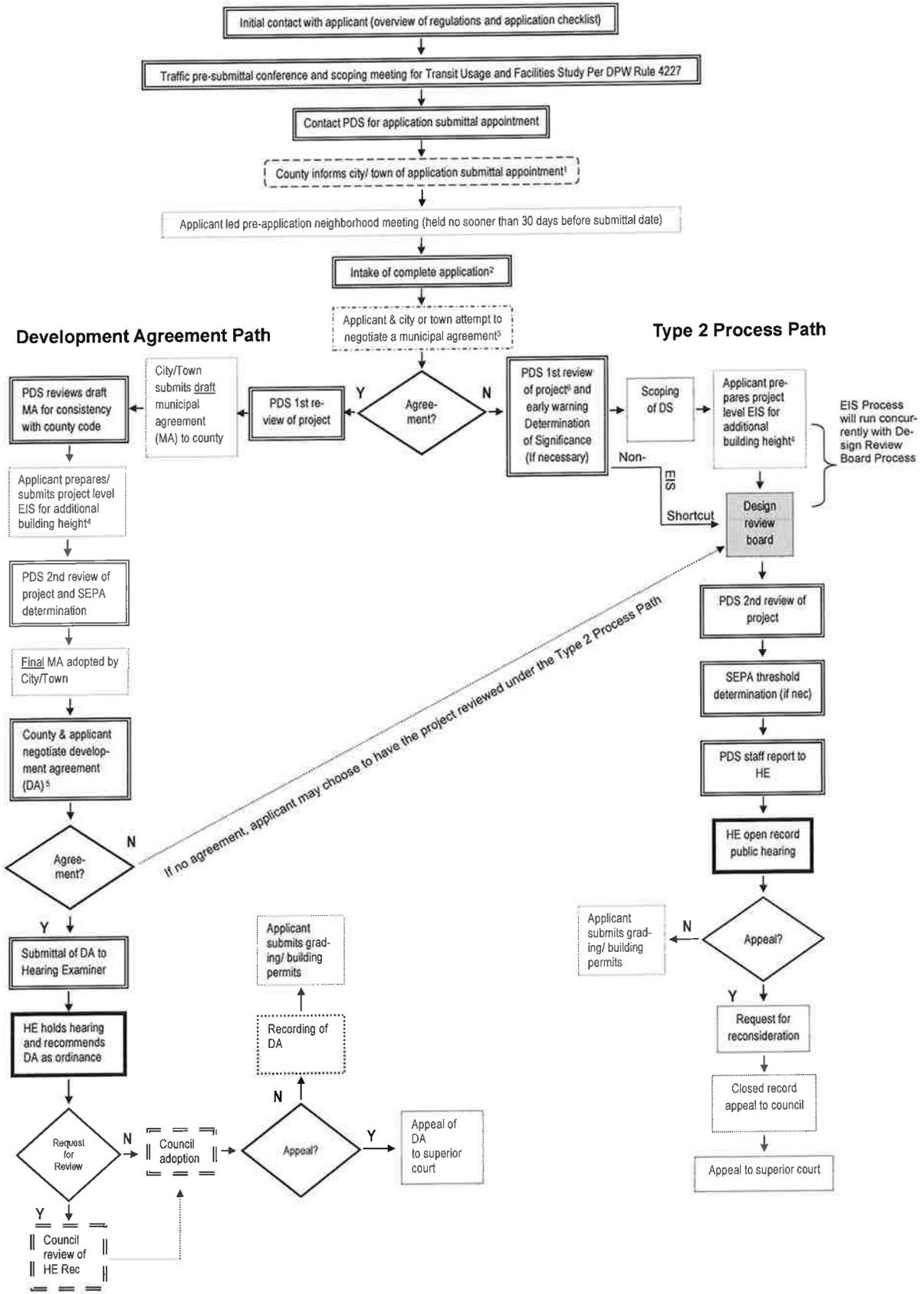
**Q: What is the review process for an urban center development application?**

**A:** SCC 30.34A.180 establishes the urban center review and approval process. Following submittal of a complete application, the applicant must immediately initiate an attempt to negotiate a “municipal agreement” with a city or town in whose future annexation area the development is located. The municipal agreement is an agreement entered into between an applicant and jurisdiction (city and/or town) in whose future annexation area the development is located. The agreement may define elements of the proposed urban center development such as design, location, density, or other aspects of the proposed development. It must be consistent with the County’s development regulations. It cannot be less restrictive than the County’s development regulations; however, the parties may agree to impose more restrictive development conditions. A municipal agreement precedes a development agreement. An applicant and the city or town has 45 days to attempt negotiations on a municipal agreement. Either party may withdraw before the end of the 45-day period or they may mutually request an extension for additional time. The 45-day clock starts on the first meeting between parties. If a municipal agreement is reached, the application (including completion of an EIS, if required) would be reviewed according to SCC Chapter 30.75 (Development Agreement). A development agreement would then be negotiated between the County and the applicant. The development agreement is forwarded to the Hearing Examiner (HE) who schedules a public hearing. The HE’s recommendation is forwarded as an ordinance to the Council. The Council has final approval authority. Any party of record has the option to appeal the Council’s decision to Superior Court.

Should a municipal agreement not be reached, the urban center application is reviewed according to SCC Chapter 30.72 (Type 2 quasi-judicial process). The application is sent to the urban center design review board (Board) who will hold a public meeting. The Board provides comments to PDS. If required, an EIS is completed and any mitigation measures would be incorporated into the staff recommendation. The staff recommendation is sent to the HE. The HE holds a public hearing. The HE may impose conditions on the development based on the public record including comments from the design review board. Any party of record may appeal the HE’s decision to the Council.

# Urban Center Development Application Review Process

As of 2-24-2011



**Notes:**

<sup>1</sup>Per SCC 30.34A.180(2)(d), a city or town may request attendance at pre-application conferences, submittal of application and re-submittal of an application.

<sup>2</sup>Vesting of application pursuant to SCC 30.34A.170(6)

<sup>3</sup>Per SCC 30.34A.180(1)(a) a 45-day clock starts for negotiation upon submittal of complete application

<sup>4</sup>Per SCC 30.34A.040(1)

<sup>5</sup>Per chapter 30.75 SCC

<sup>6</sup>Processed pursuant to chapter 30.72 (Type 2)



September 1, 2011

Mr. Larry Ingraham  
Emerald Properties  
18023 Highway 99, Suite I  
Lynnwood, WA 98037

SUBJECT: County Municipal Agreement Process and City Center Design Guidelines

Dear Larry:

Thank you for your August 31, 2011 letter to the Planning Commission and for your interest in the City Center code amendment process. We appreciate your involvement in the process.

Your letter asks to include a statement regarding flexibility in the use of the City Center Design Guidelines as part of negotiating a Municipal Agreement for development in a County-designated Urban Center. Specifically, your request is that language be included to provide staff with "substantial flexibility to deviate from the City Center standards when negotiating Municipal Agreements for County UC projects."

Your concern arises from the process adopted by the County Council to include a city that might annex a County Urban Center in review of proposed development in that Center. We believe the flexibility that you are seeking already exists and that there is no need to include language to that affect. The following paragraphs outline our reasoning.

First, use of the City Center guidelines (rather than other City design guidelines applicable to other parts of the City) to review County development proposals in centers is appropriate. The Snohomish County website describes centers as follows,

"Centers are compact, well-designed areas that concentrate a variety of land uses all in one place. Centers are also people-oriented living and working places that allow residents to walk to shops and perhaps a bus stop or other mass transit stations. Centers have been identified by the County where significant population and employment growth can be located, a community wide focal point can be provided, and the increased use of transit, bicycling and walking can be supported. These centers are intended to be compact and centralized living, working, shopping and/or activity areas linked to each other by high capacity or regular bus service. The concept of centers is pedestrian orientation with pedestrian circulation, pedestrian scale and pedestrian convenience with a mix of uses. An important component of a center is the public realm. The public realm are areas within the center that the public has access to for informal rest and recreation activities such as walking, sitting, games and observing nature. The

public realm, along with residential and employment uses, define a sense of place and give the center an identity."

From a design standpoint, the County's description of centers above is consistent with the Lynnwood City Center objectives. For this reason, the Lynnwood City Center design guidelines are very much an appropriate starting point for discussion and negotiation with applicants in the County's urban center process.

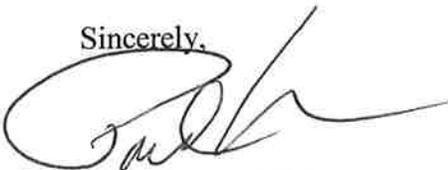
While used for discussion in the urban center process, the City Center guidelines themselves are not absolute. The guidelines serve as our point-of-departure for discussions with the County's applicant. Lynnwood does not have land use jurisdiction in the County; the City Center design guidelines (and zoning) are not binding on an applicant for development in the centers. The County process is intended to encourage, but not require, a mutually acceptable agreement between the City and applicant.

Further, the County's city-applicant agreement process itself is not a requirement for developing in an Urban Center. A developer who decides not to pursue an agreement with a city for any reason, or who finds that a city's expectations are onerous or unreasonable, only needs to notify County staff that they are terminating discussions with the city. Their application would then be processed through the County's design review program, per County Code.

Your letter mentions differences in development standards between the County's centers and the Lynnwood City Center (such as height and floor area ratio) as a reason why application of the City's City Center guidelines requires flexibility. However, while the Lynnwood City Center code may allow greater density than the County's Urban Centers, Lynnwood fully expects to have lower intensity development in the City Center, especially as the area transitions to higher densities over time. Lynnwood's City Center guidelines were prepared with this in mind and are flexible enough to deal with a range of development types of varying density, including those of the scale you mentioned may be prevalent in the County's centers.

In conclusion, Lynnwood's City Center design guidelines are intended to be a basis for discussion. They are not binding on an applicant, the County process does not require reaching an agreement, and the applicant has the ability to withdraw from the process and proceed through an alternate County process. For these reasons, any statement in the City Center update regarding the Municipal Agreement process is unnecessary.

Sincerely,



Paul Krauss, AICP  
Community Development Director

***Lynnwood Planning Commission***  
**Meeting of September 8, 2011**

**Staff Report**

**Agenda Item:** E-1  
Keeping of Chickens Code Amendment  
(2011CAM0003)

- Public Hearing
- Informal Public Meeting
- Work Session
- Other Business
- Information
- Miscellaneous

Lynnwood Dept. of Community Development — Gloria Rivera, Senior Planner

**ACTION**

Discussion only, at this work session.

**BACKGROUND**

At several of the City Council meetings, members of the public have spoken under Citizen Comments requesting that they be allowed to keep/raise chickens within the city limits. In the past few years a growing number of communities throughout the nation and our region have adopted code amendments allowing raising chickens. The reasons behind this movement are varied but include desire to promote environmental sustainability, expand the range of home-grown food, and as an option for coping with the cost of food. At the Planning Commission meeting on July 28<sup>th</sup>, a preliminary draft ordinance was presented by the staff for review regarding the raising of chickens in the single-family residential zones.

**COMMENT**

This work session is to introduce the newest draft with amendments to the single family residential code regarding the keeping of small animals as pets to allow the raising of chickens. Staff will give a brief explanation of the proposed amendments.

A number of questions and concerns were raised by the Commission members related to such items as suitable facilities to provide for humane treatment of the chickens, predator control, waste disposal, buffering and/or setbacks, disease control, and disposal of chickens. The raising of other poultry was also discussed. Staff has researched additional materials regarding the raising of chickens. The preliminary draft ordinance has been revised in response to the comments of the Commission:

- Introduction: chickens kept for personal use with eggs not to be sold (response to personal use)
- 3a – no changes
- 3(b) – General comment regarding shelters and pens.

- 3(b)(i) – Details on shelter, size of shelter, and building permits (response to humane treatment)
- 3(B)(ii) – Details on size of pen (response to humane treatment)
- 3(b)(iii) – Addresses protection from predators and construction of pens and shelters (response to predator control)
- 3(b)(iv) – Setbacks of pens/shelters. Screening. (response to buffering and setbacks)
- 3(b)(v) – Permit required for electricity
- 3(c) – Disposal of bedding/manure (response to waste disposal)
- 3(d) – No changes
- 3(e) – No slaughtering on site. Removal of infected chickens (response to disease control and disposal of chickens)

It should be noted that ducks and turkeys have not been addressed. There is concern regarding the size of enclosure that might be required.

A public hearing on this code amendment is scheduled for September 22, 2011. Following the hearing, the Commission will be asked to make a recommendation to the City Council.

## **DIRECTOR’S COMMENT**

The Planning Commission has raised a number of good issues with regard to refining the draft ordinance. However, it is possible to overthink and as a result over-regulate any use. It is not possible or even reasonable to base code development on the “worst case assumption.” Codes that attempt to do so are often so restrictive that they essentially render it near impossible to undertake the activity and/or so cumbersome to administer that they become intrusive upon privacy while being difficult to administer.

Several aspects of this draft raise concerns. The prohibition on slaughtering presents one such issue. The Code is being drafted to allow the raising of chickens for food which includes both eggs and slaughtering. By banning this activity we have possibly eliminated the potential for eating them. Where is the homeowner supposed to go? They would be faced with going off-site to some unnamed location or breaking the law and doing it at home. Please keep in mind, there is already a limit on a maximum of three chickens for personal use. While the analogy may be a little stretched we don’t have regulations banning the cooking of live lobsters or the cleaning of fish. Similar concerns relate to details as to minimum space standards per chicken and the like. Is it reasonable to direct the location of pens, prevent attraction of predators and that they be kept clean since these deal with potential area-wide issues. But there is already a body of law that

deals with humane treatment of animals. Adding Lynnwood's own requirements are redundant and would require additional staff time.

## **RECOMMENDATION**

Discuss questions and proposal.

## **ATTACHMENTS**

- A. Proposed ordinance with code amendments to allow the raising of chickens in the single-family residential zones.

**CITY OF LYNNWOOD**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING REGULATIONS FOR THE KEEPING OF CHICKENS IN SINGLE FAMILY RESIDENTIAL ZONES, AMENDING LMC 21.42.400(C) AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

---

WHEREAS, the existing Lynnwood Municipal Code treats the keeping of chickens in single family residential zones similar to the keeping of other livestock (e.g. horses, cows) with respect to lot size requirements; and,

WHEREAS, historically, the keeping of livestock had been considered to be inconsistent with residential zoning; and.

WHEREAS, it is desirable to promote sustainability and environmentally friendly practices where practical but in a manner that takes into account the urbanized nature of the city; and;

WHEREAS, allowing chickens to be harbored in the city to take advantage of their food production is a small step towards making Lynnwood more sustainable city and is desirable as long as the potential negative impacts of doing so is mitigated; and,

WHEREAS, trends in local food production and sustainable practices have led to renewed popularity of backyard chickens; and,

WHEREAS, the City wishes to allow the keeping of chickens while balancing this flexibility with protection of the residential environment; and,

WHEREAS, the proposal was transmitted to State agencies for State agency review and received by the Washington State Department of Commerce on \_\_\_\_\_, 2011 in accordance with RCW 36.70A.106; and,

WHEREAS, on \_\_\_\_\_, 2011, the City of Lynnwood Environmental Review Committee issued a [TBD] on the proposal with \_\_\_\_\_ public comments having been received during the public comment period and no appeal having been filed; and,

WHEREAS, on \_\_\_\_\_, 2011, the City of Lynnwood Planning Commission held a duly noticed public hearing to take testimony on the proposed ordinance and, following the public hearing, made a recommendation to the Lynnwood City Council to adopt this ordinance; and,

WHEREAS, on \_\_\_\_\_, 2011 the City of Lynnwood City Council held a duly noticed public hearing to take testimony on the proposed ordinance; now therefore

WHEREAS, it is in the public interest for the City Council to adopt new animal regulations for residential areas which establishes development regulations for keeping chickens within the City of Lynnwood; now therefore,

THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON,  
DO ORDAIN AS FOLLOWS:

Section 1. Lynnwood Municipal Code section 21.42.400 is hereby amended as follows:

**“21.42.400 Accessory structures and uses.**

A. Solar Energy Systems. The use of solar energy systems (for example, attached solar greenhouses, attached solar sunspaces, and solar collectors) can be an effective and efficient method for producing energy and reducing energy consumption. The majority of residential structures within Lynnwood were constructed before solar energy systems became a viable means for producing energy, thus lot yard setbacks and height restrictions do not take such systems into account. The city of Lynnwood finds that it is in the best public interest to encourage solar energy systems. If it is found that a solar energy system would have a positive impact on energy production and conservation while not having an adverse environmental impact on the community, but the placement of such system requires violation of city setback or maximum height limitations, allowance of such systems may be permitted through the variance process and shall be encouraged. In viewing such variance request, the following shall be considered in making a determination:

1. That the solar energy system has a net energy gain;
2. That the solar energy system is designed to minimize glare towards vehicular traffic and adjacent properties;
3. That the solar energy system not adversely affect solar access to adjacent properties;
4. That the solar energy system comply with all other city zoning, engineering, building, and fire regulations; and
5. That the solar energy system is found to not have any adverse impacts on the area, which impacts shall include, but not be limited

to, the effects of such system upon the views from neighboring properties and public ways.

In order to show that the proposed energy system will conform to the above, the applicant shall be required to submit a site plan and elevations showing the location, size, and dimensions of the solar energy system and its relation to all adjacent properties. Care shall be taken to ensure that the design, materials used and colors architecturally blend in with the existing structure. The city may require that the site plan and elevations and/or energy-saving calculations be prepared by an engineer, architect or builder specializing in solar energy construction.

B. Family Child Care Homes. Family child care homes are permitted as an accessory use to a dwelling.

C. Keeping Small Animals as Pets.

1. The keeping of small animals as pets shall be permitted as an accessory use.
2. Livestock, except chickens. The keeping of livestock (except chickens; See LMC section 21.42.400(C)(3)) shall not be permitted except that an occupant shall be able to keep one animal, i.e., horse, cow or sheep, on a lot having a minimum of 20,000 square feet and an additional animal for each 20,000 square feet additional lot area. The entire square footage of roaming area shall be fenced. Fences must be of such a type and size as to prevent encroachment on adjacent property. Encroachment shall be defined as reaching over, under or through, as well as trespassing or intruding upon, the property of another. Accessory buildings used for housing animals shall be provided, and shall be a minimum of 200 square feet and a maximum of 250 square feet in area per animal, except as allowed by variance, and shall not be closer than 25 feet to a property line, except for those provisions provided for chickens, below. An accessory building for the housing of small animals or fowl (except chickens, see below) shall not exceed 36 square feet in floor area when located on a residential lot and neither the building nor the fenced area for their roaming shall be closer 25 feet to a property.

3. Chickens. The keeping of chickens for personal use of the household (eggs shall not be sold) shall be permitted subject to the following:

- a. A maximum of three (3) chickens may be kept per lot associated with a single-family residential dwelling unit.

b. A suitable structure to provide shelter from the elements and an outdoor pen shall be provided. The shelter and pen shall be built and maintained to prevent the chickens from breaking through, out, over, or under the same. The shelter and pen shall be kept in good working condition, shall not cause odor or noise nuisances, and must be kept in a clean and well maintained condition at all times.

i. The enclosed shelter shall provide a floor, walls, and roof and shall be a minimum of four (4) square feet per chicken. A minimum of one nesting box and one roost shall be provided in the enclosure with six to ten inches of perch provided per chicken. A building permit shall be required if the building code thresholds are triggered.

ii. The outdoor pen (a ground level roaming area) shall be a minimum of eight (8) square feet. per chicken.

iii. Pens and shelters shall be constructed so as to discourage predators. Pens and shelters may be moveable but if set permanently in place, the base of the fence of the pen shall be buried a foot into the ground and a cover provided on the top of the pen to discourage predators.

iv. The outer edge of the shelter or pen shall be set back a minimum of 15 feet from side and rear property lines. Pens and shelters are not permitted in the area between the primary dwelling unit and the front property line. The side of the pen facing an adjacent residence shall be sight obscuring through the use of vegetation or a solid fence.

v. Electricity provided to the shelter will require an electrical building permit.

c. Bedding/manure shall be composted or bagged and tied and placed within garbage dumpsters.

d. Roosters shall be prohibited.

e. Chickens shall not be slaughtered on premise. Infected chickens with diseases harmful to humans shall be removed.

4. The keeping of mink, goats, foxes, or hogs is prohibited.”

D. Carnivals, Circuses, and Other Temporary Special Events. These uses are permitted if accessory to a school, church, park, or other facility of a similar nature. Such activities shall not be subject to regulation by Chapter 5.30 LMC.

Section 2. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL, the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

APPROVED:

\_\_\_\_\_

Don Gough, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Lorenzo Hines  
Finance Director

APPROVED AS TO FORM:

\_\_\_\_\_  
Rosemary Larson

**CITY OF LYNNWOOD**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ESTABLISHING REGULATIONS FOR THE KEEPING OF CHICKENS IN SINGLE FAMILY RESIDENTIAL ZONES, AMENDING LMC 21.42.400(C) AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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WHEREAS, the existing Lynnwood Municipal Code treats the keeping of chickens in single family residential zones similar to the keeping of other livestock (e.g. horses, cows) with respect to lot size requirements; and,

WHEREAS, historically, the keeping of livestock had been considered to be inconsistent with residential zoning; and.

WHEREAS, it is desirable to promote sustainability and environmentally friendly practices where practical but in a manner that takes into account the urbanized nature of the city; and;

WHEREAS, allowing chickens to be harbored in the city to take advantage of their food production is a small step towards making Lynnwood more sustainable city and is desirable as long as the potential negative impacts of doing so is mitigated; and,

WHEREAS, trends in local food production and sustainable practices have led to renewed popularity of backyard chickens; and,

WHEREAS, the City wishes to allow the keeping of chickens while balancing this flexibility with protection of the residential environment; and,

WHEREAS, the proposal was transmitted to State agencies for State agency review and received by the Washington State Department of Commerce on \_\_\_\_\_, 2011 in accordance with RCW 36.70A.106; and,

WHEREAS, on \_\_\_\_\_, 2011, the City of Lynnwood Environmental Review Committee issued a [TBD] on the proposal with \_\_\_\_\_ public comments having been received during the public comment period and no appeal having been filed; and,

WHEREAS, on \_\_\_\_\_, 2011, the City of Lynnwood Planning Commission held a duly noticed public hearing to take testimony on the proposed ordinance and, following the public hearing, made a recommendation to the Lynnwood City Council to adopt this ordinance; and,

WHEREAS, on \_\_\_\_\_, 2011 the City of Lynnwood City Council held a duly noticed public hearing to take testimony on the proposed ordinance; now therefore

WHEREAS, it is in the public interest for the City Council to adopt new animal regulations for residential areas which establishes development regulations for keeping chickens within the City of Lynnwood; now therefore,

THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON,  
DO ORDAIN AS FOLLOWS:

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APPROVED:

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Don Gough, Mayor

ATTEST/AUTHENTICATED:

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Lorenzo Hines  
Finance Director

APPROVED AS TO FORM:

\_\_\_\_\_  
Rosemary Larson