

**City of Lynnwood  
PLANNING COMMISSION MINUTES  
February 9, 2012 Meeting**

<b>Commissioners Present:</b>	<b>Staff Present:</b>
Richard Wright, Chair	Community Dev. Director Paul Krauss
Bob Larsen, Vice Chair	Deputy CD Director David Osaki
Maria Ambalada	Administrative Asst. Shay Davidson
Chad Braithwaite	Econ. Dev. Tourism Mngr. Mary Monroe
Doug Jones	Econ. Dev. City Center Program
Michael Wojack, Second Vice-chair	Manager Janiene Lambert
	Senior Planner Gloria Rivera
<b>Commissioners Absent: None</b>	<b>Other:</b>
	Councilmember Van AuBuchon

**Call to Order**

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

**Approval of Minutes**

**1. Meeting of January 12, 2012**

Commissioner Braithwaite referred to the third paragraph on page 3 of 7, and noted that the questions that Director Krauss was responding to regarding parking were his.

*Motion made by Commissioner Braithwaite, seconded by Commissioner Jones, to approve the January 12, 2012 minutes as amended. Motion passed unanimously (6-0).*

**Citizen Comments**

None.

**Public Hearings**

None.

**Work Session**

- 1. Transition Area Zoning Regulations (2008CAM0003).** Proposed zoning and design guideline regulations for the Alderwood – City Center Transition Area, generally located east of 36<sup>th</sup> Ave W., south of 188<sup>th</sup> St. SW and west of Alderwood Mall Blvd.

Economic Development Tourism Manager Mary Monroe reviewed the location and background of the Transition Area as contained in the Staff Report in the Planning Commission packet. She addressed two key issues for the area which are views and 36<sup>th</sup> Avenue West impacts. Staff intends to take another look at the proposed zoning regulations. Specifically, they will look at changes to the land use in order to have consistency with codes between the different subareas in the City, remove duplications, revisit some of the uses that were in the Limited Development Area (LDA) along 36<sup>th</sup> Avenue, and put back in some of the existing BTP Zone uses that had been inadvertently omitted. They are looking at adjustments to the view corridor to make sure they are protecting the view to the east from 192<sup>nd</sup> Street and 191<sup>st</sup> Place. Widening and narrowing the view corridors may be necessary in some regards. They also want to look carefully at the impacts to the property owners, both the businesses in the area as well as neighborhoods. When staff reviewed the setbacks they realized they did not put in all the required setbacks so those will be included. Staff has also reviewed the signage issue. The next draft will incorporate some of those changes and additions.

Commissioner Ambalada asked if there is an estimated amount of the cost of this project for the City and for stakeholders. Ms. Monroe replied that what they are proposing is not really project-specific. They are looking at a rezone of an area that would provide multiple business owners and property owners in the Transition Area the opportunity to develop in a way that they feel is more economically viable for them. They would be making the investment; the City would not. Any investment the City would make at this stage is primarily in terms of staff time. Community Development Director Krauss concurred and added that this effort is intended to support private investment. There is one public improvement of a street extending through that area would probably be on some sort of shared development cost basis. City Center Program Manager Janiene Lambert added that Interim Ordinance 2885 regarding the City Center removes a grid street that was proposed in this area when it was affiliated with the City Center.

Commissioner Braithwaite referred to the access strip for the school district (bus barn) property that provides access to 33<sup>rd</sup> Avenue. He wondered if this was excluded from the Transition Area before. Ms. Monroe thought that the access road for the school district had never been part of the Transition Area or the preceding City Center designation. Commissioner Braithwaite asked about the possibility of someone acquiring that property and developing it in conjunction with the neighboring properties. Deputy Director Osaki said it looks like that is part of the access strip is owned by the school district. If it wasn't needed by the school district in the future it could be used for private development. He indicated staff would look into this more.

Commissioner Braithwaite asked if any economic analysis had been done to see if the revised rezone makes sense for the existing developments. Ms. Monroe

said there has not been a specific financial feasibility study and no funding is available to undertake one. However there have been a number of discussions with area property owners. There are some density and land use issues they are trying to address in the revised zoning, but the property owners in the Transition Area feel that this proposal is much more viable.

Commissioner Braithwaite asked what the maximum setbacks were going to be. Ms. Monroe said they are proposing 10 feet on 33<sup>rd</sup>, 10 feet on Alderwood Mall Parkway, 10 feet on the future extension of 194<sup>th</sup>, and no maximum on 188<sup>th</sup>. The idea is to push the buildings forward. They would not be allowing parking in front of those buildings. They would allow the buildings to go back further if it were a situation where they were going to create public open space. There is no minimum so they could go all the way up to the sidewalk; they are looking at 12-foot sidewalks in that area. Larger setbacks would be provided along 36<sup>th</sup> Ave.

Commissioner Wojack stated that he lives in that neighborhood and has had several discussions with the neighbors. He presented photos of his neighborhood and described the associated views. He observed from reading prior meeting minutes that the consensus of the Planning Commission was that 120-foot building heights was too tall. Ms. Monroe stated that the way they left it was that 120 feet was viable for areas outside of the view corridors, partly to offset the loss of development potential in the view corridor. The view corridor was arrived at as the solution to protect the views so that no building could be higher than 35 feet above curb grade in the view corridor.

Commissioner Wojack asked if rezoning the Transition Area would encourage development here rather than in the City Center. Ms. Monroe stated that that is not the intention. Director Krauss noted that both areas along with Alderwood Mall are part of the City's regional center. The Transition Area is more constrained in terms of allowed uses and density than City Center so essentially it's different. Ultimately it was originally studied as part of the City Center EIS. He did not think in the long-term it would have much impact on the development of the City Center, but agreed that in the short-term it might.

Commissioner Larsen referred to the minutes of previous meetings and noted that it didn't appear that the Planning Commission had resolved the height issue; however, there had been consensus that height in this area could be a pretty significant impact. What they had discussed before was the idea that they would go to 80 feet under the zoning, but that anything over 80 feet would be a Special Use Permit approach so it could be reviewed.

Commissioner Larsen added that noise could also be an issue here. Even at 35 feet, if they have a lot of office space along 36<sup>th</sup> facing west they will get reflection of that traffic up in the neighborhood and because they are higher they will hear that more. A simple thing like a 15 or 20 degree cant every 100 feet of

the face of those buildings would help to reflect that sound away from the neighborhoods. This could possibly fit into the design guidelines.

Deputy Director Osaki explained that as part of the next steps staff will draft an ordinance code and some design guidelines. He solicited additional comments about building heights.

Chair Wright recalled that they had looked at several options for the stair-step approach and the idea of a Special Use Permit. He said that, overall, he was not comfortable with 120-foot buildings.

Commissioner Larsen noticed that the topography of the site declines approximately 50 feet from east to west. He wondered about using the topography to allow greater height on the east side, but the western height would stay at 80 feet. Director Krauss noted that this was definitely a possibility. Commissioner Larsen suggested that a scale drawing might help to illustrate this situation.

Commissioner Wojack again referred to his photo and noted that the upper right-hand corner of the Cosmo building is about the height of the mountains in the background. There was discussion about how this building fits into the topography.

Commissioner Larsen stated that he did not want to overly complicate things. He thought that they could set some elevation, above which they need an SUP. He concurred with Chair Wright that 120 feet is very tall. Director Krauss asked what criteria the special or conditional permitting would be based on. If there is not specificity he believes it is an invitation to be arbitrary. What Ms. Monroe described was an attempt to formalize something with specific criteria. Commissioner Larsen stated that there is a historic, established neighborhood there with excellent views. One of the reasons he volunteered to serve on the Planning Commission is to protect neighborhoods. For him 80 feet is a tall building, but he is comfortable with it. 120 feet seems like too much. Additionally, he expressed concern that the Transition Area is way ahead of what we want to see the City Center be. The value per square foot of the City Center is probably half of this Transition Area. The owners in the Transition Area would have a head start on the City Center, but ultimately, the City Center is where we want the tall buildings and the growth to occur. He wondered if this might begin to pull investment away from the City Center.

Director Krauss noted that there is a break point in construction at about 80 to 85 feet where builders have to switch to a much more expensive set of construction standards. From a construction standpoint you either need to be at or below that level or go a lot higher to justify the cost. He offered to clarify that for the Planning Commission.

Commissioner Ambalada agreed with Commissioner Larsen's statement. She added that what they are planning seems to be founded on flexibility. She suggested creating alternatives from the basic heights of 80 to 85 feet so they do not create something that will cause problems at a later time.

Commissioner Wojack commented that it appears that this neighborhood will be the first private, single-family neighborhood that is going to be impacted by taller buildings. He emphasized that they need to set a good precedent with this so that as Lynnwood expands they don't have to continually battle this.

Ms. Monroe solicited comments on the view corridor.

Commissioner Wojack stated that if the buildings go to 120 feet, the view corridor means nothing. Ms. Monroe asked if a combination of a view corridor with a more restrictive height outside of the view corridor would potentially be a reasonable option to pursue. Commissioner Wojack thought that a lower height would be a better compromise. As an example, he thought that Bellevue Square was a model of a good transition to single-family neighborhoods; Everett's new hospital was not. Ms. Monroe commented that protecting the neighborhoods was one of the reasons that this particular area was identified as a single area.

Commissioner Wojack concurred that the impact of the noise was also a concern because it all bounces off the hill. Ms. Monroe responded that they are taking all of that into consideration.

Commissioner Larsen noted that the stair step page establishes that you can start at a far western line they call "zero feet". He proposed that they could start out at 85 feet and as they move east they could modify the stair step diagram to add another step or two to get to 100 or 110 feet, but since the average elevation drops the effective height stays at 85 feet. Ms. Monroe stated that they had proposed making it 85 feet from curb grade so the further east you go the more height you would get, but it's always measured so there is a "flat top" effect.

Deputy Director Osaki stated that they could bring two or three different options back for consideration.

2. Permit Processing Procedures Code Amendments. Consideration of amendments to City regulations for processing applications for certain development permits and business licenses.

Director Krauss stated staff is proposing a number of actions that will streamline the development review process. He reviewed these as contained in the Staff Report for this item. Currently there are items that require Council action. He explained why this is problematic for both staff and the Council. Deputy Director Osaki added that he has reviewed how permitting falls into the framework for Growth Management. Under state law they have a 120-day time period to get a

decision out on a permit. The Council is very busy with a full agenda and there is always a concern about being able to fit it into the Council schedule in a timely manner. A benefit of the proposed changes is that they can go to the Hearing Examiner who is on a regular schedule with the City. Director Krauss discussed how the SEPA process also factors into this.

Commissioner Braithwaite expressed support for these amendments and recommended forwarding them to the City Council sooner rather than later. He expressed concern that removing the appeal process to the City Council and having it be directly to the courts, might preclude some people from appealing due to the legal costs. Director Krauss stated that the appeals they have seen have often been commercial competitors. Issues are often brought up that have relatively little relevance but are an effort to kill the project. Issues that residents bring to the table are things they deal with on a regular basis and there is ample notice for that.

Chair Wright asked if the 120-day timeline has ever been a problem. Deputy Director Osaki explained that it has. They have had to write the applicant a letter explaining the situation and giving an estimate of the timer period in which they can expect a decision. This is not the impression they want to convey to the public.

Commissioner Ambalada asked what happened to the discussion about opting for Hearing Examiner appeals instead of the City Council. Director Krauss explained that they never got that done which is why they are bringing it back to review again. More and more cities are using their hearing examiners to make analyses and decisions that are legally substantive and this is what staff is proposing.

## **Other Business**

### **1. Election of Officers**

#### Chair

*Commissioner Larsen nominated Chair Richard Wright to retain his seat. Chair Wright was approved unanimously.*

#### First Vice Chair

*Commissioner Wojack nominated Commissioner Bob Larsen for First Vice Chair. Commissioner Larsen was approved unanimously.*

#### Second Vice Chair

*Commissioner Ambalada nominated Commissioner Braithwaite for Second Vice Chair. Commissioner Braithwaite was approved unanimously.*

### **Council Liaison Report**

Councilmember AuBuchon reported that the Council is very behind schedule, but they are taking care of things as expeditiously as possible. The recent storm has caused them to get about two meetings behind. They had hoped to have the empty Commission seat filled by the end of the month, but it does not look like that is going to happen. He thought that they might have it filled within the first two weeks of March. In addition to that the Council has been working on the City Center. He expressed appreciation for the Planning Commission's patience and hard work.

### **Director's Report**

Director Krauss had the following report:

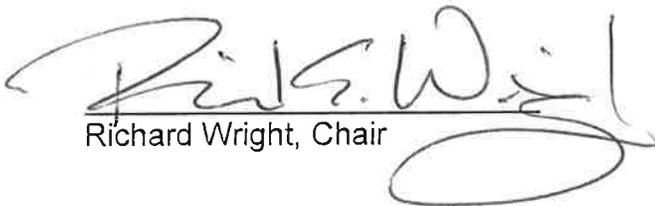
- A couple weeks ago they had a very upbeat and constructive half-day retreat with the Council and Administration which focused on ways they can work together better to be more productive. One of the things that came out of that was an agreement to have these meetings on a regular basis. He was very pleased with the way the working relationship came together.
- He reported that they have three candidates for the Planning Commission vacancy. He forwarded the Mayor the three names and background information today. Council may be doing interviews at a work session later this month.

### **Commissioner's Comments**

None.

### **Adjournment**

The meeting was adjourned at 8:21 p.m.

  
Richard Wright, Chair