

# AGENDA

## Lynnwood Planning Commission

Thursday, February 28, 2013 — 7:00 pm

City Hall, Council Chambers, 19100 – 44<sup>th</sup> Ave. W., Lynnwood WA

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**A. CALL TO ORDER – ROLL CALL**

**B. APPROVAL OF MINUTES**

Approval of the minutes of the February 14, 2013 meeting shall occur during a future meeting.

**D. CITIZEN COMMENTS** – on matters **not** on tonight's agenda.

**E. PUBLIC HEARINGS**

**F. WORK SESSIONS**

**1. CODE REVISIONS RELATED TO THE HIGHWAY 99 SUBAREA PLAN.**

Discussion of potential amendment of land use regulations that further implement the Highway 99 Subarea Plan.

**2. MIXED-USE REGULATIONS FOR THE PLANNED REGIONAL SHOPPING CENTER AND PLANNED COMMERCIAL DEVELOPMENT ZONES**

Continued discussion of potential amendment of land use regulations relating to residential land uses.

**G. OTHER BUSINESS**

**H. COUNCIL LIAISON REPORT**

**I. DIRECTOR'S REPORT**

**J. COMMISSIONERS' COMMENTS**

**K. 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 February 28, 2013**

**Staff Report**

**Agenda Item:**

Highway 99 Multi-Family PUD  
(2013CAM000)

- 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**

On September 12, 2011, the City Council approved the Highway 99 Subarea Plan, the Design Guidelines for the Highway 99 Mixed-Use Zones, and the development regulations for the Highway 99 Mixed Use Zone. These documents had been presented before the Planning Commission for recommendation to the City Council.

As part of the Highway Subarea Plan, Goal 3 was adopted under the Policy and Implementation Recommendations Chapter as well as Policy 3.1 and 3.1.1 to allow residential development in the Highway 99 Corridor outside of the Mixed Use nodes. Under State law, development regulations which implement the Comprehensive Plan must be consistent with the Comprehensive Plan. When the Highway 99 Corridor Plan was adopted, development regulations were not approved for the commercial zones outside of the nodes that were consistent with the Comprehensive Plan.

**RELEVANT CITATIONS**

**“Goal 3: Support housing along and adjacent to the Highway 99 Corridor:”**

In order to implement Goal 3, Policy 3.2 and 3.2.1 were adopted:

**“3.2 Policy: Consider allowing residential development at larger parcels outside of the nodes:**

**3.2.1 Allow residential development at parcels five acres or larger through approval of a planned unit development.**

In addition to the nodes identified in Policies 1.1 and 1.2, larger parcels in other parts of the corridor may be suitable for residential or mixed-use-with-residential development. Owners of such parcels may seek to develop the property as if it was located in a node by applying for approval of a planned unit development (PUD), as provided in the Zoning Code. An application for a PUD under this policy shall be evaluated for general compliance with the regulations of the

Highway 99 Mixed Use Zone, though variations from these regulations may be approved by the City Council if it finds that either site-specific circumstances necessitate a variation or that the variation is fully consistent with the purpose and intent statements of this Subarea Plan and the Highway 99 Mixed Use Zone.

## COMMENT

This work session is to introduce language recommended for the commercial zones outside of the Mixed Use zones that would allow the commercial zoning to be consistent with the Comprehensive Plan and allow multi-family residential housing. Outside of the nodes, along Highway 99 are Community Business (B-1) and General Commercial (CG) zones. Revision of the development regulations is a two-step process, first to amend Table 21.46.10 to allow multi-family residential development correlating proposed uses with the commercial zones, and second, amending LMC 21.46.116 Limitations on uses – Residential uses. The proposed revision to Table 21.46.10 allows multi-family in the B-1 and CG zones. The amended LMC 21.46.116 proposes revisions consistent with the five acres in the Comprehensive Plan and the Mixed Use development regulations.

Future Commission meetings will include opportunities for more detailed discussion (including staff from other departments, as appropriate). Following these work sessions, a public hearing will be held to provide the opportunity for the public to comment on the proposals. Following the hearing, the Commission will be asked to make a recommendation to the City Council.

## RECOMMENDATION

Discuss questions and proposal.

## ATTACHMENTS

- A. Proposed code language that would allow the zoning regulations for areas outside of the Mixed Use zone to be consistent with the Highway 99 Subarea Plan
- B. Highway 99 Corridor Map

**FUTURE RECOMMENDATION Multi-family housing on three acres outside of the nodes:** Recently inquiries have been made regarding multi-family residential development outside of the Mixed Use nodes in the Corridor on sites of less than five acres. Much of this developer interest is on sites immediately adjacent to the nodes or areas that would allow housing close to transit stops or near the college. The dense multi-family housing would be consistent with the Corridor Plan to “support transit and business while creating a neighborhood feel.” Future recommendations may include as an alternate provision, an Ordinance with the current CAM activity to allow multi-family housing on three acre parcels within the Corridor through the PUD process, followed by a Comprehensive Plan amendment to allow for consistency. Or a Comprehensive Plan amendment for multi-family residences on three acre parcels with the concurrent presentation of a development regulation ordinance.

## DEVELOPMENT CODE AMENDMENTS

<b>Table 21.46.10</b>						
<b>Residential Uses</b>	<b>B-4</b>	<b>B-3</b>	<b>B-2</b>	<b>PCD</b>	<b>B-1</b>	<b>CG</b>
Adult Family Homes	P	P	P	P	P	P
All uses permitted in single family zones	-	-	-	P	-	-
Multiple Family Housing Units +	-	-	C	-	- P (Hwy 99)	- P (Hwy 99)
Caretaker or Watchman Quarters	C	C	C	-	C	C
Living Quarters for Homeless Mothers +	P	P	P	P	P	P
Motels or Major Hotels	-	-	P	P	P	P-X
Respite Care	C	C	-	P	P	P
<b>+ See LMC 21.46.110 through 21.46.119</b>						

Lynnwood Municipal Code section 21.42.400 is hereby amended as follows:

21.46.116 Limitations on uses – Residential uses.

A. Motels and Motor Hotels. The initial development must contain at least 20 units composed of multiple-unit type buildings and shall provide hotel services, including a main lobby, desk attendant, and room service. When accessory uses providing services for the motor hotel patrons, such as barber, bar, beauty parlor, cleaners, clothing, drugs, pottery, souvenir, tobacco, and travel are included, they shall be primarily oriented internally. Provisions for public functions such as banquets or meetings need not be oriented internally.

B. Multiple-Family Housing. Dwelling units may be permitted in office buildings on the fourth floor or higher, providing no more than one-half the floor area of the building (not including basements) is used for residential purposes. All provisions normally applying to high-rise multiple family housing shall apply.

C. Multiple –Family Housing – Highway 99 Corridor in B-1 and CG zones. Multiple-Residential Housing outside of the Mixed-Use zones is allowed in the B-1 and CG zones on sites that are a minimum of five acres. Multiple-residential residential development may be combined with mixed use development subject to the following bulk requirements:

	Development Level	
	Sites with residential development of less than 20 dwelling units per acre	Sites with residential development of more than 20 dwelling units per acre
Development Standard		
Minimum Setbacks		
Public Street	None	None
Interior Property Lines	None	None
Ground Floor Residential Units	10 ft	10 ft.
Minimum Sidewalk Width Along Public Streets	12 ft	12 ft
Maximum Lot Coverage	35%	None
Maximum Building Height	50 ft.	90 feet, not to exceed six stories
Minimum dwelling units per acre	N/A	20 DU/A
Maximum Floor Area Ratio	1.0	3.0

Multi-residential development shall comply with the remainder of the development regulations established in Chapter 21.62 Highway 99 Mixed Use Zone, including the Development Standards established in LMC 21.62.400.

Processing of a multi-family residential development, including associated mixed use will be subject to the provisions set forth in Chapter 21.30 LMC Planned Unit Development.

~~C. D.~~ D. D. Convalescent and Nursing Homes and Housing for the Elderly and Physically Disabled. These uses may be allowed by conditional permit.

1. Staff Evaluation and Recommendation. Before any conditional use permit for the uses designated in this subsection is considered by the hearing examiner and city council, a joint recommendation concerning development of the land and/or construction of the buildings shall be prepared by the fire and community development departments, specifying the conditions to be applied if approved. If it is concluded that the application for a conditional use permit should be approved, each requirement in the joint recommendation shall be considered and any which are found necessary for the protection of the health, safety, and general welfare of the public shall be made part of the requirements of the conditional use permit. In any case, the approval of the conditional use permit shall include the following requirements:
  - a. The proposal's proximity to stores and services, safety of pedestrian access in the vicinity, access to public transit, design measures to minimize incompatibility between the proposal and surrounding businesses;
  - b. Compliance with all applicable state, federal, and local regulations pertaining to such use, a description of the accommodations, and the number of persons accommodated or cared for, and any structural requirements deemed necessary for such intended use;
  - c. The amount of space around and between buildings shall be subject to the approval of the fire chief as being adequate for reasonable circulation of emergency vehicles or rescue operations and for prevention of conflagration;
  - d. The proposed use will not adversely affect the surrounding area as to present use or character of the future development;
  - e. Restriction to such intended use except by revision through a subsequent conditional use permit;
2. Development Standards. Housing for the elderly and physically disabled facilities shall conform to the following criteria:
  - a. Lot area per dwelling unit: 1,000 square feet minimum per unit;
  - b. Passive recreation and/or open space: 200 square feet per unit. In the city's higher density multiple-family zones, developments are required to provide active recreational space to help satisfy a portion of the demand for recreational facilities. Housing for the elderly has a similar need but is of a passive nature. Therefore, passive recreation space and/or open space shall be provided. Up to 50 percent of the requirement may be indoors; provided that the space is utilized exclusively for passive recreation and/or open space (i.e. arts and crafts rooms, solariums, courtyards). All outdoor recreation and/or open space areas shall be set aside exclusively for such use and shall not include areas held in reserve for parking, as per LMC 21.18.800. All open space and/or recreational areas shall be of a permanent nature, and they may be restricted to use by tenants only. The use of private and semi-private patios and balconies in meeting these requirements is not permitted.

~~D. E.~~ D. E. Living Quarters, Homeless Teenage Parents. Living quarters designed for homeless teenage parents and their children are permitted in any commercial zone of the city. For the

purposes of this section, "Living quarters for homeless teenage parents" is defined to mean a building or buildings occupied for living purposes by not more than eight teenage parents and their children.

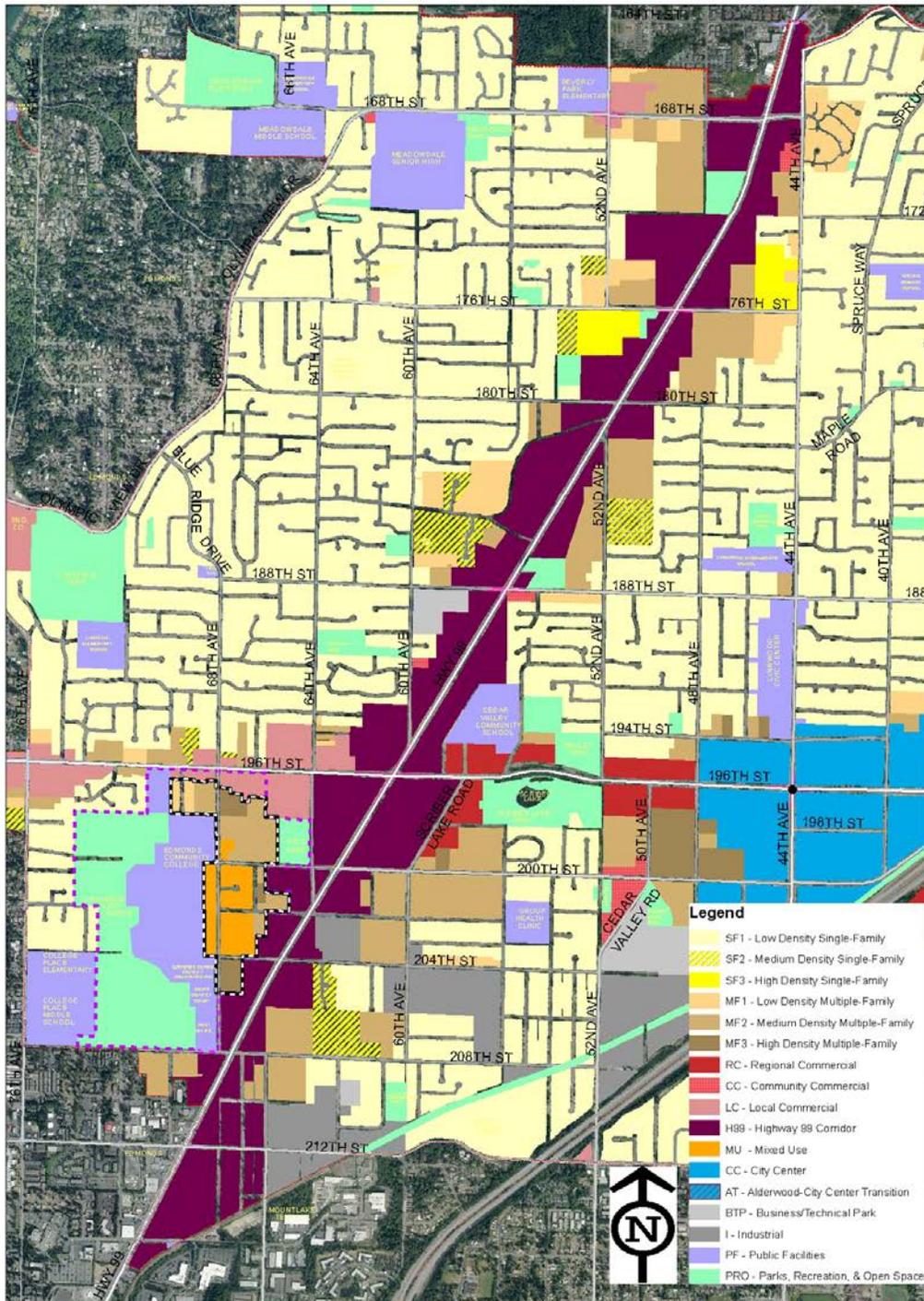
1. Supervision and Maximum Occupancy. Such living quarters must have an adult supervisor residing therein. The maximum number residing therein at any time shall not exceed 2:1, including parents, children, and adult supervisor(s).

2. Development Regulations and Standards. Subdivision and zoning development standards for living quarters for teenage parents shall be the same as for the low density multiple-family residential zone (RML). Such quarter shall be treated as n R occupancy for fire and building codes,

3. Expiration.

- a. Notwithstanding below, herein, uses established in accordance with this provision shall be considered lawful permitted uses as provided herein for as long as such use continues to exist. Non-use of any living quarter for teenage parents for than six months shall be deemed to be abandoned and such use shall lose all right to its legal status.

# Highway 99 Corridor



**Lynnwood Planning Commission**  
**Meeting of February 28, 2013**

**Staff Report**

**Agenda Item:**

Regulation of residential uses and maximum lot coverage in Planned Regional Shopping Center and Planned Commercial Development zones.

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

Community Development Department

**Summary**

The purpose of this agenda item is to allow continued discussion of potential code amendments relating to residential uses in both the Planned Regional Shopping Center (PRC) zone and the Planned Commercial Development (PCD) zone. This topic discussed by the Commission on February 14, 2013 and May 24, 2012. The draft ordinance was revised after the February 14, 2013 meeting.

During the February 14, 2013 discussion of the PRC zone, the Commission directed staff to prepare similar amendments for the PCD zone. This agenda item provides the draft amendments for each of these two zones. The Commission is asked to provide input regarding the amendments proposed.

While the existing PRC and PDC regulations already allow multifamily dwellings within a mixed-use project, those regulations make mixed use financially infeasible. The existing prohibition of dwellings on the second and third floors of buildings, and the requirement that residences not occupy more than 50 percent of the total building area, causes a considerable amount of building floor area to be relegated to professional office and professional service uses—for which there is little or no market demand. For a six-story building, this would result in 1/3 of the total building area (two out of six floors) being economically unviable.

Staff recommends that those regulations be “relaxed” to allow a greater proportion of building floor area to be used for residential purposes. The proposed amendments still require that non-residential uses occupy the street level of the building.

Staff also recommends a change to allow a greater percentage of the lot to be occupied by building(s). Currently, the Zoning Code specifies a maximum lot coverage of 35 percent.

If the Commission determines that the draft amendments as written are appropriate, staff will schedule a public hearing and provide public announcements for the hearing. Alternatively, staff can revise the draft amendments for the Commission's review at a future meeting.

### **Policy Questions**

Are the code amendments presented by staff adequate to accomplish Council's direction regarding increased residential capacity in the vicinity of Alderwood Mall?

### **Action**

Provide direction to staff.

### **Background**

Population Growth Targets: The City of Lynnwood has adopted policies to preserve and protect existing single family residential areas. The City is also required by the State Growth Management Act (GMA) to accommodate a portion of the region's future population and employment growth. Lynnwood has already undertaken significant steps to accommodate projected growth including the City Center Plan and Highway 99 Corridor Plan. However, consistent with State law, growth targets are now being extended out to 2035 and all cities and counties in the region are required to accept their "fair share".

As a "built-out" community, there are relatively few areas where increased population can be realized. The City Council has provided direction to staff to identify ways to accommodate increased population in the vicinity of Alderwood Mall.

Urban Form: Somewhat irrespective of the 2035 population growth target issue, many communities with regional retail centers are taking steps to incorporate new housing in areas that were singularly retail in nature. This approach is intended to accomplish goals such as: a) reduce society's dependence upon the automobile by reducing the distance between homes, shopping, and employment; b) establish land use density/intensity that can support transit service; c) promote healthy lifestyles by facilitating walking and bicycling; and d) reducing infrastructure costs (on a per-capita basis) by minimizing the lineal distance of roads and utilities.

This sort of "maturation" of malls and commercial centers is being experienced throughout the country and our own region. One need only look to the Northgate Mall area for an example. The vital components are the conversion of existing large parking fields into structured parking thereby creating new building capacity plus replacing what may be single-story or low-rise structures with multistory building designs. In addition to the factors mentioned above, supporting mixed use development in these areas is a reasonable strategy as:

- Malls and surroundings have already had major investments in transportation infrastructure. In the case of Alderwood, future projects include the Lynnwood Place loop road that will improve flow through existing traffic bottlenecks, the Poplar Way bridge over I-5 linked to 33<sup>rd</sup> Ave. the will create a major new link to I-5 greatly improving access into the area and pulling traffic away from single family neighborhoods to the west, major transit service that is already provided including the new CT route from Edmonds, along 196<sup>th</sup> and terminating at Alderwood, and if the voters approve ST3, a light rail station that will serve the area.
- In accordance with City Plans the Alderwood commercial area is reasonably separated and buffered from neighborhoods.
- Mixing residential and commercial financially benefits area businesses while creating a neighborhood that is active 24/7. The residential development supports commercial activity to meet the needs of the residents.
- Mixed use residential and overall development intensification can be accomplished without detracting from the areas already high level of commercial activity.
- There already appears to be some developer interest in the concept.

In the event Lynnwood Place is ultimately approved at the Lynnwood High School site, numerous new dwellings (~500) will be built across 184<sup>th</sup> Street SW from Alderwood Mall. This project, if approved, will influence and to some degree change the character of the Mall area. Increasing the opportunity for mixed-use development upon other similarly-situated properties seems appropriate.

When considering that: a) the vicinity that includes Alderwood Mall is designated as a VISION 2040 Regional Growth Center; and b) today's shoppers are attracted to retail centers offering a more-varied experience, staff expects the continued evolution of the Mall area to include:

- Stores clustered along pedestrian promenades or sidewalks.
- Dwellings constructed over street-level shops and services, giving: a) residents access to goods and services without the need for an automobile; and b) businesses a steady, affluent market base.
- Multi-level parking structures providing ready access to many stores and homes.
- Convenient access to transit service and bike routes.

Maximum Lot Coverage: The PRC and PCD's existing 35-percent maximum lot coverage of 35 percent relegates all development in this area to a suburban configuration—individual buildings surrounded by vast areas of parking.

Furthermore, this limitation on lot coverage effectively discourages parking structures.

Impacts Upon City Center: A few of the Commissioners raised concerns at the earlier meeting to the effect that allowing for mixed use development around Alderwood could detract from the potential for development occurring in City Center. Staff finds this concern to be unfounded for several reasons:

- First, the ability of a community to “force” development to occur when and where it is convenient is quite limited. Cities can set the table by adopting supportive plans and land use controls and by building infrastructure. However, developers will continue to make investments only when and where they believe they can achieve an adequate return. If a developer wanted to take advantage of the proposed amendment and build a project around the Mall was told that the City wants their project but somewhere else, they could well look elsewhere outside of Lynnwood for sites that meet their expectations.
- Secondly, significant development in City Center had yet to occur because of macro-economic cycles and development potential elsewhere in our region. Staff is already starting to see significant interest in building in City Center, along Hwy 99 and around Alderwood Mall, all at the same time and we are hopeful that this will continue. We also note that City Center will soon start to see the benefit of the extension of Light Rail to Lynnwood which will act as a further incentive to build nearby.

Traffic impacts: It is expected that multifamily dwellings will generate less traffic during the p.m. peak period than a comparable area of office space. According to the Institute of Transportation Engineers (ITE), general office uses are expected to generate 1.49 p.m. peak hour trips per 1,000 square feet of building area. Mid-rise apartment buildings are expected to generate 0.44 p.m. peak hour trips per dwelling. Many apartments are 1,000 square feet or larger. This means that allowing dwellings in lieu of offices has the potential to partially mitigate traffic impacts that would otherwise occur.

Building height: Currently, there is no maximum building height for the PRC or the PCD zone. In order to promote compatibility with regards to buildings containing dwellings, staff has proposed an amendment that would limit building height for buildings with dwellings in the PCD zone to 65 feet—where there are single family residential properties within 500 feet. For properties zoned PRC, this limitation is unnecessary since there are no single family residential properties within 500 feet of the PRC zone.

It is important to note that staff is not proposing that the City consider undertaking a large scale environmental analysis or Planned Action Ordinance (as was done

with City Center). Instead we envision each development proposal will be required to prepare their own SEPA documentation and mitigate their impacts.

### **Previous Council Actions**

Described above.

### **Funding**

NA.

### **Key Features**

In the PRC and PCD zones,

1. The draft ordinance would allow residences within building levels above the first floor. The existing regulations allow residences only upon floors above the third floor.
2. The draft ordinance would repeal the requirement that residential floor area within a mixed-use building not exceed 50 percent of the total building area.
3. The draft ordinance would repeal the 35 percent maximum lot coverage requirement for PRC and PCD.

In the PCD zone,

4. For buildings containing dwellings and located within 500 feet of a single family residential zone, the draft ordinance would establish a maximum building height of 65.

### **Adm. Recommendation**

Authorize staff to schedule a public hearing for this draft code amendment.

### **Attachments**

1. Zoning Map excerpt
2. Summary of existing PRC and PCD zones
3. Draft ordinance
4. Correspondence
5. Meeting minutes

**Summary of Planned Commercial Development (PCD) and  
Planned Regional Center (PRC)**

	<b>Issue</b>	<b>PCD</b>	<b>PRC</b>
1.	Purpose	For development of contiguous but individually-owned commercial properties. Conceptual development plan required for rezone to PCD.	For large-scale commercial developments.
2.	Design guidelines apply	Yes.	Yes.
<b>Use Regulations</b>			
3.	Outdoor land uses/activities	Generally prohibited.	Generally prohibited.
4.	Onsite processing/manufacturing	For sale onsite at retail only.	For sale onsite at retail only.
5.	Car rental	Permitted adjacent to freeway.	Maximum of 5 vehicles queued for lease. Maximum of 15 vehicles stored onsite.
6.	Auto sales	Indoor use.	Indoor use.
7.	Auto service station (gas station)	Not permitted.	Conditional use permit required. Numerous development standards.
8.	Auto repair	Not permitted.	Not permitted.
9.	Tire, brake, muffler tune-up	Permitted.	
10.	Convenience store in conjunction with auto service station or fuel sales	Not permitted.	Conditional use permit required.
11.	Church	Permitted.	Permitted. ?
12.	Child daycare	Permitted.	Permitted.
13.	Multifamily dwelling	Permitted in office buildings above the third floor. Residential use may not exceed 50% of building floor area.	Permitted in office buildings above the third floor. Residential use may not exceed 50% of building floor area.
14.	Public utility facility	Permitted.	Permitted.
15.	Auto wrecking		Conditional use permit required.
16.	Dance hall		Conditional use permit required.
17.	Indoor amusement	Not permitted.	Permitted.
18.	Sit-down restaurant serving alcohol	Permitted.	Permitted.
19.	Drinking establishment	Permitted.	Not permitted.
20.	Health club	Permitted.	Not permitted.
<b>Development Standards</b>			
21.	Building setback - general	15' from street. 25' rear setback if adjacent to residential zone.	15' from street; 50' from residential zone.
22.	Building setback – office use	-	50' from RS zone; 25' from RM zone.
23.	Maximum building height	None.	None.
24.	Maximum lot coverage	35%	35%
25.	Landscape buffer strip	Required adjacent to residential zone or public zone.	Required adjacent to residential zone or public zone.
26.			
27.			

February 12, 2012

Delivered Via Email

Lynnwood Planning Commission  
c/o  
Mr. Paul Krauss, Director of Community Development  
City of Lynnwood  
4114 198<sup>th</sup> St. SW  
Suite 7  
Lynnwood, WA 98036

**Subject: Request to include PCD zone in its current PRC zone evaluation of multi-family uses**

Dear Members of the Lynnwood Planning Commission,

Edmonds School District #15 requests your consideration of including the District's property at 2927 Alderwood Mall Boulevard, Lynnwood, WA 98036 in the modification of multi-family building requirements you are considering for the PRC zoning adjoining our property to the north.

We encourage you to consider incorporating a change that would modify the multi-family housing restriction currently in place to allow for multi-family in a mixed use development above a first floor commercial uses. The current requirement calls for allowing multi-family only in office buildings above the fourth floor. This requirement is really more geared for mid-rise or high rise construction. In addition, we would request repeal of the limitation currently in place that multi-family units not exceed 50% of the total building area.

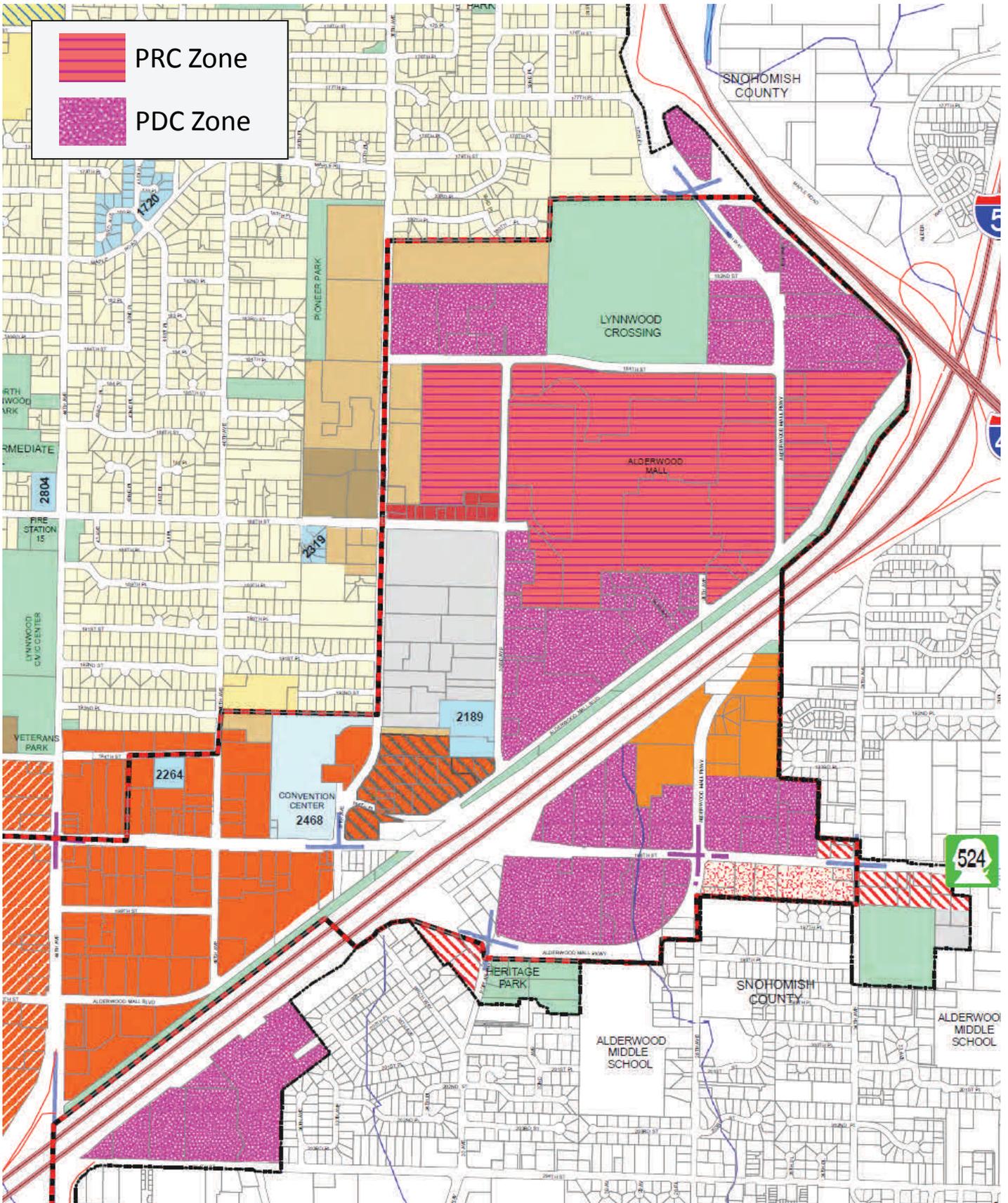
This is important for the PCD zone and in particular this property because of the need to redevelop the District's current Maintenance and Transportation site in a consistent manner with surrounding uses and the anticipated market interest for multi-family development in the area. The District is currently requesting proposals for redevelopment of the site and, based on inquiries for the project it appears there is considerable interest to include a multi-family segment in a planned commercial redevelopment of the property. This change would allow a true mixed use approach to redevelopment.

We believe the property could be more attractive for developers if the current multi-family restrictions were relaxed. The District has met with staff previously regarding this topic and was encouraged to make this request.

Thank you for consideration of this request. If you have any questions or would like to discuss our request, please call me at 425-431-7015.

Sincerely,

Stewart Mhyre, Executive Director-Business & Operations



### CURRENT ZONING

RESIDENTIAL	COMMERCIAL	MIXED USE	INDUSTRIAL	OTHER	Overlays and Boundaries
RS-8 - Residential 8400 Sq Ft	B-1 - Community Business	CC-C - City Center Core	BTP - Business/Technical Park	P1 - Public	--- Lynnwood City Limits
RS-7 - Residential 7200 Sq Ft	B-2 - Limited Business	CC-W - City Center West	LI - Light Industrial	PUD - Planned Unit Development	--- MUGA
RS-4 - Residential 4000 Sq Ft	B-3 - Neighborhood Business	CC-N - City Center North			--- College District Overlay
RML - Multiple Residential Low Density	B-4 - Restricted Business	MU - Mixed Use			--- PSRC Regional Center
RMM - Multiple Residential Medium Density	CG - General Commercial	CDM - College District Mixed Use			<b>Gateway Intersections</b>
RMH - Multiple Residential High Density	PCD - Planned Commercial Development	HMU - Highway 99 Mixed Use			--- Gateway
MHP - Mobile Home Park	PRC - Planned Regional Shopping Center				--- Prominent



**CITY OF LYNNWOOD**

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

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO RESIDENTIAL USES IN, AND DEVELOPMENT STANDARDS FOR, THE PLANNED REGIONAL CENTER (PRC) AND PLANNED COMMERCIAL DEVELOPMENT (PCD) ZONES, AMENDING LYNNWOOD MUNICIPAL CODE (LMC) 21.46.116, LMC 21.46.200, AND LMC 21.48.116, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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WHEREAS, under Chapters 35A.11 and 35A.63 RCW, the City Council of the City of Lynnwood has the authority to adopt ordinances relating to the use of real property located within the City; and

WHEREAS, from time to time, it is in the public's interest to amend the City's land use and development regulations to ensure those provisions fully support and realize the comprehensive plan and the public's general health, safety, and welfare; and

WHEREAS, certain provisions of Chapters 21.46 and 21.48 LMC relating to permitted land uses and development standards within the Planned Commercial Development (PCD) and Planned Regional Center (PRC) zones unduly restrict multifamily residential uses; and

WHEREAS, allowing multifamily residential uses within mixed-use buildings within the PCD and PRC zones can support and implement the City's objectives of accommodating future growth in areas where adequate public facilities and services are available, creating a customer base for businesses within the PRC and PCD, and implementing Smart Growth land use planning principles; and

WHEREAS, on, \_\_\_\_\_, 2013, the City of Lynnwood SEPA Responsible Official issued a Determination of Non-Significance (DNS) on the proposal; and

1 WHEREAS, on May 7, 2012, notice of the proposed code amendment was sent to  
2 the Washington State Department of Commerce in accordance with RCW 36.70A.106; and  
3

4 WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_, 2013, the Lynnwood Planning  
5 Commission held a public hearing on proposed amendments to the Lynnwood Municipal  
6 Code relating to the PRC zone, and all persons wishing to be heard were heard; and  
7

8 WHEREAS, following the public testimony portion of the public hearing, the Planning  
9 Commission deliberated on the draft legislation and by regular motion voted to recommend  
10 that the Lynnwood City Council adopt the amendments to the Lynnwood Municipal Code;  
11 and  
12

13 WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_, 2013, the Lynnwood City Council  
14 held a public hearing on proposed amendments to the Lynnwood Municipal Code relating  
15 to the PRC zone, and all persons wishing to be heard were heard; and  
16

17 WHEREAS, based upon the decision criteria specified by LMC 21.20.500, the City  
18 Council has determined that the amendments contained herein are: a) consistent with the  
19 comprehensive plan; and b) substantially related to the public health, safety, or welfare;  
20 and c) not contrary to the best interest of the citizens and property owners of the city of  
21 Lynnwood; now, therefore:  
22

23 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS  
24 FOLLOWS:  
25

26 **Section 1. Findings.** The recitals above are adopted as findings that support passage of this  
27 ordinance.  
28

29 **Section 2. Amendment.** LMC 21.46.116 as enacted by section 5 of Ordinance 285 and as  
30 amended by section 3 of Ordinance 522, as amended by section 6 of Ordinance 1447, as  
31 amended by section 2 of Ordinance 1472, as amended by section 2 of Ordinance 1883, as  
32 amended by section 2 of Ordinance 1888, as amended by section 2 of Ordinance 1917, as  
33 amended by section 2 of Ordinance 1923, as amended by section 1 of Ordinance 1988, as  
34 amended by section 19 of Ordinance 2020, as amended by section 14 of Ordinance 2441,  
35 are each hereby amended as follows:  
36

37 **21.46.116 Limitations on uses – Residential uses.**

38 A. Motels and Motor Hotels. The initial development must contain at least 20 units composed of  
39 multiple-unit type buildings, and shall provide hotel services, including a main lobby, desk attendant,  
40 and room service. When accessory uses providing services for the motor hotel patrons, such as  
41 barber, bar, beauty parlor, cleaners, clothing, drugs, pottery, souvenir, tobacco, and travel are

1 included, they shall be primarily oriented internally. Provisions for public functions such as banquets  
2 or meetings need not be oriented internally.

3 B. Multiple-Family ~~Housing~~Dwellings.

4 ~~1. Except for properties zoned PCD, Dwelling-dwellings units~~ may be permitted in  
5 ~~commercial or~~ office buildings on the fourth floor or higher, ~~providing provided~~ no more than  
6 one-half the floor area of the building (not including basements) is used for residential  
7 purposes. All provisions normally applying to high-rise multiple-family housing shall apply.

8 ~~2. For properties zoned PCD, dwellings may be permitted in commercial or office~~  
9 ~~buildings on the second floor or higher, provided the street-facing ground level of the building~~  
10 ~~is occupied by commercial or office uses. No dwellings are permitted below the second floor.~~

11 ~~3. Buildings with dwellings properties zoned PCD and~~

12 C. Convalescent and Nursing Homes and Housing for the Elderly and Physically Disabled. These  
13 uses may be allowed by conditional use permit.

14 1. Staff Evaluation and Recommendation. Before any conditional use permit for the uses  
15 designated in this subsection is considered by the hearing examiner and city council, a joint  
16 recommendation concerning development of the land and/or construction of the buildings  
17 shall be prepared by the fire and community development departments, specifying the  
18 conditions to be applied if approved. If it is concluded that the application for a conditional  
19 use permit should be approved, each requirement in the joint recommendation shall be  
20 considered and any which are found necessary for protection of the health, safety, and  
21 general welfare of the public shall be made part of the requirements of the conditional use  
22 permit. In any case, the approval of the conditional use permit shall include the following  
23 requirements:

24 1. a. The proposal's proximity to stores and services, safety of pedestrian access in the  
25 vicinity, access to public transit, design measures to minimize incompatibility between the  
26 proposal and surrounding businesses;

27 2.b. Compliance with all applicable state, federal, and local regulations pertaining to  
28 such use, a description of the accommodations and the number of persons  
29 accommodated or cared for, and any structural requirements deemed necessary for  
30 such intended use;

1 3.c. The amount of space around and between buildings shall be subject to the  
2 approval of the fire chief as being adequate for reasonable circulation of emergency  
3 vehicles or rescue operations and for prevention of conflagration;

4 4.d. The proposed use will not adversely affect the surrounding area as to present use  
5 or character of the future development;

6 5.e. Restriction to such intended use except by revision through a subsequent  
7 conditional use permit;

8 2. Development Standards. Housing for the elderly and physically disabled facilities shall  
9 conform to the following criteria:

10 6.a. Lot area per dwelling unit: 1,000 square feet minimum per unit;

11 7.b. Passive recreation and/or open space: 200 square feet minimum per unit. In the  
12 city's higher density multiple-family zones, developments are required to provide active  
13 recreational space to help satisfy a portion of the demand for recreational facilities.

14 Housing for the elderly has a similar need but is of a passive nature. Therefore,  
15 passive recreation space and/or open space shall be provided. Up to 50 percent of the  
16 requirement may be indoors; provided, that the space is utilized exclusively for passive  
17 recreation or open space (i.e., arts and crafts rooms, solariums, courtyards). All  
18 outdoor recreation and/or open space areas shall be set aside exclusively for such use  
19 and shall not include areas held in reserve for parking, as per LMC [21.18.800](#). All open  
20 space and/or recreational areas shall be of a permanent nature, and they may be  
21 restricted to use by tenants only. The use of private and semi-private patios and  
22 balconies in meeting these requirements is not permitted.

23 D. Living Quarters, Homeless Teenage Parents. Living quarters designed for homeless teenage  
24 parents and their children are permitted in any commercial zone of the city. For the purposes of this  
25 section, "living quarters for homeless teenage parents" is defined to mean a building or buildings  
26 occupied for living purposes by not more than eight teenage parents and their children.

27 1. Supervision and Maximum Occupancy. Such living quarters must have an adult  
28 supervisor residing therein. The maximum number residing therein at any one time shall not  
29 exceed 21, including parents, children, and adult supervisor(s).

30 2. Development Regulations and Standards. Subdivision and zoning development standards  
31 for living quarters for teenage parents shall be the same as for the low density multiple-

1 family residential zone (RML). Such quarters shall be treated as an R occupancy for fire and  
 2 building codes.

3 3. Expiration.

4 8.a. Notwithstanding below herein, uses established in accordance with this provision  
 5 shall be considered lawful permitted uses as provided herein for as long as such use  
 6 continues to exist. Non-use of any living quarters for teenage parents for more than six  
 7 months shall be deemed to be abandoned and such use shall lose all right to its legal  
 8 status.

9 9.b. Except as provided for above, this subsection shall expire on December 15, 1992.

10  
 11 **Section 3. Amendment.** LMC 21.46.200 as enacted by section 3 of Ordinance 522 and as amended  
 12 by section 4 of Ordinance 1057, as amended by section 3 of Ordinance 1140, as amended by section  
 13 5 of Ordinance 1343, amended by section 19 of Ordinance 2020, as amended by sections 9 and 13 of  
 14 Ordinance 2295, as amended by sections 33 and 34 of Ordinance 2388, as amended by section 14 of  
 15 Ordinance 2441, are each hereby amended as follows:

16  
 17 **21.46.200 Development standards.**

18 The following standards shall apply to all structures and nonstructural uses in the commercial zones:

19 A. General Area and Dimensional Standards. No building, structure or land shall be established,  
 20 erected, enlarged or structurally altered, except in conformance with the following standards and in  
 21 conformance with the adopted building code and applicable Lynnwood Citywide Design Guidelines,  
 22 as adopted by reference in LMC [21.25.145](#) (B)(3) (for purposes of determining the required yards  
 23 along public street, the classification of streets indicated on the comprehensive plan shall apply):

24 Table 21.46.14  
 25 Minimum Standards

	B-4	B-3	B-2	PCD	B-1	CG
Area (unless adjacent to similar zoned land)	none	3 ac.	1 ac.	none	none	none
Maximum Area	none	6 ac.	none	none	none	none
Front Yard						
Located on a principal arterial	15 ft.					

	B-4	B-3	B-2	PCD	B-1	CG
Located on all other streets	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Side Yard-Street						
Located on a principal arterial	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Located on all other streets	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Rear Yard	25 ft.	none*	25 ft.	none*	none*	none*
Maximum Building Height	35 ft.*	35 ft.*	none	None#	none	none
Maximum Lot Coverage	35%	35%	35%	<del>35%</del> none	35%	35%

1 Key:

2 \* Except where adjoining a residential zone; see LMC [21.46.220](#) and [21.46.230](#).

3 + Except that the maximum height within 25 feet of a residential zone is 25 feet.

4 # Except that the maximum height of a building with dwellings located within 500 feet of a single family  
 5 residential zone is 65 feet.

6 B. Exceptions.

7 1. Restricted Business Zone Uses. Uses which are permitted in the Restricted Business  
 8 zone may be developed in other use zones under the dimensional standards and height  
 9 limitations of the Restricted Business zone.

10 2. *Repealed by Ord. 2295.*

11 **Section 4. Amendment.** LMC 21.48.116 as enacted by section 20 of Ordinance 2020 as  
 12 amended by section 15 of Ordinance 2441 are each hereby amended as follows:

13 **21.48.116 Limitations on uses – Residential uses.**

14 A. Motels and Motor Hotels. The initial development must contain at least 20 units  
 15 composed of multiple-unit type buildings, and shall provide hotel services, including a main  
 16 lobby, desk attendant, and room service. When accessory uses providing services for the  
 17 motor hotel patrons, such as barber, bar, beauty parlor, cleaners, clothing, drugs, pottery,  
 18 souvenir, tobacco, and travel are included, they shall be primarily oriented internally.  
 19 Provisions for public functions such as banquets or meetings need not be oriented  
 20 internally.  
 21  
 22

1 B. Multiple-Family ~~Housing~~Dwellings. Dwellings ~~units~~ may be permitted in commercial or  
2 office buildings on the fourth-second floor or higher, ~~providing no more than one-half the~~  
3 ~~floor area of the building (not including basements) is used for residential purposes.~~  
4 provided the street-facing ground level of the building is occupied by commercial or office  
5 uses. No dwellings are permitted below the second floor. All provisions normally applying  
6 ~~to high-rise multiple-family housing shall apply.~~

7  
8 C. Convalescent and Nursing Homes and Housing for the Elderly and Physically Disabled.  
9 These uses may be allowed by conditional use permit:

10  
11 1. Staff Evaluation and Recommendation. Before any conditional use permit for the  
12 uses designated in this subsection is considered by the hearing examiner, a joint  
13 recommendation concerning development of the land and/or construction of the  
14 buildings shall be prepared by the fire and community development departments,  
15 specifying the conditions to be applied if approved. If it is concluded that the  
16 application for a conditional use permit should be approved, each requirement in  
17 the joint recommendation shall be considered and any which are found necessary  
18 for protection of the health, safety, and general welfare of the public shall be made  
19 part of the requirements of the conditional use permit. In any case, the approval of  
20 the conditional use permit shall include the following requirements:

- 21  
22 a. The proposal's proximity to stores and services, safety of pedestrian access  
23 in the vicinity, access to public transit, design measures to minimize  
24 incompatibility between the proposal and surrounding businesses;  
25  
26 b. Compliance with all applicable state, federal, and local regulations  
27 pertaining to such use, a description of the accommodations and the number  
28 of persons accommodated or cared for, and any structural requirements  
29 deemed necessary for such intended use;  
30  
31 c. The amount of space around and between buildings shall be subject to the  
32 approval of the fire chief as being adequate for reasonable circulation of  
33 emergency vehicles or rescue operations and for prevention of conflagration;  
34  
35 d. The proposed use will not adversely affect the surrounding area as to  
36 present use or character of the future development;  
37 e. Restriction to such intended use except by revision through a subsequent  
38 conditional use permit;  
39

40 2. Development Standards. Housing for the elderly and physically disabled facilities  
41 shall conform to the following criteria:

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- a. Lot area per dwelling unit: 1,000-square-foot minimum per unit;
- b. Passive recreation and/or open space: 200-square-foot minimum per unit. In the city’s higher density multiple-family zones, developments are required to provide active recreational space to help satisfy a portion of the demand for recreational facilities. Housing for the elderly has a similar need but is of a passive nature. Therefore, passive recreation space and/or open space shall be provided. Up to 50 percent of the requirement may be indoors; provided, that the space is utilized exclusively for passive recreation or open space (i.e., arts and crafts rooms, solariums, courtyards). All outdoor recreation and/or open space areas shall be set aside exclusively for such use and shall not include areas held in reserve for parking, as per LMC 21.18.800. All open space and/or recreational areas shall be of a permanent nature, and they may be restricted to use by tenants only. The use of private and semi-private patios and balconies in meeting these requirements is not permitted.

D. Living Quarters, Homeless Teenage Parents. Living quarters designed for homeless teenage parents and their children are permitted in any commercial zone of the city. For the purposes of this section, “living quarters for homeless teenage parents” is defined to mean a building or buildings occupied for living purposes by not more than eight teenage parents and their children.

- 1. Supervision and Maximum Occupancy. Such living quarters must have an adult supervisor residing therein. The maximum number residing therein at any one time shall not exceed 21, including parents, children, and adult supervisor(s).
- 2. Development Regulations and Standards. Subdivision and zoning development standards for living quarters for teenage parents shall be the same as for the low density multiple-family residential zone (RML). Such quarters shall be treated as an R occupancy for fire and building codes.
- 3. Expiration.

- a. Notwithstanding below herein, uses established in accordance with this provision shall be considered lawful permitted uses as provided herein for as long as such use continues to exist. Non-use of any living quarters for teenage parents for more than six months shall be deemed to be abandoned and such use shall lose all right to its legal status.

b. Except as provided for above, this subsection shall expire on December 15, 1992.

**Section 5. Severability.** 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 6. Effective Date.** 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 \_\_\_\_\_, 2013.

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 \_\_\_\_\_, 2013, 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, RELATING TO RESIDENTIAL USES IN, AND DEVELOPMENT STANDARDS FOR, THE PLANNED REGIONAL CENTER (PRC) AND PLANNED COMMERCIAL DEVELOPMENT (PCD) ZONES, AMENDING LYNNWOOD MUNICIPAL CODE (LMC) 21.46.116, LMC 21.46.200, AND LMC 21.48.116, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.