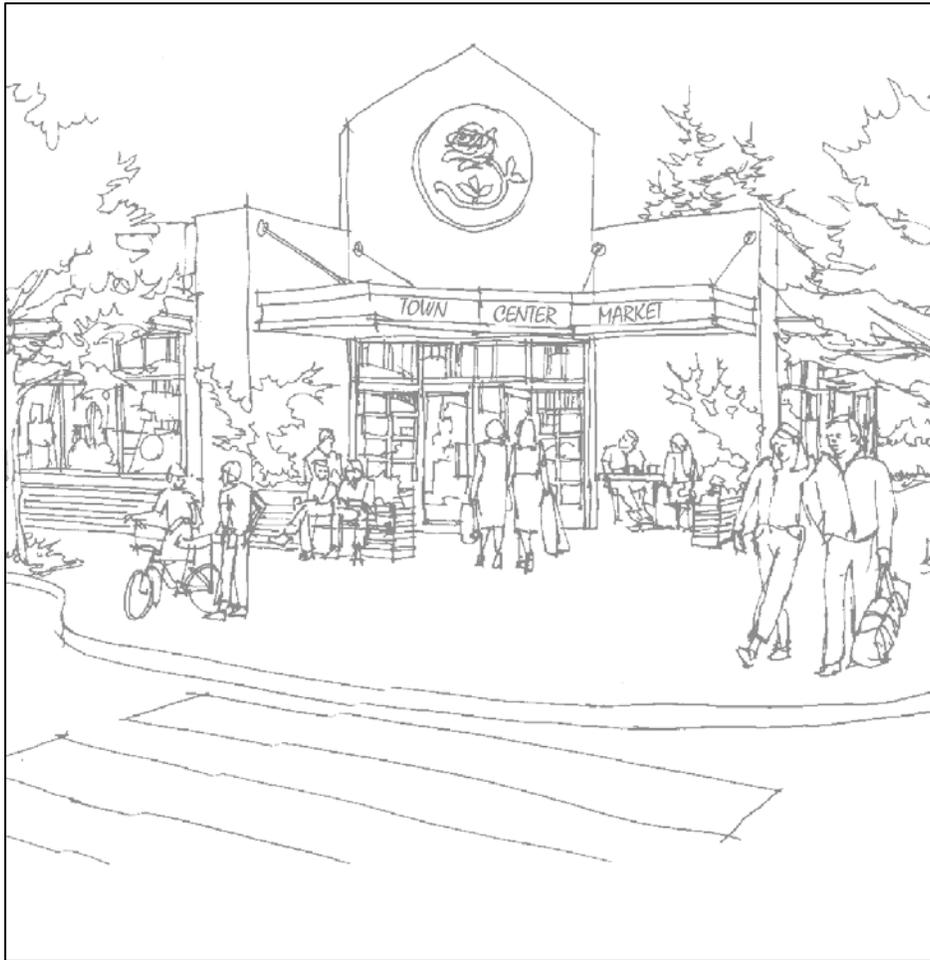


Comments and Responses

Final Supplemental Environmental Impact Statement for Highway 99 Corridor Plan



February 17, 2011
City of Lynnwood

February 17, 2011

Dear Affected Agencies, Organizations and Interested Parties:

Enclosed is the Final Supplemental Environmental Impact Statement (Final SEIS) for the *Highway 99 Corridor Sub-Area Plan*. It supplements the EIS prepared for the City of Lynnwood Comprehensive Plan (1994). The actions proposed in connection with the Highway 99 Subarea Plan project include:

- (1) adoption of a sub-area plan for the Highway 99 corridor to guide future development; and
- (2) adoption of development regulations, including zoning standards and zoning map designations, and design guidelines to implement the sub-area plan.

The Final SEIS considers environmental impacts and mitigation measures associated with designation of mixed-use nodes along the corridor, in addition to a “no action” alternative (no change in current land use designations and development regulations).

The Draft SEIS was issued for public review and comment on September 10, 2010 with a 30 day public comment period that concluded October 11, 2010. Written comments were received from two government agencies, owners of property along the highway and other interested parties. The Final SEIS responds to comments received on the Draft SEIS as permitted by WAC 197-11-560.

The Draft SEIS and this Final SEIS together comprise the EIS that is required to comply with the State Environmental Policy Act (SEPA, RCW 43.21C). The SEIS has been prepared consistent with applicable state and local rules for preparation of environmental impact statements (WAC 197-11).

In some cases, letters commenting on the Draft SEIS included comments on the sub-area plan and/or development regulations. Comments on the sub-area plan or development regulations are identified with a notation that those comments will be considered by the City Council and City Planning Commission during final action on the sub-area plan and development regulations.

This Final SEIS has been distributed to agencies and organizations noted on the distribution list. The Final SEIS can be reviewed at the City of Lynnwood Community Development Department and at the public libraries listed on the distribution list. Copies

may also be purchased from the City of Lynnwood Community Development Department, 4114 198th St, SW, Suite 7.

Appeals to this SEIS may be filed according to the provisions of the Lynnwood Municipal Code (LMC) 17.02.195.

Questions regarding the Final SEIS or the Highway 99 project should be addressed to Kevin Garrett, AICP, Planning Manager and SEIS Coordinator for Highway 99 Planning Project at 425-670-5405, or kgarrett@ci.lynnwood.wa.us.

SEPA RESPONSIBLE OFFICIAL: ENVIRONMENTAL REVIEW COMMITTEE

DATE OF ISSUE: February 17, 2011

DATE OF SIGNATURE: February 16, 2011

POSITION/TITLE

SIGNATURE

PLANNING MANAGER



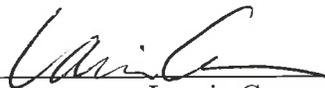
Kevin Garrett, AICP

ENGINEERING DEVELOPMENT SERVICES SUPERVISOR:



Arnold Kay, P.E.

PARKS AND RECREATION PLANNER:



Laurie Cowan

COMMUNITY REPRESENTATIVE:

vacant

Type and Timing of Environmental Review:	To meet the City’s GMA/planning responsibilities and to comply with SEPA, the City of Lynnwood is using SEPA’s Phased Review (WAC 197-11-060(5)) and its integrated GMA/Planning provisions process (WAC 197- 11-220).
Location of Background Information:	City of Lynnwood Community Development 4114 198 th Street SE, Suite 7 Lynnwood, WA 98036
Prior Environmental Documents; Use of Existing Documents	This document supplements the Draft and Final EISs prepared for the Lynnwood General Policy Plan (1994).
Date of Final SEIS:	February 17, 2011
Cost and Availability Of DEIS:	CD ROMs of the Final SEIS (and other project documents) are available on the City of Lynnwood web site (www.ci.lynnwood.wa.us). Copies are also available for review at the Lynnwood Community Development Department (4114 198 th St. SW, Suite 7, Lynnwood, WA) and at the Lynnwood Library (19200 44 th Ave. W. Lynnwood WA 98036)

Table of Contents

	Page
Fact Sheet.....	3
Table of Contents.....	5
Preferred Alternative – Updated Description	6
Errata Sheet.....	13
Comments and Responses	14

Preferred Alternative – Updated Description

Note: Following public review of the Draft Supplemental EIS, Subarea Plan, Zoning Regulations and Maps, and Design Guidelines, the Preferred Alternative was revised to delete the requirement that redevelopment in the Primary Nodes must include residential development. The current Preferred Alternative now only encourages, but does not require, residential development in all nodes. No other changes to the Preferred Alternative have been made. A revised description of the Preferred Alternative from the Draft Supplemental EIS (based on Section 1.34 of the Draft Supplemental EIS), showing changes from the version in the Draft SEIS, is presented below.

1.3.2 – Preferred Alternative

The Preferred Alternative is based on the concept of encouraging more intense mixed-use nodes near Bus Rapid Transit (BRT) stops and other strategic locations along Highway 99 in Lynnwood. The proposed Plan divides Highway 99 into segments that will remain largely commercial (under current zoning) plus five new mixed use “nodes.” where residential development will be encouraged. As used in the Plan, “mixed-use development” means a combination of residential and commercial uses in proximity to one another but not necessarily in the same building. The term “node” refers to a concentration of more intense development and human activity. These five nodes are located generally at the following intersections:

- Highway 99 and 176th Street SW
- Highway 99 and 188th Street SW
- Highway 99 and 196th Street SW; and
- Highway 99 and 204th to 208th Street SW
- Highway 99 and 148th Street SW (outside the current City limits but inside the MUGA)

These nodes correlate with the nodes identified and described in the City Highway 99 Corridor Market Assessment. In addition to these five new nodes, the Plan identifies a “Special Planning Area” between 188th and 180th Streets SW on the west side of Highway 99.

The Preferred Alternative identifies two types of nodes:

- 1) -Primary; and ~~And~~
- 2) -Secondary.

Preferred Alternative – Updated Description

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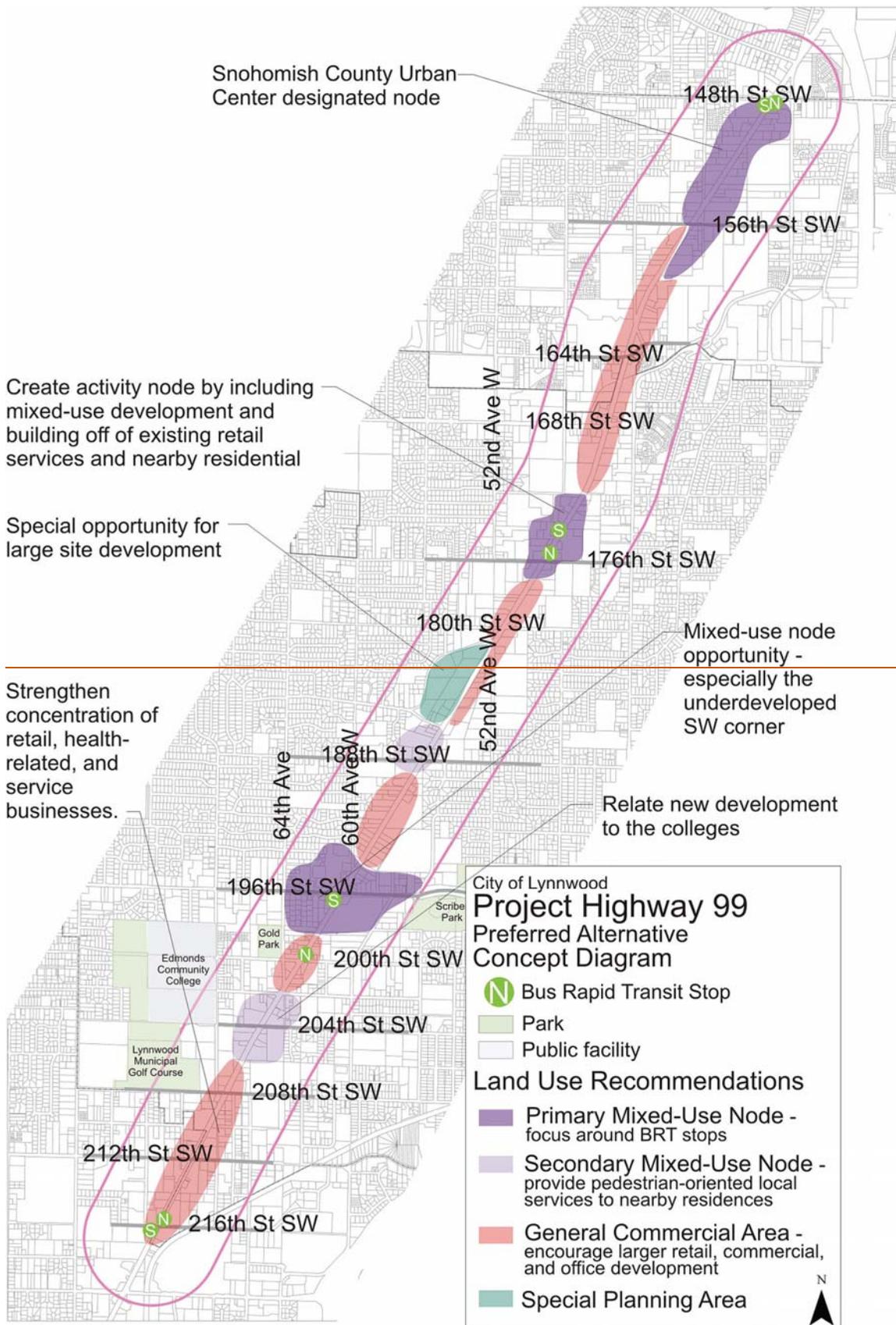
- 1) [Primary](#); ~~and~~ ~~And~~
- 2) [Secondary](#).

Two primary nodes are located at 176th and 196th Streets SW. In addition, the node between 148th and 156th Streets SW, within the County, is identified as a primary node. The primary nodes are generally located at BRT stops. The secondary nodes are located at 188th and 204th Streets SW. A new zoning designation is proposed for the nodes: Highway 99 Mixed Use Zone (HMU). The distinction between the two types of nodes is as follows:

- Primary Node: A primary node generally correlates with BRT stops. Within these nodes, mixed-use projects would be required to provide residential units as part of all new development. A new zoning category is proposed for this Node—Mixed Use—Residential Required (MU-RR).
- Secondary Node: A secondary node indicates areas where mixed use would encourage, but not require, residential units with all new development. A new zoning category is also proposed for this Node—Mixed Use—Residential Encouraged (MU-RE).

The Special Planning Area identified along the West side of Highway 99 between 180th and 188th Streets SW consists of approximately 24 acres. This site has been identified as having special development opportunities. Given the size of this parcel, the City recognizes a unique opportunity to create an innovative site plan and unique development design at this site.

Figure 1-2 below shows the proposed locations for the primary and secondary nodes, the special planning area and the general commercial areas along the Highway 99 Corridor. The areas between these nodes would be occupied by general commercial development.



The major change anticipated by the Plan is the introduction of residential development along the Highway 99 Corridor at the nodes, where residential development is not currently allowed on commercially zoned property. The node redevelopment strategy would allow multi-family housing along with neighborhood-oriented and other businesses to be situated in proximity to transit connections.

This SEIS assumes a planning horizon of 2025, for assessing the potential impacts of adopting/improving the Plan and implementing development regulations. In particular, traffic modeling and analysis for the Plan is based upon a forecast year of 2025. While land use in most of the Highway 99 corridor will remain commercial, the study area could experience substantial new development/redevelopment over the next 20 years, including residential and mixed-use development. The environmental impacts associated with the potential redevelopment of the corridor are based upon the potential additional residential dwelling units (du) that will support the proposed Plan for mixed-use nodes and clustering of neighborhood-oriented businesses.

The proposed Plan provides the following analysis of how to determine the number of residential units that might be required/necessary within each node to support a modest cluster of neighborhood-oriented businesses, such as a small grocery store, drug store, laundry, family-style restaurant, or coffee shop.

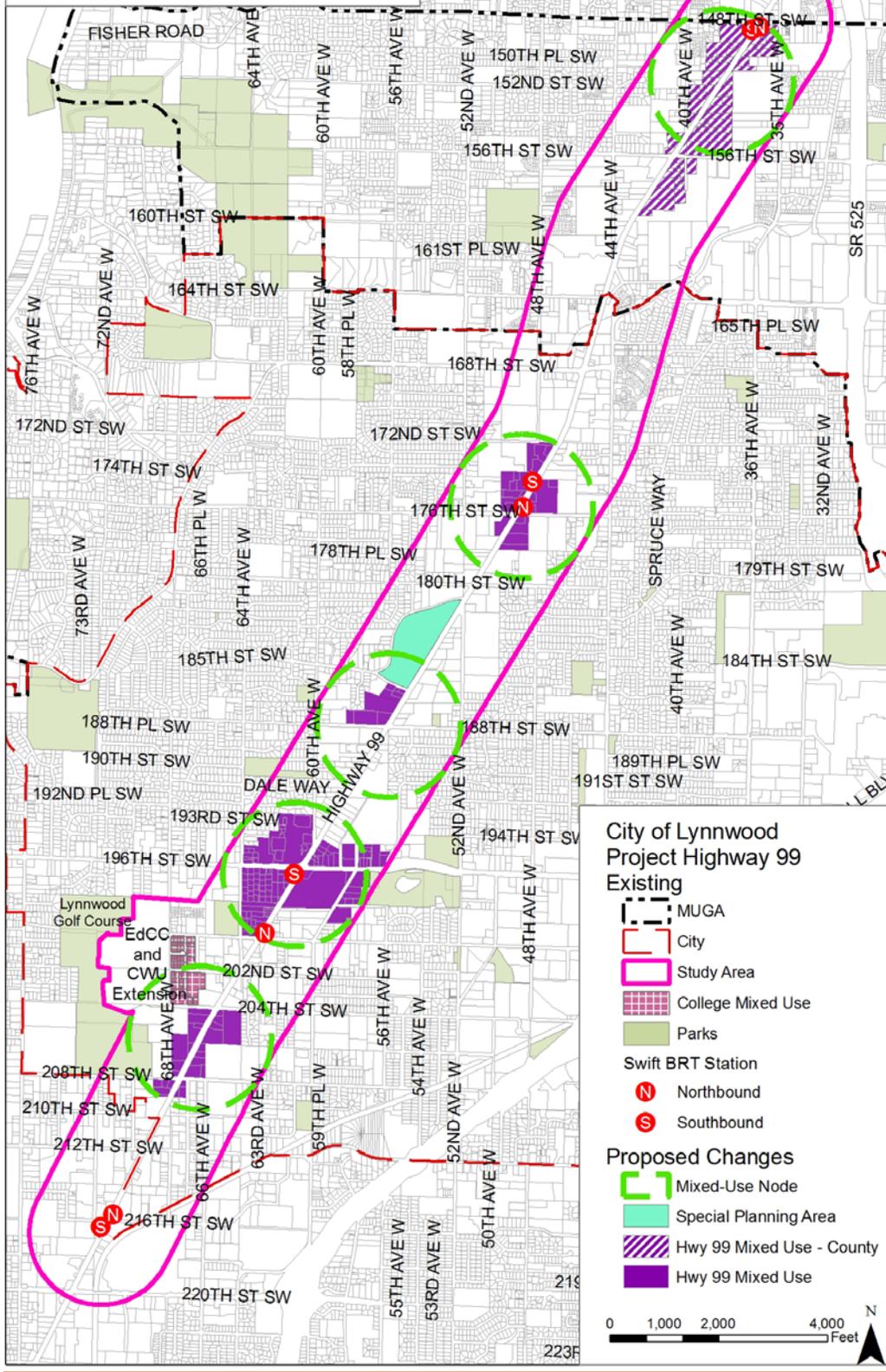
If the area within about a quarter mile of the center of a mixed-use node includes about 1,000 dwelling units (du), for example, then about half of the customers for those shops can access the businesses on foot. The residential neighborhoods on either side of the corridor are sufficient to provide the additional customer base needed. This same target of at least 1,000 du within each node is consistent with the population needed to support bus rapid transit (BRT) and to generate enough activity to make the area feel “lively.”

In order to analyze the environmental impacts associated with this proposal, further assumptions were developed about the maximum number of residential units that might be constructed under this plan over the next 15 years.

Proposed Zoning Code Amendments

As described above, areas within the primary nodes would be rezoned to a new zoning category called Highway 99 Mixed Use (HMU)—Residential Required (MU-RR). Areas within the secondary nodes would be rezoned to Mixed Use—Residential Encouraged (MU-RE). Figure 1-2 below shows the locations for each of the new zoning areas. Not all of the properties within the primary and secondary nodes would be rezoned to these new zoning categories. It should be noted the Preferred Alternative would not change designations to the City of Lynnwood Comprehensive Plan. Those changes were made in 2008 and are discussed in Chapter 2.

Highway 99 Mixed-Use Nodes



The ~~two~~ proposed new MU-RE zoning designations ~~have~~ has the following stated purposes:

~~Highway 99 Mixed Use—Residential Encouraged (MU-RE)~~

~~The purpose of this zone is to promote the development of mixed-use nodes at key intersections on Highway 99 (Hwy 99) generally located at Bus Rapid Transit (BRT) stops, as envisioned by the Highway 99 Subarea Plan. Development in these nodes may consist of a combination of pedestrian-oriented retail that serves the local residential population, region-serving ~~retail~~ multifamily residential development and/or a combination of both (mixed use). Businesses and residences in this zone will be within a pedestrian-oriented environment designed to cater to transit, walking, and bicycle traffic. Mixed use development can be in the form of vertical mixed use (residential on top of commercial) or horizontal mixed use (residential adjacent to commercial). Development standards and design guidelines will define building and spatial relationships, with particular emphasis on the design of pedestrian spaces, linkages between development, Highway 99, BRT stations, and related pedestrian facilities and amenities.~~

~~The purpose of this zone is to create mixed-use nodes at key locations on Highway 99 with transit-oriented development around Bus Rapid Transit (BRT) stops. The transit-oriented development will consist of a combination of pedestrian-oriented retail that serves the local residential population and multifamily residential development. The mixed-use development can be in the form of vertical mixed use (residential on top of retail) or horizontal mixed use (residential adjacent to retail). Development standards and guidelines will provide design guidance, emphasizing building and spatial relationships, with particular emphasis on the design of pedestrian spaces, linkages between the development, Hwy 99, and BRT stations, and related pedestrian facilities and amenities.~~

~~Highway 99 Mixed Use—Residential Required (MU-RR)~~

~~The purpose of this zone is to create mixed-use nodes at key locations on Highway 99 with transit-oriented development around Bus Rapid Transit (BRT) stops. The transit-oriented development will consist of a combination of pedestrian-oriented retail that serves the local residential population and multifamily residential development. The mixed-use development can be in the form of vertical mixed use (residential on top of retail) or horizontal mixed use (residential adjacent to retail). A minimum residential density is required of all new development. Development standards and guidelines will provide design guidance, emphasizing building and spatial relationships, with particular emphasis on the design of pedestrian spaces, linkages between the development, Hwy 99, and BRT stations, and related pedestrian facilities and amenities.~~

ERRATA

Review of the Draft Supplemental EIS identified the following errors and statements that should be clarified:

Figure 2-2 is identified as the current City zoning map; however, it is the current Future Land Use Plan Map from the Comprehensive Plan. The current zoning map is shown on the following page. The discussion of existing City zoning designations in the corridor (Section 2.2.4, beginning on page 37 of the Draft SEIS) is correct.

The following statement in the discussion of potential impact on City Parks in Section 3.6 (page 91-2 of the Draft SEIS) could be read to mean that adoption of the Subarea Plan would impose on the City the need to develop new park facilities.

“Using current adopted LOS standards, approximately 55 acres of Core Park land, 33 acres of open space, and an additional 2.75 miles of trails will be needed in or near the corridor to meet the current LOS standard for active and passive recreational opportunities in parks, open space, and trails.”

However, the City’s level of service for park facilities is linked to changes in City population, and so adoption of the proposed Plan, by itself, would not create the need for new parks facilities. Adoption of the Plan would only create the capacity for new multi-family development in the corridor. Future needs for parks facilities would result only from population increases in the City associated with new development.

Further, the projections of future needs for park facilities (summarized on page 57 of the Draft SEIS) are based on current population growth targets for Lynnwood. Adoption of the proposed Plan would not change those targets.

SEIS for Project Hwy 99 Documents
Responses to Comments

City of Mountlake Terrace

Comment #	Response
1	Comment noted.
2	In September 2010, the City of Lynnwood adopted a traffic impact fee ordinance to help fund traffic system improvements throughout the City. New development in the Highway 99 corridor will be required to pay this fee and thereby will help to mitigate the forecasted congestion at intersections identified as system improvements along the highway.

Snohomish County

Comment #	Response
1	<p>Thank you for your comment.</p> <p>As you are aware, the 148th Street Urban Center is in Lynnwood’s Municipal Urban Growth Area and is included in the City of Lynnwood’s pending North-East-South (NES) Annexation. The NES annexation was supported by Snohomish County and approved by the Boundary Review Board (BRB).</p> <p>The City of Mill Creek disputed the annexation over part of the annexation area located some distance away - east of I-5. Mill Creek appealed the BRB decision to Superior Court and lost. Mill Creek further appealed the BRB decision to the Court of Appeals where argument will take place sometime this year. At this time the City envisions prevailing at the Court of Appeals and bringing the NES annexation forward to the voters. In our preparations for the annexation, the City essentially adopted the County’s Land Use Plan for this area to minimize disruptions. If the County wishes to consider amending their Urban Center Plan prior to annexation the City should be a party to the planning for this area.</p>
2	<p>The proposed Plan and standards recognize possible vehicular traffic pedestrian conflicts. The City is aware of the pedestrian-vehicular traffic issues and has proposed dealing with it through a combination of sidewalk widening and landscaping, access management techniques and internal on-site pedestrian circulation. But the process to manage such conflicts requires balancing divergent needs, and not acquiescing to one need (motorized traffic) over the other (pedestrian/bicyclists).</p> <p>Pedestrian access across Hwy 99 is critical to reconnect our neighborhoods, support nodes and improve access to and utilization of transit. The proposal that the City abandon pedestrian activity on the Hwy 99 frontage and focus it instead on connections to the rear of the commercial sites is not a reasonable option in most areas given the prevailing development pattern.</p>
3	<p>With respect to the DSEIS, the question open to review should be if the City has adequately planned for dealing with the impacts planned densities may create. Whether or not it is commercially viable at this point in time is beyond the scope of the environmental review process. Your letter will, however, be provided to the Planning Commission and City Council as the proposed plan and regulations proceed through the public hearing process.</p>

Comment #	Response
4	<p>The DSEIS does evaluate the impact of development on City infrastructure, including water, parks, sewer, transportation and stormwater management. The latest draft of the development regulations no longer allows unlimited height for all development. This was, however, not done because of issues related to inflating property owner expectations over what the market could support. That type of analysis is beyond the scope of the environmental review process. It was done as part of creating an incentive/disincentive for certain types of development.</p>
5	<p>Comment noted.</p>
6	<p>In February 2009, the City of Lynnwood issued a Determination of Significance (DS) and Request for Comments on the scope of the Highway 99 SEIS. That scoping notice identified the elements of the environment proposed to be studied in the SEIS and invited comments. At that time, Snohomish County did submit a comment on the scoping notice and made mention of the land use-transportation relationship (which has been addressed in the DSEIS). There was, however, no mention made of the need to analyze noise impacts. Scoping would have been the appropriate time to make this comment, not now after the DSEIS has been issued.</p> <p>Further, it is unclear to us why there is a presumption that residential components of mixed use projects would be located adjacent to Hwy 99. It is just as reasonable to assume that housing components would be located away from streets and/or potentially would incorporate high levels of soundproofing. It is also important to note that there are large numbers of higher density residential projects that have been constructed proximate to Hwy 99. Developments in Shoreline and Seattle readily come to mind.</p>
7	<p>As with noise, there was no mention made of the need to analyze critical areas by Snohomish County during the scoping process. Regardless, the DSEIS speak to Scriber Creek in the stormwater/drainage section and refers to several projects for the area to improve water quality and stormwater management. Fish habitat and ESA are not an issue on this reach of the Creek. Further, the City of Lynnwood, as required by the GMA, has an adopted critical areas ordinance. This existing regulation provides protection for impacts to critical areas in the City.</p>

SMR, LLC

Comment #	Response
Note	<p>The letters from SMR were written prior to issuance of the Draft SEIS and do not comment directly on that document. However, the letter raises issues related more generally to the SEIS, and the following responses are provided to those general comments.</p>
1	<p>The proposed mixed-use nodes are not located adjacent to the Linton property. The Linton property is located on the east side of Highway 99 between 202nd St. and 204th St. and the nearest proposed node is located along the highway on the south side of 204th St. Therefore, there are no anticipated impacts related to planning for additional residential development near properties with light industrial zoning.</p> <p>The draft project documents recommend no change to the LI (light industrial) designation and zoning of the Linton property.</p>
2	<p>SEPA defines the required scope of a SEIS as including the natural and built environments, but it does not include economics and/or fiscal issues in that scope (ref. WAC 197-11-448). Therefore discussion of economic and/or fiscal issues is not required in a SEIS, although sections on these issues may be included. Such a discussion is not included in this SEIS because both assessments of land development economics and municipal fiscal issues address immediate situations, while the Project Hwy 99 documents envision redevelopment of the corridor over many years, long beyond the reasonable time frame of such assessments. Decision-makers may take into account information and comments about economic issues as part of taking final action on the proposed subarea plan and zoning regulations and maps. Interested parties may submit information on economic issues during public hearings to be held as part of the decision-making process.</p> <p>Issues of land use compatibility are addressed in the Land Use section of the Draft SEIS.</p>
3	<p>The comment notes that the DSEIS addresses land use compatibility between potential development in the nodes and adjacent residential uses. The proposed Sub-Area Plan and proposed implementing development regulations specifically address this issue through policy and regulations.</p> <p>However, with specific respect to the comment regarding potential adverse affects of encouraging residential uses immediately adjacent to light industrially zoned property, please see response to comment 1 above.</p>

Comment #	Response
4	The comment raises issues that are related to the proposed Sub-Area Policies rather than to the DSEIS. The comment and the issues it raises will therefore be provided to the Planning Commission and City Council during the public hearing process on the proposed Sub-Area Plan and zoning regulations.

C. Krueger

Comment #	Response
1	The comment raises issues that are related to the proposed Zoning Regulations rather than to the DSEIS. The comment and the issues it raises will therefore be provided to the Planning Commission and City Council during the public hearing process on the proposed Sub-Area Plan and zoning regulations.
2	This proposed requirement had been deleted.
3	These provisions have been revised both to provide incentives for residential development and to include limits on building height, density, etc.
4	The minimum parking ratio of 1.25 spaces per dwelling unit is substantially less than the parking requirement for the rest of the City (except the City Center). Shared parking is authorized in LMC Chapter 21.18.
5	This section has been revised to be more readable.
6	The comment raises issues that are related to the proposed Zoning Regulations rather than to the DSEIS. The comment and the issues it raises will therefore be provided to the Planning Commission and City Council during the public hearing process on the proposed Sub-Area Plan and zoning regulations.
7	The comment raises issues that are related to the proposed Zoning Regulations rather than to the DSEIS. The comment and the issues it raises will therefore be provided to the Planning Commission and City Council during the public hearing process on the proposed Sub-Area Plan and zoning regulations.
8	The requirements for trees are proposed in the zoning regulations so that they will be mandatory for new development.
9	The comment raises issues that are related to the proposed Zoning Regulations rather than to the DSEIS. The comment and the issues it raises will therefore be provided to the Planning Commission and City Council during the public hearing process on the proposed Sub-Area Plan and zoning regulations.
10	The comment raises issues that are related to the proposed Zoning

Comment #	Response
	Regulations rather than to the DSEIS. The comment and the issues it raises will therefore be provided to the Planning Commission and City Council during the public hearing process on the proposed Sub-Area Plan and zoning regulations.
11	The study area for this project extended along the length of Highway 99 from 148 th St. SW to 216 th St. SW. See map on page 10 of this FSEIS.

Public Meeting Evaluation Sheet – Author Unknown #1

Comment #	Response
1	Thank you for your comment. Locations of stations for the Swift BRT service are determined by Community Transit; this comment will be forwarded to that agency.

Cindy Kay Webster

Comment #	Response
1	<p>Pedestrian safety will be improved as part of redevelopment of properties in the nodes. This will be achieved, in part, through the (increased) width and design of sidewalks.</p> <p>In addition, the allowance for mixed use development should decrease the need for vehicle trips by, for example, enabling residents to live on the same property as the retail and other services. Pedestrian activity can be safely internalized to a site rather than have individuals walk to off-site locations.</p> <p>The City has no plans for any additional construction projects along the highway that would affect parking.</p>
2	<p>Compliance with design guidelines will be verified during the project design review process, as required by LMC 21.25.</p>

Public Meeting Evaluation Sheet – Author Unknown #2

Comment #	Response
1	The comment raises issues that are related to the proposed Subarea Plan rather than to the DSEIS. The comment and the issues it raises will therefore be provided to the Planning Commission and City Council during the public hearing process on the proposed Sub-Area Plan and zoning regulations.

Emerald Properties

Comment #	Response
1 & 2	<p>Concerns about pedestrian safety along Highway 99 have been a topic of discussion for a number of years. The comment identifies concerns with crossings at non-signalized intersections and particularly the intersection of Highway 99 and 176th St. SW. A recent analysis showed that the number of pedestrian crossings at that intersection is not high enough to warrant installation of a traffic signal. However, the city recognizes that there is a need for improved pedestrian safety along Hwy 99. One of the primary concerns is the need for more signalized crossings, specifically along the segments which extend for 3,000 feet or more without any signalized crossings.</p> <p>Currently no signalized crossing exists for 3,000 feet between 208th St and 200th St. The city is planning to construct a traffic signal at the 204th St intersection which will reduce the signal spacing in half to 1,500 feet.</p> <p>Currently no signalized crossing exists for 4,600 feet between 188th St and 176th St. The city is considering options for improving pedestrian crossings along this segment. One option includes a signalized crossing at 180th St. Additional study and public involvement will be conducted before proceeding with any of the options being considered.</p> <p>The city has developed a city-wide multi-choice transportation system, know as the skeleton system. The skeleton system will provide a network of sidewalks, walkways, trails, paths, and bikeways to allow people the choice to travel between most homes, schools, businesses, entertainment and other services throughout the city without using their cars. The pedestrian skeleton system includes a total of 104 miles of sidewalks, paths, and trails of which 85 miles or 82% is complete today. The bicycle skeleton system includes a total of 70 miles of bike lanes/routes, of which 12 miles or 17% is complete today. The missing links in the skeleton system along Hwy 99 should be completed as properties redevelop and capital improvements to the city streets are completed.</p> <p>Large parcels along Hwy 99 can at times act as a pedestrian barrier between Hwy 99 and the surrounding neighborhood. As these properties redevelop, they should provide pedestrian easements and walk/bikeways across the sites.</p> <p>Currently the minimum sidewalk and landscape planter standard along Hwy 99 is a seven-foot wide concrete sidewalk with no planter. The following variables make this pedestrian zone undesirable:</p>

Comment #	Response
	<ul style="list-style-type: none"> - average daily traffic approaching 40,000 - posted speed limit of 45MPH - wide 7 lane roadway section <p>The proposed design guidelines include a sidewalk design that includes a wider walkway and with street trees and other “street furniture” (such as pedestrian-scale street lights) separating the primary walkway from the traffic lanes.</p> <p>In addition, Policy 4.3.2 in the proposed Plan calls on the City to, “Focus pedestrian crossing improvements at signalized intersections or consider improved mid-block crossings.”</p>
3	<p>The City of Lynnwood Public Works Department is responsible for the maintenance of the stormwater conveyance systems within the City right-of-way including along the State Route 99 corridor and where there is an agreement or easement for the City to perform maintenance on private property. Private property owners are responsible for the maintenance of such systems at private property.</p> <p>The City is not aware of any chronic stormwater conveyance problems along the SR 99 corridor that are the City’s responsibility. There have been instances of flooding on private property during extreme rain events but upon investigation, these were found to be attributed to lack of maintenance of the private stormwater facilities by the property owners.</p> <p>Similarly, the City of Lynnwood Public Works Department is responsible for the maintenance of the sanitary sewer systems within the City right-of-way including along the State Route 99 corridor and also where there is an agreement or easement for the City to perform maintenance on private property. Investigation of sanitary sewer backups on private property along the SR 99 corridor have indicated that those backups been due to incorrect installation of backflow devices and lack of maintenance by the property owner required for side sewers that have been installed at a shallow slope.</p>

Public Meeting Evaluation Sheet #3 – Author Unknown

Comment #	Response
1	See response for Emerald Properties Comments #1&2, above.
2	<p>The City of Lynnwood Public Works Department is responsible for the maintenance of the stormwater conveyance systems within the City right-of-way including along the State Route 99 corridor and where there is an agreement or easement for the City to perform maintenance on private property. Private property owners are responsible for the maintenance of such systems at private property.</p> <p>The City is not aware of any chronic stormwater conveyance problems along the SR 99 corridor that are the City's responsibility. There have been instances of flooding on private property during extreme rain events but upon investigation, these were found to be attributed to lack of maintenance of the private stormwater facilities by the property owners.</p>

Comment #	Response
1 & 2	<p>SEPA defines the required scope of a SEIS as including the natural and built environments, but it does not include economics and/or fiscal issues in that scope (ref. WAC 197-11-448). Therefore discussion of economic issues is not required in a SEIS, although sections on these issues may be included. Such a discussion is not included in this SEIS because both assessments of land development economics issues address immediate situations, while the Project Hwy 99 documents envision redevelopment of the corridor over many years, long beyond the reasonable time frame of such assessments. The City Council and Planning Commission may take into account information and comments about economic issues as part of taking final action on the proposed subarea plan and zoning regulations and maps, and these comments will be forwarded to them. Interested parties may submit information on economic issues during public hearings to be held as part of the decision-making process.</p> <p>In addition, some of the changes made to the final draft documents (such as encouraging but not requiring residential development in the nodes) are intended to minimize the impact on existing development and property owners.</p>

Marty Rood

Comment #	Response
1	The comment raises issues that are related to the proposed Subarea Plan rather than to the DSEIS. The comment and the issues it raises will therefore be provided to the Planning Commission and City Council during the public hearing process on the proposed Sub-Area Plan and zoning regulations.

Ron Cantu

Comment #	Response
1	The comment raises issues that are related to the proposed Subarea Plan and investments in public facilities, rather than to the DSEIS. The comment and the issues it raises will therefore be provided to the Planning Commission and City Council during the public hearing process on the proposed Sub-Area Plan and zoning regulations.

SRO – Sterling Realty Organization

Will Daniels

Comment #	Response
1	The comment raises issues that are related to the proposed Subarea Plan rather than to the DSEIS. The comment and the issues it raises will therefore be provided to the Planning Commission and City Council during the public hearing process on the proposed Sub-Area Plan and zoning regulations.

David Schooler,

Comment #	Response
1 - 5	These comments raise issues that are related to the proposed Zoning Regulations rather than to the DSEIS. The comments and the issues they raise will therefore be provided to the Planning Commission and City Council during the public hearing process on the proposed Sub-Area Plan and zoning regulations.

Ralph Barber (First Western Properties)

Comment #	Response
1 - 5	These comments raise issues that are related to the proposed Zoning Regulations rather than to the DSEIS. The comments and the issues they raise will therefore be provided to the Planning Commission and City Council during the public hearing process on the proposed Sub-Area Plan and zoning regulations.

James Egge & Associates

Comment #	Response
1 & 2	SEPA defines the required scope of a SEIS as including the natural and built environments, but it does not include economics and/or fiscal issues in that scope (ref. WAC 197-11-448). Therefore, new information

Comment #	Response
	<p>regarding the City’s fiscal situation does not affect the analysis in the SEIS.</p> <p>The subarea plan and zoning proposals take a long-term perspective on redevelopment in the corridor. They are intended to establish a development program for the corridor that will extend years into the future; while the City is addressing the immediate financial situation in the budget for 2011-12.</p> <p>As the writer points out, substantial information about the immediate fiscal situation facing the City of Lynnwood is readily available from the City’s web site, and the City Council adopted a budget for 2011-12 in December of 2010 (months before final action on the project documents is scheduled).</p>
2 – Capital Facilities	<p>This comment notes that the residential required zoning (MU-RR) and the projection for 5,028 additional housing units creates issues related to capital facility planning. The comment indicates that the City’s financial capacity is insufficient to support growth projected in the DEIS in light of current budget issues. Since the GMA provides for revisiting land use assumptions in such cases, the comment further notes that the residential required zoning should be replaced with a residential encouraged zone (MU-RE).</p> <p>At this time, the preferred alternative is being revised to remove the residential required zoning (MU-RR) and replace those areas with the residential encouraged zoning (MU-RE).</p> <p>However, irrespective of the issue of residential required versus residential encouraged zoning, the City of Lynnwood Comprehensive Plan does include a capital facilities element as required by the Growth Management Act (GMA). The City also adopts a six year capital facilities plan (as also required by the GMA.)</p> <p>While additional 5,028 housing units are analyzed in the DEIS, this amount represents additional residential <u>capacity</u> available in the City. It is not necessarily additional growth. The City's growth targets (required under the GMA) remain unchanged from those assigned to the City through the County's inter-jurisdictional process. The additional housing capacity along Highway 99 will provide more flexibility on where residential growth may occur within the City, but does not mean that additional growth (over and above the current growth allocation) will take place in the City.</p> <p>The findings of the Draft SEIS show that water capacity is sufficient and that sewer capacity would require infrastructure improvements under either the No Action or the Preferred Alternative. The Preferred Alternative, and the additional housing unit capacity it provides, does not</p>

Comment #	Response
	<p>create more significant water or sewer related infrastructure impacts over the No Action alternative. Water and sewer are also enterprise funds. Improvements are funded through rates, grants, and developer improvements, and not through general fund tax revenue.</p> <p>For transportation, the DEIS shows that the impact on year 2025 Level of Service (LOS) along the corridor is basically the same under the No Action and the Preferred Alternative. The Preferred Alternative, with its residential encouraged zoning, does not generate significant additional infrastructure needs that must be funded over the No Action Alternative.</p> <p>Finally, capital facility planning is commonly tied to meeting level of service standards associated with projected growth. The City has a concurrency requirement for transportation. It is not required for other City public facilities. A city's response to a failure of a development to meet concurrency need not just be a re-evaluation of the land use assumptions in the plan, but may also involve lowering LOS standards, requiring development to be phased or, in its most extreme case, denying development.</p>

Ed (Gediminas) Trimakas

Comment #	Response
1	The comments raise issues that are related to the proposed Subarea Plan rather than to the DSEIS. The comment and the issues it raises will therefore be provided to the Planning Commission and City Council during the public hearing process on the proposed Sub-Area Plan and zoning regulations.

Community Transit

Comment #	Response
1	Comment Noted. The City understands that <i>Swift</i> stations are intended to be permanent transit facilities and that relocation of an existing station should be undertaken only when a clear need is demonstrated. The City will work with Community Transit on any proposal to relocate a <i>Swift</i> station. See also Response 13, below.
2	The City is in the process of annexing the area that includes the 148 th Street SW node. As part of the annexation process, the City will adopt pre-annexation zoning for the entire annexation area. As part of that action, the City will consider whether to adopt the proposed Hwy 99 Mixed Use Zone for that node or zoning similar to the existing County Urban Center zoning.
3	Comment noted.
4	See Response 1, above
5	Item 7 on Page 18 of the DSEIS is revised to read as requested (“The City of Lynnwood will work with local and regional transit providers to increase the frequency and regional connectivity of <i>Swift</i> service on Highway 99 to maximize the future diversion of excess automobile volumes through the corridor to transit.”)
6	Comment noted.
7	Comment noted. The East/West Corridor Study will be scheduled as part of future work programs in the City budget. At present, a schedule for the study has not been established.
8	Comment noted. The mitigation measure is written in a manner that all reasonable options for transportation demand management (TDM) programs may be considered, including the options mentioned in the letter from Community Transit.
9	The comment addresses the proposed Sub-Area Plan and policies rather than the DSEIS. The comment will therefore be provided to the Planning Commission and City Council during the public hearing process on the proposed Sub-Area Plan and related documents.
10	The comment addresses the proposed Sub-Area Plan and policies rather than the DSEIS. The comment will therefore be provided to the Planning

Comment #	Response
	Commission and City Council during the public hearing process on the proposed Sub-Area Plan and related documents.
11	The comment addresses the proposed Sub-Area Plan and policies rather than the DSEIS. The comment will therefore be provided to the Planning Commission and City Council during the public hearing process on the proposed Sub-Area Plan and related documents.
12	See Response 1, above.
13	Comment noted. The City will work with Community Transit when the City completes the connection of 204 th St. SW between Highway 99 and 68 th Ave. W. (at Edmonds Community College) – including a new traffic signal at the intersection of Highway 99 and 204 th St. – and on construction of a new <i>Swift</i> Station at that intersection..
14	Comment noted.
15	Specific TDM measures are not included in the proposed Subarea Plan and related documents for the Highway 99 corridor. Such TDM measures would be considered as part of a future City TDM program.
16	Comment noted.
17	See Responses 12 – 15, above.
18	The comments in this section of the letter address the proposed Sub-Area Plan and policies rather than the DSEIS. The comment will therefore be provided to the Planning Commission and City Council during the public hearing process on the proposed Sub-Area Plan and zoning regulations.
19	The comment relates to the proposed zoning regulations and design guidelines, rather than the DSEIS. The comment will therefore be provided to the Planning Commission and City Council during the public hearing process on the proposed Sub-Area Plan and related documents.
20	The comments in this section address the proposed Design Guidelines rather than the DSEIS. The comment will therefore be provided to the Planning Commission and City Council during the public hearing process on the proposed Sub-Area Plan and related documents.

October 8, 2010

City of Lynnwood Community Development
Attn: Project Highway 99
PO Box 5008
Lynnwood, WA 98046-5008

Re: Project Highway 99

Dear Ms. Rivera:

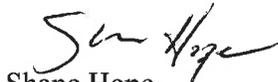
RECEIVED
OCT 13 2010
CITY OF LYNNWOOD
COMMUNITY DEVELOPMENT

- 1 The City of Mountlake Terrace appreciates the opportunity to comment on the draft Highway 99 (from 148th Street SW to 216th Street SW) proposals. We were interested in the major planned action, which includes over 5,000 dwelling units in five pedestrian-oriented nodes, typically situated around existing SWIFT bus rapid transit stations. The closest node to Mountlake Terrace is proposed at 204th Street SW, with 377 dwelling units anticipated. The proposal has the potential to help revitalize Highway 99, perhaps similarly to recent changes to the Highway 99 corridor in Shoreline.
- 2 Any potential infrastructure needs are of interest to the City of Mountlake Terrace. We note that an upgrade to the sewer lift plant will be necessary to accommodate the new residents. Additionally, the traffic analysis notes limited changes in level of service (LOS) along Highway 99 between the proposal and no action, which appears to preclude requirements for traffic mitigation.

The lack of traffic mitigation is Mountlake Terrace's one concern with the proposal. The majority of signalized intersections in the study area are projected to fall to LOS F by 2025 (including 212th St SW). However, we also recognize a recommendation is for an east/west corridor study to address LOS failures. The City of Mountlake Terrace would like to participate in the recommended east/west corridor study to determine how LOS can be maintained at a reasonable level along Highway 99.

Thank you for considering these comments.

Sincerely,



Shane Hope
Community and Economic Development Director

SH/lnl

cc: City Manager
Engineering Services Director
Senior Planner
Traffic Engineer
Transportation Planner
CED Read File



Aaron Reardon
County Executive

3000 Rockefeller Avenue, M/S 607
Everett, WA 98201-4046

(425) 388-3488
FAX (425) 388-6449

October 6, 2010

Gloria Rivera, Senior Planner
Community Development Department
City of Lynnwood

Snohomish County Public Works has reviewed the proposed development outlined in the Supplemental Environmental Impact Statement. We offer the following comments:

- 1 1. The county generally supports the overall goal of the city's SR99 plan, which is to move towards a more mixed use and higher intensity development pattern along the corridor – and particularly the introduction of higher-density residential around the “nodes” defined by the new BRT (SWIFT) stations. Such development has the potential to increase transit (particularly SWIFT) ridership and achieve reductions in per capita fossil fuel use, vehicle miles travelled, and corresponding greenhouse gas emissions. This plan also is consistent with the county's comprehensive plan provisions for the northern, currently unincorporated stretch of the corridor. Given the final location of the SWIFT stations at 148th St., the county may re-examine the limits of its Urban Village designation at this location (which was applied in 2005, well before SWIFT station planning began) and could propose some modifications to the boundaries of that designation - either before or during its upcoming 10-year comprehensive plan update. The county staff does have some isolated concerns about certain specific provisions in the plan and the proposed zoning, as well as suggestions for strengthening the SEIS. These follow below.
- 2 2. The introduction of increased pedestrian activity along an auto-dominated corridor like SR99 presents some unique challenges – particularly for one of the plan's stated goals of “keeping people moving.” Seven lanes of relatively high speed traffic will probably not mix very well with pedestrians – at least not within the SR99 right-of-way itself. While the auto-orientation of much of the SR99 frontage is unlikely to change in the foreseeable future, the introduction of more pedestrian activity around the nodes will likely require pedestrian crossing times to increase in frequency – and possibly in duration. This will inevitably slow traffic along the roadway – which may be desirable for pedestrian safety, but could reduce the traffic capacity of the corridor. One possible approach might be to concentrate the pedestrian activity areas to the rear of the SR99 commercial frontage – focusing on pedestrian and bike connections to the existing neighborhoods behind the commercial frontage rather than along the roadway frontage itself. Both the plan and, particularly, the design guidelines would have to be modified to achieve such an orientation. At the very least, this issue should be explored more in both the plan narrative and the SEIS (particularly in the section on traffic impacts).
- 3 3. The proposed new zones for these nodes would allow residential and mixed use development – which is a major step forward over the city's previous regulations that limited the frontage to general commercial (and some light industrial) uses. This is also in line with county zoning regulations, which permit multi-family residential development within the commercial zones. However, some of the specific provisions in the city's proposed regulations seem a bit excessive for the historical development patterns of Lynnwood and Snohomish County. The proposed minimum residential density of 40 units per acre, for example, seems high for Snohomish County, where such densities are typically found only in downtown areas. Snohomish County's

density regulations have historically topped out at about 24 units/acre and most residential developments within those zones have come in below that number. Land values along SR99 may not be sufficient to support the structured parking that would most likely be needed to reach densities above 40 units/acre – in which case the regulations could have the unintended effect of discouraging redevelopment. We would encourage the city to consider lowering this required minimum density.

- 4 4. The proposed new zones have no maximum building height, which could produce challenges for the city's water supply and fire suppression systems. While the plan envisions buildings of 4-6 stories within these nodes, the regulations appear to permit much taller structures that could pose such infrastructure challenges for the city. This approach might be appropriate in the city's new and compact downtown area, but it seems excessive along this 5-mile corridor. While it is highly doubtful that the city would be confronted with a 30-story or higher development proposal, a 10-15 story hotel or condominium tower in proximity to the city's convention center is not beyond imagination. The SEIS should consider what impacts such a proposal would have on city infrastructure and/or how other provisions in city code would mitigate such potential impacts. It is noteworthy that a few years ago the City of Everett found that its overly generous bulk regulations may actually have been depressing development and redevelopment activity by inflating property owner expectations above what the market could actually support. In response, that city actually lowered its maximum height regulations in some areas around its downtown to be more in line with those market conditions and to stimulate more redevelopment.
- 5 5. Because of the convergence of three cities' corporate limits around the 216th St. SWIFT station, Lynnwood should consider engaging in a joint planning study for that node with Edmonds and Mountlake Terrace and continue coordination with Snohomish County throughout this process. The SEIS language suggests that the proposal will "decrease" certain environmental impacts. In fact, the substantial new development anticipated along the corridor will almost certainly increase these impacts over current levels, although the increase may be lower (in some cases) than what might be expected under current regulations.
- 6 6. The SEIS does not address noise impacts. The high traffic volumes and speeds on SR99 will certainly create significant noise impacts on future multi-story residential development. Since such development will now be permitted through rezoning within the nodes identified by the plan, an assessment of noise impacts seems appropriate. The illustrations of possible residential development found in the plan, and the proposed regulations for the new zones, indicate that this new residential/mixed use development could occur a mere 12 feet from the SR99 curb line. The presence of significant road noise from SR99 – as well as from some of the major intersecting streets – could negatively impact the desirability of fronting properties for residential development, thereby inhibiting realization of the plan's vision.
- 7 7. The SEIS does not appear to address critical areas/habitat and ESA issues. Although this document is not at a project level, it would have been helpful to know if those issues are present in any of the five nodes. If they are not it should be noted as such.

Thank you for the opportunity to review and comment on this extremely important development issue. If you have any questions or comments, please direct them to me and I will forward them to the appropriate reviewer. My phone contact is (425) 388-3488 extension 4259.

Sincerely,



Candice Soine, Environmental Review Coordinator



RECEIVED

SEP 30 2010

CITY OF LYNNWOOD
COMMUNITY DEVELOPMENT

September 29, 2010

To: Gloria Rivera, Senior Planner
Kevin Garrett, Planning Manager

From: William Linton

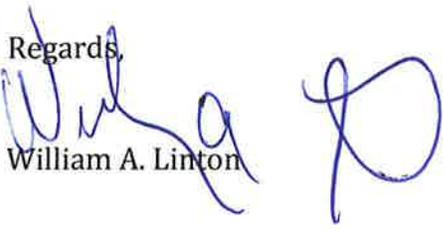
Subject: Highway 99 Overlay Zone and Interim Development Regulations
6306 202nd St SW, 6312 202nd St SW, 6324 202nd St SW,
6321 204th St SW, 6323 204th St SW, 6327 204th St SW, 6329 204th St SW

To Whom It May Concern:

In response to your letter dated September 10, 2010, I am writing to remind you of our concerns. Please see the attached E-Mail, dated 2/25/2009, to Lauren Balisky from Brent Carson of Gordon Derr, our representative. Also I have attached a copy of a letter delivered to the City Council Members, dated November 24, 2008.

Thank you in advance for your assistance in this matter.

Regards,


William A. Linton

Cc: Robert Linton
James E. Linton
Brent Carson

RE: City of Lynnwood - Project Highway 99

2/25/2009 3:54:02 P.M. Pacific Standard Time

bcarson@GordonDerr.com

lbalisky@ci.lynnwood.wa.us

srnrlc@aol.com, WALinton@aol.com, jiminton@comcast.net

Please accept the following comments on the physical plan for the Highway 99 Corridor and on the scope of the SEIS for this proposal.

- 1 I am writing on behalf of SMR LLC, owned by the Linton family. The Lintons own the light industrial zoned property on 202nd Street SW in Lynnwood, in proximity to Highway 99. They have owned this property since the City's inception. Linton Industries, operating at this location, has been an important business in Lynnwood, having employed over 120 individuals in living wage manufacturing jobs with annual sales of over \$22 million.

The Lintons are very concerned that the Highway 99 Corridor plan take into consideration the importance of maintaining the viability of existing light industrial zoned properties near this corridor. While the Linton's support future revitalization of the Highway 99 Corridor, it should not be done at the expense of light industrial zoned property and the businesses, owners and employees that depend on this zoning.

Light industrial zoned property provides important non-commercial business and employment opportunities in the City. These properties are vital to maintaining a diverse economic base within the City.

The City should not be encouraging additional residential development within the corridor in close proximity to light industrial zoned property. We ask that you pay close attention to land uses in the 202nd Street vicinity. This area of the corridor should be maintained for commercial and light industrial uses and not for residential uses.

- 2 With regard to the scope of the proposed SEIS, we ask that the city expand its scope so that economics and land use compatibility are addressed.

While the June 2007 Urban Activity and Market Profile Assessment looked at economic opportunities in the corridor, it did not evaluate the economic impacts of potential land use changes, particularly considering potential adverse effects on existing land uses in the corridor. The SEIS should address the potential adverse economic effects of the action on light industrial development in the area.

- 3 The environmental checklist refers to transitions from uses in the corridor to single family residential uses. The SEIS should expand upon this issue by addressing compatibility among the various uses proposed in the corridor and those that exist in and immediately adjacent to the corridor. The potential adverse effects of encouraging residential uses immediately adjacent to light industrial zoned property should be specifically evaluated. Alternatives to discourage new residential uses in the corridor adjacent to light industrial zoned property should also be considered.

Thank you for this opportunity to comment on the proposal.

From: Lauren Balisky [mailto:lbalisky@ci.lynnwood.wa.us]

Sent: Friday, February 20, 2009 8:33 AM

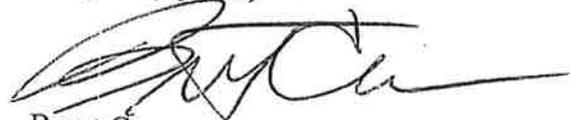
Subject: City of Lynnwood - Project Highway 99

Wednesday, February 25, 2009 AOL: WALinton

November 24, 2008

The goals of the Highway 99 Corridor can be fully met without these light industrial zoned properties included in the Amendment. We ask that you remove the light industrial zoned properties from the proposed Highway 99 Corridor Comprehensive Plan Amendment.

Very truly yours,



Brent Carson

BC:bc

Enclosures

cc: Mr. Bob Linton

November 24, 2008

City Council
City of Lynnwood
19000 44th Avenue West
P. O. Box 5008
Lynnwood, WA 98046-5008

Re: Request to Remove Light Industrial Zoned Properties on 202nd Street SW from the Proposed Highway 99 Corridor Comprehensive Plan Amendment

Honorable Councilmembers:

GordonDerr LLP represents SMR LLC, owned by the Linton family. The Lintons have owned this light industrial zoned property on 202nd Street SW in Lynnwood since the City's inception. Linton Industries, operating at this location, has been an important business in Lynnwood, having employed over 120 individuals in living wage manufacturing jobs with annual sales of over \$22 million.

4 The Lintons' property should not have been included in the proposed Highway 99 Corridor Comprehensive Plan Amendment (the "Amendment"). These light industrial zoned properties do not meet the locational criteria set forth in the Amendment. They front on 202nd Street SW, not Highway 99, they have no access rights to Highway 99 and they are not located at a major intersection where inclusion of deeper properties may be appropriate.

These are the only light industrial zoned properties in the entire Highway 99 area proposed to be covered by the Amendment. By adopting the Highway 99 Corridor Amendment as proposed, the City will be discouraging anyone from leasing space in any of these light-industrial zoned buildings. In this time of economic recession, the City should be doing everything in its power to encourage, not discourage, light manufacturing tenants to locate in the City. Instead, this Amendment will threaten the current tenants with nonconforming use status and will send the clear signal to brokers and potential tenants that new light industrial users are not welcome on these properties.

The Lintons have invested considerable financial resources in their buildings to install infrastructure that supports light industrial users, including significant electric power supply panels and 5 and 10 ton overhead cranes. These significant investments were made in reliance on the existing light industrial zoning and comprehensive plan designations for their properties. The Lintons should be rewarded for making these significant investments, not punished by the threat of nonconformity.



Golden Photography.com

Craig J. Krueger – Community Land Planning

733 – 7th Avenue, Suite 100

Kirkland, Washington 98033

425.285.2393

October 11, 2010

Mr. Kevin Garrett, AICP

Planning Manager

Community Development

City of Lynnwood

PO Box 5008

Lynnwood, Washington 98046-5008

Re: Draft – Chapter 21.62 Mixed Use Zones

I wanted to briefly comment on the Draft code provisions for the Highway 99 Mixed Use Zones as distributed by the City of Lynnwood. I am a strong proponent for the Bus Rapid Transit program and the transit oriented development that can result from the availability of frequent, reliable bus service. Yet I do have some questions and concerns regarding the proposed zoning provisions, including the following:

1. In Section 21.62.260 Minimum Residential Density, there is a required density for the residential portion of the development when required, yet there doesn't appear to be a minimum **number** of multifamily homes to satisfy the requirement for residential development. I suppose the assumption is that to achieve a density of 40 per acre there will need to be a certain number of homes, yet there may be a need to require a certain percentage of the site dedicated to the residential uses to meet the requirement.
2. In Section 21.62.270 Minimum Commercial Development, I wonder why there needs to be a minimum amount of commercial required. As I travel along SR 99 today, from Edmonds to Everett, there is a large amount of vacant commercial space. And with the change in buying habits as a result of the "Great Recession", the demand for commercial space could take years to catch up with the supply. Not only that, but for commercial to be successful there needs to be adequate nearby residential uses. It took many years before Mill Creek had enough residential development to support the Town Center commercial. It seems best to let the market determine if commercial or residential uses are best along the corridor. In addition, I wonder if a minimum of 20,000 square feet would overwhelm the smaller sites. Perhaps there could be some flexibility in this requirement based on the review and approval by the City's planning director.
3. In paragraph B of Section 21.62.400 Development Standards, there appear to be no restrictions on development other than some setbacks from roads and vehicular accessways. There is no height limit, no density limit, no maximum lot coverage, etc. As a result, there are no incentives for superior design, affordable housing, public art, additional landscaping, public dedication of land, community facilities or other beneficial aspects to add to the livability of the corridor. I understand wanting to encourage the re-

development of the corridor, yet the corridor will include a great deal of land with no restrictions as to the intensity of development. Perhaps there is a way to create incentives that encourage proposals to redevelop land in the near term or to those that provide community benefits beyond the standard requirements. To start out with a rezone of all the corridor land with no restrictions will make it difficult to revise the code in the future to promote public benefits.

- 4 4. In paragraph C of the same Section 21.62.400, the parking requirement of 1.25 per dwelling unit seems to be excessive for development along the transit corridor, where the concept is to promote the use of transit and reduce the reliance on automobile travel. Plus there doesn't seem to be any differentiation between the size of the multifamily homes and the number of stalls. I also couldn't find any reference to **shared parking** between the residential and non-residential uses. With underground parking stalls being encouraged, and yet costing between \$30,000 and \$40,000 each, it would seem best to require as little parking as necessary.
- 5 5. In paragraph D of the same Section 21.62.400, there is a long list of very detailed landscaping requirements for surface parking lots. It would seem best to include this level of detail in design guidelines or other documents that are simpler to revise as needed, rather than having to revise the zoning code in the event that one of the restrictions turns out to be troublesome. I personally found the number of requirements in this section, and the impact on site design, to be daunting.
- 6 6. For paragraph E of the same Section 21.62.400 dealing with non-residential open space, I presume that the City staff or consultants have prepared illustrations for potential developments that show the result of this requirement on site design, since this requirement is in addition to the parking lot landscaping, landscape buffers, etc. My presumption is that 1% of the site area and the non-residential floor area will not result in significant open space areas.
- 7 7. For paragraph F of the same Section 21.62.400 dealing with residential open space, I also wonder if illustrations have been created to show the impact of these requirements. I am familiar with the requirement for 10% of the site area for open space, not 10% of the building living area. Plus in paragraph 3.c., I am wondering if you have considered reducing the hard surface requirement (to perhaps 50%?) if **green roofs** are provided?
- 8 8. In paragraph J of the same Section 21.62.400, it would seem like this requirement for street trees could be moved to the landscaping section. It may be overlooked if one were searching for the landscaping requirements for the mixed use zone.
- 9 9. I also wonder if perhaps there can be incentives or requirements for the provision of a certain amount of affordable housing within the corridor. When the City of Redmond rezoned their downtown area a few years ago and significantly increased the allowed density, they required 10% of the multifamily homes to be affordable. They apparently found it appropriate to receive community benefits from the increase in value

that resulted from the upzoning of the properties. For the Bel-Red Corridor area in Bellevue, the City included incentives for affordable housing through an increase in the allowed floor area ratio.

10 10. I would also like to encourage looking at incentives in the code that promote the use of TDR's or transfer of development rights, where the proponents can purchase development rights from outlying resource or agricultural land and transfer them to an urban site. The code could perhaps allow an increase in building height, again as provided in the code for the City of Redmond, or an increase in density. It seems totally appropriate to place higher density housing along the transit corridor in the urban area and reduce the development pressure on the outlying rural lands.

11 My understanding is that the scope of this current work is focused on the areas within ¼ mile of the Swift bus rapid transit corridor and stations, but I am hoping that the City can also look at those areas within ½ mile as well. Perhaps these areas could be upzoned to allow more medium density housing over time, including duplexes or townhouses, to provide additional housing in support of the transit.

Please let me know if you have any comments or questions regarding these items, I will be glad to respond. Thank you.

Sincerely,

Craig J. Krueger
Community Land Planning
733 – 7th Avenue, Suite 100
Kirkland, WA. 98033
425.478.3267 cell

City of Lynnwood

Project Highway 99

Public Workshop #3

SEPA Comment Form

We would like to hear from you! Write down your thoughts and ideas on this form and turn it in to Gloria Rivera at the City of Lynnwood. Email, or hand deliver your comments to:

Gloria Rivera, Community Development
4114 198th St. SW., Suite #7, P.O. Box 5008
Lynnwood, WA. 98046-5008
(425) 670-5409; grivera@ci.lynnwood.wa.us

1

Need an additional bus station
around 159th + 99 to serve the
~~South~~ south end of the urban
center.

For more information, please visit the City's website:

www.ci.lynnwood.wa.us

HUIGHWAY 99 CORRIDOR PLAN

Public Meeting Evaluation Sheet

September 28, 2010

	RATING				
	Great/ High Priority	Good Idea	Not Sure/ Neutral	Bad Idea	Horrible!
General Concepts and Development Standards					
1. Focus Mixed use development around transit stop nodes.	X				
2. Retain commercial orientation along Highway 99 in the rest of the corridor outside of the nodes.	X				
3. In the most intensive nodes with <i>Highway 99 Mixed Use – Residential Required</i> zoning, require that new residences be included as part of any <i>major</i> redevelopment. Existing development and uses may remain and existing buildings may be expanded up to 25% of original.		X			
4. In the nodes, do not restrict density, building footprint, height or building bulk, <i>provided</i> setbacks and other requirements are in place to protect single family residences from loss of privacy and solar access.	X				
5. Add or improve parks where needed in nodes.		X			
Design Guidelines					
6. Require attractive streetfronts along major pedestrian routes.		X			
7. Require good pedestrian circulation within large developments.		X			
8. Establish setbacks and design guidelines to protect privacy and livability of single family residences.		X			
9. Require open space and green features of new development.		X			
10. Require some architectural features at prominent intersections..		X			

RATING

	Great/ High Priority	Good Idea	Not Sure/ Neutral	Bad Idea	Horrible!
11. Require screening of dumpsters and service areas.		X			
12. Establish design guidelines to increase safety and security.	XXX				

1

Comments: How ¹ is pedestrian safety going to be improved

... without taking away more commercial business

parking (ie as happened when 99 was widened)
for "buildable" land

- Cindy Kay Webster - Miller's Interiors

2

² Redesign guidelines going to be met ...

HUIGHWAY 99 CORRIDOR PLAN

Public Meeting Evaluation Sheet

September 28, 2010

		RATING				
		Great/ High Priority	Good Idea	Not Sure/ Neutral	Bad Idea	Horrible!
General Concepts and Development Standards						
1.	Focus Mixed use development around transit stop nodes.	✓	✓			
2.	Retain commercial orientation along Highway 99 in the rest of the corridor outside of the nodes.	✓	✓			
1 3.	In the most intensive nodes with <i>Highway 99 Mixed Use – Residential Required</i> zoning, require that new residences be included as part of any <i>major</i> redevelopment. Existing development and uses may remain and existing buildings may be expanded up to 25% of original.				provides incentives to build housing units.	
4.	In the nodes, do not restrict density, building footprint, height or building bulk, <i>provided</i> setbacks and other requirements are in place to protect single family residences from loss of privacy and solar access.		✓			
5.	Add or improve parks where needed in nodes.		✓			
Design Guidelines						
6.	Require attractive streetfronts along major pedestrian routes.	✓				
7.	Require good pedestrian circulation within large developments.	✓				
8.	Establish setbacks and design guidelines to protect privacy and livability of single family residences.	✓				
9.	Require open space and green features of new development.	✓				
10.	Require some architectural features at prominent intersections..	✓				

Commercial
Property Consulting,
Brokerage & Development



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

Emerald Properties

Brokerage & Development, LLC

October 11, 2010

Via Hand Delivery

Community Development Department
City of Lynnwood
c/o Gloria Rivera
City of Lynnwood
19000 44th Avenue West
PO Box 5800
Lynnwood, WA 98036

RE: Project Highway 99 SEPA and related document comments

Staff,

The following comments, observations, recommendations, and enclosures are:

1. Based on 30 plus years of involvement as an owner, developer, investor, borrower, leasing agent, and property manager of properties within the Project Highway 99 ("Project") area.
2. Stem from owning and operating a business whose offices are located within the Project.
3. Stimulated by having been an active contributing member of the City's Transportation & Traffic Task Force ("TTTF") since early 2009 and 2010 Chair.
4. Not intended to minimize the energy devoted to the Project by Staff and the Project consultants.
5. Intended to point out inadequacies including the lack of specific actions that must be addressed if the goals and objectives of the Project are to be achieved.
6. Intended to remind staff, the consultants, the responsible officials and elected officials that the Highway 99 area has existing land uses with capital investments and related loan covenants that preclude significant use changes for the next 25± years and potentially beyond.
7. Intended to facilitate staff, the consultants, the "responsible official(s)", and elected officials' understanding that the Highway 99 area has existing commercial uses with



18023 Highway 99, Suite I · Lynnwood, WA 98037
Phone: 425-744-0900 · FAX 425-744-0311
www.emeraldpsbd.com



lease durations including renewal rights running well beyond the next 10 years; most likely in some cases for at least the next 25 years land uses; i.e. grocery store “anchor” and restaurant leases can control land uses for 30 – 50 or more years, Walgreens leases can run for 75 years.

Specific Comments:

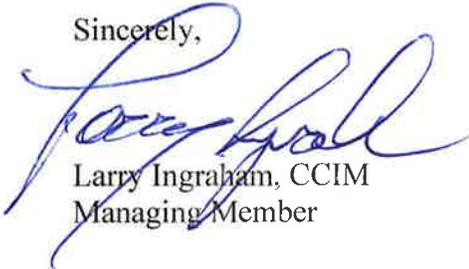
- A. Force vs. Encourage: As drafted and presented at the September 28, 2010 Public Information Meeting, the inclusion of additional housing units is forced/mandated for development and/or redevelopment within the areas defined as “nodes”. The Project will achieve improved results quicker by replacing the mandates with incentives that encourage the inclusion of housing and other mixed use components. The unintended consequences of forcing other than market driven land uses will include no new development and/or redevelopment and/or a quality at variance with the Project’s objects. Incentives to encourage housing could include unlimited densities, tax abatement, etc. The relaxed lot coverage ratio standards for the “nodes” should be applied to all properties within the Project.
- B. Expand Incentive areas: All land within the Project zoned and/or to be zoned for commercial and/or mixed use must have access to the same incentives offered at the “nodes”. Doing so expands and enhances the opportunity for achieving the Project’s goals and objectives sooner.
- C. Facilitate “large format” retail: Sites within the “nodes” including the SWC of 196th and Hwy 99 are well-suited for retail which the proposed zoning and/or Design Guidelines precludes and retail sales tax generating uses desirous of opening along Hwy 99. This is counter productive to the area’s and City’s economic vitality.
- D. Building/Fire Codes: Numerous illustrations included in Maker’s presentation show five and six level residential and mixed use buildings consisting of four or five levels of frame construction over one or two levels of masonry. Without Building and Fire codes that accommodate six levels with four or five frame construction over a masonry base, the densities within the Project will be limited to 4/6th (66.67%) of some of Maker’s examples and densities achieved in Shoreline, Kirkland, Seattle, Everett, etc.
- 1 E. Transit Oriented: Without accommodations for pedestrians to cross Hwy 99’s seven lanes of 45 MPH traffic in the 12 blocks between 176th St SW and 188th St SW both the objectives of pedestrian safety and transit oriented development, and the encouragement of transit usage will be thwarted. (See enclosures including video of 180th St SW and Hwy 99 “intersection”, accident studies, Herald July 31, 2009 Swift Bus collision article, TTF Recommendations, memo, etc.)
- F. Design Guidelines: Appear to be very rigid; the area in is transition and if the standards don’t provide sufficient flexibility they will impede implementation of the Project’s objectives.

- 2 G. Pedestrian Safety: The documents are flawed as their focus centers on protecting pedestrians from parking lot low speed traffic while ignoring the pedestrian fatalities that have occurred in multiple failed attempts to cross Hwy 99. (See Sub Area Plan Goal 7 – Improve Public Safety which does not address traversing Hwy 99 at non-signalized intersections.)

- 3 H. Area Drainage: The Supplemental EIS Storm Water section 3.5.3.1 is inadequate as it does not address the historical multiple occurrences of area flooding and water sheeting across Hwy 99 in multiple areas, backing up onto private property as well as sanitary sewer back ups.

Fro this to be a long-term successful Project, the above areas must be addressed and combined with action plans.

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry Ingraham", written over the typed name and title.

Larry Ingraham, CCIM
Managing Member

Enclosures

HUIGHWAY 99 CORRIDOR PLAN

Public Meeting Evaluation Sheet

September 28, 2010

	RATING				
	Great/ High Priority	Good Idea	Not Sure/ Neutral	Bad Idea	Horrible!
General Concepts and Development Standards					
1. Focus Mixed use development around transit stop nodes.			X		
2. Retain commercial orientation along Highway 99 in the rest of the corridor outside of the nodes.	X				
3. In the most intensive nodes with <i>Highway 99 Mixed Use – Residential Required</i> zoning, require that new residences be included as part of any <i>major</i> redevelopment. Existing development and uses may remain and existing buildings may be expanded up to 25% of original.					X
4. In the nodes, do not restrict density, building footprint, height or building bulk, <i>provided</i> setbacks and other requirements are in place to protect single family residences from loss of privacy and solar access.	X				
5. Add or improve parks where needed in nodes.			X		
Design Guidelines					
6. Require attractive streetfronts along major pedestrian routes.		X			
7. Require good pedestrian circulation within large developments.			X		
8. Establish setbacks and design guidelines to protect privacy and livability of single family residences.		X			
9. Require open space and green features of new development.		X			
10. Require some architectural features at prominent intersections..				X	

RATING

	Great/ High Priority	Good Idea	Not Sure/ Neutral	Bad Idea	Horrible!
11. Require screening of dumpsters and service areas.		X			
12. Establish design guidelines to increase safety and security.		X			

1 Comments: Plan does not address pedestrian crossing along highway 99.

2 Provisions needed to improve storm water drainage and sewer back ups along highway 99

	RATING				
	Great/ High Priority	Good Idea	Not Sure/ Neutral	Bad Idea	Horrible!
11. Require screening of dumpsters and service areas.		✓			
12. Establish design guidelines to increase safety and security.		✓			

Comments:

1

1) How will a business/property owner sustain these economic times if their use changes or ceases to exist?

2

(OR)
2) What plan does the city have to ensure properties along in the nodes remain financially viable if their use ceases but redevelopment is not yet feasible?

Solutions:

a) continue to allow current uses in addition to node uses.

(OR)
b) change all permitted uses to conditional uses so that when the economy changes + redevelopment occurs the use may be accepted or denied depending on the node's infrastructure/status.

(OR)
c) allow property owners 2 years to change use under current zoning.

Gloria Rivera

From: Marty Rood [mrood@mr99.com]
Sent: Wednesday, September 29, 2010 11:44 AM
To: David Kleitsch; Gloria Rivera; mrood@mr99.com
Cc: Jack Carroll; bnylund@aol.com; bnylund@mr99.com; Kim Gardner; Norm Strickland; John Peehl; Gediminas Trimakas; jimbob@cyclebarn.com; Rick Hedges
Subject: Comments on Project Hwy 99/Marty Rood-Mr. 99

Dear City of Lynnwood,

I attended the Project Highway 99 meeting last night at Trinity Lutheran Church. Here are my comments:

1

Many of us have not fully studied the proposed changes in the zoning in certain Hwy 99 corridors. My first inclination was to totally negate the entire thought of what you are proposing to do: to change the zoning in certain areas (usually within 1/4 mile of the rapid bus terminals) to force landlords to incorporate and require residential in previous commercial-only properties, to require setbacks, require attractive street, require good pedestrian circulation, require open space and green features, require screening of dumpsters and service areas, establish design guidelines to increase safety and security, and to require architectural features at "prominent" intersections. All of this to me, and the general opinion of last night's attendees, means expensive development costs that are "out of touch" with normal development costs, but especially egregious during these tough economic times. Lynnwood is hurting economically as are their residents and businesses. Being the commercial real estate agency that does most of the business in the Lynnwood/Edmonds area, we are on Hwy 99 everyday talking to businesses. Many of our clients are in the automobile business. Some dealers are doing okay. Some have sold their franchises. Some have been put out of business by their respective manufacturer. Some of these properties are vacant and are special purpose buildings basically suitable only for automotive applications. Some of these properties have been left vacant recently because of consolidation, franchise vacations, and franchise terminations. Other businesses have moved to smaller locations and few have gone from smaller to larger facilities. Some properties have been sold by publicly traded automotive companies that are shedding assets to bolster their stock prices. This is leaving many properties that would normally be available for expansion franchises that need a new location in a growing suburb city like Lynnwood. Lynnwood needs these automobile dealers because they are such great revenue producers for the city. However, these properties, if these new zoning restrictions are put into effect, will not allow these properties, that landlords have spent millions building for these special purpose buildings (thereby benefiting Lynnwood great over the past 40 years through sales tax generation--23.2% of Lynnwood's sale tax revenue comes from Hwy 99 and most of that comes from automobile dealers) the zoning, building and ancillary requirements will be punitive and will make development of these properties very, very difficult if not impossible. It is currently hard enough to obtain a per square foot price that makes sense for an automobile dealership, let alone any other type of development that MUST include residential. This approach will destroy cap rates for these properties and will make the revenue that one can generate by, for example having apartments that will lease for low rates where the actual development costs will skyrocket with these new regulations and make the project unfinanceable and not plausible from an investment perspective. Lynnwood can't subsidize these project either. They don't have the money to do this. Instead, I would propose that the City of Lynnwood establish a blue-ribbon panel of experts on properties in this area and get their input before embarking such an ambitious vagabond. We talk to the business people everyday and know their wants and needs. The areas that have been preliminarily selected contain about 6-7 of the existing 20 or so automotive-centric facilities in the Lynnwood area and would adversely affect each and every one. I would propose a meeting in the near future and invite these property owners to these meetings. Last night were several clients that we have represented in property sales and leases: Sterling Realty Organization, Jim Boltz of Cycle Barn, Ed Trimakas (former Lexus and Mercedes-Benz's landlord), Cindy Kay of Miller's Interiors (leases car lots to two used car dealers currently), and Detroit Auto Works at 212th and Hwy 99. If everyone knew what Lynnwood was up to regarding these rezoning proposals, I believe many would be very upset to know what is potentially going to happen.

Please call me with any questions or any issues you would like to discuss regarding your proposals for Highway 99.

10/11/2010

All the best,

Marty Rood
Mr. 99
207 713 1304

Martin S. Rood, President/Managing Broker, Mr. 99 & Associates, Inc.

Founder, Instant Service (Acquired by ATG)

<http://www.instant-service.com/news/20100112.html>

Founder, Sharebuilder (Acquired by ING Direct)
Founder, Newsstand.com
Founder, DealerNet (Acquired by Reynolds & Reynolds)
Series 63 Washington State General Securities License
CCIM Member & Candidate
www.mr99.com

Mr. 99 & Associates, Inc.
15562 Lakeshore Blvd. NE
Lake Forest Park, WA 98155-6700

Ph: (425) 670-MR99 (6799) X-1
Fax: (425) 954-4092
Cell: (206) 713-1304
Email: mr99@mr99.com
Website: www.martyrood.com

Gloria Rivera

From: Marty Rood [mrood@mr99.com]
Sent: Wednesday, September 29, 2010 4:38 PM
To: Marty Rood; David Kleitsch; Gloria Rivera
Cc: Jack Carroll; bnylund@aol.com; bnylund@mr99.com; Kim Gardner; Norm Strickland; John Peehl; Gediminas Trimakas; jimbo@cyclebarn.com; Rick Hedges; Randy Lindquist; Rob Will; Tim Hays
Subject: [SUSPECT] Re: Comments on Project Hwy 99/Marty Rood-Mr. 99
Importance: Low

Dear City of Lynnwood,

Please have Ms. Rivera add the following comments to my previous comments below:

I also want to direct your attention to the mixed-use development at 19200 Aurora Ave. N. in Shoreline, WA. This was developed by the Inland Corporation and entailed around 400 residential units. This project was and still is in financial trouble and this is without trying to mix residential with commercial enterprises. Another development just off Hwy 99 (Aurora N.) at 147th and Linden in Shoreline, WA also entailed about 425 units and is in a similar state of the Inland project, again not trying to combine residential and commercial.

----- Original Message -----

From: [Marty Rood](#) *See 9/29 email*
To: [David Kleitsch](#) ; grivera@ci.lynnwood.wa.us ; mrood@mr99.com
Cc: [Jack Carroll](#) ; bnylund@aol.com ; bnylund@mr99.com ; [Kim Gardner](#) ; [Norm Strickland](#) ; [John Peehl](#) ; [Gediminas Trimakas](#) ; jimbo@cyclebarn.com ; [Rick Hedges](#)
Sent: Wednesday, September 29, 2010 11:43 AM
Subject: Comments on Project Hwy 99/Marty Rood-Mr. 99

Dear City of Lynnwood,

I attended the Project Highway 99 meeting last night at Trinity Lutheran Church. Here are my comments:

Many of us have not fully studied the proposed changes in the zoning in certain Hwy 99 corridors. My first inclination was to totally negate the entire thought of what you are proposing to do: to change the zoning in certain areas (usually within 1/4 mile of the rapid bus terminals), to force landlords to incorporate and require residential in previous commercial-only properties, to require setbacks, require attractive street, require good pedestrian circulation, require open space and green features, require screening of dumpsters and service areas, establish design guidelines to increase safety and security, and to require architectural features at "prominent" intersections. All of this to me, and the general opinion of last night's attendees, means expensive development costs that are "out of touch" with normal development costs, but especially egregious during these tough economic times. Lynnwood is hurting economically as are their residents and businesses. Being the commercial real estate agency that does most of the business in the Lynnwood/Edmonds area, we are on Hwy 99 everyday talking to businesses. Many of our clients are in the automobile business. Some dealers are doing okay. Some have sold their franchises. Some have been put out of business by their respective manufacturer. Some of these properties are vacant and are special purpose buildings basically suitable only for automotive applications. Some of these properties have been left vacant recently because of consolidation, franchise vacations, and franchise terminations. Other businesses have moved to smaller locations and few have gone from smaller to larger facilities. Some properties have been sold by publicly traded automotive companies that are shedding assets to bolster their stock prices. This is leaving many properties that would normally be available for expansion franchises that need a new location in a growing suburb city like Lynnwood. Lynnwood needs these automobile dealers because they are such great revenue

HUIGHWAY 99 CORRIDOR PLAN

Public Meeting Evaluation Sheet

September 28, 2010

	RATING				
	Great/ High Priority	Good Idea	Not Sure/ Neutral	Bad Idea	Horrible!
General Concepts and Development Standards					
1. Focus Mixed use development around transit stop nodes.	✓				
2. Retain commercial orientation along Highway 99 in the rest of the corridor outside of the nodes.					
3. In the most intensive nodes with <i>Highway 99 Mixed Use – Residential Required</i> zoning , require that new residences be included as part of any <i>major</i> redevelopment. Existing development and uses may remain and existing buildings may be expanded up to 25% of original.	✓ ✓ ✓				
4. In the nodes, do not restrict density, building footprint, height or building bulk, <i>provided</i> setbacks and other requirements are in place to protect single family residences from loss of privacy and solar access.	✓				
5. Add or improve parks where needed in nodes.	✓				
Design Guidelines					
6. Require attractive streetfronts along major pedestrian routes.	✓				
7. Require good pedestrian circulation within large developments.	✓				
8. Establish setbacks and design guidelines to protect privacy and livability of single family residences.	✓				
9. Require open space and green features of new development.	✓				
10. Require some architectural features at prominent intersections..	✓				

RON CANTO

RONALD D CANTO DDC
EARTHLINE, MET.

RATING

	Great/ High Priority	Good Idea	Not Sure/ Neutral	Bad Idea	Horrible!
11. Require screening of dumpsters and service areas.	✓				
12. Establish design guidelines to increase safety and security.	✓				

Comments:

1

- 1) I would recommend attempting to coordinate growth and development with Edmonds C.C. Students have little choice in off-campus recreational & shops, shops & recreation.
- 2) Increased pedestrian access and safe walking between ED CC and transportation ~~node~~ on High. 99 would be a great looking and enhance both areas. Similar to Mill Creek Town Center.
- 3) Need to greatly improve GOLD Park and not allow tracks to be parked along GOLD Park, possibly, a world opportunity. Scuba Lake Park needs great improvement.
- 4) Increased bicycle paths and more integration with the existing paths and attempt to reclaim abandoned streams.
- 5) Enforce housing standards - force owner to maintain properties, with potential for significant fines.
- 6) A timetable for completion and need City/Lynnwood encounter.

Will Daniels

To: Gloria Rivera
Subject: Public Meeting Evaluation

- 1 Sterling Realty Organization has been a property owner near the corner of 196th Street S.W. and Highway 99 since the 1950s when SRO developed the Lynn Theater. Over the decades SRO has purchased and assembled approximately twelve acres on which we manage today four single family residences and six commercial buildings comprising approximately 35,200 S.F. of warehouse, retail and office space.

The property is clearly underdeveloped at this time. The age, appearance and condition of our properties restrict our rental rates to drastically below market rates for the most part. Roughly four acres are surrounded by a temporary fence for public safety reasons due to having demolished five buildings that were not leasable and unsafe. There is a large vagrant presence constantly occurring on and across the property as well as public intoxication, vandalism and people dumping everything from used electronics to furniture to trash. We believe redevelopment would greatly help alleviate these issues.

In the Spring of 2004 SRO hired a land use consultant to analyze our holdings at this location; the objective was to explore opportunities to position SRO's Lynnwood property for long term redevelopment and to help us determine the highest and best use for our property at this location. The study also specified which properties adjacent to SROs would be best to add in order to enhance our ability to redevelop. It was determined that retail was the highest and best use and that market forces would not support multifamily residential.

Since 2004 SRO has made seven significant purchases of adjoining properties to assemble the current twelve acres. In 2008, prior to the start of this deep recession, SRO had a preliminary design for a 130,000 S.F. retail center with letters of intent in hand from mostly national retailers for approximately seventy-five percent of the designed building area. Due to the recession and the lending environment SRO was forced to table the redevelopment until the return of better economic conditions.

In recent months we have detected some improvement to the real estate market, specifically for retail development, and we have been in contact with many of the national retailers who are still keenly interested in our location.

We recently discussed Project Highway 99 with our real estate brokers, with other property owners along Highway 99 and with other developers. They all agree that this location will not support residential development in any foreseeable term scenario, but would support retail now. No one we spoke with could say with any degree of confidence how many business cycles it would be before this would change, if ever.

If the draft of the plan of Project Highway 99 is approved in its current condition SRO believes it would force us to do nothing with our property for perhaps a very long time. On the other hand, we feel strongly that if the zoning will remain the same we have a very good chance of redeveloping in the foreseeable future.

Gloria Rivera

From: Will Daniels [WillD@SterlingRealty.com]
Sent: Monday, October 11, 2010 3:49 PM
To: Kevin Garrett; Gloria Rivera
Cc: johno@makersarch.com; David Osaki
Subject: RE: SRO Comments to City on Project Hwy 99

Attachments: SRO Comments to City on Project hwy 99 101110.pdf



SRO Comments to
City on Projec...

Kevin and Gloria:

Please disregard the last version as there were some corrections made to the last attachment. This is the correct version. As before, please let me know by reply that we submitted our comments on time prior to 5 P.M. today.

Sorry for the confusion on versions.

Thank you,

Will Daniels
Property Manager
Sterling Realty Organization Co.
425.455.8153

-----Original Message-----

From: Will Daniels
Sent: Monday, October 11, 2010 3:29 PM
To: 'Kevin Garrett'; 'Gloria Rivera'
Cc: 'johno@makersarch.com'; 'David Osaki'
Subject: RE: SRO Comments to City on Project Hwy 99

Kevin and Gloria:

Here are our comments. Please reply to confirm your receipt of our comments prior to 5 P.M. today.

Thank you,

Will Daniels
Property Manager
Sterling Realty Organization Co.
425.455.8153

-----Original Message-----

From: Kevin Garrett [mailto:kgarrett@ci.lynnwood.wa.us]
Sent: Monday, October 11, 2010 1:34 PM
To: Will Daniels; Gloria Rivera
Cc: johno@makersarch.com; David Osaki
Subject: RE: Public Meeting Evaluation Sheet and Comments, September 28, 2010

Will:

You can email your comments to me PDF files are fine.

Yes, it begins at 7:00 PM in the Council Chambers - 19100 44th Ave. W.
Just so there's no confusion, the hearing tonight is on the interim Hwy
99 regulations, not the draft subarea plan and related documents.

Kevin Garrett, AICP
Planning Manager
Lynnwood Community Development
Lynnwood, Washington 98036

-----Original Message-----

From: Will Daniels [mailto:WillD@SterlingRealty.com]
Sent: Monday, October 11, 2010 1:21 PM
To: Kevin Garrett; Gloria Rivera
Cc: johno@makersarch.com; David Osaki
Subject: RE: Public Meeting Evaluation Sheet and Comments, September 28, 2010

Kevin:

We are finishing our submittal comments to be delivered before 5 today.
Can we email them to you?

I also want to confirm the public hearing tonight will start at 7 in the council chamber?

Thanks,

Will Daniels
Property Manager
Sterling Realty Organization Co.
425.455.8153

-----Original Message-----

From: Kevin Garrett [mailto:kgarrett@ci.lynnwood.wa.us]
Sent: Thursday, September 30, 2010 11:52 AM
To: Will Daniels; Gloria Rivera
Cc: johno@makersarch.com; David Osaki
Subject: RE: Public Meeting Evaluation Sheet and Comments, September 28, 2010

Confirming that we received your email and that the PDF opened with no problem.

Thanks for taking the time to send in your comments.

Kevin Garrett, AICP
Planning Manager
Lynnwood Community Development
Lynnwood, Washington 98036

-----Original Message-----

From: Will Daniels [mailto:WillD@SterlingRealty.com]
Sent: Thursday, September 30, 2010 11:45 AM
To: Gloria Rivera
Cc: Kevin Garrett; johno@makersarch.com; David Osaki
Subject: Public Meeting Evaluation Sheet and Comments, September 28, 2010

Hi Gloria,

Here is our evaluation sheet and our comments. Please let me know that you received them.

Thanks,

Will Daniels
Property Manager
Sterling Realty Organization Co.
425.455.8153



David Schooler
President
(425) 455-8167
davids@sterlingrealty.com

October 11, 2010

City of Lynnwood
Community Development Department
4114 198th St. SW, Suite 7
Lynnwood, WA 98036
Attn: Paul Krauss, Director

RE: SRO Comments on Project Hwy 99 Draft Zoning Guidelines

ATTACHED: Letter of Opinion on Mixed-Use Development- Ralph Barber, First Western Properties
Comments on Draft SEIS and Pending Subarea Plan/Regulations, Jim Egge, Land Use
Consultant

Sterling Realty Organization Co. (SRO) is submitting comments related to Project Highway 99 Draft Zoning Guidelines. We want to make known some of our concerns and to propose changes to the draft. We strongly believe that this intersection is best suited today to retail as its highest and best use and think requiring residential/mixed-use would be severely detrimental to any development at this important intersection.

As part of this submission we are also including the attached comments from Jim Egge, Land Use Consultant and Ralph Barber, Principal First Western Properties.

SRO has been a property owner at the of 196th Street SW and Highway 99 intersection for at least sixty years. Over the decades we have assembled approximately twelve acres on which we currently manage four single family dwellings, one four-plex apartment, and approximately 35,200 square feet of warehouse, retail and office space.

The property is clearly underdeveloped at this time. The age, appearance and condition of the properties restrict our rental rates to drastically below market rates. There is a constant vagrant presence occurring on and across the property which includes public intoxication, vandalism as well as illegal dumping of trash, furniture and used electronics. We believe redevelopment will greatly alleviate these issues.

Over the past ten years we have conducted much analysis on what types of uses to develop at this location. It is clear to us that market forces would not support multifamily residential there. We think that markets today would best support a retail development, bringing in the most tax revenue to the

600 106th Ave. NE, Bellevue, WA, Suite 200 - Mail to: P.O. Box 91723, Bellevue, WA 98009-1723
(425) 455-8100 - Fax (425) 455-8165

City. We feel a residential required component would prevent most national retailers from wanting to be at the location.

We have recently discussed Project Highway 99 with our real estate brokers, with other property owners along the Highway 99 corridor, and with other developers. They all agree that this location will not support residential development in any foreseeable term scenario, but would support retail today.

No one we spoke with could say with any degree of confidence how many business cycles it would be before this would change, if ever.

If the draft of the plan of Project Highway 99 is approved in its current condition SRO believes it would force us to do nothing with our property for perhaps a very long time. On the other hand, we feel strongly that if the zoning will remain the same as it is today we have a very good chance of developing in the near term.

COMMENTS ON PROJECT HIGHWAY 99 DRAFT ZONING GUIDELINES

- 1 21.62.210 Prohibited Uses – A. Drive-up or drive through service and/or window.
Comments: 196th and Hwy 99 is one of the busiest traffic intersections in the State. Drive-up and drive-through capabilities are essential to many retail businesses at locations such as this.
- 2 21.62.250 Limitations on uses- D. Outdoor Display of Merchandise -
Comments: Many large, national, quality anchor retail tenants must necessarily require outdoor display areas, often times on longer than temporary term basis, such as for garden centers.
- 3 21.62.260 Minimum Residential Density- Residential *Required Zone*.
Comments: We feel strongly that at this location residential should be only suggested or encouraged but not required.
- 4 21.62.270 Minimum Commercial Development –
Comments: requiring new commercial development to be at least 20,000 sq. ft. will negatively impact small projects.
- 5 21.62.400 Development Standards –
C.3. Parking for commercial and other non-residential uses- 3/1000 minimum. Comments: This is not sufficient. We think a range of a minimum of 4/1000 to a maximum of 6/1000.
D.3. Tree count- One tree for every 5 parking stalls non residential.
Comments: This is too many.
D.4. Maximum distance between parking and landscape area shall be no more than 45 feet.
Comments: This is too constricting; should be longer distance
D.6. Planting strips size and dimensions of at least 100 sq. ft. ?
Comments: This is too high.
E. Non residential Open Space- on-site pedestrian-oriented open space-
Comments: This is too much.

J. Street Trees- provided every 30 feet
Comments: This is this too tight.

SRO hopes that our comments and suggestions will be taken into serious consideration as you move forward with Project Highway 99. We have been property and business owners in the City of Lynnwood for a long time and have assembled what we believe to be an excellent site to develop a top class retail center at what we believe to be one of the most important intersections in the City of Lynnwood.

Please distribute our letter and other consultant comments to the Mayor and City Council, as well as to staff and the SEPA responsible official.

Regards,

A handwritten signature in black ink that reads "David Schooler". The signature is written in a cursive, flowing style.

David Schooler
President

To: Mr. Will Daniels
Sterling Realty Organization
600 106th Ave. NE, #200
Bellevue, WA 98004
RE: Letter of Opinion

October 11, 2010

Dear Mr. Daniels,

I started my Commercial Real Estate career in Lynnwood 31 years ago and have been involved in the development and/or lease up to well over 1 million square feet of space in the Lynnwood commercial real estate market. My company, First Western Properties, Inc. currently represents over 40 national & local retail chains and some 3 million square feet of shopping center space. I have witnessed over my career many mixed use projects that have been forced on developers by the municipalities and have been total economic failures for the developer, tenant, and the city. The oldest example I recall is the development on Nickerson and 15th Ave. West at the foot of Queen Anne Hill that has yet to be successful after 15 years or more, and I believe is on its 3rd owner after a bank foreclosure. Recently, Burien Town Square, Woodinville Village, The Landing in Renton, Kenmore Village by the Lake, Lacey Gateway Town Center, and Othello Station in Seattle have had difficulty in Leasing and some of these projects are on hold or close to foreclosure. The failure of this type of product in suburban areas has to do with many factors, not the least of the requirement of National anchor type tenants regarding parking, access and visibility. These tenants are not flexible on any of these items as they have over the years seen success and failures of their stores based on these requirements being adhered too.

1 A site of your size in order to be successful will need to have anchor type retail Tenants to attract the smaller retailers and service providers that pay a significantly higher per square foot rate that drives the economics of the center. Prohibited uses and limitations suggested by this zoning change would effectively eliminate banks, restaurants, and coffee shops and tire stores from locating here. I am also of the opinion that mutli-family units should not exists at a major intersection such as 196th and Hwy 99 as I would not want to rent to a family with children based on the high traffic at this site and most of the other highway 99 intersections. Kids and traffic don't mix. I believe if this city wants a mixed use concept on Hwy 99 that the best location would be mid-block sites, where both anchors and other tenants won't go and these properties could be utilized for mixed use developments, thus creating a higher and better use for that property.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized initial 'R' followed by a long, horizontal, slightly wavy line extending to the right.

Ralph Barber, President

October 11, 2010

City of Lynnwood
Community Development Department
4114 198th St. SW, Suite 7
Lynnwood, WA 98036
Attn: Paul Krauss, Director

Re: Comments on Draft SEIS and pending subarea plan/regulations

On behalf of Sterling Realty Organization, Inc., owner of 12 acres situated in the southwest quadrant of Highway 99 and 196th St. SW., we have been requested to offer our review of the following documents:

- **Highway 99 Corridor Subarea Plan DRAFT SEIS – September, 2010**
- **Highway 99 Corridor Subarea plan DRAFT – September, 2010**
- **Proposed Highway 99 Zoning – DRAFT 7-26-10**

NOTE: Where a specific comment relates to more than one document, it is generally noted. However, comments on specific documents may also apply to other proposed implementing regulations that others have reviewed on behalf of Sterling Realty Organization – e.g. Design Guidelines for Hwy 99 Mixed Use Zones – DRAFT final 8-23-10.

Highway 99 Corridor Subarea Plan DRAFT SEIS – Sept, 2010

PROJECT DESCRIPTION AND ALTERNATIVES

1.2. Overview of Highway 99 Corridor

1.2.4. Environmental Review – State Environmental Policy Act (SEPA) Process

...”This Draft SEIS is considered a “companion document” to the proposed Subarea Plan, Zoning Code and map Amendments, and Design Guidelines....

....WAC 197-11-442 provides for greater flexibility in the format for a non-project EIS. This applies where the action is a master plan, planning document, or policy statement because less detailed information is usually available on specific environmental impacts and on any subsequent project proposals....” (emphasis ours)

BACKGROUND – AVAILABLE SEPA INFORMATION:

The city currently projects a \$22 million revenue shortfall for the 2011-2012 biennium. The budget office and Mayor have submitted a realistic fiscal analysis and conclude: "Our revenue forecasts tell us that we will collect \$87 million dollars over the next biennium. There *is nothing on the economic horizon that would change this estimate.*"

On October 4, 2010, City staff subsequently presented a proposed 2011-2012 budget based on the above stated revenue projection. A substantial number of full and part time city employees will likely receive layoff notices in the immediate future. Over 100 have already received an early "heads up". Community Development is proposing substantial development review fee increases ("full cost recovery vs. current fixed fee in some cases), as well as layoffs.

Staff concluded their presentation on the proposed budget reduction with the following statement: *"Proposed revenue enhancements will increase the cost of developing in Lynnwood."* They also noted that these impacts would be offset by more timely reviews and inspections. This last assumption is hard to envision with substantially less staff available to do reviews (e.g. Snohomish County's review times have been substantially longer due to recent reductions in force) The Parks & Recreation program has proposed elimination of a number of community programs, and significant onsite park employee and park maintenance layoffs. One impact among several, according to the Parks Dept budget presentation is that this will likely result "in user dissatisfaction, and potential safety and liability issues". Impact mitigation fees were also offered as a means of offsetting impacts.

COMMENT:

1 The flexibility afforded non-project EIS preparation by WAC 197-11-442 (1) is based on a normal "lack of detail" available to non-project actions. That is no longer the case. With the broadly publicized and significantly detailed economic forecast for the city and the region, alongside the fiscal realities envisioned in the 2011-2012 proposed city budget reductions now available, the Hwy 99 "SEIS, Subarea Plan, Zoning, and Design Guidelines" should all be revisited. Since the final conclusions and implementation of these documents are to be relied upon by city decision makers, landowners and the general public over the next 15 years, they should be corrected in light of the "detailed" information not previously available.

These financial givens should be reflected in a REVISED Draft SEIS. The current level of critical information available to SEIS document authors is far greater than that normally available under a programmatic non-project EIS. The responsible SEPA official should not allow the environmental review process to move forward to a Final SEIS without consideration of all relevant and available information. To proceed without otherwise would not be in the public interest, and dilute the intent of cited section of SEPA.

As the SEIS states, there will be subsequent and specific project related SEPA documents prepared by landowners at the time of individual land use permit requests. However, that fact does not relieve the lead agency and the city of their obligation to acknowledge current information available to them. *"If the nonproject proposal concerns a specific geographic area, site specific analyses are not required, but may be included for areas of specific concern. The EIS should identify subsequent actions that would be undertaken by other agencies as a result of the nonproject proposal, such as transportation and utility systems."* (WAC 197-11-442[3])

The Highway 99 Corridor is the specific geographic area under analysis in the SEIS, and concerns have now been identified by the City of Lynnwood that affect the validity of assumptions in the current DRAFT SEIS, Subarea Plan, Zoning and Design Guidelines. Policy and Implementation Recommendations of the draft Subarea plan related to Land Use, Transportation and Infrastructure, and Parks and Open Space, should all be revised in light of newly publicized economic information. The cited portion of the WAC gives the lead agency the ability to redress the inadequacy of the draft SEIS document in the identified

areas. The listed sections of the subarea plan should also be revised to reflect the impact of newly available economic data.

SUMMARY OF ALTERNATIVES, ENVIRONMENTAL IMPACTS AND MITIGATION

2 G. Significant Unavoidable Adverse Impacts

Land Use, Plans, Policies or Regulations:

- “No significant unavoidable adverse impacts associated with plans, policies, or regulations are identified with the proposed alternatives”.

COMMENT:

The preferred alternative converts a large geographic area that is predominantly zoned commercial or community business, both of which specifically prohibit residential land use, and proposes conversion to “mixed use” residential/commercial. The preferred alternative is thus geared to conceivably add over 5000 residential units in the Highway 99 subarea within the next 15 years.

The city’s adopted 6 yr Capital Facilities Plan (CFP) does not identify funding mechanisms that realistically cover this paradigm shift in land use policy along the SR99 corridor. GMA requires that comprehensive plans be internally consistent, and that if capital improvements needed to support proposed land use can not be achieved, that either the land use element be revisited, or required levels of service be adjusted downward.

Question: The required addition of a residential component at a minimum 40 units per developed acre of commercial property will significantly affect the feasibility and type of commercial land use constructed in the city over the next 15 years. What will be the economic impacts of severely altering the commercial retail potential of several hundred acres of existing zoned retail property within the city’s sale tax base, historically nearly 60% of annual revenue (*“An overview of Lynnwood City Finances” - City of Lynnwood Executive Department Memorandum, September 10, 2010*) ?

Question: Given the projected \$22 million dollar shortfall now fully recognized in the city’s proposed biennial budget for 2011/2012, what effect will that have on the plan and SEIS identified capital facilities required to acquire and construct the public infrastructure needed to support the land use, parks, transportation and other elements of the proposed Highway 99 Subarea Plan?

Question: What related reductions in LOS (levels of service) can be expected, and how will they affect quality of life for the surrounding built community, and over 5000 new residents projected in the corridor mixed use nodes over the 15 year planning horizon?

Highway 99 Corridor Subarea plan DRAFT – September, 2010

BACKGROUND – GMA: INTERNAL CONSISTENCY

RCW 36.70A.070

Comprehensive plans -- Mandatory elements.

“The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map....

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

... (3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.” (all emphasis ours)

The background documents foundational to adoption of the "City of Lynnwood 2020 Comprehensive Plan", as amended 9/14/09 speak generally of "allowing" or "encouraging" mixed residential/commercial use at the Hwy 99 activity nodes. The response to this broadly stated goal, includes provisions within the Proposed DRAFT "Highway 99 Subarea Plan", DRAFT "Highway 99 Proposed Zoning" and DRAFT "SEIS" that go well beyond the scope of that intent.

Specifically, two types of proposed "mixed use" nodes are identified at several key intersections within the Highway 99 corridor:

- A. Highway 99 Mixed Use – Residential Required (HMU-RR); and
- B. Highway 99 Mixed Use – Residential Encouraged (HMU-RE)

Draft subarea plan language and zoning requirements related to land use at primary nodes, such as 196th St. S.W. and Highway 99 proposes that new development be required (under HMU-RR zoning) to provide a "residential" mixed use component at a minimum density of 40 du for each acre of commercial development. The proposed Highway 99 Zoning regulation also sets a minimum size threshold for new commercial development at 20,000 sq. ft. (proposed LMC 21.62.270).

COMMENT:

The term "require" is substantially stronger in terms of meaning and impact than either "allow" or "encourage". The draft SEIS simply concludes that there will be no significant, unavoidable adverse impacts from the preferred land use alternative. Assumptions made from background documents in preparation of the current Draft SEIS and draft Subarea Plan pre-date the current recession, which has

been identified by at least one reliable source as the deepest in "living memory" (see *City of Lynnwood Executive Memorandum from Mayor and Interim Finance Director - "Update: Economic and Revenue Information as of September 16, 2010"*).

Either the impacts should be analyzed in a revised SEIS regarding potential reduction in commitments of anchor tenants at primary activity nodes, when faced with the inclusion of an acre-for-acre required residential element, or the proposed subarea plan should be revised to "allow" or "encourage" mixed use at Primary centers, instead of "requiring" it. Such change would allow the market to adjust to a mixed unit component as the local economy and job outlook improve over time, and when conditions justify the addition of multi-family residential at the targeted locations. There should be no minimum threshold for residential, as it will likely discourage larger commercial anchor tenants from locating in the corridor.

BACKGROUND – FUTURE POPULATION vs. INFRASTRUCTURE:

The Draft SEIS and Subarea Plan project an additional 5,000+ new residents over the next 15 years in the 5 activity nodes to be established along the Hwy 99 corridor. And it is also assumed that about 1000 residents are needed at each BRT (Bus Rapid Transit) location to support a sufficient transit/pedestrian rider base.

However, in at least one background document to the SEIS, (*"City of Lynnwood Highway 99 Urban Activity Profile and Market Assessment – April, 2008"*) the regional population forecast (by Puget Sound Council of Governments) for Lynnwood West, which encompasses that portion of the corridor that lies westerly of Highway 99 is only expected to increase by 858 residents over the next 20 years, and then remain virtually flat between 2020 and 2030. The assessment concludes at page 21: *"Lynnwood's FAZs (forecast analysis zones) along the Highway 99 corridor have much slower growth rates than countywide....This is likely due to the fact that the corridor is largely built out and does not have much additional capacity for residential development under its current zoning"*.

Finally, the Highway 99 Urban Activity Profile and Market Assessment points out that the Alderwood Mall FAZ...*"has a forecasted compound annual growth rate that is nearly twice that of Snohomish County"*

Comment:

The city in adopting the 2010-2015 Capital Facilities Plan (CFP), has earmarked over \$11 million dollars for City Center Parks related acquisition in 2013, and ultimately (outside of the 6 yr forecast window), an additional \$10+ million dollars for improvements to those facilities. In terms of comparative funding, there are relatively very few park improvements and/or acquisitions planned or funded, or planned for funding within the Highway 99 corridor during the same 6 yr period.

Contrasting the PSCG projected residential growth rates over the next 20 years for the Highway 99 corridor with that of the Alderwood Mall FAZ, the disparity in funding between the two separate areas of the city would seem to make sense. However, if one factors the major shift from commercial to mixed use commercial/residential proposed along the Highway 99 corridor, along with a new 5,000+ new residents, there would appear to be a significant disconnect between allocation of necessary infrastructure to implement plan policy, and what has actually been committed to the Highway 99 corridor in the current C.F.P. The comprehensive plan must be internally consistent with its implementing policies.

Question: Why does the DRAFT SEIS not recognize this disconnect? What are the impacts?

Question: How does the substantial planned allocation of future capital to acquisition and infrastructure in the Alderwood Mall and City Center portions of Lynnwood affect the city's ability to fund improvements identified in Hwy 99 subarea plan documents necessary to implement the proposed land use plan?

The 2010-2015 Capital Improvement Plan was prepared in December, 2009. In the Introduction it recognizes the important link that must exist between the comprehensive plan and its ability to achieve its stated goals through a realistic capital facilities plan:

"The CFP is an important link between the City's planning and budgetary processes, allowing us to determine the projects that are needed to achieve the goals of the Comprehensive Plan and assuring that we will have adequate funds to undertake these projects. It is an integral component of the City's twenty-year Comprehensive Plan and directly related to growth management and Plan implementation. New information and priorities are continually reviewed and annual amendments to the CFP must maintain consistency with all other elements of the Comprehensive Plan." (emphasis is ours).

◆◆◆◆◆

Thank you for the opportunity to comment on the proposed DRAFT SEIS and related documents. We would request that we be advised of any subsequent revisions to the Draft SEIS, and/or related plans and regulations, and of course the Final SEIS.

Sincerely,



Jim Egge, Senior Consultant - Land Use

JAMES EGGE & ASSOCIATES for Sterling Realty Organization, Inc.

Cc Sterling Realty Organization, Inc. – attn: Mr. David Schooler

HUIGHWAY 99 CORRIDOR PLAN

Public Meeting Evaluation Sheet

September 28, 2010

	RATING				
	Great/ High Priority	Good Idea	Not Sure/ Neutral	Bad Idea	Horrible!
General Concepts and Development Standards					
1. Focus Mixed use development around transit stop nodes. <i>NOT at 196th + Hwy 99</i>				X	-
2. Retain commercial orientation along Highway 99 in the rest of the corridor outside of the nodes.	X				
3. In the most intensive nodes with <i>Highway 99 Mixed Use – Residential Required</i> zoning, require that new residences be included as part of any <i>major</i> redevelopment. Existing development and uses may remain and existing buildings may be expanded up to 25% of original.				X	X
4. In the nodes, do not restrict density, building footprint, height or building bulk, <i>provided</i> setbacks and other requirements are in place to protect single family residences from loss of privacy and solar access.					
5. Add or improve parks where needed in nodes.			X		
Design Guidelines					
6. Require attractive streetfronts along major pedestrian routes.		X			
7. Require good pedestrian circulation within large developments.					
8. Establish setbacks and design guidelines to protect privacy and livability of single family residences.		X			
9. Require open space and green features of new development.			X		
10. Require some architectural features at prominent intersections..		X			

Kevin Garrett
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kgarrett@ci.lynnwood.wa.us
(425) 670-5405

RECEIVED
SEP 30 2010
CITY OF LYNNWOOD
COMMUNITY DEVELOPMENT

September 29, 2010

Mailed by e-mail and US mail, certified #70010320000411373631.

1 Re: New Zoning, "Housing encouraged" in the Highway 99 Corridor Plan as it affects the undivided two acre site with two buildings on it, Mills Music, and the former Mercedes-Benz dealership, vacant buildings at 20505 and 20515 Highway 99, Lynnwood, WA 092036. Site pictures are available at www.trimakas.com.

Dear Kevin Garrett,

I felt badly that I might have offended John Owen, your consultant, by some of my questions last night. I felt however that we were in strange and indeterminate conversation. While the City of Lynnwood scrambles to bridge a severe revenue shortfall, laying off employees, and folks like myself and my wife grapple with economic survival, the planning ship that had set sail two years earlier when no one could predict the depth of our generation-ending Great Recession, now continues to sail, innocent of turbulence, unaware of the financial pain most of us are feeling.

I love the Lynnwood community, and its eagerness to make the American Dream come true. I'm happy to say Lynnwood made it possible for my wife and I to purchase raw land 35 years ago, a purchase financed with "sweat capital". On a portion of the land we built and developed our floor carpeting business. After keeping the undeveloped portion fourteen years we took a huge risk to invite Lexus to Lynnwood in 1989, betting all we owned when no one paid attention to Lynnwood, when no one believed that "Luxury" and "Japanese" could be said in the same breath, when all the wise financial auto men said "no way are we going to risk money on this venture" but my wife and I found a way to take the risk. In fact we bet the farm that Lexus would succeed in Lynnwood, mortgaging ourselves to the hilt to build them a dealership next to our carpet store.

They did succeed and we didn't go broke. (It was close.) Fifteen years later they built across the street in order to expand and thus they were the avant-garde that attracted others to Lynnwood, car dealers that now support at least 23% of the City of Lynnwood's sales tax revenue.

When Lexus came to the end of their lease, and moved across the street from us, we leased to Mercedes-Benz, who also did well, and using the incubator energy we provided, they grew big enough to build their own building two miles north, but within city limits. Since they moved to their new home a month ago we remain vacant. Zip. Zero income.

So here's our story: Lexus, Mercedes-Benz, both are huge Lynnwood sales tax and real estate tax assets that Donna and I brought into the City of Lynnwood. (Other cities were competing to get these luxury brands.) The proposed new zoning category, "housing encouraged", apparently spares them, indeed our off-spring, but guarantees our own financial ruin.

The issue is this: We own a single use, high-quality, expensively mortgaged building, that we had built in 1989 on what was once considered undesirable and difficult to build on land. Our risk-taking brought into the community 35 job and huge sales tax revenues to the City of Lynnwood. Your internal sales tax studies suggest that 23.2% of the city's operating sales tax revenue come from Highway 99. We helped make it happen for Lynnwood!

So consider this: our remaining Bank of America mortgage on this building makes it impossible for us to consider tearing down the 21-year-old building; we have no spare money with which to re-develop, and no sane bank would loan us a nickel. What's equally important our 2-acre site, with its steep drop off, inconceivably expensive building teardown, is much too small to allow economically viable high-density residential re-development. That said, independent real estate appraisals in-hand, including the Bank of America's, report that the highest and best use for this specialty building is an auto dealership. Yet, your proposed zoning change specifically prohibits such use.

Since we cannot re-develop, and the proposed zoning changes prevent auto-type businesses in our future, this zoning change would doom us to foreclosure by the Bank of America, assuring loss of revenue to the City of Lynnwood, and the loss of roughly 35 jobs that dealership could bring to the city.

I'm stunned to think, that the Highway 99 planning ship that set sail two years ago, when none of us knew the extent or the severity of the Great Recession, could now be allowed to sail unhindered, carrying its crew of planners, consultants and architects working in peaceful offices, while the rest of us scramble for survival.

I'm hoping to persuade you, also our elected officials, and Planning Commission members, that the plan as it stands is a beautiful folly, well intentioned, good-hearted, but ignorant of the irreparable damage to folks like myself, life-long Lynnwood supporters.

We are truly a "small" business, not someone large masquerading as small. And now that I'm 71, and my wife's 68, after having spent our energetic youthful efforts over

roughly 35 years working the Lynnwood site, we hope that we can persuade others to see the sub-text of your good intentions: a devastating loss to small business folks like ourselves, causing unintended collateral damage to the life-blood of our local economy.

The plans, as they stand, are in effect condemnation of our property, taken from us without reimbursement. A policy, of locals be-damned, with only the large out-of-town developers left to gobble up the small fry like us.

Honestly? Do I think this is your true intention? Not by a long shot. And now that we have met, opened up a conversation, you have in your planning oversight the capacity to make changes in the Highway 99 consultant's proposal to prevent this awesome damage to one of your loyal local supporters.

There you have it. We live eighteen minutes away from our Lynnwood site; we have bet it all on Lynnwood's prosperity thirty-five years ago when no one believed in Lynnwood; we're a couple who has no retirement, no 401 plan, no salary, no investors or big-time developers behind us. Though we are vacant today, and might remain vacant for a year or so, we hope, with good luck willing, and our general commercial zoning undisturbed, to contribute employment and sales tax revenue to the City of Lynnwood again.

We've given the City of Lynnwood a fair shake with our once youthful energy, what we need now, or would like to get from you, the city planners, the consultants, the council and mayor, is assurance that our loyalty to Lynnwood will not be betrayed.

All Best Wishes,



Ed Trimakas
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(425) 355-9608
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Mukilteo, WA 98275

Cc: David Kleitsch
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dkleitsch@ci.lynnwood.wa.us

John. H. Owen Jr.
Makers
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Kevin Garrett
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RECEIVED
OCT 05 2010
CITY OF LYNNWOOD
COMMUNITY DEVELOPMENT

October 4, 2010

Re: Corridor 99 impact. Additional comments and images submitted to the planning commission and the city council prior to the October 11th meeting. Sent by email and certified US Mail #700103200004411373624.

Dear Kevin Garrett,

I'm still reeling from the re-zoning shock delivered at last Tuesday's meeting. I don't understand why this harsh rezoning proposal should go forth, and I don't agree with what little I do understand about the creation of the nebulous "housing encouraged" zoning category to replace General Commercial that has brought jobs to the City of Lynnwood since its incorporation in 1959.

In the aftermath of your consultant's previously unannounced but radical recommendations just days before the scheduled council hearing, I couldn't help wondering what background interests, and why, such a huge change in the Commercial General zoning was kept secret, or at least under wraps, from much of the general public until the very last week to make a comment before the cut-off date.

For the record, I wish to point out that Mr. Owen, a partner in the Seattle firm MAKERS, is one of six partners, three associates, five planning, support and architectural staff members, a staff of fourteen Seattle professionals. I believe that consulting work on the Highway 99 corridor project would be a great asset to any consulting outfit, and I'm guessing this might also be true for MAKERS. You may retrieve this information at www.makersarch.com. Among their successful projects are the Zoo Carousel and Seward Park Picnic Shelters.

In a great leap from picnics and zoo carousels, they are now proposing long-term radical changes along Highway 99 that profoundly affect Lynnwood's future revenues. Indeed, I have read and *supported* the published Corridor study electronically available since 2007. A study submitted by another consulting company. But it wasn't until the night of the Trinity Lutheran Church meeting last week that I understood MAKERS was a separate company, presenting us with a radical anti-business agenda. In his remarks Mr. Owen suggested that his zoning changes might take 10 to 20 years to show true merit. This casual approach to our future stunned me in its harsh disregard for the many people who had worked to build Lynnwood to its rightful leadership as a regional commercial community asset.

I can speak with specificity what Mr. Owen's remarks failed to deliver. To put his suggestions into perspective, let's imagine the useful life of an auto dealership building my wife and I own as roughly sixty-five years. Mr. Owen's proposed changes would end the usefulness of this single purpose, special-use, building *immediately*, thus depriving the community of about 45 more years the building could contribute to the commercial life of the community for which it was built.

Twenty-one years earlier we broke ground for Lexus, a building subsequently occupied by Mercedes-Benz. At the time we launched this project, city leaders were pleased with our risky venture to attract a luxury franchise to Lynnwood. In fact, I was praised for bringing into the community a business that offered good jobs, huge sales tax revenues, and a quality image. The proposed zoning change would destroy the project's financial viability, but myself aside, the city's revenues would be hurt, and Lynnwood's residents short-changed, by this thinly-veiled, radical, anti-business proposal pitched at us during a time of systemic economic weakness.

Mr. Owen, our Seattle-based consultant, has no imperative to carry Lynnwood's historical memory. He may or may not know that we've celebrated the city's 50th Anniversary just last year, and he certainly has no professional obligation to go back to 1989, but there are pictures in several archives of city leaders proudly ushering in a new Lexus auto dealer era along Highway 99. My wife and I accepted the city's challenge to encourage this growth, and bet the farm to give Lexus a home.

The building's age today is 21 - in generational terms, a newby just coming of age. Mr. Owen's proposals, if accepted by the planning commission and approved by council, would in effect impose capital punishment by prohibiting an auto-type business on our site, making the building useless for its intended purpose, denying us a livelihood, and the city its much needed revenue.

To give a historical sense of the huge risk we took to build the Lexus auto dealership building in Lynnwood, I'm including a picture from the appraisers report back then. The environs were untidy. We took an unpromising site next to our business, Abbey Carpet, and removed tons of fill and replaced it with construction grade gravel. You can see the results at www.trimakas.com, a web site designed to sell or lease the currently vacant premises, or in the picture attached to this correspondence.

I'm including one other picture, myself as U.S. Army soldier, getting married just as the Vietnam conflict was getting hot. I'm proud to serve in the Army; my wife wears a borrowed gown. What does our wedding have to do with the proposed zoning changes? It's a footnote on experts: they told us the Vietnam conflict was going to be a cakewalk, easily won. We have learned otherwise. What makes us now think that our out-of-town experts, with no skin in the game, are right about Lynnwood's future? Can we please take a moment longer to think this through?

Thus the picture offers a personal narrative: my wife and I have worked to maintain community standards, we battled two major recessions before our current Great

Recession, and we've persevered. Our daughter served at Children's Hospital; our son remains a paramedic and firefighter in Bellingham. So the wedding picture begs the next question: why would city leaders, the planning commission, the council, turn against the people who had worked to make Lynnwood a success?

The conflict is between an out-of-town consultant's aesthetic elitism, removed from the facts on the ground, and our local realities. Mr. Rood, in his presentation of comparable projects, points to severe shortfalls. There is every possibility that Lynnwood's revenues will deteriorate further if these radical zoning changes are enacted.

With that in mind, and because no one has yet reached out to talk to my wife and me about our concerns, and because I was asked not to contact individual city leaders, I'm inviting all, the council, the planning commissioners, for a tour of the former Lexus and Mercedes-Benz building, to see its quality, look at its history, offer suggestions, and judge for themselves if an act of eminent domain hidden within the sly use of zoning revision as proposed by Mr. Owen, is in fact in the best interests of Lynnwood's future.

I'm happy to show the premises to each member individually, or as a group. Should anyone wish to contact me directly, my home phone number is 425-355-9608, or you may reach me by email, gediminas@earthlink.net.

All Best,

A handwritten signature in blue ink, appearing to read 'Ed Trimakas', with a long horizontal flourish extending to the right.

Ed Trimakas





Mercedes-Benz of Lynnwood

ACE Music



Gloria Rivera

From: Gediminas Trimakas [gediminas@earthlink.net]
Sent: Wednesday, October 06, 2010 10:57 AM
To: Kevin Garrett
Cc: David Kleitsch; Gloria Rivera
Subject: Additional Highway 99 Corridor comments

Hi Kevin,

I've not been informed of Mr. Owen's anti-business bias, as expressed in the Highway 99 Corridor plan, until eight days ago. Thus I'm playing catch-up to get all my comments forwarded to our city leaders before the end of the comment period.

Essentially, I object to the clever use of Orwellian language in the proposed rezoning. The factual circumstance is this: those of us who risked our financial future to develop portions of long-dormant Highway 99 by borrowing large chunks of money to do so, had relied on the constancy of city planning to assure us of CG zoning for the life of our project. But now, with a flick of Mr. Owen's proposed zoning ordinance changes - which I doubt would survive judicial scrutiny - if we happen to fall in CG zones re-labeled as "Residential Encouraged", we will be prohibited from certain kinds of CG activity we could engage in before the change.

This job-killing Corridor proposal, if enacted, would crush the value of the smaller properties and smaller businesses, punishing the small business owners who helped Lynnwood grow. Unfortunately, though we love technology, we're brick and mortar folks; we can't call on Peter Pan to move our buildings to more welcoming sites, nor ask Wizard of Oz to intercede on our behalf with the banks who had mortgaged our properties.

In Lynnwood we have been used to straight talk. To us, the meanings of CG, General Commercial, or B1, Community Business, or RMH, Multiple Residential High Density, were clear. The proposed, ambiguous, "Residential Encouraged" category abandons what was once a level-playing field for the squishy idea of "encouraging" private behavior. This is as clever as it is cynical. A word trick, an effort to fool us into accepting the friendly meaning of "encouraged" to hide social engineering better known for its devastating poor results in the former Soviet Union.

Mr. Owen, in his personal comments, tries to glide past the plan's radical wrinkle. Neither the city, nor county, nor state are giving tax credits or paying in any way for this "encouragement". The proposed plan's prohibitions aimed at CG zoning are so severe, that in effect it represents a partial city condemnation of businesses that had stayed loyal to Lynnwood, owners like my wife and myself, who over a period of 35 years took an unpromising small two-acre Lynnwood site to start our business (Abbey Carpet), and were successful, and went on to develop the remaining raw land, bringing good jobs to Lynnwood, and much needed city revenue. As the record shows, we are not developers in the ordinary sense of the word, but more like "mom and pop" who took a big risk.

We couldn't have done it without continued CG zoning. In fact, we relied on CG zoning. So did our bankers. But now, our minds affectionately jerked around by the consultant's newspeak - "encouraged" - owners of small CG sites along Highway 99 will see their properties jailed, hindering Lynnwood's growth as a commercial regional powerhouse.

10/13/2010

As a practical matter, CG zoning henceforth transmogrified into “Residential Encouraged” zoning means you can’t sell or lease your property for the business it was intended; it means the value of your property would collapse. If consultants can disguise their bold attack on small entrepreneurs in Lynnwood, job-creators, small commercial property owners, will they then attack residential property owners in the same way tomorrow? Orwellian, indeed.

We’re just creeping out of the Great Recession, our future promising but uncertain. The first Corridor study was published in 2007, when city revenues were heftier, but now those revenues have caved, and we have traffic cameras searching every thoroughfare for ways to raise more revenue. Given such a huge fall-off in business and city revenue, can we afford to enact this nakedly anti-business, anti-jobs, zoning proposal? Who is asking for this plan?

Kevin, thank you for your patience in posting my comments, these included. I look forward to attending the council meeting October 11th and I’ll bring copies of my correspondence to hand out to those present who have not had a chance to look at the digital record online.

All Best,

Ed Trimakas

Home phone: 425 355-9608
20505 and 20515 Highway 99, Lynnwood, WA

Gloria Rivera

From: Gediminas Trimakas [gediminas@earthlink.net]
Sent: Friday, October 08, 2010 10:37 AM
To: Kevin Garrett
Cc: David Kleitsch; Gloria Rivera; johno@makersarch.com; Inc. (206)713-1304 Martin S. Rood Mr.99 & Associates
Subject: A solution, and summary comments on Highway 99 Corridor proposal

Good Morning Kevin,

I think I might have been overloading the online comment forum with my comments. But I wish to affirm that I'm in favor of comprehensive planning and admire it's proper role in guiding a city's growth. I'm opposed to specific details of the Highway 99 Corridor plan, not the overall view, or it's intention to better our community.

I'm still startled that no one, to my knowledge, physically *looked* at the individual properties that are to be designated as "housing encouraged" nodes in previously Commercial General areas, to see the practical impact of Mr. Owen's idealistic zoning proposal, that sweeps everyone, willy-nilly away from free market choices into a one-size-fits-all.

On my 2.14 acre Commercial General site, for example, sit two buildings, one in which I started my business career in Lynnwood 34 years ago, and the second, a relatively new and expensive auto dealership building I had built for the Lexus of Lynnwood auto dealer. Still mortgaged and in excellent condition, the building has very few uses other than as a car dealer's facility. The proposal's implied suggestion that I tear it down and build housing on the site goes beyond utopian to something almost off-the-wall.

Long-time Lynnwood loyalists, such as myself, view the compulsory one-size-fits all approach to build housing on previously zoned CG property as an attempt to chop off their financial limbs if they, as in my case, are incapable of following Mr. Owen's proposed "encouragement."

His proposal would prohibit leasing or selling to an auto dealer the specially designed, single-purpose building, built to house Lexus of Lynnwood, and subsequently, Mercedes-Benz of Lynnwood, thus denying me the use of the building for the purpose it was built.

The clear injustice in this matter can be easily resolved by integrating market choice into Mr. Owen's utopian, and generally well-intentioned, though flawed, proposals. If a current CG owner finds "housing encouraged" financially viable, then he or she can go for it. But if housing is not financially viable on their CG site, then owners should be free to remain true to unrestricted use of Commercial General zoning.

The City Council may cure this injustice by removing the compulsory "Thou shalt not" prohibition, that rules out future auto dealership use, even where such use has been the sole economic justification for developing the site. Such a change would loosen Mr. Owen's straightjacket and allow market forces to decide what the people of Lynnwood will support.

Kevin, I've overburdened your system with several long emails and letters. This is the last one I would like to include for City Council discussion. If the previous correspondence is too long, this one, is a good summary for City Council members hard pressed to read all that's been submitted. Thanks much for your patience.

Have a good weekend. All Best, Ed

Gloria Rivera

From: Gediminas Trimakas [gediminas@earthlink.net]
Sent: Sunday, October 10, 2010 12:48 PM
To: projecthwy99; Kevin Garrett
Cc: Gloria Rivera; David Kleitsch
Subject: Request to change the Corridor 99 draft proposal

Dear Kevin Garrett,

I thought I was done with my comments but new details require me to speak out again. The March 3rd, 2009 Corridor presentation lists Gloria Rivera as the contact person for the Highway 99 Corridor project. On page 16 of the same presentation my property is clearly circled and identified as part of a General Commercial zone that serves "Auto-oriented uses such as car dealerships." I was perfectly in accord with your planning on that date, and thus secure in the public information you provided on the web I had no reason to contact Ms. Rivera until I heard of the stunning reversal of what I was led to believe earlier.

The first time I heard of the "housing encouraged" stipulation was at the Trinity Lutheran informational meeting held September 28th, 2010 - just days after hundreds of detailed draft proposals were made available on your website. Under 21.62.210 of the draft proposal that defines Prohibited Uses, subparagraph B, line item 5, and bans all "auto-oriented commercial uses" including auto dealerships from Housing Encouraged (HMU-RE) nodes. A re-zoning that essentially destroys the value of my small parcel used to introduce Lexus of Lynnwood and Mercedes-Benz of Lynnwood to the local market.

Given my track record for organizing ventures that have brought much revenue to Lynnwood, and given the quality of the projects, I now believe that I've been unfairly targeted, that either by design or accident, your department and your consulting firm have kept me in the dark about the radical consequences your draft would have on my property.

Specifically, within the 204th and SR99 node, Mr. Ikigami's auto properties on both sides of the street are allowed variances because he's actually *operating* an auto dealership. Mr. Jack Carroll's former Dodge dealership on three and half acres across the street, its Dodge building built in 1964, currently vacant and available for lease might also find a way around the exclusion because he's been an auto dealer. In fact the 204th and SR99 node is a Commercial General "auto dealership node" within which I've housed Lexus and Mercedes-Benz for 21 years. Given these facts on the ground, it's certainly strange, perhaps even suspect, that my currently vacant building, the newest and highest-quality dealership building in the above group, should be targeted for extinction by denying it the right to serve auto-centric businesses.

I wish to further note the arbitrary selection of "housing encouraged" boundaries in the 204th & SR99 node that selectively privileges one owner and punishes another. Roughly 1000 yards north of me on Highway 99 is the Lexus of Lynnwood dealership I introduced to the City of Lynnwood as my tenant for a period of 15 years. They are allowed to continue as General Commercial, unhampered by "housing encouraged" while the draft proposal denies the same zoning to me even though I've had it for 34 years.

The mystery surrounding the selection of borders deepens further when we realize that the current Lexus site across the street occupies five acres and would be a far more suitable site, closer to the Edmonds Community College, on which to encourage housing, than what is available on my steep two

acre site. Again, this targeted, and at the same time arbitrary, selection process to define HMU-RE nodes by excluding the current neighboring Lexus site, but imposing new restriction on my site should raise eyebrows.

Likewise, the potentially huge economic damage this draft, if adopted, would impose on the city's revenues is another mystery. Who actually stands to benefit from the draft proposal? The number of strange threads keep multiplying.

While the draft proposal targets the value of my property, it rewards the neighbor immediately to the east of me. Specifically, if I'm unable to lease to an auto-type tenant, the value of the buildings on my site at 20505 and 20515 HWY 99 would see their value collapse by as much as half, while the property east of me, identified as 5412, 6414, and 6416, warehouses at 204th St. W with no HWY 99 exposure, but more than twice my land size, would see a sharp rise in value if allowed to build multiple housing residences, which I'm unable to do on my small site. So, despite the presenters use of such words as "encourage" and "enhance" to befriend our community and champion small business, the draft plan has a punitive edge, a bias toward shifting ownership rights away from small property owners like myself toward big, aggregative, land owners and developers.

I suspect that even an impartial real estate observer might find the selective nature of the targeted draft zoning changes, effectively lowering the value of one property-owner to benefit another property owner, not only flawed, but open to skepticism about the fair-mindedness of the entire process.

What's more, the consulting community seems to be unaware that our business community fell off a cliff two years ago, and the city's revenues have suffered the greatest setback in my lifetime. And why would anyone associated with the Corridor project want to keep secret for a year and a half the all-important draft *details* of the proposed changes? Was an agenda in place before we began?

In March 2009 my site was designated as an auto-centric community asset, thus implying its continued acceptance, but a number of days ago the polar opposite was announced. What went on behind closed doors during those nineteen months? The entire decision process, a sort of black box, and subsequent unwillingness to engage with me, suggests a move *away* from open forums in an effort to restrict decision-making to private channels whose point-of-view could then be left unchallenged in an effort to maneuver City Council members to accept a pre-ordained outcome that pleases consultants but few others.

I'm petitioning the City Council to review the plan's grave flaws, and resolve the draft's injustice; I'm looking for relief from City Council law-makers.

All Best,

Ed Trimakas
Member, Trimakas LLC
(425) 355-9608

Gloria Rivera

From: Gediminas Trimakas [gediminas@earthlink.net]
Sent: Friday, October 01, 2010 7:14 AM
To: Kevin Garrett
Cc: David Kleitsch; johno@makersarch.com; Gloria Rivera
Subject: Highway 99 Corridor

Hi Kevin,

What you say about public forums makes good sense to me. I simply want to make sure our commissioners hear me out.

Given the facts on the ground - an expensive, relatively new, high-quality, single-use building I built on a small site, a place useful to auto sales and service companies and undesirable to anyone else; myself, a long-time, law-abiding supporter of Lynnwood, a guy who bet the farm to bring a huge dose of sales tax prosperity to the city, and now, the same guy and building condemned as scrap by a proposed change in zoning rules...well, you can see why I'm suddenly awake at night.

The corridor plan's provision for existing auto businesses to stay in business I had hoped would take in my circumstances but Mr. Owen said that wouldn't be allowed. In other words I have no way out: I could not continue my business of leasing (or selling) to an auto-type tenant. But a small change in the corridor proposal could easily grandfather-in special situations like my own. This is what I'm asking you and the planning commissioners to do. I don't think there are more than two to three people affected as badly as I would be if the new "residential encouraged" re-zoning is indiscriminately applied, which I hope is not going to be the case by the time the corridor proposal reaches the council.

Kevin, please enter this reply to your note into the public record and make it available for each commissioner's review. Thank you.

All Best,

Ed Trimakas

On Sep 30, 2010, at 4:27 PM, Kevin Garrett wrote:

Ed:

Regarding your request to lobby members of the Planning Commission personally regarding Project Hwy 99, while there is no law that would prevent such lobbying, staff believes that the public planning process is best served by having all discussion of a proposal with those who will make recommendations or decisions on the proposal out in public, either at public meetings, hearings, or other public fora. Therefore, while we can't prohibit you from contacting the members of the Planning Commission, we do not provide contact information for the Commissioners to the public. As always, staff will provide any copies of written correspondence from anyone interested in a matter before the Planning Commission to all of the Commissioners.

I hope that you can understand the importance of maintaining a fair and open process for consideration of City planning proposals. Thanks in advance for your cooperation.

Kevin Garrett, AICP
Planning Manager
Lynnwood Community Development
Lynnwood, Washington 98036

From: Gediminas Trimakas [mailto:gediminas@earthlink.net]
Sent: Wednesday, September 29, 2010 6:28 PM
To: Gloria Rivera
Cc: David Kleitsch; Kevin Garrett
Subject: Gloria Rivera Fwd: Highway 99 Corridor meeting last night

Hi Gloria Rivera,

Forgive me for belatedly forwarding this email that I should have copied you in on this morning. But I noticed that Marty Rood did, so I'm following in his steps. That said I wish to also add that I respect the good work the city and its planners have been doing to make Lynnwood a good place in our lives, thus I hope you won't see my objections to the proposed Corridor plan as mere quibbles.

As you will see from the letter I sent to your boss, my concerns are profoundly personal, and I wish in retrospect that I had Mr. Rood's helpful detachment. But it is what it is, my financial lifeline is at stake. If you need anything else from me, please let me know.

I see also that Richard Wright, Maria Ambalada, Van Aubuchon, Bob Larsen, Chad Braithwaite, and Michael Wojack, with whom I had an amiable conversation last night, are all on the Planning Commission. I would like to lobby each of them personally, and if it's allowed - I know they are private citizen volunteers - I would like to have their contact information so I can speak to them personally, or at least email my thoughts on the matter.

All Best,

Ed Trimakas

Begin forwarded message:

From: Gediminas Trimakas <gediminas@earthlink.net>
Date: September 29, 2010 12:26:52 PM PDT
To: kgarrett@ci.lynnwood.wa.us
Cc: dkleitsch@ci.lynnwood.wa.us, johno@makersarch.com
Subject: Highway 99 Corridor meeting last night

Dear Kevin Garrett,

Thank you for your time last evening. I've attached a certified letter addressed

to you, in a Microsoft Word document, that's going out in the US mail today. Please confirm that you've received this email to let me know for sure that I have your correct email address.

All Best,

Ed Trimakas
Member, Trimakas LLC

Gloria Rivera

From: Gediminas Trimakas [gediminas@earthlink.net]
Sent: Monday, October 11, 2010 10:40 AM
To: projecthwy99
Subject: City Council information, Corridor HWY 99

Correspondence sent to with copies sent to Mr. Owen and Mr. Kleitsch. No response received:

Kevin Garrett

Planning Manager

4114 198th St. Suite 7

Lynnwood, WA 98036

kgarrett@ci.lynnwood.wa.us

(425) 670-5405

September 29, 2010

Mailed by e-mail and US mail, certified #70010320000411373631.

Re: New Zoning, "Housing encouraged" in the Highway 99 Corridor Plan as it affects the undivided two acre site with two buildings on it, Mills Music, and the former Mercedes-Benz dealership, vacant buildings at 20505 and 20515 Highway 99, Lynnwood, WA 092036. Site pictures are available at www.trimakas.com.

Dear Kevin Garrett,

I felt badly that I might have offended John Owen, your consultant, by some of my questions last night. I felt however that we were in strange and indeterminate conversation. While the City of Lynnwood scrambles to bridge a severe revenue shortfall, laying off employees, and folks like myself and my wife grapple with economic survival, the planning ship that had set sail two years earlier when no one could predict the depth of our generation-ending Great Recession, now continues to sail, innocent of turbulence, unaware of the financial pain most of us are feeling.

I love the Lynnwood community, and its eagerness to make the American Dream come true. I'm happy to say Lynnwood made it possible for my wife and I to purchase raw land 35 years ago, a purchase financed with "sweat capital". On a portion of the land we built and developed our floor carpeting business. After keeping the undeveloped portion fourteen years we took a huge risk to invite Lexus to Lynnwood in 1989, betting all we owned when no one paid attention to Lynnwood, when no one believed that "Luxury" and "Japanese" could be said in the same breath, when all the wise financial auto men said "no way are we going to risk money on this venture" but my wife and I found a way to

10/13/2010

take the risk. In fact we bet the farm that Lexus would succeed in Lynnwood, mortgaging ourselves to the hilt to build them a dealership next to our carpet store.

They did succeed and we didn't go broke. (It was close.) Fifteen years later they built across the street in order to expand and thus they were the avant-garde that attracted others to Lynnwood, car dealers that now support at least 23% of the City of Lynnwood's sales tax revenue.

When Lexus came to the end of their lease, and moved across the street from us, we leased to Mercedes-Benz, who also did well, and using the incubator energy we provided, they grew big enough to build their own building two miles north, but within city limits. Since they moved to their new home a month ago we remain vacant. Zip. Zero income.

So here's our story: Lexus, Mercedes-Benz, both are huge Lynnwood sales tax and real estate tax assets that Donna and I brought into the City of Lynnwood. (Other cities were competing to get these luxury brands.) The proposed new zoning category, "housing encouraged", apparently spares them, indeed our off-spring, but guarantees our own financial ruin.

The issue is this: We own a single use, high-quality, expensively mortgaged building, that we had built in 1989 on what was once considered undesirable and difficult to build on land. Our risk-taking brought into the community 35 job and huge sales tax revenues to the City of Lynnwood. Your internal sales tax studies suggest that 23.2% of the city's operating sales tax revenue come from Highway 99. We helped make it happen for Lynnwood!

So consider this: our remaining Bank of America mortgage on this building makes it impossible for us to consider tearing down the 21-year-old building; we have no spare money with which to re-develop, and no sane bank would loan us a nickel. What's equally important our 2-acre site, with its steep drop off, inconceivably expensive building teardown, is much too small to allow economically viable high-density residential re-development. That said, independent real estate appraisals in-hand, including the Bank of America's, report that the highest and best use for this specialty building is an auto dealership. Yet, your proposed zoning change specifically prohibits such use.

Since we cannot re-develop, and the proposed zoning changes prevent auto-type businesses in our future, this zoning change would doom us to foreclosure by the Bank of America, assuring loss of revenue to the City of Lynnwood, and the loss of roughly 35 jobs that dealership could bring to the city.

I'm stunned to think, that the Highway 99 planning ship that set sail two years ago, when none of us knew the extent or the severity of the Great Recession, could now be allowed to sail unhindered, carrying its crew of planners, consultants and architects working in peaceful offices, while the rest of us scramble for survival.

I'm hoping to persuade you, also our elected officials, and Planning Commission members, that the plan as it stands is a beautiful folly, well intentioned, good-hearted, but ignorant of the irreparable damage to folks like myself, life-long Lynnwood supporters.

We are truly a "small" business, not someone large masquerading as small. And now that I'm 71, and my wife's 68, after having spent our energetic youthful efforts over roughly 35 years working the Lynnwood site, we hope that we can persuade others to see the sub-text of your good intentions: a devastating loss to small business folks like ourselves, causing unintended collateral damage to the life-blood of our local economy.

The plans, as they stand, are in effect condemnation of our property, taken from us without reimbursement. A policy, of locals be-damned, with only the large out-of-town developers left to gobble up the small fry like us.

Honestly? Do I think this is your true intention? Not by a long shot. And now that we have met, opened up a conversation, you have in your planning oversight the capacity to make changes in the Highway 99 consultant's proposal to prevent this awesome damage to one of your loyal local supporters.

There you have it. We live eighteen minutes away from our Lynnwood site; we have bet it all on Lynnwood's prosperity thirty-five years ago when no one believed in Lynnwood; we're a couple who has no retirement, no 401 plan, no salary, no investors or big-time developers behind us. Though we are vacant today, and might remain vacant for a year or so, we hope, with good luck willing, and our general commercial zoning undisturbed, to contribute employment and sales tax revenue to the City of Lynnwood again.

We've given the City of Lynnwood a fair shake with our once youthful energy, what we need now, or would like to get from you, the city planners, the consultants, the council and mayor, is assurance that our loyalty to Lynnwood will not be betrayed.

All Best Wishes,

Ed Trimakas, Member, Trimakas LLC

gediminas@earthlink.net

(425) 355-9608

6029 95th Pl SW

Mukilteo, WA 98275

Cc: David Kleitsch

Economic Development Director

dkleitsch@ci.lynnwood.wa.us

John. H. Owen Jr.

Makers

johno@makersarch.com

10/13/2010

Gloria Rivera

From: Gediminas Trimakas [gediminas@earthlink.net]
Sent: Monday, October 11, 2010 10:45 AM
To: projecthwy99
Subject: Fwd: Additional Comments, images for the City Council
Attachments: Planning commision City Council.docx; ATT52679634.htm; AbbeyR.jpeg; ATT52679635.htm; Auto Building sent to planning.jpeg; ATT52679636.htm; wedding.jpeg; ATT52679637.htm

Self-explantory email and attached letter and images. No response received:

Begin forwarded message:

From: Gediminas Trimakas <gediminas@earthlink.net>
Date: October 4, 2010 9:39:59 AM PDT
To: Kevin Garrett <kgarrett@ci.lynnwood.wa.us>
Cc: dkleitsch@ci.lynnwood.wa.us, grivera@ci.lynnwood.wa.us
Subject: **Additional Comments, images**

Hi Kevin,

I've not had anyone reach out to me regarding my concerns, thus I'm forwarding additional comments and images via email and Certified US Mail. Please add these to the public record for planning commission members and council members to revue in advance of the council's deliberation on the Highway 99 Corridor proposals.

My comments are submitted in a Microsoft Word letter addressed to you. The images are jpegs. If the intended recipients of this information are unable to open jpegs I can resend the images as pdfs.

All Best,

Ed Trimakas
(425) 355-9608

Gloria Rivera

From: Gediminas Trimakas [gediminas@earthlink.net]
Sent: Monday, October 11, 2010 10:50 AM
To: projecthwy99
Subject: For the City Council

Contents of letter attached to the previous email containing images. No response received.

To:

Kevin Garrett
Planning Manager
4114 198th St. Suite 7
Lynnwood, WA 98036

October 4, 2010

Re: Corridor 99 impact. Additional comments and images submitted to the planning commission and the city council prior to the October 11th meeting. Sent by email and certified US Mail #700103200004411373624.

Dear Kevin Garrett,

I'm still reeling from the re-zoning shock delivered at last Tuesday's meeting. I don't understand why this harsh rezoning proposal should go forth, and I don't agree with what little I do understand about the creation of the nebulous "housing encouraged" zoning category to replace General Commercial that has brought jobs to the City of Lynnwood since its incorporation in 1959.

In the aftermath of your consultant's previously unannounced but radical recommendations just days before the scheduled council hearing, I couldn't help wondering what background interests, and why, such a huge change in the Commercial General zoning was kept secret, or at least under wraps, from much of the general public until the very last week to make a comment before the cut-off date.

For the record, I wish to point out that Mr. Owen, a partner in the Seattle firm MAKERS, is one of six partners, three associates, five planning, support and architectural staff members, a staff of fourteen Seattle professionals. I believe that consulting work on the Highway 99 corridor project would be a great asset to any consulting outfit, and I'm guessing this might also be true for MAKERS. You may retrieve this information at www.makersarch.com. Among their successful projects are the Zoo Carousel and Seward Park Picnic Shelters.

In a great leap from picnics and zoo carousels, they are now proposing long-term radical changes along Highway 99 that profoundly affect Lynnwood's future revenues. Indeed, I have read and *supported* the published Corridor study electronically available since 2007. A study submitted by another consulting company. But it wasn't until the night of the Trinity Lutheran Church meeting last week that I understood MAKERS was a separate company, presenting us with a radical anti-business agenda. In his remarks Mr. Owen suggested that his zoning changes might take 10 to 20 years to show true merit. This casual approach to our future stunned me in its harsh disregard for the many people who had worked to build Lynnwood to its rightful leadership as a regional commercial community asset.

10/13/2010

Gloria Rivera

From: Gediminas Trimakas [gediminas@earthlink.net]
Sent: Monday, October 11, 2010 10:54 AM
To: projecthwy99
Subject: Fwd: Additional Highway 99 Corridor comments for the City Council

For the City Council: No response received to the contents of this email.

Begin forwarded message:

From: Gediminas Trimakas <gediminas@earthlink.net>
Date: October 6, 2010 10:56:44 AM PDT
To: Kevin Garrett <kgarrett@ci.lynnwood.wa.us>
Cc: David Kleitsch <dkleitsch@ci.lynnwood.wa.us>, Gloria Rivera <grivera@ci.lynnwood.wa.us>
Subject: Additional Highway 99 Corridor comments

Hi Kevin,

I've not been informed of Mr. Owen's anti-business bias, as expressed in the Highway 99 Corridor plan, until eight days ago. Thus I'm playing catch-up to get all my comments forwarded to our city leaders before the end of the comment period.

Essentially, I object to the clever use of Orwellian language in the proposed rezoning. The factual circumstance is this: those of us who risked our financial future to develop portions of long-dormant Highway 99 by borrowing large chunks of money to do so, had relied on the constancy of city planning to assure us of CG zoning for the life of our project. But now, with a flick of Mr. Owen's proposed zoning ordinance changes - which I doubt would survive judicial scrutiny - if we happen to fall in CG zones re-labeled as "Residential Encouraged", we will be prohibited from certain kinds of CG activity we could engage in before the change.

This job-killing Corridor proposal, if enacted, would crush the value of the smaller properties and smaller businesses, punishing the small business owners who helped Lynnwood grow. Unfortunately, though we love technology, we're brick and mortar folks; we can't call on Peter Pan to move our buildings to more welcoming sites, nor ask Wizard of Oz to intercede on our behalf with the banks who had mortgaged our properties.

In Lynnwood we have been used to straight talk. To us, the meanings of CG, General Commercial, or B1, Community Business, or RMH, Multiple Residential High Density, were clear. The proposed, ambiguous, "Residential Encouraged" category abandons what was once a level-playing field for the squishy idea of "encouraging" private behavior. This is as clever as it is cynical. A word trick, an effort to fool us into accepting the friendly meaning of "encouraged" to hide social engineering better known for its devastating poor results in the former Soviet Union.

Mr. Owen, in his personal comments, tries to glide past the plan's radical wrinkle. Neither

the city, nor county, nor state are giving tax credits or paying in any way for this "encouragement". The proposed plan's prohibitions aimed at CG zoning are so severe, that in effect it represents a partial city condemnation of businesses that had stayed loyal to Lynnwood, owners like my wife and myself, who over a period of 35 years took an unpromising small two-acre Lynnwood site to start our business (Abbey Carpet), and were successful, and went on to develop the remaining raw land, bringing good jobs to Lynnwood, and much needed city revenue. As the record shows, we are not developers in the ordinary sense of the word, but more like "mom and pop" who took a big risk.

We couldn't have done it without continued CG zoning. In fact, we relied on CG zoning. So did our bankers. But now, our minds affectionately jerked around by the consultant's newspeak - "encouraged" - owners of small CG sites along Highway 99 will see their properties jailed, hindering Lynnwood's growth as a commercial regional powerhouse.

As a practical matter, CG zoning henceforth transmogrified into "Residential Encouraged" zoning means you can't sell or lease your property for the business it was intended; it means the value of your property would collapse. If consultants can disguise their bold attack on small entrepreneurs in Lynnwood, job-creators, small commercial property owners, will they then attack residential property owners in the same way tomorrow? Orwellian, indeed.

We're just creeping out of the Great Recession, our future promising but uncertain. The first Corridor study was published in 2007, when city revenues were heftier, but now those revenues have caved, and we have traffic cameras searching every thoroughfare for ways to raise more revenue. Given such a huge fall-off in business and city revenue, can we afford to enact this nakedly anti-business, anti-jobs, zoning proposal? Who is asking for this plan?

Kevin, thank you for your patience in posting my comments, these included. I look forward to attending the council meeting October 11th and I'll bring copies of my correspondence to hand out to those present who have not had a chance to look at the digital record online.

All Best,

Ed Trimakas

Home phone: 425 355-9608
20505 and 20515 Highway 99, Lynnwood, WA

HUIGHWAY 99 CORRIDOR PLAN

Public Meeting Evaluation Sheet

September 28, 2010

	RATING				
	Great/ High Priority	Good Idea	Not Sure/ Neutral	Bad Idea	Horrible!
General Concepts and Development Standards					
1. Focus Mixed use development around transit stop nodes.			X		
2. Retain commercial orientation along Highway 99 in the rest of the corridor outside of the nodes.	X				
3. In the most intensive nodes with <i>Highway 99 Mixed Use – Residential Required</i> zoning, require that new residences be included as part of any <i>major</i> redevelopment. Existing development and uses may remain and existing buildings may be expanded up to 25% of original.					X
4. In the nodes, do not restrict density, building footprint, height or building bulk, <i>provided</i> setbacks and other requirements are in place to protect single family residences from loss of privacy and solar access.	X				
5. Add or improve parks where needed in nodes.			X		
Design Guidelines					
6. Require attractive streetfronts along major pedestrian routes.		X			
7. Require good pedestrian circulation within large developments.		X			
8. Establish setbacks and design guidelines to protect privacy and livability of single family residences.		X			
9. Require open space and green features of new development.		X			
10. Require some architectural features at prominent intersections..		X			

RATING

	Great/ High Priority	Good Idea	Not Sure/ Neutral	Bad Idea	Horrible!
11. Require screening of dumpsters and service areas.	X				
12. Establish design guidelines to increase safety and security.		X			

Comments: Prior comments made at earlier meeting disregarded re: existing uses at "nodes - key intersections"; allowing nonconforming auto loader type uses expansion of up to 25% is INADEQUATE!

Plan places high emphasis on Transit yet does not address pedestrian safety/crossing of 7 lane 45 MPH Hwy 99 in 12 block section between 188th + 176th where except at existing 188th + 176th signals. There are no controlled places to cross Hwy 99 despite Transit stops on opposite sides of Hwy 99 at 180th & 182nd; signal needed at 180th

Examples of mixed use in Market presentation ^{included} ~~consisted of~~ several six level structures - undoubtedly frame construction of 4 or 5 floors over 1 or 2 levels of masonry - Lynnwood's Fire & Building codes not allow - codes must be modernized/updated to allow 6 levels with upper 4 or 5 floors being frame construction or the densities desired in Plan will not be achieved.

Incentives for residential uses ^{must} be included in zoning thru 99 Projected & forced/required in None of the area. Project Plan will work exceedingly better when projects are encouraged and are market driven. When requirements for components where there is no market &/or are not feasible are mandated results will be NO NEW DEVELOPMENT & FOR REDEVELOPMENT.



7100 Hardeson Road
Everett, WA 98203-5834

www.communitytransit.org
425/348-7100 ph
425/348-2319 fax

Joyce Eleanor
Chief Executive Officer

Environmental Review Committee
ATTN: Mr. Kevin Garrett, AICP
City of Lynnwood
Lynnwood, WA 98046-5008

RECEIVED
OCT 11 2010
CITY OF LYNNWOOD
PERMIT CENTER

October 5, 2010

Re: Highway 99 Corridor Sub-Area Plan SEIS, Draft Plan, Draft Lynnwood Code Chapter 21.62 (Highway 99 Mixed Use Zones), and Draft Design Guidelines for Highway 99 Mixed-Use Zones

Dear Mr. Garrett:

Community Transit appreciates the opportunity to provide comment to proposed development plans throughout Snohomish County. It is our policy to help ensure that future growth is compatible with public transportation and services offered by Community Transit. The document mentioned above has been reviewed by planning staff and comments have been summarized below.

General Comments:

We commend the City of Lynnwood's effort to spur economic development within the Highway 99 corridor by planning for higher land use intensities around Community Transit's *Swift*, bus rapid transit (BRT), stations. Although BRT is relatively new in the United States, reports are emerging confirming that BRT stations are a catalyst for economic development.

Community Transit launched the first BRT system in Washington State in November 2009. There are 12 pairs of *Swift* stations within the 17.6 mile corridor between Everett Station and Aurora Village, with two additional pairs currently being constructed in the City of Everett. The buses run every 10 minutes Monday through Friday between 5 AM and 7 PM, and every 20 minutes on weekends and weekdays after 7 PM. Since beginning service, ridership has continued to increase, and exceeded the first year forecasts within the first six months of operation. In August 2010, *Swift* had 82,240 boardings, with average 3,337 weekday boardings and 2,211 Saturday boardings. The line has been so successful; it is already our highest ridership route.

The agency is also completing a Long Range Transit Plan; adoption is anticipated in early 2011. This plan includes transit emphasis corridors, where additional BRT lines may be developed in the future. The plan also includes performance standards for the types of services Community Transit offers, along with the conditions necessary to support each service type. The draft guidelines state the following need to be in place for *Swift* BRT:

1. Business Access and Transit (BAT) lanes or better
2. Signal priority system
3. Limited parking
4. Mixed land use with a minimum of 15 dwelling units per acre or 15,079 jobs per acre within one half mile of a station (30+ persons or jobs per acre).
5. Complete pedestrian network within one half mile of a station.

Community Transit's draft performance guidelines are attached for the record.

A key theme of the draft Long Range Plan is a three-part understanding of successful corridor development: land use, infrastructure, and transit service. The Washington State Department of Transportation, City of Lynnwood, Community Transit, and other south County partners have already provided transit infrastructure in the form of BAT lanes and signal priority. Community Transit, Everett Transit and our federal and state grantors have partnered to provide \$29 million in stations, buses, and ongoing \$5⁺ million annual operating commitment for *Swift* BRT service. Lynnwood's Project Highway 99 Sub-Area Plan has the potential to provide strong transit-oriented land use incentives to support the investments that have already been made and ensure this corridor reaches its highest potential for growth, economic vitality, livability and sustainability.

Specific Document Comments:

General comment relating to *Swift* stations:

- 1 There are several recommendations throughout the Supplemental Environmental Impact Statement documents and Highway 99 Sub-Area Plan that recommend the addition of and/or relocation of *Swift* stations in the corridor. *Swift* stations are intended to be permanent; however, Community Transit will consider a request, on a case-by-case basis, as part of a major redevelopment proposal at key intersections, such as Highway 99 and 196th Street. If Community Transit is agreeable, the cost to construct and/or move an existing station will be born solely by the developer and/or City.

The Supplemental Environmental Impact Statement

Summary - Mitigation Measures:

- 2 Pg 18, Land use – Please consider including a provision to work with Snohomish County to adopt the Highway 99 Mixed Use zones for the proposed 148th Street SW node. The area is already within the County's Urban Centers designation, which allows mixed-use development and encourages higher land use intensities.
- 3 Pg 18, Item #4, Access management - road widening will help improve the safety and efficiency of BRT service through the corridor. Community Transit's draft performance guidelines for BRT service recommend access management, driveway consolidation for transit emphasis corridors with BRT service.
- 4 Pg 18, Item #6 – see general *Swift* station comment above.
- 5 Pg 18, Item #7 – Consider restating to, “The City of Lynnwood will work with local and regional transit providers to increase the frequency and regional connectivity of *Swift* service...” The draft performance guidelines include specific requirements for BRT service; additionally the market and financial resources must be present to support such increases in service. Finally, Community Transit identifies 196th Street as transit emphasis corridor in the Draft Long Range Transit Plan where BRT service may be implemented in the future.
- 6 Pg 19, Item #12 – we fully support low cost projects that can be implemented immediately.
- 7 Pg 19, Item #13 – we encourage the City to complete the East/West Corridor Study as a priority. There may be partnership opportunities to help finance such study and creative funding sources such as the Congestion Mitigation and Air Quality (CMAQ) grant program.
- 8 Pg 19, Item #16 – Please consider expanding on the TDM mitigation options. Specific TDM measures could include, but are not limited to, requiring residential developments around *Swift* stations implement a TDM program by including at a minimum, a Residential Transportation Coordinator, having a centralized location for transit, vanpool, biking and walking information; requiring

developers to provide each living space with one annual transportation pass (ORCA electronic fare card products are available that cover transit, vanpool, and emergency ride home); or the implementation of a *Curb The Congestion* type program for the entire corridor.

Chapter 3 – Environmental Impacts, Mitigation Measures, and Unavoidable Adverse Impacts:

9 Pg 64, Goals 1 through 3 - Community Transit supports and encourages these goal and policy statements. By increasing densities at key intersections and adopting design guidelines, additional density can be developed in a manner that does not detract from adjacent neighborhoods or established specialty commercial areas within the corridor. This additional density will also support continued opportunities for a full range of transportation alternatives, and reduces the need for single-occupant vehicle trips. The preferred alternative further re-enforces the principles for a healthy community by promoting a built environment that provides opportunities for causal encounters between neighbors, a complete pedestrian network (sidewalks, trails, and bike lanes), vegetation, etc.

10 Pg 64, Goal 4 and associated policy statements – we support all, they are consistent with Community Transit’s goal of *Think Transit First*. By providing convenient, affordable, and safe services, the public will begin to use transportation alternatives as a matter of course.

11 Pg 66 and 67, Preferred Alternative parking requirements – please consider adopting maximum number of stalls standards in addition to the proposed minimums. Reports completed by the FTA, University of Florida’s Center for Urban Transportation Research, and the Transit Cooperative Research Program (TRCP) conclude the availability of free parking is the single largest deterrent from transit oriented developments and other land uses that encourage people to use alternative transportation options to the single-occupant vehicle.

Pg 79 - 80, Mitigation Measures – In general Community Transit supports all proposed mitigation measures, and concurs that addressing the east/west connections will improve efficiency through the corridor, as would an access control plan that combines driveways. Specific comments:

12 Mitigation measure 7 – see general *Swift* station comment above.

13 There is also an agreement between the City of Lynnwood and Community Transit that a southbound *Swift* station will be constructed at the intersection of Highway 99 and 204th Street when the city installs a traffic light. It is possible, that the 200th Street station may move to 204th Street if/when a north bound station is installed at 196th Street and a southbound station is installed at 204th Street.

14 Mitigation measure 8 – additional frequency could be added in the future when market demand and funding are available to support such service.

15 Mitigation 17 – we recommend specific examples of TDM be included. Residential TDM could include one annual bus pass per dwelling unit at the time of occupancy; a residential transportation coordinator position is required by Covenants, Conditions and Restrictions (CC&Rs); monthly dues include funding from transportation benefits (ORCA Area Passport that provide bus and vanpool products). Commercial TDM could require small businesses to provide employees with transportation benefits such as bus pass and/or vanpool subsidy, creation of a transportation management association (TMA) for the entire corridor, similar to the Greater Redmond TMA or Bellevue TMA.

Appendix B – SR-99 Corridor Land Use Revisions – Traffic Impact Assessment

16 Pg 11, Conclusions – Although Community Transit cannot confirm the statement, “Commuters using the *Swift* rapid transit, and internalization of other trips within the corridor due to mixed-use

development plans, will lead to trip reductions of between 10 percent and 30 percent compared to multi-family developments in more traditional settings”, we can provide information regarding the success of *Swift* since its inauguration in November 2009. The initial one year targets for boardings per day were achieved during the first six months of service. Over the past eight months, January through August 2010, the average growth rate in boardings is around 39 percent, with a monthly growth rate in boardings at 5 percent. In August 2010, *Swift* had a total of 82,240 boardings, with 3,336 average weekday boardings and 2,211 Saturday boardings.

17 Pg 12, Minimum mitigation measures – the same comments apply to the Traffic Impact Assessment as provided in the section above relating to pages 79 and 80 of Chapter 3 of SEIS.

Highway 99 Sub-Area Plan

18 General comments:

Community Transit generally supports the draft plan: there are many elements that support transit, and encourage the agency’s goal of *Think Transit First*. Please see the general *Swift* station comment above for all recommendations to add and/or relocate an existing *Swift* station.

Specific comments:

Pg. 11, Objective T-11 – Community Transit’s draft Long Range Transit Plan includes Performance Guidelines. The guidelines establish minimum standards for five categories for service: bus rapid transit (BRT), Corridor, Local, Suburban/Rural, and Commute. The City of Lynnwood was consulted early during this process and will again be contacted for input as part of the adoption process.

Pg. 23, second paragraph – As stated earlier, Community Transit has draft performance guidelines for BRT. These guidelines recommend and/or require a complete pedestrian network within ½ mile of a station, mixed-use development with a balance of housing and jobs, and a minimum of 15 dwelling units per acre or 15,079 jobs per acre within one half mile of a station (30+ persons or jobs per acre).

Pg. 27 – Concur with the design principles.

Pg. 33, Transportation Improvements – we concur with the recommendations, especially the first bullet relating to design and improved pedestrian circulation. Please see general *Swift* station comment relating to the addition and/or relocation of existing *Swift* stations.

Pg. 42, Establish specific standards for the Highway 99 Mixed Use zones – Community Transit supports the intent of the proposed zones: mixed-use and higher densities are needed to support transit services.

Pg. 42, Off-street parking requirements – we concur that parking requirements should reflect the mixed-use, walkable, transit-oriented character of the nodes. The city may want to establish a maximum cap for the number of off-street parking stalls in addition to the revised minimums.

Pg. 45, Implement a Planned Action EIS – Planned Actions are becoming a popular way for cities in Washington State to spur development by reducing a developer’s risk, liability, and time to complete the site specific development review process. Examples of where this tool was successfully implemented include Mill Creek Town Center, Bothell’s Downtown Sub-Area, and Monroe’s North Kelsey Sub-Area.

Pg. 46, Consider creating a Public Development Authority – several of the redevelopment projects occurring, nationally, around BRT stations use public development authorities.

Pg. 49, Goal 4 and associated policies – we support and encourage, especially the completion of an East/West corridor study, reconfiguration of access points, promotion of pedestrian safety and connectivity in the corridor, and the support and encouragement of transit ridership.

Pg. 51, the addition and/or relocation of *Swift* stops – please see the general *Swift* station comment above.

Pg. 57, Next Steps – Community Transit supports the potential measures identified to encourage private investment.

19

Draft Zoning Regulations and Design Guidelines

General Comments:

In 2008, Community Transit and the City of Lynnwood entered into a Developer’s Agreement (Agreement) to address several of the specific requirements of the *Swift* stations. Although, this type of agreement may be required again in the future, the following comments are intended to simplify the process by acknowledging the special requirements needed for the construction of Community Transit’s *Swift* BRT stations.

Specific Comments:

Section 21.62.300, Project Design Review – The 2008 Agreement exempted the *Swift* BRT stations from the City’s design standards, “to ensure the consistency of basic *Swift* station design in order to facilitate the public’s awareness of and utilization of the *Swift* station program.” Although the *Swift* stations do not appear in conflict with the design requirements, any future stations need to comply with the branding developed by Community Transit. A copy of these standards are attached for the record.

Section 21.62.400(B) – Please consider a provision for BRT transit stations: the proposed setbacks would prohibit the construction of future *Swift* BRT stations within the identified Highway 99 Mixed Use zones. The branded *Swift* stations are contained within a 640 square foot area, 10 feet by 64 feet, and are partially within the right-of-way. All stations must include the following elements that, by design, encroach the right-of-way:

- Iconic *Swift* sign, the setback is approximately six and one half feet from face of curb and 16 feet nine inches tall.
- The weather-proof awnings are cantilevered over the right-of-way: the street edge of the awning is only four and one half feet from face of curb.

Section 21.62.400(H) – Community Transit supports the pedestrian connectivity requirements within and between sites, as well as the requirement for access to *Swift* stations.

Chapter 21.16, Signs – as stated above, Community Transit has specific standards for the *Swift* stations, including two kiosks, the 16⁺ foot tall iconic sign, and automated next bus reader signs. Based on the draft code, we would not be able to develop future stations; please consider a sub-section for public signs, BRT stations, or other provision for the *Swift* station requirements.

20

Draft Design Guidelines for Highway 99 Mixed-Use Zones

Community Transit generally supports the design guidelines and thanks the City of Lynnwood for ensuring access to and supporting transit through the corridor. Many of the required elements are consistent with transit oriented development principles. The pedestrian and vehicular requirements are also consistent with the performance guidelines being development with Community Transit’s Long Range Transit Plan.

Additional Information

As mentioned at the beginning of this letter, numerous reports are becoming available that confirm BRT systems are a catalyst for economic development. The following is a small sample of the information available.

Bus Rapid Transit and Development Policies that Affect Development around Transit, a report funded by the Federal Transit Administration, completed in December 2009, evaluates six BRT lines around the country and in Canada. The findings conclude development around BRT can be as successful as development around light rail and heavy rail stations, when public support and development interest exist. A copy of this report is attached for the record.

An article in *Mass Transit Magazine*, published in 2008, came to similar conclusions. The article, "Attracting Transit Oriented Development," written by Bill Vincent, of the Bus Rapid Transit Policy Center, provides examples of how BRT stations are acting as a catalyst for economic development, and over time increasing the local tax base. Examples include:

- Markham, Canada, outside Toronto - 243 acres are being developed with 4,000 condos and townhouses and more than 4.2 million square feet of office, retail, restaurant, and entertainment uses. The Remington Group, developing this project, states this will be the largest mixed-use development in North America when it is complete. The VIVA BRT system, which will serve this development, currently has five lines with 90 custom shelters and stations, traffic signal priority, off-board fare collection (same as *Swift*) and real-time vehicle arrival times.
- El Monte Transit Village, 15 miles east of Los Angeles, CA – a 60 acres, \$1.2 billion dollar town center project that includes 1,850 residential units, 560,000 square feet of retail and entertainment uses, 500,000 square feet of Class A office space, 20 room hotel, theater, conference center on 60 acres of land. The project also included restoration of historic structures. The site is currently served by multiple bus routes and the El Monte busway.
- Fan Pier, in the South Boston, MA area – a 21 acre, \$3 billion dollar project near the Silver Line BRT Court House Station. The project includes 2.7 million square feet of new high density residential, retail center, hotel and office uses. Boston's Silver Line BRT, when complete will run 4.1 miles between Logan Airport and south Boston.
- Euclid Avenue, Cleveland, OH – The redevelopment occurring around Cleveland, Ohio's Euclid Avenue BRT system is the most high profile in the US. In, 2008, when this article was written, with the line still being constructed, the area had already attracted more than \$800 million in new mixed-use development, with more than \$2.4 billion planned for, according to the Greater Cleveland Regional Transit Authority (GCRTA). The nine mile long line opened on October 24, 2008. The system has 36 unique stations, off-board fare payment, and an exclusive median bus guideway.

Finally, the Urban Land Institute (ULI) included an article on BRT systems and land use in their July/August 2010 publication. The article is an introduction to BRT, and how it can be a catalyst for development at similar intensities as development around rail stations. Examples cited in the article include the Orange Line in Los Angeles, CA, and the EMX line between Eugene and Springfield, OR. The article also goes into detail regarding the development occurring around the Cedar Avenue Transitway in the Twin Cities metropolitan region. The BRT line is 16 miles long and runs between Eagan and Bloomington, Minneapolis, with the Mall of America as an anchor.

As the above articles indicate, with public support and developer interest, BRT stations are acting as economic engines across the United States. Again, we applaud the City of Lynnwood's efforts to create a plan for the redevelopment of the Highway 99 corridor using transit oriented development techniques around Community Transit's *Swift* BRT stations. Thank you for including us in your review process.

Sincerely,

A handwritten signature in black ink, appearing to read 'June DeVoll', is written over a circular stamp. The signature is fluid and cursive, with a long vertical line extending downwards from the end of the name.

June DeVoll
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Enclosure

cc: Development Review Group, Community Transit