
DIRECTOR'S DECISION – PROJECT DESIGN REVIEW

Date of Decision: April 20, 2022

Project Name:	Lynnwood Community Recovery Center
File Number:	PDR-009895-2021
Location:	19321 44 th Avenue West
Tax Parcel Number(s):	00740500110100 & 00372600500800
Future Land Use:	City Center
Zone:	City Center - Core (CC-C)
Site Area:	3.01 Acres
Property Owner:	City of Lynnwood
Applicant:	Michael Chen, Mackenzie
Staff Reviewer:	Brian Lee, Senior Planner
Applicable Design Guidelines:	City Center Design Guidelines
Related Permits:	Essential Public Facility (EPF-009894-2021), SEPA (ERC-009893-2021), and associated construction permits.
Decision:	<i>Approved</i>

Project Description: Michael Chen of Mackenzie, on behalf of City of Lynnwood, seeks application approval for Project Design Review (PDR) to modify the previously approved Lynnwood Justice Center proposal. Modifications will include the addition of a new 9,910 SF Community Recovery Center and a third level to the parking structure.

I. EXHIBITS

- 01 Application and affidavit of ownership, received November 23, 2021
- 02 Entitlement Narrative, received November 23, 2021
- 03 Revised Design Plans, received November 23, 2021
- 04 Hearing Examiner Decision, May 17, 2021 (EPF-009677-2020)
- 05 Design Guideline Checklist, received November 23, 2021
- 06 Notice of complete application issued December 14, 2021
- 07 Notice of application and impending decision issued December 17, 2021
- 08 Public Comments
- 09 SEPA Threshold Determination DNS issued April 15, 2021
- 10 Updated Environmental Checklist, received November 23, 2021
- 11 SEPA Addendum #1 issued January 27, 2022
- 12 Hearing Examiner Decision, April 18, 2022 (EPF-009894-2021)

II. FINDINGS OF FACT

A. Background

This proposal is part of the City's plan to renovate and expand the existing Justice Center located at 19321 44th Ave. W. to accommodate expanded court functions as well as to provide space for new programs and services. The initial proposal to expand the Lynnwood Community Justice Center (CJC) was granted approval through Conditional Use Permit (EPF-009677-2020) (Exhibit 04) on May 17, 2021. The current proposal is a plan to add a Community Recovery Center (CRC), a new second and third-story addition to a section within the approved CRC building footprint, and an additional level to the adjacent parking structure to provide added parking to support the CRC. The addition of the Community Recovery Center to the expanded civic center campus is a direct response from state and local leaders alongside community groups to provide Lynnwood with quality behavioral health urgent care working alongside the City's Police Department.

B. Proposal Details

Summary of Proposal – The City of Lynnwood previously received approval to renovate and expand the existing Justice Center to accommodate court and jail functions as well as to provide space for new programs and services. The City also received approval for a Building Permit (BLDC-027069-2021) for the construction of the City's Police Department on the adjacent vacant site. The current proposal is to add two additional stories on top of the ground level in the northeast corner within the

same footprint that was previously approved. The proposal also includes the addition of a third level (38 parking stalls) to the approved two-level parking structure (total of three-levels finished).

Design – The two additional stories being added to the northeast corner within the same footprint will result in little, if any, noticeable changes to the building’s exterior. Generally, the exterior of the existing Justice Center will remain as is, tailored to enhance the existing character of the City of Lynnwood. The form of the building will remain articulated to create an intriguing pedestrian character with overhanging butterfly roofs and protective entry canopies, all serving to activate the pedestrian experience. The overhangs are also a response to our Pacific northwest climate, which protect the building from the rain and solar exposure. The materials such as the Terra Cotta colored panels and Cedar soffits tie directly to other important civic buildings in Lynnwood. The project includes a public plaza that provides a welcoming space for the public and serves to connect the new facility police lobby and community room with the existing facility for a cohesive community justice campus. The selected plant materials (trees and shrubs) are native to this region so the project fits into the local environment and will decrease reliance on irrigation. These design attributes create a meaningful place for the Lynnwood Community and Strengthen the sense of place by drawing from the local context.

Site Information – The project site includes two properties that are owned by the City of Lynnwood, one developed and one vacant (Exhibit 03). The western lot is developed and serves as the existing Community Justice Center, and the east lot is currently under construction for the previously approved renovation and expansion. A recent request for lot merger to combine both lots into one has been recorded with the Snohomish County Assessor. Both properties are owned by the City of Lynnwood and the current Community Justice Center was built in 1985.

Future Land Use and Zoning – The Comprehensive Plan future land use designation of this site is City Center. The property is zoned City Center-Core (CC-C) on the Official Zoning Map. CC-C is identified in the Comprehensive Plan as a consistent implementing zone for City Center (2015 Comprehensive Plan, page 11.5).

C. Noticing

Notice of Complete Application (Exhibit 06) – the application was deemed complete on November 23, 2021.

Notice of Application and Impending Decision (Exhibit 07) – in accordance with Chapter 1.35 Lynnwood Municipal Code (LMC), the notice was posted at City of Lynnwood official posting sites, as well as published in the Everett Herald on December 17, 2021. Owners of property and tenants within a 300-foot radius of the subject property were also mailed a copy with a request to provide comments by December 31, 2021. Two (2) comments from the public were received after the close of the comment period – January 10 and March 9, 2022. (Exhibit 08)

D. Environmental Review (SEPA)

This proposal is within the City Center Sub-Area Plan EIS¹, which would typically exempt environmental reviews. However, because Essential Public Facilities (EPF) were not included in the consideration of the Planned Action EIS, one was deemed necessary. The initial Environmental Checklist for the proposal (ERC-009679-2020) was routed for review to both internal and external stakeholders on March 3, 2021, with the comment period ending March 18, 2021. No comments were received, and the City issued a SEPA Threshold Determination of Non-Conformance (DNS) (Exhibit 09) on April 15, 2021. The comment period for the DNS ended April 29, 2021 and no comments were received. As such, amendments were not made to the original DNS and the determination became final on the same date.

Based on review of the updated Environmental Checklist (Exhibit 10) and details of the latest proposal, staff has determined that no significant adverse impacts will result from the CRC addition. A SEPA Addendum #1 (Exhibit 11) was issued on January 27, 2022.

E. Zoning Analysis

1. Compliance with City Center District Zone Development Standards (21.60 LMC)

Use

Though the proposed use is allowed in the CC-C zone, siting or expansion of local essential public facilities, as defined in WAC 365-196-550², regardless of the zoning district in which such facility is or is proposed to be located, require a conditional use permit (CUP) pursuant to Lynnwood Municipal Code (LMC) 21.73.020. This proposal is being reviewed under Chapters 21.24 (Conditional Use Permits), 21.60 (City Center District Zone), and 21.73 (Essential Public Facilities) of the LMC. A separate CUP application (EPF-009894-2021) was considered by the Hearing Examiner, following a public hearing held on April 7, 2022. Pursuant to LMC 1.35.160, the Hearing Examiner issued a written decision rendering approval for the proposal. (Exhibit 12)

Height

- a. Minimum Building Height. Minimum building height of three stories and no less than 30 feet is required.

Proposal – The previously approved Community Justice Center building is three (3) stories tall and no less than 30 feet in height. The proposed CRC addition does not decrease the overall building height.

This standard is met.

¹ <https://www.lynnwoodwa.gov/files/sharedassets/public/economic-development/city-center/city-center-final-environmental-impact-study.pdf>

² WAC 365-196-550(1)(d)(vi) State and local correctional facilities; (f) Regardless of whether it is new, existing or an expansion or modification of an existing public facility, the major component in the identification of an essential public facility is whether it provides or is necessary to provide a public service and whether it is difficult to site.

- b. Maximum Building Height. In the city center – core (CC-C) zone, the maximum building height shall be 350 feet. Any portion of a building 150 feet or less from a residential zone shall be 35 feet.

Proposal – The proposed building will be three (3) stories tall, and the height will be 34'-10 1/8". Any portions of the building located within 150 feet of residential zoned property are shown to be less than 35 feet tall.

This standard is met.

- c. Mechanical penthouses, stair/elevator overruns, and antennas shall be excluded from building height calculation, provided they are no more than 20 feet above the roof deck.

Proposal – The new justice center building will have a mechanical penthouse to screen the roof top HVAC units. The screens will be approximately 8 feet above the roof.

This standard is met.

Setbacks

- a. From Streets. To permit the widening of city center streets without creating nonconforming situations or the need to impact buildings, all buildings shall be located at the property line established by the future street right-of-way (ROW) contained in Table 21.60.4.

Proposal – The proposed CRC addition is located to the rear, away from the street right-of-way.

This standard is met.

- b. From Streets. Buildings may be set back from the street for the purpose of providing public plazas as a FAR bonus feature and as required by the city center design guidelines. The public plaza may exceed the minimum open space/public plaza size requirement provided in the design guidelines. Up to 30 percent of any building's street frontage per street may be set back from the setback line to accommodate a public plaza. Open space/public plaza space may be combined at intersections.

Proposal – The previously approved CJC proposal includes an open space/public plaza is proposed between the existing justice center and the new expansion.

This standard is met.

- c. From Streets. To allow buildings to be set back from wider streets, buildings along boulevard streets may be set back up to 17 feet from the property line established by the future street right-of-way provided in Table 21.60.4 subject to the following requirements:
 - i. The boulevard street shall be utilized as the fire lane. No setback shall be allowed that would result in requiring a fire lane between the building and the street.

- ii. The setback shall be utilized only for open space/public plazas complying with subsection (B)(1)(b) of this section and the city center design guidelines.

Proposal – The proposed CRC addition is located to the rear, away from the street right-of-way.

This standard is met.

Building Frontage

- a. Less Than 100 Feet of Frontage. The minimum building frontage length shall be less the space required to provide a drive aisle to service the site. If no drive aisle is provided the minimum frontage shall be 65 percent of the length of the abutting property line.
- b. One Hundred Feet of Frontage or Greater. The minimum building frontage length shall be 70 percent of the length of the abutting property line. This length may be reduced at the discretion of the community development director to accommodate required fire access or drive aisles leading to parking areas.
- c. Panhandle Lots and Landlocked Lots. Properties that only have access to a public or private right-of-way through a panhandle or have no property line adjacent to a public or private right-of-way are not required to provide building frontage.

Proposal – The proposed CRC addition is located to the rear, away from the street right-of-way and does not change the lot size nor dimensions.

This standard is met.

Floor Area Ratio

- a. Basic Allowable Floor Area Ratio. The basic floor area ratio (FAR) of buildings in the city center shall be limited as shown in Table 21.60.1. The bonuses are described in subsection (D)(2) of this section.

Maximum FAR		District		
		CC-C	CC-W	CC-N
Maximum allowable “as of right” for existing nonconforming sites and structures	Nonresidential	0.5	0.5	0.5
	Residential	1.0	1.0	1.0
Maximum allowable FAR “as of right” for new development	Nonresidential	2.0	2.0	2.0
	Residential	3.0	3.0	3.0
Maximum with bonuses	Nonresidential	8.0	3.0	3.0
	Residential	10.0	5.0	5.0

Proposal – The maximum FAR for the project is 2.0. As currently proposed, the FAR for both parcels is .65. The CRC addition does not impact the FAR and the parking structure is not included in the FAR calculations.

This standard is met.

Parking Ratio

- a. Notwithstanding Chapter [21.18](#) LMC, off-street parking shall be provided in conformance with Table 21.60.3 and the regulations in this subsection.

Proposal – The proposed essential public facility does not have a prescribed parking ratio. Per the provided Parking Study (Perteet parking memorandum), parking demand analysis utilized details on the shift change policies/timings of the police department as well as the court operations. Based on the employee count for existing and anticipated growth, a total parking demand of 152 stalls is needed at “peak” usage. Peak usage is during the shift change in tow one-hour periods. During these times, it is assumed staff patrol vehicles can utilize the public spaces. The previously approved parking facility provides 127 stalls designated as “staff only” with an additional 29 stalls for public use for a total usable stall volume of 156 spaces. The CRC addition adds a third level to the parking structure, increasing total parking by 38 stalls.

This standard is met.

Bicycle Facilities

- a. All nonresidential developments providing 20 or more parking stalls shall be required to provide at least one bicycle stall for every 20 vehicular parking stalls, up to a maximum of 20 bicycle stalls. Bicycle stalls may be storage lockers or bicycle racks/stands.

Proposal – Based on the total parking stall count of 194, there is a requirement to provide 10 bicycle stalls. The proposal reflects 12 bicycle stalls, 6 adjacent to the police station entry and 6 stalls adjacent to the court entrance. No changes will result from the CRC addition.

This standard is met.

- b. Bicycle stalls shall be located either inside of a building or outside within 100 feet of a building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement or to a structure. It is not necessary for all on-site bicycle stalls to be located in one central location. Bicycle stalls may be located within vehicular parking areas.

Proposal – Bicycle stalls are located within 100 feet of an entrance and allow for a bicycle frame or wheels to be locked to a structure. No changes will result from the CRC addition.

This standard is met.

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

Proposal – No residential units are included in this proposal – this requirement does not apply.

Service Areas

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

Proposal – Exterior service areas, such as trash enclosures, will be located within the parking structure. Mechanical equipment will be placed beyond 30 feet from residential property to the north. No changes will result from the CRC addition.

This standard is met.

- b. Exterior service areas shall be located within the dedicated parking areas.

Proposal – Service areas will be located in the parking structure. No changes will result from the CRC addition.

This standard is met.

- c. All exterior refuse and recycling shall be enclosed on three sides within masonry walls with a minimum height of seven feet that shall match or complement the exterior materials of primary building(s) and be covered by a roof. Enclosure doors shall be provided and shall not be constructed of wood or chain link (with or without slats).

Proposal – The trash enclosure, which contains refuse and recycling, located in the parking structure will be enclosed with masonry walls that match the concrete walls of the parking structure. The enclosure will be covered with a steel roof and doors will be metal roller doors. No changes will result from the CRC addition.

This standard is met.

Fire Standards

- a. To eliminate private land devoted to fire lanes between the building and the right-of-way, all new development in the city center shall be constructed with sprinklers regardless of size.

Proposal – The new building and parking structure will be sprinklered.

This standard is met.

2. Compliance with Landscaping(21.08 LMC)

The applicant has provided a detailed landscape plan in accordance with Chapter 21.08 LMC and the City Center Design Standards. Proposed landscaping within the existing Justice Center parking lot will include approximately 1,347 square feet of vegetation. The parking lot is within the City Center Zone and abuts a public ROW. The required sidewalk width does not allow for a 10' vegetated buffer. Instead, a 6' buffer is proposed, which includes groundcover, 3' screening shrubs, and (7) trees to accommodate the 185' of parking lot frontage facing south. Screening along the west

side of the existing parking lot will be provided by a 6' wide landscape strip. An existing wood fence is present along much of the northern property line. For security purposes, a new 6' tall black, vinyl-coated chain link fence with black vinyl slats is proposed for installation directly south of the existing fence. Mature evergreen trees will be retained, and new evergreen trees will fill in the gaps between existing gaps to soften the use of the proposed security fencing. No razer ribbon or barbed wire is proposed on the security fence.

The proposal includes over 6,400 square feet of public plaza space between the existing Justice Center and the new building. This is approximately 5.5% of the overall building square footage – far exceeding the required 1%. The plaza includes benches and sittable ledges, year-round planting, and specimen trees, as well as pedestrian scale lighting. Other features include public art, bicycle parking, and pedestrian areas designed with Crime Prevention Through Environmental Design (CPTED) standards.

Two separate Tree Removal permits (CLR-028852-2021 & CLR-029051-2021) were issued during construction for the removal of 113 trees. Mitigation for the removal is covered under both permits. A landscape maintenance plan was also reviewed and approved with the building permit application.

3. Compliance with Outdoor Lighting Standards (21.17 LMC)

Lighting is proposed to be used in several applications throughout the plaza, around the buildings, and within the ROW. A majority of site and ROW lighting will be shielded from the sky, except for tree uprights for specimen trees, which will shield lighting when the canopy fills out. Recessed lighting is proposed at the base of the plaza feature walls. Buildings will feature lighting around their primary entrances and have been considered and planned for coordination with artwork at the Coreten paneling along the secure parking wall abutting 194th Street W. to create an overall ambience that reinforces the architecture and site features while creating a welcoming space.

4. Compliance with other applicable code requirements

The property does not contain critical areas.

F. DECISION CRITERIA

1. It is consistent with the comprehensive plan.

The property is designated on the Future Land Use Plan Map in the Comprehensive Plan as City Center (CCTR). The CCTR category calls for multi-story buildings with orientation to pedestrians and compliance with City Center Design Guidelines. The following policies and strategies from the Comprehensive Plan are relevant to this Project Design Review and action on this application:

- Land Use Policy LU-4: “Provide separation and/or buffering between incompatible land uses and facilitate the co-location of dissimilar uses where desired and where compatibility can be achieved.”

Response: The proposed project will enhance the current operations of the City’s Justice Center. The site is zoned CC-C and is adjacent to residential zoning along the north property boundary. A 20-foot landscape buffer will be provided to buffer the Justice Center from the adjacent single-family residential properties.

- Urban Design Goal 1: “Form and Identity. Value urban design as one of the primary drivers for community cohesiveness and a stronger civic identity.”

Response: The Justice Center design is like no other found within the City. The urban design of glazing, concrete, metals, and wood like panels give the facility a strong civic identity.

- Community Character Policy CC-1.1: “Recognize the basic elements of urban form – neighborhoods, centers, corridors, employment centers and open spaces – all of which help define Lynnwood’s sense of place.”

Response: The proposed development will provide a public plaza where visitors and employees can gather.

- Policy CC-1.3: “The visual character of buildings shall be enhanced by means of architectural design and landscape elements to create a human scale and enhance and integrate visual character for the streetscape and abutting residential uses.

Response: The design of the new Justice Center provides architectural and landscape elements such as glazing, benches, planters, pedestrian hardscape elements to create an inviting human scale experience as visitors and employees utilize the facility.

- Policy CC-5.9: “Require buffering or other noise reduction and mitigation measures to reduce noise impacts from commercial and industrial areas on residential areas. Doors and windows, and any exterior mechanical equipment should be located or buffered to minimize noise impacts to surrounding properties.”

Response: Noise polluting equipment such as backup generators are designed in the parking structure to help mitigate and excessive noise levels when the generators are in use. There are minimal doors and operable windows on the north side elevation of the building adjacent to single-family residential zoned properties. The largest mass of building has been located to the farthest south of the property to create a larger buffer for the residential areas.

- Policy CC-5.11: “Building standards should be modified to require noise attenuating walls and windows to decrease noise impacts on adjacent residents.”

Response: Mechanical equipment located on the roof of the Justice Center will be visually screened and sound mitigation may be designed into the screening depending on the specification of each mechanical unit, as necessary.

2. It is consistent with all applicable provisions of this chapter (21.25 LMC).

The proposal is subject to the City Center Design Guidelines because it is for the construction of a nonresidential structure or building over 1,000 square feet. Project design review is intended to:

- Review the proposal for compliance with design guidelines.
- Help ensure that the proposal is coordinated, as is reasonable and appropriate, with other known or anticipated development on private properties in the area and with known or anticipated right-of-way and other public improvement projects within the area; and
- Encourage proposals that embody good design principles that will result in high quality development on the subject property.

The applicant has provided materials (see Exhibits) to demonstrate consistency with chapter 21.25 LMC.

3. It is consistent with the applicable design guidelines found in the Lynnwood City Center Design Guidelines, adopted by this reference and incorporated in the provisions of the LMC and this chapter as fully as if herein set forth.

a. Design Guideline Analysis

This project is consistent with the purpose of design review as defined in Chapter 21.60 LMC. Site plans and elevations were provided to the City (Exhibit 3) as well as design checklists and descriptions (Exhibit 2). The design of the Lynnwood Community Justice Center and the new Community Recovery Center has been tailored to enhance the existing character of the City of Lynnwood. Visual changes are created between the window, metal panel, board formed concrete, and sculptural metal panels along the base of the building. The butterfly roof, third level setback, and variations in materials and color create a distinctive form.

The new building will be positioned behind the 12' sidewalk with approximately 5' of landscaping along 194th Street SW. Due to existing street grade, security, and to allow ADA accessibility and engagement of the new public plaza, the primary entrance is on the west side near the existing court facility. This prominent and visible main entrance connects to the sidewalk and will include large metal entry canopy with undersides clad in wood and have integrated lighting.

The new 3 level parking structure includes one level above grade, one being partially below grade, and one underground. A secure wall abuts at street level

and is designed with board form concrete and Coreten metal paneling to compliment the building and provide a congruent façade.

b. Design Departures

The previously approved CJC generally met majority of mandatory and suggested standards, but due to the unique nature of the use as a courthouse and police station, design departures were necessary. The CRC addition does not necessitate any additional departures.

4. For development applications for remodeling or expansion of an existing development, it is consistent with those provisions in the Lynnwood City Center Design Guidelines identified by the director as being applicable. For such applications, the director may modify applicable design standards and guidelines to provide continuity between existing and new development and/or proposed phases of development.

The existing site already accommodates the existing court, jail and police department. A portion of the site will be reutilized and the vacant parcel adjacent to the existing facility will be utilized for the project expansion. The location of the existing and proposed expansion is within the City's civil center campus. There are efficiencies in keeping all the community services adjacent to each other on the same property and within the civil center campus. City Center Design Guidelines have generally been met, with some exceptions as mentioned above.

G. PUBLIC AND AGENCY COMMENTS

The 14-day public comment period on the proposal ended on December 31, 2021. Referrals were sent to all applicable City Departments and outside agencies. Two comments from the public were received after the closing date of the comment period. All comments are available in the project file. A summary of the comments is included below:

- **Erik Greif** – Recently purchased adjacent home based on the previously approved CJC proposal details. Increase to height of the garage is of concern and request keeping the original parking requirements or adding sublevel to the garage.
- **Ella Shahn** – Opposition to the construction of the CRC as psychiatric facilities do not address the root cause of mental illness, and funds should instead be diverted toward community-driven programs.

H. CONCLUSION

Conclusion

Based on the application materials (exhibits) and the analysis contained in this staff report, staff concludes that the applicant has met the decision criteria for approval of the Project Design Review (PDR), subject to compliance with all applicable

provisions, requirements, and standards of the Lynnwood Municipal Code, standards adopted pursuant thereto, and adherence to all conditions of approval for PDR-009674-2020, with the exception of approved plans – revised plans dated February 4, 2022 shall replace the previously approved plans.

REVIEWED BY:



April 18, 2022

Ashley Winchell, Community Planning Manager

Date

I. DIRECTOR'S DECISION

I concur with the above conclusions and grant approval with conditions of the Project Design Review application for the Lynnwood Community Recovery Center project (PDR-009895-2021).



April 20, 2022

David Kleitsch, Development and Business Services Director

Date

J. NOTICE OF DECISION AND RIGHT TO APPEAL

Administrative decisions of the director may be appealed by filing a written request for appeal with the Development and Business Services Department within 14 calendar days. The appeal deadline shall be **May 4, 2022**. An appeal filed within this time limit shall be processed pursuant to Process II, as identified in LMC Section 1.35.200.

K. LAPSE OF APPROVAL

The applicant under this process must begin construction or submit to the city a complete building permit application for the proposal **within two years** after the final decision on the matter, or the decision becomes void. The applicant must substantially complete construction for the proposal approved under this process and complete the applicable conditions listed in the decision within five years after the final decision of the city on the matter, or the decision becomes void per LMC 21.25.165. No later than two weeks prior to the lapse of approval, the applicant may submit a written request with supporting

documentation to the Development and Business Services Department requesting a one-time extension of those time limits of up to one year per LMC 21.25.170(A).

L. REVISIONS AFTER APPROVAL

The determination that the proposal meets the criteria for a subsequent modification exception is based on all plans, details, catalogue cuts, specifications, renderings, notes, materials and color samples submitted for design review. Any changes to the design of the project as indicated by the above submitted materials will require additional review and may delay issuance of subsequent development permits for the proposal and/or inspections during construction.