
DIRECTOR'S DECISION – PROJECT DESIGN REVIEW (PDR)

Project Name:	Shake Shack
File Numbers:	PDR-009934-2022
Location:	18800 Alderwood Mall Parkway
Tax Parcel Number(s):	00695200000102
Future Land Use:	Regional Commercial (RC)
Zoning:	Planned Regional Center (PRC)
Site Area:	0.77-acre pad site on a portion of 8.38-acre parcel
Property Owner:	GS Portfolio Holdings II, LLC
Applicant:	Paroline & Associates (April House)
Staff Reviewer:	Kristen Holdsworth, AICP, Senior Planner
Applicable Design Guidelines:	Citywide Design Guidelines for all districts and commercial districts
Related Permits:	Associated construction permits
Decision:	Approved with Conditions

Project Description: Paroline & Associates applied for a Project Design Review (PDR) land use permit to construct a 3,374 square foot restaurant with a 593 square foot patio for outdoor dining, double loading drive-thru, and associated landscaping and parking. The 0.77-acre restaurant pad site is proposed to be at the southern area of an 8.38-acre parcel in the Planned Regional Center (PRC) zone. It is generally located at 18800 Alderwood Mall Parkway. The site is currently a vacant parking lot. The proposal is exempt from SEPA.

I. EXHIBITS

1. Applications and affidavit of ownership, received February 2, 2022
2. Project narrative, received February 2, 2022
3. Approved PDR plan set, with sheets received May 23, 2022, and August 9, 2022
4. Approved Exterior Renderings, received July 19, 2022
5. Approved Landscape and Irrigation Plans, received August 9, 2022
6. Landscape Maintenance Plan, received February 2, 2022
7. Design guidelines checklist and narrative, received May 23, 2022
8. Parking Summary, received February 2, 2022
9. Lighting plan, received February 2, 2022
10. Notice of complete application issued February 18, 2022
11. Notice of application and impending decision issued March 2, 2022
12. City and agency reviewer comments (combined into one exhibit)

II. FINDINGS OF FACT

a. Background

The 0.77-acre pad site for the proposed Shake Shack restaurant is located in the southern portion of a parcel at the eastern edge of the Alderwood Mall (18800 Alderwood Mall Parkway, parcel number 00695200000102). The pad site is currently developed with asphalt parking and landscaping along Alderwood Mall Parkway.

b. Proposal Description

Summary of Proposal – The applicant (Paroline & Associates) proposes construction of 3,374 square foot restaurant with a 593 square foot patio for outdoor dining, double loading drive thru, and associated landscaping and parking. The restaurant will be a single-story structure.

Design – The buildings are designed to complement the surrounding mall aesthetic. The building will consist of both a light and dark masonry veneer, with variations in orientation and projections. Offset parapet heights and variations in color contribute to a more visually interesting façade. In addition, the exterior includes a variety of artwork on the north and east elevations, vertical trellises with climbing vines on the south elevation, architectural indentations, and pedestrian oriented lighting. The building will also have a steel canopy that wraps three sides of the

restaurant to provide coverage from the elements for pedestrians, customers, and drive-thru vehicles. The buildings use quality, durable, and low maintenance materials. The primary material is masonry in the form of brick veneer.

Site Information – The pad site is approximately 0.77 acres of an approximately 8.38-acre parcel (18800 Alderwood Mall Parkway, parcel number 00695200000102) that is generally flat. The site is located within the boundaries known as the Alderwood Mall. It can be accessed from Alderwood Mall Parkway. There are no critical areas or their buffers on the site. The site is surrounded by commercial property that is similarly zoned Planned Regional Center (PRC).

Future Land Use and Zoning – The Comprehensive Plan future land use designation of this site is Regional Commercial (RC). The property is zoned Planned Regional Center (PRC) on the Official Zoning Map. PRC is identified in the Comprehensive Plan as a consistent implementing zone for the RC land use designation (2015 Comprehensive Plan, page 11.5).

c. Noticing

The application was deemed complete on February 18, 2022. On March 2, 2022, in accordance with Chapter 1.35 Lynnwood Municipal Code (LMC), a Notice of Application and Impending Decision was posted at the City of Lynnwood official posting sites and was published in the Everett Herald. Owners of property and tenants within a 300-foot radius of the subject property were also mailed a Notice of Application and Impending Decision. The comment period ended on March 16, 2022. No public comments have been received. Public agency review comments are discussed later in this decision. In accordance with LMC 1.35.333, all written comments received prior to the date this decision have been considered.

d. Environmental Review (SEPA)

The project is exempt from SEPA evaluation. As provided by WAC 197-11-800, the City has adopted raised categorical exemption levels for minor new construction that is consistent with the Comprehensive Plan, zoning code, and not located upon lands covered by water (LMC 17.02.230(B)). Commercial development of 30,000 square feet and 90 parking spaces or less is exempt from SEPA review. The proposed project is under this threshold, is consistent with the Comprehensive Plan, zoning code, and is not on lands covered by water.

e. Review Time Limit

LMC 1.35.025 requires a decision within 120 calendar days after the city notifies the applicant that the application is complete, except as

provided in subsections LMC 1.35.025(A) through (C). This decision has been issued on the 113th day of active permit processing.

f. Zoning Analysis

i. Compliance with the Planned Regional Center (PRC) Zone (Chapter 21.48 LMC)

The Planned Regional Center (PRC) zone is intended to “provide for the location and development of planned shopping centers under standards and regulations which relate to the conditions of a modern shopping center, recognizing it to be distinctly different than an ordinary business area, in design, in ownership and management, and in community impact.” (LMC 21.48.050).

Restaurants with drive-through car service are permitted “by right” in the PRC zone (LMC 21.48.100).

The proposal complies with the development standards of LMC 21.48.200 for the PRC zone:

	PRC Standard	Proposal
Minimum lot area	None	Complies
Minimum setback	15 feet from any public right-of-way	Complies- the building is at least 15 feet setback
Minimum setback abutting an RS-zoned property	50 feet	n/a – site does not abut any RS-zoned properties
Maximum building height ³	Not restricted	Complies
Maximum lot coverage	Not restricted	Complies

Compliance with Refuse and Recycling Collection Areas and Enclosures (LMC 21.48.900(B))

In addition to the Citywide Design Guidelines, development in the PRC zone must comply with the refuse and recycling area and ensure requirements in LMC 21.48.900(B)). As demonstrated in Exhibit 3, the enclosure area complies with these requirements. It is

setback at least 25 feet from a public street. It is enclosed on three sides by a six-foot-high site-obscuring fence made of CMU and brick veneer, similar to the building materials, color, and design of the primary building.

ii. Compliance with Landscaping (Chapter 21.08 LMC)

The applicant has provided a landscape and irrigation plan and a maintenance plan (Exhibits 5 and 6) in accordance with Chapter 21.08 LMC and the Citywide Design Standards. The plant palette includes a variety of color, seasonality, texture and form. All landscaping shall be installed prior to issuance of the building's certificate of occupancy. This is included as a condition of approval.

A Type-A parking lot landscape strip is required between the surface parking lot and Alderwood Mall Parkway (right-of-way). Currently, existing landscape along Alderwood Mall Parkway ranges between eight to 30 feet wide. The project proposes to retain existing mature trees and add additional plantings to enhance the existing landscape buffer.

iii. Compliance with Outdoor Lighting Standards (21.17 LMC)

The site is in Lighting Zone 3 (LZ-3). The applicant has provided cutsheets and a narrative (Exhibit 3) demonstrating compliance with the requirements of Chapter 21.17 LMC. The lighting plan utilizes the prescriptive hardscape area method for determining lighting compliance according to LMC 21.17.080(A). A maximum of 183,000 lumens are allowed, and 158,916 lumens are proposed. All lighting complies with the maximum allowed backlight, upright, and glare (BUG) ratings. The cutsheet notes that sconces will be customized to be down light only. This is included as a condition of approval.

iv. Compliance with Parking (21.18 LMC)

In 1969, Lynnwood established a Concomitant Zoning Agreement with the Alderwood Mall, which has been amended several times. In 2019, an administrative parking reduction (PAR-008368-2019) was approved to reduce the requirement of parking from 4.5 to 4.0 parking spaces per 1,000 square feet of gross leasable area.

The applicant has provided parking data (Exhibit 8) demonstrating the parking ratio with all currently approved and under construction development will be 4.57.

v. Compliance with other applicable code requirements

There are no critical areas or their buffers located onsite or adjacent to the site.

III. PDR DECISION CRITERIA (LMC 21.25.145(B))

Per LMC 21.48.105(A), construction of any nonresidential structure or building with a gross floor area of more than 1,000 square feet is subject to the Citywide Design Guidelines for All Districts and Commercial Districts and must receive Project Design Review (PDR) land use approval. The following analysis demonstrates consistency with the PDR decision criteria.

a. It is consistent with the comprehensive plan.

The property is designated on the Future Land Use Plan Map in the Comprehensive Plan as Regional Commercial (RC). The RC future land use designation calls for:

Low and mid-rise buildings oriented toward the public street. Onsite landscaping to buffer and screen non-residential uses. Shared access and parking is encouraged.

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-19: "Accommodation of the population and employment growth specified by the Countywide Planning Policies should primarily occur within the designated Lynwood Regional Growth Center and along Highway 99."

Staff Analysis: This project will provide over 3,000 square feet of restaurant/commercial use within Lynnwood's designated Regional Growth Center, which includes this and other adjacent parcels in the area.

- Land Use Strategy LU-B: "Population and employment growth as called for by the Countywide Planning Policies should occur primarily within the Lynnwood Regional Growth Center and along Highway 99."

Staff Analysis: As noted above, this project is located within Lynnwood's Regional Growth Center.

- Land Use Policy LU-27: "Development regulations for the Regional Growth Center should allow for the greatest residential density and building height allowed in Lynnwood. Maximum residential density and building height would be especially appropriate for development that includes affordable housing or that located residences above street-level retail."

Staff Analysis: The PRC zoning district has no restrictions on building height. The proposed project complies with this requirement.

- Community Character 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 the urban character for the streetscape and abutting residential uses."
- Staff Analysis: The proposed development meets the Citywide Design Guidelines and includes architectural design and landscape elements that create a human scale and urban character. The proposed development provides a unique design and more urban character more consistent with what has recently been developed in the surrounding vicinity. This project is the one of many others to come that will improve the livability of the mall area.
- Community Character Policy CC-2.5: "Provide adequate setbacks, buffers, landscaping, visual screens, and appropriate building scale and architecture to make development compatible with nearby residential and other land uses."

Staff Analysis: The applicant has proposed buildings that incorporate adequate setbacks, landscaping, visual screens where needed, and a scale and architecture that is compatible with the adjacent land uses.

b. It is consistent with all applicable provisions of Chapter 21.25 LMC (PDR).

The proposal is subject to the Citywide Design Guidelines for all districts and multifamily districts because it is for construction of a nonresidential use over 1,000 square feet. Project design review is intended to:

- Review the proposal for compliance with design guidelines;
- Help insure 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 (refer to exhibits) to demonstrate consistency with Chapter 21.25 LMC.

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

i. Design Guideline Analysis

This project is consistent with the purpose of design review as defined in Chapter 21.25 LMC. Site plans and elevations were provided to the City as well as design checklists and descriptions (Exhibits 3 through 7). The proposal includes redevelopment of a surface level parking lot with a commercial use to serve the surrounding area. The proposal includes pedestrian connections and amenities and is designed with high-quality materials that provide visual interest.

ii. Design Departures

The applicant has not requested any design departures.

- d. **For development applications for remodeling or expansion of an existing development, it is consistent with those provisions in the Lynnwood Citywide 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.**

This provision does not apply since the proposal is for new development.

IV. PUBLIC AND AGENCY COMMENTS

A 14-day public comment period on the proposal ended on March 16, 2022. Referrals were sent to all applicable City Departments and outside agencies. No public comments were received. All public agency comments are available in the project file (Exhibit 12). A summary of the comments is included below:

- **Building Division** – Comments regarding accessible parking. Were resolved at second submittal.
- **Private Development Engineering Division** –
 - Comments were sent separately through the submitted civil permit package.
- **South County Fire** –
 - Corrections were noted and addressed at time of second submittal.
 - Additional comments were included to provide information regarding requirements for future permit submittals.

- **Parks, Recreation, and Cultural Arts Department** – Development shall be subject to park impact fees. This is included as a condition of approval.
- **Snohomish Health District** – Does not oppose the project. The applicant will need to submit a general plan review application for approval to the Snohomish Health District. This is included as a condition of approval.
- **PUD** - Sufficient electrical capacity presently exists. PUD underground primary three-phase feeder lines run through the property from SE to NW corners approximately. Underground primary lines run on the east property boundary as well. Building cannot be over the top of underground lines and foundations must be a minimum of five feet away. Any relocation, removal, or undergrounding of District facilities to accommodate this project and the worker safety clearances shall be at the expense of the project developer and must be coordinated with the PUD in advance of final design. Include any project-related utility work in all applicable permits. This is included as a condition of approval.
- **Public Comments** – The City did not receive any comments from members of the public.

V. CONCLUSION AND CONDITIONS OF APPROVAL

a. 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).

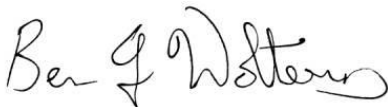
b. Conditions of Approval

Staff recommends approval of the Shake Shack PDR (PDR-009934-2022) application subject to the following conditions:

1. Prior to any development or construction, all required local, state, and federal permit approvals applicable to the specific proposal must be obtained.
2. The site plans (Exhibit 3, received May 23, 2022 and August 9, 2022) and exterior elevations (Exhibit 4, received July 19, 2022) shall be the approved plans.
3. The landscaping plan (Exhibit 5, received August 5) shall be the approved landscape plan. All landscaping shall comply with LMC 21.08.250 Landscape Applications, Installation and Maintenance Standards, LMC 21.08.300 General Landscape Standards, and the landscape maintenance plan (Exhibit 6, received February 2, 2022). All landscaping shall be installed and maintained in accordance with the landscape plan prior to issuance of the building's certificate of occupancy.
4. Any changes to the design of the project will require additional review and may delay issuance of subsequent development permits for the proposal and/or inspections during construction. Requests for modification shall be subject to the review fees in LMC 3.104.210.

5. PUD underground primary three-phase feeder lines run through the property from SE to NW corners approximately. Underground primary lines run on the east property boundary as well. Building cannot be over the top of underground lines and foundations must be a minimum of five feet away. Any relocation, removal, or undergrounding of District facilities to accommodate this project and the worker safety clearances shall be at the expense of the project developer and must be coordinated with the PUD in advance of final design. Include any project-related utility work in all applicable permits. This is included as a condition of approval.
6. All exterior sconces shall be down light only.
7. All waste shall be stored in enclosed receptacles. All areas shall be kept free from nuisances, including overflow waste, leaks, or pests.
8. PDR approval does not include signage. All signage shall require separate approval through a sign permit and shall comply with sign requirements of Chapter 21.16 of the Lynnwood Municipal Code.
9. The applicant shall pay a park impact fee to the City of Lynnwood in accordance with the provisions of Chapter 3.107 Park Impact Fees LMC. This fee shall be assessed at time of complete building application and paid at the time of building permit. The fee rates and estimator form are available at <https://www.lynnwoodwa.gov/Services/Development-Business-Services/Building-and-Construction-Permits/Permit-Impact-Fees>.
10. All traffic impact and concurrency fees shall be paid prior to issuance of building permit.
11. Sewer connection charges shall be assessed at the current rates at issue of building permit.
12. All electric utilities shall be installed underground.

REVIEWED BY:



Ben Wolters, Interim Community Planning Manager

August 11, 2022

Date

VI. DIRECTOR'S DECISION

I concur with the above conclusions and grant approval with conditions of the Project Design Review application for the Shake Shack project.



David Kleitsch, Development and Business Services Director

August 11, 2022

Date

VII. 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 **August 25, 2022**. An appeal filed within this time limit shall be processed pursuant to Process II, as identified in LMC Section 1.35.200.

VIII. 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).

IX. 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.