

**PROJECT DESIGN REVIEW  
STAFF REPORT TO THE DIRECTOR**

**Sound Transit Temporary Parking: Merlone Geier Site**

**March 8, 2022**

**I. Application**

File Name: Sound Transit Temporary Parking: Merlone Geier

File Number(s): PDR-009273-2020

Applicant: Mary Nicholl  
Central Puget Sound Transportation Authority  
401 S. Jackson Street  
Seattle, WA 98119  
[Mary.nicholl@soundtransit.org](mailto:Mary.nicholl@soundtransit.org)

Staff Reviewer: Kirk Rappe, AICP, Associate Planner  
(425) 670-5408, [krappe@lynnwoodwa.gov](mailto:krappe@lynnwoodwa.gov)

**II. Proposal and Background**

The Applicant, Mary Nicholl on behalf of Sound Transit (ST), submitted a Project Design Review application to construct temporary parking at 19800 44<sup>th</sup> Ave W (parcel #: 00372600600106). Temporary parking is needed to replace parking displaced by construction of the Lynnwood City Center Station and parking garage.

The applicant proposes to use the existing 333 parking spaces on the parcel and demolish the former Chevy's restaurant building to construct a new parking lot at that location. The retail mall will remain vacant while its 333 spaces are used for temporary parking. The new parking lot will provide an additional 34 parking spaces. The entire project will provide 367 temporary commuter parking stalls in addition to lawn seeding along the perimeter of the Chevy's site, adding additional temporary lighting, and parking lot signage.

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Currently, the site is flat and mostly covered with impervious surfaces – either parking lot asphalt or buildings. The only existing trees are in the landscaping islands in the existing parking lot and the parking lot buffer strips along 44<sup>th</sup> Ave W and 200<sup>th</sup> St SW. Stormwater management is proposed and being reviewed through a separate stormwater permit.

The site and all surrounding parcels west of 44<sup>th</sup> Avenue W are zoned City Center-West (CC-W). In the City Center zones, proposed parking lots with 20 or more stalls or a parking area of at least 5,400 sf requires Project Design Review per LMC 21.60.600.

The owner, Merlone Geier Partners signed a possession and use agreement with Sound Transit authorizing the temporary use of this property via two temporary easements for transit parking. The term of the temporary easements in the possession and use agreement is until November 30, 2022 with an option for Sound Transit to extend the agreement another 6 months. After the end of the possession and use term and construction of the Sound Transit Parking Garage is complete the new parking area will be retained by Merlone Geier Partners until redeveloped as part of the Northline Village Development Agreement.

## 1. Site Conditions, Coverage, Parking, and Landscaping Information

The following section provides specific figures including the total site area, site coverage of pervious and impervious surfaces, existing and proposed parking, and landscaping amounts.

|                         |                            |                              |                          |     |
|-------------------------|----------------------------|------------------------------|--------------------------|-----|
| <u>Total Site Area:</u> |                            | <u>Site Coverage:</u>        |                          |     |
| Area =                  | 3.82 acres<br>(166,399 SF) | Existing impervious surfaces | 152,460 SF               | 92% |
|                         |                            | Existing pervious            | 13,939 SF                | 8%  |
|                         |                            |                              | <b>Total: 166,399 SF</b> |     |
|                         |                            | Proposed impervious          | 150,282 SF               | 90% |
|                         |                            | Proposed pervious            | 16,117 SF                | 10% |
|                         |                            |                              | <b>Total: 166,399 SF</b> |     |

### Parking Information

|           |                 |            |
|-----------|-----------------|------------|
|           | <u>Standard</u> | <u>ADA</u> |
| Existing: | 333             | 4          |
| Proposed: | 34              | (-4)*      |
| Total:    | 367             | 0          |

\*Replacement ADA stalls are being provided at the ST parking lot adjacent to the Lynnwood Transit Center.

### Landscaping:

Required: Interior parking lot landscaping is required per the City Center Design Guidelines. The applicant has requested a

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design departure from internal parking lot landscaping and tree requirements. No minimum landscaping required.

Provided: 16,117 SF (new grass landscaping and existing vegetation)

### III. Exhibits

1. Land Use Application Cover Sheet and Project Design Review (PDR) Application, received May 26, 2020.
2. Affidavit of Ownership, received June 9, 2020.
3. Title Policies (LL316.1 nad LL316.2), received June 15, 2020.
4. Project Design Review Narrative and Design Checklist Notes, received May 26, 2020.
5. Design Guidelines Checklist, received
6. Merlone Geier Design Departures, received August 8, 2020.
7. L90.852 Site Plans, received July 29, 2020
8. Lynnwood Transit Center – Temporary Parking Lot Design Criteria, received May 25, 2020.
9. Possession and Use Agreement, received February 22, 2022.
10. Notice of Complete Application, issued June 23, 2020.
11. Notice of Application, issued June 26, 2020.

### IV. Noticing

The application was deemed complete on June 23, 2020. A Notice of Application was posted at the City of Lynnwood official posting sites and onsite, and published in the Everett Herald on June 26, 2020. Residents and businesses located within a 300-foot radius of the subject property were also mailed a Notice of Application. No public comments were received.

### VI. Relevant Legal Citations and Analysis for Project Design Review

Lynnwood Municipal Code (LMC) 21.25.145 lists the Decision Criteria that the Director shall use in determining if a proposal meets the merits of Project Design Review. In addition to these criteria, the proposal must comply with all applicable zoning regulations.

#### 1. Consistency with the Comprehensive Plan

The Comprehensive Plan Future Land Use Plan Map designates the property as City Center (CC). The project is consistent with the goals and policies of the Land Use Element and Community

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Character Element of the City of Lynnwood's Comprehensive Plan. Specifically, this proposal is consistent with the following policies:

Land Use Element: Policies LU-22, LU-34, LU-36, LU-43

Community Character Element: Policies CC-1.2, CC-2.4, CC-2.5

Transportation Element: Policies T-3.2

Applicant's Justification:

- The temporary parking will allow construction of the Lynnwood City Center light rail station facilities while not reducing current commuter parking capacity.
- This application is for temporary, not permanent, parking and therefore is consistent with the Comprehensive Plan.
- The proposed parking project, while temporary, is considered an Essential Public Facility (EPF) and is in keeping with the vision of the Comprehensive Plan.
- The applicant cited three policies that they believed justify this temporary parking project: LU-43, CC-1.2, and T-3.2.

Staff's Analysis:

The proposed parking project is consistent with the comprehensive plan but only as a temporary use. The goals and policies for City Center in the Comprehensive Plan are to develop a high-density downtown core composed of tall multifamily residential, mixed use, and commercial buildings. Parcels used only for parking lots are an undesired use.

However, temporary parking as a support to the Lynnwood City Center Station development, is consistent with the goals of city center in the Comprehensive Plan. Temporary parking will reduce disruption to commuters using the Lynnwood Transit Center (bus transit center) to the west of the Lynnwood City Center Station site.

### **2. Consistency with Project Design Review**

Chapter 21.25 LMC contains requirements for processing a Project Design Review (PDR) application. This chapter outlines the procedures that Staff must follow in order to process these applications. The Applicant has the burden of demonstrating how the application meets the merits of PDR decisional criteria; this is done by validating compliance with applicable zoning regulations and Citywide Design Guidelines.

LMC 21.25.145(B) requires that the following decision criteria be met for approval in the project design review process:

- It is consistent with the Comprehensive Plan.
- It is consistent with all applicable provisions of this chapter.

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- It is consistent with the applicable design guidelines found in the City Center and relevant Citywide Design Guidelines, adopted by this reference and incorporated in the provisions of the LMC and Chapter 21.25 LMC as fully as if herein set forth.

### Applicant's Justification:

- The proposed temporary parking project is consistent to all extents possible with the requirements in LMC 21.25 – Project Design Review.
- The applicant also states that the project would be an interim parking facility that does not preclude future development of the site.

The applicant also provided a design departures letter explaining requested departures from the City Center Design Guidelines.

### Staff's Analysis:

LMC 21.25 requires compliance with the applicable design guidelines found in the City Center and Citywide Design Guidelines, and be consistent with the applicable provisions of the chapter. The temporary parking project design review application is only for the design of the temporary parking lot on a single parcel. Design review of the future and permanent Lynnwood City Center Station and parking garage was approved in 2018.

The portions of the design guidelines relating to building standards do not apply to this application.

The applicant also submitted a design departure request to not be required to meet the landscaping provisions of the City Center and Citywide Design Guidelines. If the site meets the criteria of LMC 21.25.150 – Design Departures, full landscaping will not be required and an alternative design may be approved.

Per LMC 21.25.150, the requested design departures may be approved by the Development and Business Services Director if:

1. The alternative design provides equivalent or superior results when compared with strict compliance with applicable guidelines, or
2. On the basis of physical constraints of the project site, or
3. The project is a special type of public facility such as park-and-ride lots and transit centers on the basis of the unique functions they are designed to serve.

The proposed Sound Transit Merlone Geier/Chevy's parking lot meets criterion #3 and the requested departures are found to be reasonable based on the parking lots' temporary use.

Remaining design elements of the parking lot that must be met include providing curb cuts and site lighting. The applicant proposes no changes to curb cuts and complies with site lighting requirements in the design guidelines and LMC 21.17 – Outdoor Lighting.

### VII. Environmental Review

Sound Transit, as a regional transit authority and lead agency under SEPA, issued a Final Environmental Impact Statement (FEIS) in July 2015 and a SEPA Addendum to the FEIS on May 3, 2018.

### VIII. Public Comment

A 14-day public comment period on the proposal ended on July 10, 2020. No public comments were received.

A request for comments was sent to all City Departments and applicable outside agencies. No comments were received. Additional construction-related comments will be provided to the Applicant from City Staff after building permit submittal.

### IX. Recommendation and Conditions

#### A. Recommendation

Based on the application materials and the analysis contained in this staff report, staff concludes that the applicant has met the decision criteria for **approval with conditions** of the Project Design Review.

#### B. Conditions

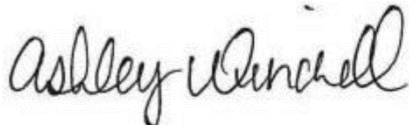
Staff recommends approval of this Project Design Review application **subject to the conditions** listed below. These items shall be addressed prior to building permit approval:

1. The plans in Exhibit 7 shall be the approved plans for this site.
2. Within 30 days of the opening date of the parking garage or end of the lease, whichever comes first, the public use of temporary parking must cease and temporary parking lot signage must be removed.
3. Temporary parking stalls may be provided for exclusive use by JD's Market equal to the parking ratios in Table 21.60.3 under "Retail, personal services and offices serving customers on site." When JD's Market relocates to another property, the dedicated parking stalls for JD's Market must return to Sound Transit temporary parking use.
4. Signage identifying JD's Market parking stalls may be included in the Sound Transit sign permit application. Include a note on the site plan that the JD's Market

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parking signage will be removed within 14 days after JD's Market vacates the property.

5. The leasable Lynnwood Square commercial suites, that are served by the existing parking stalls to be used for temporary parking, shall not be leased while temporary parking continues (existing stalls used for temporary parking are shown on sheet L90-CRP852 of Exhibit 7).



Signature: \_\_\_\_\_

Ashley Winchell, AICP, Planning Manager

Date: 3/18/22

### **X. Director's Decision**

I concur with the above conclusions and recommendation to grant conditional approval of the Project Design Review application for Sound Transit Temporary Parking: Merlone Geier.



Signature: \_\_\_\_\_

David Kleitsch, Development and Business Services Director

Date: 3/18/22

### **XI. Right of Appeal**

Administrative decisions of the director may be appealed by individuals who participated in the application review by submitting written comments prior to the decision. To appeal, these individuals may file a written request for appeal with the Community Planning Division by 5:00pm within 14 calendar days of this decision. An appeal filed within this time limit shall be processed pursuant to Process III per LMC 1.35.300.

### **XII. Other Permits**

The approval of Project Design Review does not in any way replace, modify or waive any requirement for the compliance of the proposal with other applicable codes, standards, or regulations, including, but not necessarily limited to, those of the City of Lynnwood Public Works, Permit & Inspections and Fire Department.

### **XIII. 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. NOTE: 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.

### **XIV. Validity**

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 Community Planning Division requesting a one-time extension of those time limits of up to one year per LMC 21.25.170(A).