
DIRECTOR'S DECISION – PROJECT DESIGN REVIEW (PDR)

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|--------------------------------------|---|
| Project Name: | UPS Distribution Center |
| PDR Number: | PDR-009907-2021 |
| Related Permits: | ERC-009911-2021; PAR-010011-2022; CAP-029411-2021; BLA-009897-2021 |
| Location: | 18100 Highway 99 |
| Tax Parcel Number(s): | 374300300100/0200/1100/1201/1202 |
| Future Land Use: | Highway 99 Corridor (H99) |
| Zoning: | General Commercial (GC) |
| Site Area: | 11 acres |
| Property Owner: | BT-OH LLC |
| Applicant: | United Parcel Services |
| Staff Reviewer: | Karl Almgren, AICP, City Center Program Manager |
| Applicable Design Guidelines: | Citywide Design Guidelines for all districts and commercial districts |
| Decision: | Approved with Conditions |

Project Description: On December 28, 2021, Tony Brizendine on behalf of United Parcel Service (UPS) submitted applications to construct a 52,350 SF distribution center on approximately 11 acres. The site includes critical areas and associated buffers located west and to the north of the project area. The former use of the property includes a scrap yard that ceased operations several years ago and was recently demolished in 2022.

I. EXHIBITS

1. Applications and affidavit of ownership, received December 28, 2021
2. Project narrative, received February 2, 2022 received December 28, 2021
3. Approved Site Plan, revised May 10, 2022
4. Approved Exterior Renderings, received December 17, 2021

5. Approved Landscape and Irrigation Plans, revised July 8, 2022
6. Traffic Impact Analysis, dated December 3, 2021
7. Critical Areas Report, dated September 20, 2021
8. Mitigated Determination of Nonsignificance, Issued August 11, 2022

II. FINDINGS OF FACT

a. Background

The property previously operated as a scrap yard including the break down of junk vehicles. This use ceased operations several years ago, however the remaining structures were demolished in 2022. The site includes five separate parcels that have been consolidated through a boundary line adjustment (BLA-009897-2021) to create a single site for construction of the distribution center.

The site is currently vacant with a remaining concrete slab from the previous building. Adjacent to the site is the unopened right-of-way named 'Hurst Road'.

b. Proposal Description

Summary of Proposal –

The applicant United Parcel Service (UPS) proposes construction of 52,350 square foot distribution center used for local deliveries. The proposal includes parking, landscaping,

Design – The building is industrial in nature including the use of CMU block, metal siding, and spandrel glass. The building is shaped in a “L” formation locating the delivery bays away from the street frontage. Located at the SE corner of the building includes a customer service location with offices and employee service areas.

Site Information – The site is approximately 11 acres that general slopes downward from Highway 99 west to the unopened right-of-way Hurst Road. The site includes critical area west of the proposed development area of the structure. Adjacent to the site includes an existing scrap yard as well as self-storage facilities. The surrounding architecture includes primarily single story commercial structures including some a larger metal buildings.

Future Land Use and Zoning – The Comprehensive Plan future land use designation of this site is Highway 99. The property is zoned General Commercial (GC) on the Official Zoning Map. GC is identified in the Comprehensive Plan as a consistent implementing zone for the Highway 99 land use designation (2015 Comprehensive Plan, page 11.5).

c. Noticing

The application was deemed complete on December 28, 2021. On January 20, 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 February 3, 2022. The City received public comments and public agency review comments discussed in Section III of 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 submittal included a SEPA Checklist. The City reviewed the checklist and determined revisions were required to adequately determine any adverse environmental impacts. A revised checklist was submitted. The City, as Lead Agency, determined that adverse environmental impacts could be reasonably mitigated through conditions in combination with current regulations. The City circulated a Mitigated Determination of Nonsignificant (MDNS) (Exhibit 8) for comments on August 11, 2022. The appeal period ended on September 9, 2022 with no appeals filed with the City.

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 after the 120-calendar day requirement.

f. Zoning Analysis

i. Compliance with the General Commercial (CG) Zone (Chapter 21.46 LMC)

The General Commercial (CG) zone is intended to "provide for a variety of commercial, retail, and other uses, including municipal services. These uses are primarily related to auto borne clientele, rather than pedestrian clientele" (LMC 21.46.050.B.2).

Distribution Center, not exceeding 100,000 square feet are permitted by right in the CG zone (LMC Table 21.46.12)

Compliance with Development Standards LMC 21.48.200:

| | CG Standard | Proposal |
|---|---|--|
| Minimum lot area | None | Complies |
| Minimum setback | Front – 15 feet Street – 15 feet Side – None Rear – None | Complies- the building is at least 15 feet setback |
| Minimum setback abutting an RS-zoned property | Side - 25 feet Rear – 50 feet | n/a – site does not abut any RS-zoned properties |
| Minimum setback abutting an RM-zoned property | Side – 15 feet Rear – 25 feet | |
| Maximum building height ³ | Not restricted | Complies |
| Maximum lot coverage | 35% | Complies |

ii. Compliance with Landscaping (Chapter 21.08 LMC)

The applicant has provided a landscape and irrigation plan (Exhibits 5) 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 Highway 99 (right-of-way). The project proposes to comply with the standard.

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 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). All lighting complies with the maximum allowed backlight, uplight, 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. Parking (21.18 LMC)

The proposal includes an associated permit PAR-010011-2022 to administratively reduce the parking from 171 parking spaces to 170 parking spaces.

Per LMC 21.18.800, the proposal requires a minimum number of 171 parking spaces. The Applicant submitted a Traffic Impact Analysis dated December 3, 2021 (Exhibit 6) demonstrating a requirement for 166 spaces. The Applicant has proposed to construct 170 parking stalls consistent with demand identified in the Traffic Impact Analysis.

Per LMC 21.18.820, the Development and Business Services Director “shall have the authority to administratively reduce the parking capacity requirements of LMC 21.18.800 or stacking lane requirements of LMC 21.18.810, by not more than 20 percent or to increase the proportion of compact stalls by up to 10 percent (rounded to the nearest whole number of stalls) upon presentation of empirical evidence acceptable to the director that a particular use of property will generate different parking demands than other similar uses”. The empirical evidence provided in the Traffic Impact Analysis is adequate to grant a reduction of the required parking for the site.

v. Critical Areas (17.10 LMC)

The proposal includes an associated permit CAP-029411-2021 to review the onsite hydrology.

The applicant submitted a Critical Areas Report (Exhibit 7) dated September 20, 2021 by Raedeke Associates. The site was investigated for wetlands based upon the guidelines of the U.S. Army Corps of Engineers (COE) Wetlands Delineation Manual (Environmental Laboratory 1987) and subsequent amendments. The site was investigated for streams under Washington State Shoreline Management Act of 1971. The report identified the following critical areas exist on or partially on the property:

| | Type/Category | Buffer |
|-----------|---------------|----------|
| Wetland 1 | Category III | 105 feet |
| Wetland 2 | Category II | 105 feet |
| Wetland 3 | Category III | 60 feet |
| Wetland 4 | Category III | 165 feet |
| Stream 1 | Type F | 100 feet |
| Stream 2 | Np | 60 Feet |

The proposal disturbance area is located outside of the buffer area with the exception for a stormwater drain (located in the outer 25% of the buffer). This stormwater flow maintains natural drainage flow to the surface hydrology.

vi. Parks

The City plans to develop an extension of the Scriber Creek Trail with a connection between Wilcox Park located at 5215 16th ST SW and Lund's Gulch in the vicinity of 60th Ave W and 164th St SW. This trail connection is planned to be a 16-foot wide, CLASS 1, multimodal facility.

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 Comprehensive Plan Future Land Use Plan Map designates the property as "Highway 99 Corridor" (H99). The H99 designation recognizes principal uses to include retail, auto sales, office, service and food and beverage services.

The following policy from the Comprehensive Plan are most relevant to this Project Design Review:

Land Use Policy LU-19

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

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 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 along Highway 99 and supports employment growth.

- 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 including architectural design and landscape elements.
- 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 for review.

ii. Design Departures

The applicant has requested a deviation to the massing requirements of the Citywide Design Guidelines as the building facades are longer than 50ft. The building design adequately meets the intent of the standard by quality building materials, landscaping, and building setback. This includes the use of spandrel glass to add visual interest along the façade and accented entrance for customers. In combination, this design sufficiently breaks down the massiveness of the larger building into a more approachable structure.

- 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 February 3, 2022. Referrals were sent to all applicable City Departments and outside agencies.

A summary of the comments is included below: All public agency comments are available in the project file.

- **Public Comments** – Comments included desire for the site to be used as a park and greenway connection to and from Scriber Creek as opposed to a distribution center.
- **Building Division** – Comments regarding electric charging station per IBC Section 429.2.

- **Private Development Engineering Division** – Comments reviewed stormwater facilities and frontage requirements. These comments were resolved and will be further reviewed in a separate civil permit.
- **South County Fire** – Comments included changes to be made in civil submittal include access lane markings and gate operations.
- **Parks, Recreation, and Cultural Arts Department** – Development shall be subject to park impact fees. This is included as a condition of approval.
- **Public Works (Traffic):** Comments included vegetation impact sight triangles and trip generation.
- **Department of Ecology:** Comments requested additional information of historical activities within the SEPA Checklist (Applicant submitted a revised checklist) as well as required reporting if contamination is encountered during construction.
- **PUD** - Sufficient electrical capacity presently exists. The District requires a minimum 14-foot clearance from any structure to accommodate workers, scaffolding and ladders. Minimum worker safety clearance from 115kV transmission wires is 20 feet. 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.
- **WSDOT** – Requested further review of the Traffic Impact Analysis.
- **Zipty Fiber** – Identified existing overhead system an overhead system on the east side and crossing Hwy-99 with existing underground at same parcel from pole marked HL-LS 2/12 P216.

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 UPS Distribution Center PDR (PDR-009907-2021) 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) and exterior elevations (Exhibit 4) shall be the approved plans.
3. The landscaping plan (Exhibit 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. All landscaping shall be installed and maintained in accordance with the landscape plan prior to issuance of the building's certificate of occupancy.
4. A fire hydrant is required within 150 feet of the most remote location of the exterior wall of the first story. An additional fire hydrant is required.
5. 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. Future electrification of fleet vehicles and external charging stations will not require Project Design Review.
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. Compliance with all approved engineering plans, including temporary erosion control measures and NGPE signs, fencing and monuments.
13. Submittal and approval of a final Critical Areas Plan consistent with engineering drawings, mitigation plan, and conditions of approval.
14. Payment of fee, and posting of bond, if applicable, for Critical Areas Permit at time of issuance.

15. Due the previous use of the property (scrap yard), if existing environmental contamination is encountered during construction, the release must be reported to Ecology within 90 days through Ecology's Environmental Report Tracking System (ERTS). Releases may be reported via Ecology's web form, by phone (206-584-0000) or by email (nwroerts@ecy.wa.gov). MDNS Condition #1
16. If contamination is encountered during construction of the wrecking yard, cleanup shall be completed as part of site construction. Potentially liable persons may choose to conduct independent cleanups without assistance from the department, but cleanup results must be reported to Ecology. Cleanup technical assistance may be obtained by enrolling in the Voluntary Cleanup Program (VCP). MDNS Condition #2

REVIEWED BY:


 _____ 9/12/2022
Derek Fada, Environmental Programs Supervisor **Date**


 _____ 9/12/2022
Ben Wolters, Interim Community Planning Manager **Date**

VI. DIRECTOR'S DECISION

I concur with the above conclusions and grant approval with conditions of the Project Design Review application for the UPS Distribution Center project.


 _____ 9/12/2022
David Kleitsch, Development and Business Services Director **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 **September 29, 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.