

Lee's Apartments

(PDR-009946-2022)

February 2, 2024

I. Application

Project Name:	Lee's Apartments
File Numbers:	PDR-009946-2022
Location:	19807 68th Ave W
Tax Parcel Number:	27042000100100
Zoning:	College District Mixed Use (CDM)
Future Land Use:	Mixed Use (MU)
Site Area:	0.4 Acres
Property Owner:	Hae Chin Lee
Applicant:	Benny Kim
Staff Reviewer:	Brian Kirk, Planner 425-670-5409; bkirk@lynnwoodwa.gov
Applicable Design Guidelines:	Citywide Design Guidelines for All Districts; Citywide Design Guidelines for Commercial Districts
Related Permits:	Associated Building and Construction Permits
Decision:	Approved with Conditions

II. Exhibits

1. Revised Full Plan Set, received March 21, 2024
2. Landscape and Maintenance Plan, received September 22, 2022

3. Updated Application, received March 29, 2022
4. Title Report, received March 29, 2022
5. Revised Design Guidelines Checklists, received September 22, 2023
6. Revised Storm Drainage Report, received February 20, 2024
7. Agency Comment from Snohomish PUD, received April 20, 2022
8. Landscape Buffer Reduction Letter, received November 11, 2022

III. Findings of Fact

a. Proposal Description

On February 9, 2022, Benny Kim on behalf of the Hae Chin Lee applied for a Project Design Review (PDR) permit and Landscape Buffer Reduction to construct a four-story apartment building with twelve (12) two-bedroom apartments at 19807 68th Ave West on a 0.40-acre (17,424 sf) property zoned College District Mixed Use (CDM). The proposal includes pedestrian walkways, plazas, landscaping, a trash enclosure, and surface parking lot with 24 parking spaces.

b. Background

The subject property is an interior lot located on 68th Avenue West across the street from Edmonds College. This is roughly 0.3 miles from Highway 99. Additionally, the property is located one block to the north of Community Transit's Orange Line (bus rapid transit). The property is currently vacant. This decision was issued on the 102nd day of active permit processing.

c. Noticing and Review Timelines

The application was deemed complete on March 29, 2022. On April 13, 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 mailed a Notice of Application and Impending Decision on April 13, 2022. The comment period ended on April 27, 2022. In accordance with LMC 1.35.333, all written comments received prior to the date this decision have been considered.

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).

d. Environmental Review

This proposal is categorically exempt from environmental review per WAC 197-11-800 (D). The proposal is considered minor new construction under rules governing SEPA review threshold determination.

IV. PDR Decision Criteria

Lynnwood Municipal Code (LMC) 21.25.145 states the decision criteria that the Director will 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.

a. Consistency with the Comprehensive Plan

The proposed project site is designated Mixed Use (MU) in the Lynnwood Comprehensive Plan. The excerpts below are from the Land Use Element, Community Character, and Housing sections of the City of Lynnwood Comprehensive Plan and have been found to be relevant to the proposal.

i. Land Use Designation:

Table LU-6(D) provides a description of the MU land-use category.

Staff Analysis:

The proposed residential land use is a multi-story apartment building located near Edmonds College and 0.3 miles from Highway 99. Additionally, the site provides outdoor open space and activities for residents, reflecting the designs designated in Table LU-6(D). This proposal is consistent with the designations of Mixed Use (MU) in the comprehensive plan.

ii. Policy LU-8:

Land development regulations should be consistent with and implement the Comprehensive Plan, and address the following issues:

- Minimize the potential for adverse impacts between adjacent land uses.
- Urban amenities and architectural design standards.

Staff Analysis:

Adjacent adverse impacts are mitigated through building design and intended use. The proposed designs provide adequate amenities adjacent to the right of way which comply with the design guidelines for Commercial and All Districts. Landscape buffers, with associated buffer reductions, are adequate to reduce potential adverse impacts between uses to the north, south, and east of the property. The site's compliance with design guidelines also meets the requirement for architectural design standards.

iii. Policy LU-11:

Fill in development upon vacant parcels that can be readily served by utilities and streets should be encouraged to maximize the efficient delivery of such infrastructure.

Staff Analysis:

The site is currently vacant. It was previously occupied by a single-family structure. It is located centrally and is effectively served by utilities. Increasing the intensity of use of this site as proposed will allow for efficient use of areas near Highway 99.

iv. Policy LU-24:

Land use regulations should encourage infill housing and redevelopment of underutilized housing sites.

Staff Analysis:

The proposal brings the total unit count from 1 unit to 12 units. This is a net gain of 11 units on a site that was otherwise underutilized.

v. Policy CC-1.3:

The visual character of buildings must 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.

Staff Analysis:

The proposed designs contain a variety of architectural features and landscape elements which are at the human scale and contribute to the overall design of the street and surrounding uses. These are consistent with both Lynnwood Citywide Design Guidelines for All Districts and for Commercial Districts.

vi. 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. Potential adverse impacts are mitigated through landscape buffers, shielding on parking lot lighting, and providing adequate on-site parking.

vii. Policy H-14:

Provide diverse, safe, and decent housing opportunities that meet local housing needs without encroachment into established single-family neighborhoods.

Staff Analysis:

The proposed site is not within, or directly next to single-family areas. This area is characterized by a large amount of multiple family zoned parcels, which is reflected in the proposed use.

b. Compliance with LMC 21.25 – Project Design Review

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

i. LMC 21.25.145(B)

Requires that the following decision criteria be met for approval in the project design review process:

1. It is consistent with the Comprehensive Plan.

Staff Analysis:

The proposed project follows the Comprehensive Plan, as shown in section “a”.

2. It is consistent with all applicable provisions of this chapter.

Staff Analysis:

This project is consistent with the purpose of design review as defined in Lynnwood Municipal Code 21.25, described in subsection c(ii).

3. 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 Chapter 21.25 LMC as fully as if herein set forth.

Staff Analysis:

The proposal includes the construction of a multiple family dwelling structure using modern design standards, that fit within the Citywide Design Guidelines. Additionally, the rest of the site includes design features supported by the guidelines. During the PDR review, the proposal was checked for compliance with the Lynnwood Citywide Design Guidelines for All Districts and for Commercial Districts.

4. For development applications for remodeling or expansion of an existing development, it is consistent with those provisions in the applicable design guidelines identified by the director as being applicable.

Staff Analysis:

The proposal is not a remodel or an expansion of an existing development.

c. Compliance with LMC 21.17 – Outdoor lighting Standards

- i. The purpose of LMC 21.17 is stated as the following:

1. To provide uniform outdoor lighting standards to assure public safety, utility, and security of private and public property.
2. To reduce and minimize the impact of outdoor lighting on views of the night sky by minimizing glare, obtrusive light and artificial sky glow and limiting outdoor lighting that is misdirected, excessive or unnecessary.
3. To implement the energy conservation policies of the Comprehensive Plan.
4. To regulate the type of light fixtures, lamps, and standards.

5. To protect low- and medium-density residential zones from the adverse impacts associated with nonresidential and multifamily outdoor lighting.
6. To ensure outdoor lighting is following the State of Washington Energy Code.

Staff Analysis

The site is in Lighting Zone 2 (LZ-2). The applicant has provided a site lighting plan demonstrating compliance with the requirements of LMC 21.17. All requirements in terms of lumen allowances have been met and additional shielding has been provided to protect adjacent residential properties from spillover.

d. Compliance with LMC 21.18 – Off-Street Parking

- i. The purpose of LMC 21.18 is to ensure adequate off-street parking for all allowed uses, to provide minimum development standards for parking areas, and to reduce parking demand by encouraging alternative means of transportation and shared parking where feasible.

LMC 21.18.800

- I. Multiple family residential structures with two or more bedrooms per unit must provide two parking spaces per dwelling unit.

Staff Analysis:

The proposed project complies with off-street parking requirements, providing 24 parking spaces for residents. The structure contains 12 two-bedroom units, which require 2 parking spaces per unit, coming to a total of 24 required parking spaces.

e. Compliance with LMC 21.57 – College District Mixed Use Zones

The project site is zoned College District Mixed Use, High Density (CDM).

- i. 21.57.100 – Zones and Purposes:

This mixed-use zone is designated to provide opportunities for the creation of a college- and neighborhood-oriented mixed-use district in close proximity to the campus and the Highway 99 commercial node at the 196th Street intersection.

Staff Analysis:

The proposal is for Multiple-Family development meant to serve a variety of individuals. The proposed project included 12 units in close proximity to Edmonds College and Highway 99.

- ii. 21.57.300- Uses Allowed:

Standard: Multiple-Family dwellings are permitted at a density between 20 units and 43 units per acre.

Staff Analysis:

The proposal is for a Multiple-Family dwelling with 12 units which on a 0.4 acre parcel is 30 units per acre.

iii. 21.57.400 – Development Standards:

Development Standard	Required	Provided
Minimum Lot Area	0.5 acre	Complies- Site is 0.40 acres, which is equal to the minimum required for the use of nonconforming lots per LMC 21.12.300.B.
Minimum Lot Width	None	Complies
Minimum Street Frontage	None	Complies
Front Yard Setback	No minimum, 15 foot maximum	7 feet 9 inches
Side Yard Setbacks	None	Complies
Rear Setback	25 feet	25 feet
Maximum Lot Coverage	90%	15%
Maximum Building Height	50 feet	39.5 feet

Staff Analysis:

The proposal meets each of the development standards laid out in the table referenced above (21.57.400), Exhibit I.

2. Compliance with LMC 21.08.250(C) – Landscape Buffer Reduction Requirements
 - a. Per LMC 21.08.400, CDM zones abutting Residential Multiple Family Medium (RMM) Zones are required to provide a “medium” landscape buffer to mitigate adverse impacts between potentially incompatible uses. A medium buffer is defined as having the following:
 - b. A width of 10 feet;
 - c. And 1 large per 30 lineal feet, or 1 medium tree per 22 lineal feet, or 1 small per 15 lineal feet;
 - d. And a mix of natural groundcover that provides 75% cover with shrubs of any height and mulch or woodchips on rest of area;
 - e. And a 6-foot vision obscuring fence or row of shrubs reaching a height of three feet maximum.

Per LMC 21.08.250(C), the applicant may request a landscape buffer if they demonstrate that, due to the intensity of existing or proposed landscaping, change in topography between properties, use of the properties along the abutting property line, or other characteristics of the abutting properties, a reduced buffer width or deviation from the

landscape code requirements will provide adequate separation and screening between properties.

Staff Analysis:

The site is surrounded to the North, South, and East by parcels zoned Residential Multiple Family Medium (RMM) which require a “Medium” buffer of 10 feet per LMC 21.08.400.

The proposed use of the site is multi-family residential at a density which is equivalent to one dwelling unit per 1,452 square feet of lot area. Residential Multiple Family Medium zones have a density of 1 dwelling unit per 2,400 square feet and High zones have a density of 1 dwelling unit per 1,000 square feet. There is no required buffer between RMH zones and RMM zones. The proposal provides a 6 foot 7 inch buffer on the North side of the property, a 6 foot buffer on the south side of the property and a 5 foot buffer on the east side of the property for a short section immediately behind the dumpster enclosure. Thus the maximum reduction requested is 5 feet. The landscape plan provides improved plantings along all sides which meet the requirements of a “medium” buffer. It should also be noted that the preservation of significant trees on nearby properties will also contribute to the buffer as well as an existing fence. Due to the proposal’s compatibility with the uses of surrounding properties and presence of improvements which will mitigate potential impacts, staff finds this reduction warranted, as the impacts of the reduction are negligible.

V. Public and Agency Comments

No member of the public provided comment within the comment period. One Agency comment was received from Snohomish County Public Utility District No. 1:

- a. Comment by Snohomish County PUD- Letter outlining required improvements and setbacks for transmission lines. This is included as exhibit XX

VI. Conclusion and Conditions of Approval

a. Conclusion

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 of the Project Design Review (PDR) and the Landscape Buffer Reduction.

b. Conditions of Approval

Staff recommends approval of the Lee’s Apartments (PDR-009946-2022) application, subject to the following conditions:

1. The approved plan set shall be Exhibit I, although minor modifications may be approved by the Development & Business Services Director, or their designee.
2. Prior to issuance of development engineering permits, tree protection must be shown for trees and critical root zones located immediately adjacent to the site.

3. Buffer reductions will apply only to approved plans in the specific locations provided. The buffer reductions apply to the north property line immediately north of the building, the south property line immediately to the south of the parking stalls, and the east property line immediately to the east the dumpster enclosure.

VII. Director's Decision

Reviewed by: *Karl Almgren* Date: 4/2/2024
Karl Almgren, AICP
Community Planning Manager

Approved by: *David Kleitsch* Date: 04/02/24
David Kleitsch (Apr 2, 2024 16:46 PDT)
David Kleitsch
Development & Business Services Director

VIII. Notice of Decision and Right of Appeal

Administrative decisions of the director may be appealed by filing a written request for appeal with the Development & Business Services Department within 14 calendar days. The appeal deadline will be **April 19, 2024**. An appeal filed within this time limit will be processed pursuant to Process II, as identified in LMC Section 1.35.200.

IX. 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 & Business Services Department requesting a one-time extension of those time limits of up to one year per LMC 21.25.170(A).

X. 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.

XI. 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 limited to, those of the Public Works, Permits & Inspections, and Fire Departments.






Director_Decision_PDR-009946-2022_FINAL

Final Audit Report

2024-04-02

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