AGENDA
Lynnwood Planning Commission
Thursday, May 24, 2012 — 7:00 pm
City Council Chambers, 19100 – 44th Ave. W., Lynnwood WA

A. CALL TO ORDER – ROLL CALL

B. APPROVAL OF MINUTES:
   Meeting of May 10, 2012

C. CITIZEN COMMENTS – on matters not on tonight's agenda.

D. PUBLIC HEARINGS

   amendment of land use regulations for self-service storage facilities (mini-storage,
   mini-warehouse, self-storage, etc.) Draft Ordinance.

E. WORK SESSIONS

1. Planned Regional Center zone, mixed use regulations Proposed amendment of
   land use regulations for mixed use development within the Planned Regional Center
   zone. Draft Ordinance.

F. OTHER BUSINESS

G. COUNCIL LIAISON REPORT

H. DIRECTOR'S REPORT

I. COMMISSIONERS' COMMENTS

J. ADJOURNMENT

The public is invited to attend and participate in this public
meeting. Parking and meeting rooms are accessible to
persons with disabilities. Upon reasonable notice to the
City Clerk's office (425) 670-5161, the City will make
reasonable effort to accommodate those who need special
assistance to attend this meeting.
ACTION
Conduct a public hearing. At the conclusion of the public testimony portion of the hearing, the Planning Commission may begin deliberation and make a recommendation on the proposed code amendment to the City Council.

BACKGROUND
The proposed code amendment is intended to provide greater clarity regarding where self-service storage facilities (mini-storage, self-storage, etc.) are to be allowed, and what development regulations apply to these land uses.

The Planning Commission has discussed this matter multiple times as the draft regulations were formulated, and at this juncture it is appropriate to conduct a public hearing to more-formally receive public comment. Minutes of those discussions are attached.

To date, three public notices related to this code amendment have been issued:

<table>
<thead>
<tr>
<th>Date</th>
<th>Notice Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/28/11</td>
<td>Determination of Non-Significance (SEPA)</td>
</tr>
<tr>
<td>4/24/12</td>
<td>Determination of Non-Significance (SEPA)</td>
</tr>
<tr>
<td>5/1/12</td>
<td>Notice of Planning Commission Public Hearing</td>
</tr>
</tbody>
</table>

Mr. Jack McCullough submitted written comment in response to the April 24, 2012 Determination of Non-Significance. Mr. McCullough’s comments relate to the SEPA Determination, which is the responsibility of Administration. The comment letter, and a written reply from Director Krauss are attached.

The following/remaining portions of this staff report are repeated from the staff report prepared for the Commission’s February 23, 2012 meeting.

In 2011 staff started working with the Planning Commission to develop an amendment to the zoning code focused on self-storage (mini-storage) uses. The code amendment deals with two related issues.
• The first issue is to close an anomaly in the zoning code resulting from a Director’s code interpretation that self-storage was not a permitted use in Lynnwood’s B-1 commercial zone. This issue arose with the "General Stor-age" proposal to build a storage operation on 200th near Highway 99. Staff determined that self-storage was not a permitted use nor was it consistent with the Comprehensive Plan. Upon appeal the Hearing Examiner agreed. However, upon further appeal to Superior Court the judge overturned these actions by finding that self-storage is a “business service, not elsewhere mentioned in this section” and as such is permitted in Lynnwood B-1 commercial zone. Once this “loophole” is closed self-storage would remain a permitted use in the BTP (Business Technical Park zone, and would also allow self-storage as a permitted use in the LI zone.)

• The second issue was to look at allowing self-storage in certain commercial zones under the following two scenarios.

Scenario 1. The first scenario is in multi-story buildings that are architecturally designed to emulate office or multi-family buildings with windows, muted colors and concealed loading and storage areas. These buildings could also incorporate ground floor retail as appropriate.

Scenario 2. The second scenario is to allow self-storage as a component of larger multi-story office and residential buildings located, for example, in City Center and the Transition Area. In this context no outdoor storage would be permitted, loading areas concealed and a cap would be set at 20% of the building area that could be used for this purpose to insure that the primary function of the building is consistent with City plans and permitted zoning.

Staff held several discussions with the Planning Commission including a presentation provided by a developer of self-storage projects. Unfortunately, since that time this effort sat on the back-burner as the Community Development Department dealt with significant staffing shortages.

PROPOSAL
The current draft ordinance builds upon the draft ordinance last reviewed by the Commission. As before, self-storage uses would be permitted in the BTP district as of right subject to the City’s standard Project Design Review ordinance. The proposed amendment expands that to include the Light Industrial zone, also subject to the City’s standard design review process.

As proposed, self-storage uses would be permitted in the CG General Commercial, B-1 Community Business and allowed as a Conditional Use in the PCD Planned Commercial Development zones. They will be required to be multi-story buildings designed to emulate office or residential buildings.
The proposed code amendment does not deal with self-storage uses that would be allowed to be incorporated into multi-story buildings in the Transition Area (zoning currently under consideration) or City Center. Those individual code amendments will include provisions allowing self-storage to occupy up to 20% of a building’s total floor area. They will not be allowed to occupy space on the ground floor.

After considerable thought staff is proposing that self-storage not be allowed in very-low intensity commercial zones or in multi-family zones. There are several reasons for this:

- Total acreage of low intensity B-3/ B-4 zones is extremely small.
- The intent of the B-3 and B-4 districts is that they be located in very close proximity to residential neighborhoods and provide retail and service uses needed by the residents.
- Lynnwood, as with all cities and counties in Central Puget Sound, is required to plan under the Growth Management Act (GMA). A primary responsibility is to accommodate our fair share of projected growth. Lynnwood has adopted a policy of protecting our single family neighborhoods by accommodating growth in multi-family zones and also mixed use zones located along Highway 99, City Center and the Transition Area (zoning currently under consideration). Unrestrained use of these areas for self-storage would jeopardize the City’s ability to pursue this goal.
- While the intent is to provide more and better regulated opportunities for developing self-storage we need remember that while they provide a service used by our residents they do not provide much benefit to the community as a whole. They do not encourage significant customer traffic that benefits other businesses in the area nor do they generate significant taxes. There is little benefit to providing self-storage for people and businesses from Edmonds or other nearby communities.

**STAFF RECOMMENDATION**
Staff suggests the Planning Commission recommend approval of the draft ordinance either as written, or as amended by the Commission.

**ATTACHMENTS**
Draft Ordinance
Written public comment
Meeting minutes
CITY OF LYNNWOOD

ORDINANCE NO. _________

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON,
AMENDING LYNNWOOD MUNICIPAL CODE CHAPTERS 21.02,
21.18, 21.46, AND 21.50 RELATING TO SELF-SERVICE STORAGE
FACILITIES, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE
DATE AND SUMMARY PUBLICATION.

WHEREAS, under Chapters 35A.11 and 35A.63 RCW the City Council of the City of
Lynnwood has the authority to adopt ordinances relating to the use of real property located
within the City; and

WHEREAS, pursuant to Lynnwood Municipal Code Title 21 Zoning, “business
services” and “professional services” are permitted uses in a number of zoning districts,
including (but not limited to) the Restricted Business (B-4), Neighborhood Business (B-3);
Limited Business (B-2), Community Business (B-1), Planned Commercial Development (PCD),
Planned Regional Shopping Center (PRC), City Center (CC), General Commercial (CG),
Commercial-Residential (CR) and College District Mixed Use (CDM) zones; and

WHEREAS, since at least 1994 when the City updated the zoning code to comply
with the Growth Management Act, the City has considered that the terms “mini-
warehouse,” “mini-storage,” and “self-service storage” did not fall within the meaning of
the terms “business services” or “business and professional services,” and therefore these
uses were not permitted uses in the above listed zones simply because “business services”
or “business and professional services” are a permitted use in those zones; and

WHEREAS, in March 2010 the Snohomish County Superior Court in the case of
General Stor-Age, LLC vs. City of Lynnwood Department of Community Development (No.
09-2-04337-8) held that the City erred in interpreting the law, and that as a matter of law
under the Lynnwood Municipal Code, self-storage and mini-storage are outright permitted
uses as “Business and Professional Services not otherwise mentioned” in the B-1
(Community Business) zone; and

WHEREAS, to preserve the integrity of the City’s zoning code and the related
Comprehensive Plan land use designations, the City should regulate the location,
construction and operation of “mini-warehouses,” “mini-storage,” and “self-service
storage” facilities in the Restricted Business (B-4), Neighborhood Business (B-3), Limited
April 25, 2012

Business (B-2), Community Business (B-1), Planned Commercial Development (PCD), Planned Regional Shopping Center (PRC), City Center (CC), General Commercial (CG), Commercial Residential (CR), and College District Mixed Use (CDM) zones; and

WHEREAS, while historically self-service storage facilities have been characterized by a utilitarian industrial appearance, some modern self-service storage facilities in urban areas have been designed to resemble office and even apartment buildings, with utilitarian features such as loading docks and unit entrance doors not visible from outside the facility, which has made them much more visually compatible with high quality commercial developments; and

WHEREAS, on February 26, 2011, the City of Lynnwood SEPA Responsible Official issued a Determination of Non-Significance (DNS) on the proposal; and

WHEREAS, on April 24, 2012, the City of Lynnwood SEPA Responsible Official issued a second Determination of Non-Significance (DNS) on the proposal as revised, and

WHEREAS, on April 19, 2012, the proposed code amendments were sent to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

WHEREAS, on the _____ day of __________, 2012, the Lynnwood Planning Commission held a public hearing on proposed amendments to the Lynnwood Municipal Code relating to self-service storage facilities and the definition of business and professional services, and all persons wishing to be heard were heard; and

WHEREAS, following the public testimony portion of the public hearing, the Planning Commission deliberated on the draft legislation and by regular motion voted to recommend that the Lynnwood City Council adopt the amendments to the Lynnwood Municipal Code; and

WHEREAS, on the _____ day of __________, 2012, the Lynnwood City Council held a public hearing on proposed amendments to the Lynnwood Municipal Code relating to self-service storage facilities and the definition of business and professional services, and all persons wishing to be heard were heard; and

WHEREAS, the City Council has determined that it is in the best interest of the City and necessary for the protection of public health, safety, property and peace including the land use policies embodied in the City of Lynnwood Comprehensive Plan and zoning code to amend the Lynnwood Municipal Code in order to address these issues and to clarify the meaning and intent of the affected sections of the Lynnwood Municipal Code; now, therefore
THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The recitals above are adopted as findings that support passage of this ordinance.

Section 2. Amendment. Lynnwood Municipal Code Chapter 21.02 (Definitions) is hereby amended as follows:

21.02.190 Business and Technical Park.
"Business and technical park" means a planned development of one or more buildings which displays unity and high aesthetic standards in architecture and in the choice of building materials, landscaping and other external features, and typically is occupied by several tenants, with emphasis on office uses, and potentially with distribution, low intensity warehousing, and light fabrication and/or assembly as accessory/ancillary activities. (Ord. 2020 § 2, 1994; Ord. 1465 § 1, 1985; Ord. 1036 § 1, 1979)

21.02.192 Business Services.
"Business services" means businesses primarily engaged in providing administrative support services to other businesses on a fee or contract basis, such as (but not limited to) advertising, mailing, copying, printing and binding; personnel and employment services; accounting, bookkeeping, tax preparation; management and professional consulting; office equipment rental, maintenance and repairs; travel agencies and similar services. Business services under this definition are characterized by their ability to locate in (and typically being found in), common office or retail space, and by not requiring physical facilities or configurations not ordinarily found in office or retail buildings, such as extensive storage or warehouse space, classrooms, laboratories, manufacturing space, special material handling facilities, etc.

21.02.584 Professional Offices
"Professional offices" means offices, buildings, or office space within mixed-use buildings designed and intended maintained and used as a places of for business services and professional services, conducted by persons engaged in the healing arts of human beings such as doctors and dentists (but wherein no overnight care for patients is given provided) and by engineers, attorneys, architects, accountants and other persons providing services utilizing training in and a knowledge of mental disciplines as distinguished from training in occupations requiring skill or manual dexterity or the handling of commodities. (Ord. 2020 § 2, 1994; Ord. 190 Art. IV § 416, 1964)

"Professional services" means services provided by persons such as physicians, dentists, engineers, attorneys, architects, designers, surveyors, therapists, accountants, stockbrokers, loan, title, and escrow officers, insurance agents, and other persons utilizing specialized training and education, and providing such services in a professional office setting.

21.02.658 Self-Service Storage Facility.

"Self service storage facility" means a building, group of buildings or other facility having compartments, rooms, spaces, containers or other type of units that are individually leased, rented, sold or otherwise contracted for by customers for the storage of personal or business goods or property, and where the facility owner/operator has limited access to the units. For purposes of this Title, "self-service storage facility" shall be considered synonymous with self-storage warehouse, self-storage facility, mini-warehouse or mini-storage.

21.02.803 Warehouse.

"Warehouse" means a structure, room, or rooms for the storage of merchandise or commodities. The term "warehouse" does not refer to "self-service storage facilities."

Section 3. Amendment. Lynnwood Municipal Code section 21.18.800 ("Capacity Requirements") is hereby amended as follows:

21.18.800 Capacity Requirements.

Off-street parking shall be provided in accord with the following tables:

<table>
<thead>
<tr>
<th>Industrial Uses</th>
<th>Number of Parking Stalls Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apparel Manufacturing</td>
<td>One per 350 SF GFA</td>
</tr>
<tr>
<td>Baking, Bottling and Canning Establishments</td>
<td>One per 600 SF GFA</td>
</tr>
<tr>
<td>Engraving</td>
<td>One per 350 SF GFA</td>
</tr>
<tr>
<td>Machinery Repair without Sales</td>
<td>One per 200 SF GFA, whichever is greater</td>
</tr>
<tr>
<td>Manufacturing and Assembly Businesses, and Other Light Industrial including research and testing but not apparel, printing and related business</td>
<td>One per 600 SF GFA</td>
</tr>
</tbody>
</table>
Section 4. Amendment. Lynnwood Municipal Code section 21.46.110 is hereby amended to add a new subsection “H” entitled “Self-Service Storage Facilities” as follows:

H. Self-Service Storage Facilities. Self-service storage facilities shall be subject to the following additional standards.

1. Self-Service Storage facilities shall occupy no more than 20% of the total floor area of the building.

2. The storage units shall be permitted only on the upper floors of a building whose primary use is permitted in the zone. The self-storage use may have an office, elevator lobby and the ground floor. The self-storage facility’s business office and/or associated retail use (e.g., sale of boxes, packing supplies, etc.) is permitted on the ground floor of a street-facing building.

Section 5. Amendment. Lynnwood Municipal Code Chapter 21.46 (Commercial Zones), Table 21.46.13, is hereby amended as follows:

21.46.100 Permitted structures and uses.
A. No building, structure or land shall be used and no building or structure shall be erected, enlarged or structurally altered, except for one or more of the uses permitted by Table 21.46.01.

Table 21.46.13

<table>
<thead>
<tr>
<th>Other Uses</th>
<th>B-4</th>
<th>B-3</th>
<th>B-2</th>
<th>PCD</th>
<th>B-1</th>
<th>CG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Establishments</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td>CA</td>
</tr>
<tr>
<td>Adult Retail Uses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CA</td>
</tr>
<tr>
<td>Charitable or Relief Supplies Collection or Storage</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Customer Parking, outdoor</td>
<td>A</td>
<td>A</td>
<td>A</td>
<td>-</td>
<td>A</td>
<td>A</td>
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<tr>
<td>Radio or Television Stations, not including Wireless Communications Facility</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Recycling Collection Centers +</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>C</td>
</tr>
<tr>
<td>Self-Service Storage Facilities +</td>
<td>=</td>
<td>=</td>
<td>=</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Temporary Special Events, per Chapter 5.30 LMC</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Wireless Communications Facility less than 300 feet from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel) +</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>P</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Wireless Communications Facility 300 feet or more from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel) +</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<td>P</td>
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<tr>
<td>Wireless Communications Facility, Attached</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

+See LMC 21.46.110 through 21.46.119.

Key:

P = Permitted as principal use
A = Permitted as accessory use with a principal use
C = May be permitted as a principal use upon approval of a conditional use permit
AI = Permitted as accessory use if located in the building of a permitted principal use, and internally oriented with principal public access through the main access of the building
− = Not permitted
-X = Not permitted in controlled area
CA = Permitted only in controlled area. See LMC 21.46.120.

Section 6. Amendment. Lynnwood Municipal Code section 21.46.119 is hereby amended to add a new subsection “D” entitled “Self-Service Storage Facilities in Commercial Zones” as follows:
21.46.119 Limitations on Uses – Other Uses

D. Self-Service Storage Facilities in Commercial Zones

Self-service storage facilities have characteristics in common with both commercial uses and industrial uses. This subsection provides regulations to appropriately site self-service storage facilities in certain commercial zones while maintaining the desired character and function of those zones. In general, self-service storage facilities generate low levels of vehicular and pedestrian activity and do not contribute to the vitality of a commercial area compared to other commercial uses. Historically self-service storage facilities have visually resembled industrial facilities, but some recently constructed facilities have featured designs compatible with higher quality commercial development. If designed appropriately as stand-alone multi-story structures that emulate the exterior architecture of residential or multifamily or as components located within larger multi-story office or residential structures, self-storage uses may be located without adversely impacting Comprehensive Plan goals, zoning district intent or the surrounding neighborhood. Thus self-storage uses in commercial zones shall adhere to the additional development standards articulated in this chapter.

1. Use Regulations:

a. Permitted Activities: The only activities permitted in individual storage units shall be the rental of the unit and the pickup and deposit of goods and/or property in dead storage. Storage units shall not be used for activities such as:

i. Residences, offices, workshops, studios, hobby or rehearsal areas;

ii. Manufacturing, fabrication, or processing of goods, service or repair of vehicles, engines, appliances or other electrical equipment, or any other industrial activity;

iii. Conducting retail sales of any kind including garage or estate sales or auctions or to conduct any other commercial activity;

iv. Storage of flammable, perishable or hazardous materials or the keeping of animals.

b. Accessory Uses: Accessory uses such as the rental of trucks, trailers or moving equipment (hand carts, jacks & lifts, etc.), the installation of trailer hitches, or the sale of boxes or packing materials are permitted only if they are otherwise permitted in the zone in which the facility is located, and shall meet all use and development standards of the commercial zone.
c. Hours of Operation.

i. Self-service storage facilities located in commercial zones shall not operate or
allow tenant access between the hours of 10:00 PM and 7:00 AM if the site
abuts a Class A EDNA, as defined in Chapter 10.12 LMC (Noise).

ii. The Director may permit extended hours of operation if the facility operator
demonstrates that due to facility design or other factors the facility will not have
significant noise impacts on the adjacent Class A EDNA property. The burden of
proof is on the facility operator.

iii. Nothing in this section overrides or supersedes any requirement of Chapter
10.12 LMC and all restrictions of Chapter 10.12 LMC apply even during allowed
hours of operation.

d. Outdoor Storage Prohibited: Within commercial zones, all goods and property
stored in a self-service storage facility shall be stored in an enclosed building. No
outdoor storage of boats, RVs, vehicles, etc. or storage in outdoor storage pods or
shipping containers is permitted.

2. Development Standards
All development standards of the commercial zone in which the facility is located apply
unless the standard is superseded by regulations in this subsection.

a. Storage Units:

i. All storage units shall gain access from the interior of the building(s) or site –
no unit doors may face the street or be visible from off the property.

ii. If the facility abuts residentially zoned property, the facility loading bays,
ocks or doors shall not be visible from the residential property.

iii. Electrical service to storage units shall be for lighting and climate control only.
No electrical outlets are permitted inside individual storage units. Lighting
fixtures and switches shall be of a secure design that will not allow tapping the
fixtures for other purposes.

b. Additional standards for self-service storage facilities in the commercial zones
as outlined in Table 21.46.13 subject to the following limitations:

i. The facility shall be located in a multi-story building.
ii. Loading docks, entrances or bays may not be located on a street facing side a
building and shall be screened from residential uses.

3. Design Standards:
Design review shall be required for all new construction and expansions of self-service
storage buildings to ensure the development has a high quality design and is
appropriate to the desired character of the zone it is located in and the adjacent
neighborhood. Self-service storage facilities shall meet the requirements of Chapter
21.25 LMC (Design Review) and the following requirements:

a. Fences and Walls. Fences and walls including entry gates shall be constructed of
high quality materials and shall be compatible with the design and materials of the
building(s) and site. The Design Guidelines for fences and walls and the following
provisions shall apply to self-service storage facilities:

i. Decorative metal or wrought iron fences are preferred.

ii. Chain-link (or similar) fences, barbed or razor wire fences, and walls made of
precast concrete blocks are prohibited.

iii. Fences or walls are not allowed between the main or front building on the
site, and the street.

iv. Street-front landscape areas required by the Design Guidelines or elsewhere
in this code shall not be fenced.

b. Ground and Upper Floor Facades. Ground and upper-floor facades for self-service
storage facility buildings in commercial zones shall meet the following requirements:

i. The ground floor transparency requirements of the Commercial Districts
Design Guidelines shall also apply to each floor above the ground floor of a self-
service storage facility building that is visible from a street or from a residentially
zoned area.

ii. The ground floor on rear or side facades facing residential areas do not have
to meet LMC 21.46.119 D.3.(b)(1) if they are effectively visually screened from
view from the street or nearby residential uses by a transition or landscape strip.

iii. The design guidelines for treating blank walls and for opaque walls in the
design shall apply to the upper floors of self-service storage buildings.
iv. In order to promote visual compatibility with commercial and multifamily development allowed in commercial zones, self-service storage facilities buildings shall incorporate architectural and design features common to commercial and/or multifamily development. Examples of such architectural and design features include: massing; proportion; façade modulation; exterior building materials and detailing; varied roof-line; pedestrian scale; fenestration; repetition; etc.

c. Street Entrance. The business office of Self-Service Storage Facilities in commercial zones shall have a pedestrian entrance facing the street.

i. This entrance shall be considered the "main" or "principal" entrance to the building for purposes of the Design Guidelines or other sections of this Chapter even if the majority of customers using the facility enter through loading docks, bays, doors or other side or rear entrances.

ii. This entrance shall meet the Design Guideline Prominent Entrance requirements.

d. Materials. Self-service storage facility buildings shall be surfaced in high-quality materials. Unfaced concrete block, painted masonry, tilt-up and pre-cast concrete panels and prefabricated metal sheets are prohibited. Prefabricated buildings are not allowed.

e. Design Departures. In addition to the requirements for design departures in LMC 21.25, the Director shall find that a request for approval of a design departure will not cause the development or the use to be inconsistent with the desired character of the zone in which it is located or have negative impacts on surrounding uses.

Section 7: Amendment. Lynnwood Municipal Code Chapter 21.50 (Industrial Zones), Table 21.50.01, is hereby amended as follows:

21.50.100 Uses allowed in the industrial zones.

<table>
<thead>
<tr>
<th>Use</th>
<th>BTP</th>
<th>LI</th>
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<tbody>
<tr>
<td>Accessory Greenhouses</td>
<td>AC*</td>
<td>-</td>
</tr>
<tr>
<td>Assembly of Wood, Light Metal, Glass, Electronic, Electrical or Plastic Parts or Components which are extruded, stamped, manufactured, shaped, or prepared elsewhere, not precluding minor processes such as cutting, drilling,</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Activity</td>
<td>Code1</td>
<td>Code2</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Soldering, or minor welding</td>
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<tr>
<td>Athletic Clubs containing such facilities as handball, racquetball, tennis, and basketball courts, swimming pools, and exercise rooms</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Auditoriums</td>
<td>–</td>
<td>P</td>
</tr>
<tr>
<td>Auto Wrecking Yards</td>
<td>–</td>
<td>C</td>
</tr>
<tr>
<td>Automotive and Machinery Repairing and Storage</td>
<td>–</td>
<td>P</td>
</tr>
<tr>
<td>Banks and Other Financial Institutions</td>
<td>C</td>
<td>–</td>
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<tr>
<td>Barber Shops and Beauty Parlors</td>
<td>AC*</td>
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<tr>
<td>Biotechnology (except manufacturing pharmaceuticals)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Blacksmithing, Welding, and Metal Fabricating Shops</td>
<td>–</td>
<td>P</td>
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<tr>
<td>Bookstores, News Stands, and Stationery Stores</td>
<td>AC*</td>
<td>–</td>
</tr>
<tr>
<td>Bottling and Packaging Plants</td>
<td>C</td>
<td>–</td>
</tr>
<tr>
<td>Building Material Yards</td>
<td>–</td>
<td>P</td>
</tr>
<tr>
<td>Business and Professional Offices including offices of a clerical or administrative nature</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Business Services and Office Supplies</td>
<td>P</td>
<td>–</td>
</tr>
<tr>
<td>Cabinet, Millwork, or Wood Prefabrication Operations</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>Child Day Care (e.g., day care for children of employees or of patrons)</td>
<td>–</td>
<td>AC</td>
</tr>
<tr>
<td>Contractor’s Offices, Shops, and Indoor Storage</td>
<td>P</td>
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<td>Contractor’s Offices, Shops, and Storage Yards</td>
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<tr>
<td>Employees’ Cafeterias</td>
<td>AC</td>
<td>P</td>
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<tr>
<td>Florist Shops</td>
<td>AC*</td>
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<tr>
<td>Food and Dry Goods Distribution Operations</td>
<td>P</td>
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<td>Food and Dry Goods Processing and Packaging</td>
<td>C</td>
<td>P</td>
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<tr>
<td>Freight Warehouse Terminals</td>
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<td>P</td>
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<td>Furniture Manufacture and Repair Shops</td>
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<td>Wireless Communications Facility less than 300 feet from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel)</td>
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<td>Wireless Communications Facility 300 feet or more from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel)</td>
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<td>Activity</td>
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<td>Wireless Communications Facility, Attached</td>
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<tr>
<td>Gift Shops</td>
<td>AC*</td>
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<tr>
<td>Indoor and/or Outdoor Tennis Courts, Racquet Clubs, and Handball Courts</td>
<td>C</td>
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<tr>
<td>Research and Development</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Laundry and Dry Cleaning Plants</td>
<td>—</td>
<td>P</td>
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<tr>
<td>Manufacturing, Rebuilding or Repairing Nonmetal Products</td>
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<td>P</td>
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<td>Manufacturing Pharmaceuticals</td>
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<td>C</td>
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<tr>
<td>Mass Transit Storage and Maintenance Facilities</td>
<td>—</td>
<td>C</td>
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<tr>
<td>Mini-warehouses</td>
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<td>Municipal Services</td>
<td>P</td>
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<td>Park and Pool Lots</td>
<td>C</td>
<td>P</td>
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<td>Pharmacies in conjunction with medical, dental, optical, and chiropractic clinics</td>
<td>AC</td>
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<tr>
<td>Plant Nurseries</td>
<td>AC*</td>
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<tr>
<td>Printing, Publishing and Binding</td>
<td>P</td>
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<td>Printing Plants</td>
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<td>Public Utility Facilities</td>
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<td>Recycling Collection Centers</td>
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<td>C</td>
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<tr>
<td>Repair Shops for Household Appliances</td>
<td>AC*</td>
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<tr>
<td>Residences for Watchmen or Custodians</td>
<td>—</td>
<td>P</td>
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<tr>
<td>Restaurants providing on-premises service</td>
<td>AC*</td>
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<tr>
<td>Retail Lumber Yards</td>
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<td>P</td>
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<tr>
<td>Self-Service Storage Facilities</td>
<td>P</td>
<td>P</td>
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<td>Universities, Colleges, Schools, including preschools, commercial schools, such as dancing, music, trade, etc.</td>
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<tr>
<td>Veterinary Clinics and Veterinary Hospitals*</td>
<td>C</td>
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<tr>
<td>Warehouses (except mini-warehouses not including self-service storage facilities)</td>
<td>P</td>
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<tr>
<td>Wholesale trade (i.e., wholesale stores)</td>
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<tr>
<td>Wholesale trade (i.e., wholesale stores) with retailing confined exclusively to products which are manufactured, packaged, repacked, reloaded or otherwise processed on the same premises</td>
<td>C</td>
<td>P</td>
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</tbody>
</table>
April 25, 2012

Wood, Coal and Oil Fuel Yards

+See LMC 21.50.110.

Key:

P = Use is permitted as a primary use.

C = The use may be permitted through issuance of a conditional use permit.

AC = Use is permitted as an accessory conditional use and shall be related to the principal use of the tenant space or property.

AC* = These accessory conditional uses may occupy no more than 25 percent of the floor area.

= Use is prohibited.

Section 8. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 9. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL, the __________ day of ________________, 2012.

APPROVED:

_________________________
Don Gough, Mayor

ATTEST/AUTHENTICATED:

_________________________
Lorenzo Hines
Finance Director

APPROVED AS TO FORM:

-13-
April 25, 2012

Rosemary Larson
City Attorney

FILED WITH ADMINISTRATIVE SERVICES: _________
PASSED BY THE CITY COUNCIL: _________________
PUBLISHED: _______________
EFFECTIVE DATE: _______________
ORDINANCE NUMBER: _______________
April 25, 2012

On the __________ day of _______, 2012, the City Council of the City of Lynnwood, Washington, passed Ordinance No. _______. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING LYNNWOOD MUNICIPAL CODE CHAPTERS 21.02, 21.18, 21.46, AND 21.50 RELATING TO SELF-SERVICE STORAGE FACILITIES, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

The full text of this Ordinance will be mailed upon request.

DATED this __________ day of _______, 2012.
May 15, 2012

John McCullough
McCullough Hill Leary P.S.
701 Fifth Ave. Suite 7220
Seattle, WA 98104

RE: May 9 Letter Regarding SEPA Determination ERC0005 and Self-Storage Facilities

Dear Mr. McCullough,

You recently wrote the Lynnwood Planning Commission and City Council regarding the City’s issuance of a Determination of Non-Significance (DNS) on a draft ordinance amendment dealing with the potential location and development standards for self-storage uses in Lynnwood.

You claimed that the City’s “DNS violates the spirit if not the letter of SEPA regulation”. Your position is based upon the fact that the proposed ordinance does not seek to establish self-storage as a permitted use in our B-3 District, specifically in the Perrinville area, as desired by your client. You advance the creative and unique theory that the City has transgressed against the spirit of SEPA because your client disagrees with the recommended outcome. Further, you cite a memorandum from me to support your opinion. That memorandum was written to the City Council on a different but somewhat related matter recommending that the City consider offering additional flexibility for uses permitted in the very low intensity B/3 and B/4 commercial zones. You neglected to mention that an attorney from your office, Ms. Courtney Flora, called me to discuss this issue. I provided her with a detailed explanation as to why I believed self-storage uses were inconsistent with the Perrinville area and why I would recommend against them. I further communicated that this was going to be staff’s recommendation but that ample opportunity would be accorded at the Planning Commission and Council hearings for your client to make their case.

Rather than avail yourself of normal channels for public input into the decision process, you appear to be making the case that staff should be coerced into changing its recommendation even before it is made to the Planning Commission and City Council. Further you quoted my memorandum out of context and sought to manipulate an administrative SEPA decision to make your case. As you are well aware, if you felt that my determination as the Responsible SEPA Official was truly inconsistent with SEPA,
you had the opportunity to appeal it to the City Hearing Examiner, something that you apparently chose not to do.

You have already received notice that the Public Hearing on the draft code amendment on self-storage will be held at the Planning Commission on May 24th. We will endeavor to keep you informed as to the schedule for reviewing these issues at upcoming Commission and Council meetings.

Sincerely,

[signature]

Paul Krauss AICP
Community Development Director

CC: City Council
Mayor Don Gough
Lynnwood Planning Commission
Rosemary Larson, City Attorney
Project File
McCULLOUGH HILL LEARY, PS

May 9, 2012

VIA U.S. MAIL AND EMAIL

Corbitt Loch
Deputy Director of Community Development
4114 198th Street SW, Suite 7
PO Box 5008
Lynnwood, WA 98046

Re: Comments on SEPA Determination of Non-Significance Related to Proposed Regulations for Self-Service Storage Facilities; File No. 2011 ERC0005

Dear Mr. Loch:

We are writing on behalf of David Beal, prospective purchaser of the Perrinville site, located at the southeast corner of the intersection of Olympic View Drive and 76th Ave, to comment on the State Environmental Policy Act ("SEPA") Determination of Non-Significance ("DNS") for the proposed amendments to the City's self-service storage facilities regulations ("SSSFs").

The subject of the DNS is a proposed code amendment that specifies in which zones SSSFs are proposed to be permitted, conditionally permitted and prohibited. The proposed code amendment would also provide development/design standards for SSSFs.

However, neither the DNS nor the proposed code amendment evaluates whether to permit SSSFs in the B-3 zone—a zone the City's planning department has recently acknowledged has "relatively few, economically viable commercial uses." See Memorandum from Paul Krauss to Lynnwood City Council and Planning Commission related to B-3/B-4 Zoning Districts. Last summer, members of the Planning Commission expressed strong support for SSSFs in the B-3 zone, and our client, David Beal, recently submitted testimony to the City Council asking it to direct staff and the Planning Commission to evaluate self-storage uses in the B-3 zone.

The State Environmental Policy Act ("SEPA") regulations are clear that when a proposal is identified in a SEPA document, "the range of proposed activities, alternatives, and impacts must be analyzed in an environmental document." WAC 197-11-060(1). State regulations further provide that "proposals should be described in ways that encourage considering and comparing alternatives," and "agencies are encouraged to describe public or nonproject actions in terms of objectives rather than preferred solutions." WAC 197-11-060(3)(a)(iii).
The City’s DNS violates the spirit, if not the letter, of the SEPA regulations. The City is not evaluating a range of proposals related to self-storage uses in appropriate zones. Rather, the City has already made its decision—it has arbitrarily chosen a few zones it believes are appropriate for self-storage, while excluding consideration of those uses in other zones, including the B-3. This is especially troubling when the Planning Commission has supported a broader allowance of self-storage uses in the past, and there is a developer who is ready, willing and able to rehabilitate a currently vacant, dilapidated area in the B-3 zone (the Perrinville site) with a high-quality self-storage concept.

For these reasons, we ask City staff to revise the DNS to allow for consideration of self-storage in the B-3 zone, subject to appropriate design and development standards.

We appreciate your attention to this letter, and Mr. Beal looks forward to future cooperative discussions with the City on this issue.

Sincerely,

McCULLOUGH HILL LEARY, P.S.

[Signature]

John C. McCullough

cc: City Council
    Planning Commission
    David Beal
EXCERPTS – PLANNING COMMISSION MEETING MINUTES

FEBRUARY 23, 2012

2. **Self-Storage Code Amendment (2011CAM0002).** Amendments to LMC Title 21 regarding zones in which self-storage are permitted.

Director Krauss reviewed the background on this matter. They are trying to close an anomaly in the zoning code while adding flexibility in some districts. They also want to look at newer types of self-storage construction. Staff is proposing that self-storage uses be permitted in the General Commercial and the B-1 Community Business and allowed as a conditional use in the PCD (Planned Commercial Districts). In these non-industrial districts they can be built as long as they are multi-story buildings that resemble residential or office buildings. In the draft code they did not address self-storage uses in Transition Area or City Center because those aspects are being dealt within those respective zones. In those two areas the only type of self-storage that will be allowed is as a component, no more than 20% of a multi-story building whose primary use is something else. Staff is not proposing that they be allowed at all on the nodes on Highway 99 nor in the low intensity B-3 and B-4 zones.

Commissioner Braithwaite expressed support for the approach that Director Krauss articulated. He referred to the self-storage currently behind Sports Authority on 196th and asked if that is inside the City Center area. Director Krauss said it is in the City Center and would become a non-conforming use.

Vice Chair Larsen asked if there is an issue with crime or people living in these units. He also asked if there is a provision for inspection by public safety. Director Krauss did not think it was an issue for staff right now. There is an enforcement component to this. Staff makes it very clear that these units are not designed for human habitation. Plumbing and electrical service in these units is also limited. Vice Chair Larsen expressed support for this code.

There was consensus to finalize this and bring it back for a public hearing.

AUGUST 11, 2011 - Work Session

1. **Self-Storage Code Amendment (2011CAM0002).** Amendments to LMC Title 21 regarding zones in which self-storage and similar land uses are permitted.

Planning Manager Garrett introduced John Bowler who is the lead planner on this item. Mr. Bowler recapped the status of this project. In this revision the draft ordinance includes proposed zones, conditions, hours of operation, and prohibited them in commercial zones. He stated that tonight’s focus would be on design issues of self-service storage facilities. The City has project design review and city-wide Design Guidelines. He solicited the Planning Commission’s thoughts on design regulations or guidelines they would like to see for these types of facilities. He introduced Mr. Stephen Bourne who is an architect with much experience designing this sort of facility.

Stephen Bourne, 11012 Sand Point Way NE, Seattle, WA 98125, gave a presentation regarding his experience with self-storage facilities. Mr. Bourne discussed how the design of self-service storage facilities has changed and evolved. He stated that it has been a misunderstood use because it has been unregulated for close to 20 years. He explained how other cities and jurisdictions have dealt with the design challenge for this type of facility and how the industry and architects have responded to what other cities have done. He showed examples of successful facilities around the country and discussed how Lynnwood can write a code to achieve the products they want. He recommended the following:

- A 2-4 story design. Smaller land parcels would require a higher FAR to achieve that.
- Require more use of glass in the design.
- Require high quality architecture.
• Attractive lobbies with a welcoming active front like retail.

• Make sure the covered loading areas are screened from street view.

• 60% of any typical self-storage is utilized by residential customers within 2-3 miles of the facility. Self-storage works really well in a buffer between intensive commercial arterial zones and the quiet residential zone. Once a facility is full, there will be less than 20 cars a day for even the largest facilities.

• Write design regulations to limit the amount of metal and require a certain percentage of glazing on every street frontage.

• Set FAR at 1.5 or 2 in order to force multi-story densities.

• Self-storage facilities must have visibility in order to be successful.

• Set maximum setbacks as well as minimum setbacks in order to establish an arterial pedestrian feel.

• Combine requirements for glazing and setbacks with certain use requirements (such as retail).

Mr. Bourne summarized that while there will be some in industrial zones, they should not be limited to just industrial zones. They are great buffer uses and compatible in multiple zones and with surrounding uses. There is a demonstrated demand for self-storage facilities in any residential community. Smaller land parcels plus higher densities is the most efficient land use.

Acting Chair Wojack thanked Mr. Bourne for an excellent presentation.

Commissioner Ambalada asked Mr. Bourne if he had spotted an ideal place for mixed use in Lynnwood. Mr. Bourne replied that he had been asked not to talk about any specific sites. He asked if the proposal now was that self-storage facilities would be prohibited in the City Center zones. Director Krauss explained that Council has not taken this up yet. He discussed the City’s goals for this. Mr. Bourne agreed with staff’s direction on this. He added that in Lynnwood the only appropriate zoning for storage in the City Center would be as part of a mixed use facility. Director Krauss explained that they were considering allowing them as no more than 20% of a larger building in the City Center area. Commissioner Ambalada stated that she envisioned this as a mixed use such as retail. Mr. Bourne commented that the synergies between different uses on-site work exceptionally well.

Commissioner AuBuchon thanked Mr. Bourne for the presentation. He referred to some of the background information the Planning Commission had received at the last meeting. He asked about requirements that some cities have that these buildings be made so they can be converted to other uses at some future point. Mr. Bourne replied that structural system that is the most economical to be used in this part of the country is not conducive to any other use. A requirement like Commissioner AuBuchon described would force the industry to completely change how they do things. He did not recommend that requirement.

Commissioner AuBuchon asked about the type of construction. Mr. Bourne replied that it is all metal, masonry, glass, and concrete Type 2B construction which is non-combustible. Commissioner AuBuchon asked about allowing tilt-up construction. He thought that this could be quite attractive. Mr. Bourne commented that they want to make sure they have other materials besides just metal. He suggested allowing for the contractor, designer, and owner to decide what kind of materials they use as long as they fit the City’s design guidelines. If staff feels they could write the code in such a way that tilt-up would be attractive, they could do it. He did not recommend prohibiting this.

Commissioner AuBuchon asked about the idea of limiting colors in their design standards. There was discussion about limiting imagery in the City. Mr. Bourne summarized that he thought this would be a difficult battle to fight.

Commissioner Ambalada asked Mr. Bourne what he knows about recycled floors. Mr. Bourne replied that he has seen them from time to time, especially in conversions. He noted that they could encourage this in a "green code" where they require certain green points like Seattle does.
Acting Chair Wojack asked if they are required to have sprinklers. Mr. Bourne replied that they are. He added that single-story buildings sometimes get built adjacent to a multi-story building. Often that single-story building will fall below the IBC threshold for sprinklers. If that is a concern for Lynnwood, they would want to set a threshold and say that everything over a certain amount of square feet is required to be sprinkled. Staff indicated that was already done.

Acting Chair Wojack wondered about putting artwork on outside walls that are adjacent to residential areas. Mr. Bourne suggested mural-type work. Director Krauss suggested that a building with a lot of windows would be more attractive to a neighborhood anyway because it already looks residential.

Acting Chair Wojack wondered if the night lighting would be indirect. Mr. Bourne stated that close to a residential area he would require that all lights have to be shielded and all lights that are on the inside of buildings and that are adjacent to other buildings have to be indirect.

Acting Chair Wojack commented that he really liked the idea of internal loading zones. Mr. Bourne replied that this is very important because it hides the “messy” part of storage. He added that it is not very hard for a good designer to do. Acting Chair Wojack asked staff about incorporating landscaping into fencing. Mr. Bourne stated that in the current third generation model, fencing is high quality such as black rod iron (no chain link) and they use the building as the fence as much as possible. This alleviates the need to have a fence between the building and the property line. Mr. Bowler concurred with this and stated that they wanted to prohibit fences along the front of the building. He liked the idea of rod iron rather than chain link. Acting Chair Wojack concurred.

Acting Chair Wojack then referred to the Draft Ordinance, page 8, under Use Regulations, and asked Mr. Bowler if the units could be sublet. Mr. Bourne commented that they would want to regulate any commerce. Mr. Bowler agreed and stated that it is common in regulations from other cities that the units themselves cannot be used for anything except storage and the rental of the storage units. He noted there will be a retail element built in for the sale of boxes, packing materials, padlocks, etc. A retail operation associated with the facility and the office can be located on the ground floor front, but the units themselves have to be on the upper floors. He noted that they could put in a requirement that the retail use must be run by the facility. However, if they want the ground floor to be retail anyway this might be a moot point. Director Krauss commented on the importance of making sure that the building is appropriately designed for whatever the ultimate use is, but cautioned against over-regulating. Commissioner Braithwaite commented that the storage facility on 168th and Highway 99 has a retail building separate and in front of the main building.

Commissioner AuBuchon also referred the Use Regulations on page 8, he said he'd like to see something specifically prohibiting commodity foodstuffs because they might attract vermin. Mr. Bowler commented that they could add that. Mr. Bourne added that typically the self-storage ownership has a lease that specifies that those things are prohibited. Mr. Bowler agreed that well-run facilities wouldn't allow those things anyway, but they can't assume that they will have a well-run facility.

Commissioner AuBuchon asked Mr. Bourne about the load ratings on the floor. Mr. Bourne replied that they are 125 lbs per square foot compared to 60 or 70 pounds for an office. Commissioner AuBuchon thought that this might be too light. Mr. Bourne replied that he had never heard of an incident in any storage facility that has structurally failed at that poundage. He was very comfortable with that level.

Commissioner AuBuchon asked about Commissioner Larsen's previous question about the cost to the City of providing services to these facilities without receiving a tax stream. Director Krauss commented that a city that has zoning that was only designed to maximize revenues is not a city you'd want to live in. This type of facility helps to provide for a well-rounded community. These may not generate a lot of money, but they also don't generate a lot of service demand. Commissioner AuBuchon stated that they need to be concerned about what the cost is going to be to the City and what the return would be. Mr. Bowler referred to Mr. Bourne's suggestion from another city's code that limited the total square footage of self-storage in a certain zone to a certain percentage.
Commissioner Ambalada thought that self-storage would pay for itself in other ways. She thought that this would be a good investment and would be good for business relations.

Acting Chair Wojack asked about night time after-hours lighting. Mr. Bourne stated that they generally have site lighting that stays on. He recommended that if they are concerned about lighting they should include requirements regarding this. Mr. Bowler added that they have off-site glare requirements already in the Design Guidelines.

Commissioner AuBuchon asked if Mr. Pontak had been invited. Mr. Bowler commented that he had invited Mr. Bourne for the same purpose. Mr. Bourne added that Mr. Pontak is a finance specialist and would not necessarily be able to add a lot to this discussion.

Commissioner Braithwaite responded to policy questions that staff had proposed:

- Regarding taxes, he asked if there was much difference on property tax revenue to other types of uses. Mr. Bourne explained that they are very highly valued once they are full so the city will end up with substantial property tax on new facilities because of the density.
- He stated that he was not comfortable with limiting the square footage in the city. He thought that economics would be a sufficient regulator.
- Regarding appearance, he liked the pictures showing articulation of façade. Mr. Bowler noted that in the Design Guidelines there is a requirement for a certain minimum percentage of façade that has to be transparent. They can adjust this percentage if desired. Under the current regulations it is limited to just ground floor, but they have changed it so that a certain percentage of the façade must be used on each floor. Commissioner Braithwaite agreed with this as well as with articulation of the building so it does not look like a big box. Mr. Bowler noted that articulation is also included in the Design Guidelines. He pointed out that the City of Woodinville allows these in multi-family zones as a percentage of the floor area of a multi-family project. Another possibility is that they could be required to look more like residential than commercial facilities in multi-family zones. They could apply the multi-family guidelines to some of them.

Commissioner AuBuchon thought that they had already had a discussion about having storage in multi-family zones. He spoke in support of this. Staff indicated they would look into the subject.

Commissioner Ambalada stated that she would like to see a policy in mixed-use buildings that there could be mixed use in every floor, perhaps part of the floor for storage and part for office. She thought that this would be a big selling point. Mr. Bourne replied that bulk storage does occasionally happen in a mixed use kind of a function. He noted, however, with the bearing wall system the floor is subdivided in a 100-foot grid so you don’t have big open expanses for warehouse-type functions. He brought up the subject of work lofts. The building he worked on next to the old Rainier Brewery is 9 stories high with half self-storage, half work lofts, and a couple stories of parking inside. He commented that this has to be pre-planned into the facility because it would not just happen accidentally. Director Krauss stated that they would not necessarily be prohibiting this sort of development in the proposed code. The issue becomes more about cost for the developer since mixed-use developments have more stringent building code requirements. Mr. Bourne noted that some uses, such as retail, are not conducive to upper floors. Commissioner AuBuchon added that if they have too many businesses they would end up with parking issues. Mr. Bourne concurred and noted that parking becomes the driving factor with mixed use.

Councilmember Simmonds asked Mr. Bourne if there is a general formula for how many of these might survive with a given population base. Mr. Bourne replied that they have national and regional standards for density or per capita supply. Typically this runs anywhere from 5 to 10 feet of square foot of storage area per person in a three-mile ring. Councilmember Simmonds pointed out that in Seattle there are older facilities that have been reworked. If you started from scratch and built a new building, what else could the building be used for if the business failed? Mr. Bourne replied that these facilities are not convertible to much else, however, this use has become so engrained in our culture that he is confident that they will continue to store people’s goods well into the future. He pointed out that Public Storage has 2200 facilities in US, Canada and Europe. He added that if a property is shut down they can demo the buildings fairly easily. Councilmember Simmonds commented that the driving force behind these kinds of facilities
is consumerism. He wondered how they would fare in a bad economy. Mr. Bourne reported that in any community that held its unemployment within a couple tenths of what it was, the facilities stayed strong. The only place in this region that they saw a serious drop in occupancy was in the Puyallup Valley where there was a low population density and there were a lot of very large storage projects. There is not a direct correlation between bad economies and bad self-storage operations.

Commissioner AuBuchon commented on older buildings in Lynnwood that might be conducive to this type of development and suggested Manor Hardware. Director Krauss commented on the poor condition of this building. Councilmember Simmonds added that this is a historic building.

Acting Chair Wojack stated that he likes the idea of allowing some of these in a multi-family setting using the residential design guidelines. Mr. Bowler indicated he would contact the City of Woodinville for their experience with this.

JUNE 9, 2011 - Work Session

Amendments to LMC Title 21 regarding zones in which self-storage and similar land uses will be permitted.

Planning Manager Garrett explained some of the background on this matter. Associate Planner John Bowler discussed the flexibility of the “fourth generation” self-service storage facilities (SSSFs) and reviewed pictures contained in the Commission’s packet. He discussed some of the pros and cons of these facilities:
- They are extremely low traffic generating. This is good for a residential area, not good in a commercial area where you want to encourage foot and pedestrian traffic because they can create a dead zone in the middle of it.
- There is no sales tax associated with these.
- They do not provide many opportunities for employment.
- They are an extremely flexible use and can fit into odd shaped or parcels that are difficult.
- It is a great re-use of vacant or obsolete buildings.

Questions to Consider:
- Should the City allow SSSFs and in what zones?
- Should an SSSF be only in conjunction with an otherwise allowed use?
- Should the City allow truck/trailer rentals and sale of packaging supplies?
- Should the City allow accessory outdoor storage in some zones?
- Should the standards in Exhibit 2 be code requirements or should they be added to the Design Guidelines?

Discussion:

Commissioner Ambalada remarked that in Arizona there were storage facilities right off most exits on the freeway. This makes them accessible to people moving in and out. They are also in areas where they have restaurants, automotive supplies, and gas. She thinks something like this would be good for the City. She did not think it was good to have these in a residential area due to the potential for their use by homeless people. Mr. Bowler commented that one of the proposed provisions is that they can’t be used as studios or living space of any sort. He noted that a well-managed facility wouldn’t allow it anyway. Commissioner Ambalada recommended something like a 24-hour restaurant on the top floor.

Commissioner AuBuchon asked why there wouldn’t be a sales tax revenue stream. Mr. Bowler said there would be a little from retail sales of boxes and so forth, but he did not think there was sales tax on the actual rental of the space. Planning Manager Garrett offered to confirm that. Councilmember Hikel confirmed that he is a renter of one of these facilities and there is no sales tax. Commissioner AuBuchon suggested that they might need to change that.
Commissioner AuBuchon noted that there is a building in the City that allows rental as living space. Mr. Bowler commented that there is a building in Meadowdale that was designed to be a combination live/work space and self-storage. Planning Manager Garrett clarified that those units were designed and built for different purposes. It is typically illegal to use storage facilities as office, art studio, music studios, work space, etc. Associate Planner Bowler commented that it is common for Ordinances to have a prohibition in it that the units can’t be used for business, commercial, or residential uses. Many cities do not have that provision in their code, but it is still against most building code restrictions. Commissioner AuBuchon stated that he is glad to see the City Center information on that has been changed to allow for the self-service storage facilities.

Commissioner Braithwaite said he was inclined to be more restrictive in locating these. He recommended restricting them to industrial zones or mid-block on Highway 99, away from the nodes (but part of the CG zones). He was in favor of limiting things like truck rentals or outdoor storage of rental trucks and the transport of container units because those things generate traffic. He thinks there should be hours of operation, but he’s not sure what those should be. It might depend on the proximity to residential. He felt that accessory sales of supplies would be fine. He agrees with tight use language prohibiting those things that are already prohibited in other areas.

Commissioner Braithwaite added that one of the concerns about the new generation of facilities is the height. Mr. Bowler said they currently have one proposal for a three-story facility next to a residential area. This would meet the 35-foot height requirement in the B3 zone. Commissioner Braithwaite expressed concern about having a 3-story “box” next to residential. Mr. Bowler commented that any new facility would be subject to Design Guidelines.

Chair Wright concurred with Commissioner Braithwaite’s comments about limiting the traditional storage structures to industrial zones along with the yard storage and truck rentals. He does not feel there is any place for that along the Highway 99 corridor. However, the “fourth generation” facilities are much more attractive. He feels there is a way of providing this service without creating an impact on neighboring residential areas. He thinks they could be incorporated into a project and accessed potentially 24-hours a day without much impact on neighbors.

Commissioner Jones recalled some facilities in Kent or Auburn where you could go to work on your car. He wondered how those would fit into city zoning. Mr. Bowler thought that it would be called an auto repair use and would be limited to those zones. An aspect of the high-rise facilities is that they couldn’t be used for that due to interior access.

Commissioner Ambalada stated that she knows of a storage facility in Lynnwood where they are repairing cars. Mr. Bowler commented that it could be a requirement that they all have to be interior-access. Commissioner Ambalada suggested that in the future multi-family developments could be required to include storage facilities for residents. Commissioner Ambalada commented on the problem they have had with trucks parking overnight on side streets. She thought that overnight parking in areas zoned for this by the freeway would be useful. She could not imagine having a self-storage area in the City Center project.

Commissioner Larsen commented that as Highway 99 develops the demand for temporary storage might go up. He was willing to accommodate the improved design facilities, but not at the expense of potentially vibrant commercial strips or areas. He suggested that they might want to look at an SUP type process with a set of criteria such as: camouflaging, not in commercial strips, keep them low, keep them behind the first row of parcels, internal access, and perhaps in areas where they currently allow gas stations and auto repair. He recommended that they also look at an overlay zone.

Commissioner Jones asked if there is a way for the City to try to create some revenue from these in lieu of sales tax. Staff indicated they would look into this. Planning Manager Garrett clarified that Washington’s sales and use taxes are totally spelled out in state law and there is no local option unless the state says there’s a local option.
Chair Wright agreed with Commissioner Larsen that it would be nice to see some sort of overlay on this although he realizes this will require additional work. Mr. Bowler stated that they would come back with some more specific proposals.

Mr. Bowler discussed Mr. Pontak, a proponent of this type of development, who has mentioned that he is interested in coming to talk to the Planning Commission about the industry and what changes they have had in it.

Commissioner AuBuchon stated that he has already personally invited Mr. Pontak to come talk to the Planning Commission at any public comment time, but he has not shown up.

Planning Manager Garrett thought that he would like to make a more formal and more extended presentation than is allowable under the public comment portion of the meeting. He expressed concern about inviting a private interest person to make a presentation to the Commission. Presentations have generally been limited to agencies involved in some sort of planning that could affect Lynnwood.

Commissioner AuBuchon commented on the merits of having Mr. Pontak speak to the Planning Commission.

Chair Wright recalled another private developer they had speak to them regarding property just off 36th Avenue. He stated he would not be opposed to having him coming in to educate them.

Planning Manager Garrett that staff would have no problem bringing in a subject matter expert in general. The concern here is that they already know he is interested in developing in Lynnwood. He stated that he first wanted to discuss this with senior staff and possibly the city attorney.

Commissioner Larsen preferred that he come to speak at the public comment portion of the meeting. He welcomed Mr. Pontak, but recommended that they limit his time to five minutes. Commissioner Larsen stated that he was interested in knowing if there is a safety or code enforcement activity associated with facilities like this that would end up being some sort of cost to the City.

Commissioner Ambalada stated that she was interested in hearing from a business owner in order to get more educated on the subject.

Mr. Bowler remarked that he also knows an architect who has designed a number of these facilities. Unlike Mr. Pontak, this person has not approached the City about anything in specific. He might be interested in coming in as a subject matter expert. Chair Wright thought this would be a good solution.

Councilmember Simmonds recalled that at one time they had brought in five or six subject matter experts to address the Council. All of them had a vested interest in making the City Center successful so there is some precedent for that happening. Councilmember Simmonds wondered if the Levitz furniture store might be a natural spot for an SSSF. Another idea would be to have one on the 12 acre SRO-owned property on Highway 99 and 196, but have it set toward the back.
ACTION
For discussion and direction.

BACKGROUND

A recent pre-application meeting with an experienced developer has raised to the forefront the topic of residential land uses in the Planned Regional Center (PRC). Staff would like to begin the process of amending the zoning code to ease the restrictions/limitations on residences in this zone.

The PRC zone applies to Alderwood Mall and those properties to the east and west. This area is in the Lynnwood Regional Growth Center that has been established to accommodate future population and employment growth for the community.

With this zone, multifamily dwellings are allowed: a) above the fourth floor of an office building; and b) where the amount of building floor area for residential use is less than the amount of floor area used for non-residential purposes (see LMC 21.48.116). Staff believes these limitations essentially preclude mixed-use development.

Nationwide, communities are adjusting zoning regulations to allow a greater mix of residential and non-residential land uses, and mixed use is now encouraged in Lynnwood’s Highway 99 corridor and City Center. Locating multifamily dwellings near shops, services, and employment centers is believed to promote economic vitality and physical activity, while also reducing society’s dependence upon the automobile.

Staff proposes amending LMC 21.48.116 to allow dwellings within mixed use buildings—to a greater extent than is presently allowed. Specifically, staff proposes the following changes:

1. Allow multifamily dwellings above the first floor (existing regulations do not allow dwellings below the fifth floor).
2. Repeal the existing requirement that the amount of residential floor area per building not exceed the amount of floor area dedicated to non-residential land uses.

These proposed amendments are contained in the attached, draft ordinance.

**RECOMMENDATION**
Discuss the proposed amendments. Direct staff to schedule a public hearing on the draft ordinance as prepared by staff, or as amended by the Commission.

Recommended Motion:
"I move a public hearing be scheduled on the draft ordinance regarding residential uses in the Planned Regional Center zone."

**ATTACHMENTS**
- Map
- Photographs of mixed use
- Draft ordinance
Vicinity Map — Planned Regional Center (PRC) Zone
Examples of Mixed Use Buildings
(With Residences at or Near Second Floor)
WHEREAS, under Chapters 35A.11 and 35A.63 RCW the City Council of the City of Lynnwood has the authority to adopt ordinances relating to the use of real property located within the City; and

WHEREAS, from time to time, it is in the public’s interest to amend the City’s land use and development regulations to ensure those provisions fully support and realize the comprehensive plan and the public’s general health, safety, and welfare; and

WHEREAS, certain provisions of Chapter 21.48 LMC relating to permitted land uses within the Planned Regional Center Zone (PRC) unduly restrict multifamily residential uses within the PRC; and

WHEREAS, allowing multifamily residential uses within mixed-use buildings within the PRC can support and implement the City’s objectives of accommodating future growth in areas where adequate public facilities and services are available, creating a customer base for businesses within the PRC, and implementing Smart Growth land use planning principles; and

WHEREAS, on __________, 2012, the City of Lynnwood SEPA Responsible Official issued a Determination of Non-Significance (DNS) on the proposal; and

WHEREAS, on __________, 2012, the proposed code amendments were sent to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and
WHEREAS, on the _____ day of ____________, 2012, the Lynnwood Planning Commission held a public hearing on proposed amendments to the Lynnwood Municipal Code relating to the PRC zone, and all persons wishing to be heard were heard; and

WHEREAS, following the public testimony portion of the public hearing, the Planning Commission deliberated on the draft legislation and by regular motion voted to recommend that the Lynnwood City Council adopt the amendments to the Lynnwood Municipal Code; and

WHEREAS, on the _____ day of ____________, 2012, the Lynnwood City Council held a public hearing on proposed amendments to the Lynnwood Municipal Code relating to the PRC zone, and all persons wishing to be heard were heard; and

WHEREAS, based upon the decision criteria specified by LMC 21.20.500, the City Council has determined that the amendments contained herein are: a) consistent with the comprehensive plan; and b) substantially related to the public health, safety, or welfare; and c) not contrary to the best interest of the citizens and property owners of the city of Lynnwood; now, therefore:

THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The recitals above are adopted as findings that support passage of this ordinance.

Section 2. Amendment. LMC 21.48.116 as enacted by section 20 of Ordnance 2020 as amended by section 15 of Ordinance 2441 are each hereby amended as follows:


A. Motels and Motor Hotels. The initial development must contain at least 20 units composed of multiple-unit type buildings, and shall provide hotel services, including a main lobby, desk attendant, and room service. When accessory uses providing services for the motor hotel patrons, such as barber, bar, beauty parlor, cleaners, clothing, drugs, pottery, souvenir, tobacco, and travel are included, they shall be primarily oriented internally. Provisions for public functions such as banquets or meetings need not be oriented internally.

B. Multiple-Family Housing Residences. Dwelling units may be permitted in office buildings on the fourth floor or higher, providing no more than one-half the floor area of the building (not including basements) is used for residential purposes, within a building
also containing commercial, professional office, or similar land uses. Dwellings are not permitted within the ground/street level of buildings. All provisions normally applying to high-rise multiple-family housing shall apply. Developments containing multifamily dwellings shall conform to the Project Design Review requirements specified by Chapter 21.25 LMC.

C. Convalescent and Nursing Homes and Housing for the Elderly and Physically Disabled. These uses may be allowed by conditional use permit:

1. Staff Evaluation and Recommendation. Before any conditional use permit for the uses designated in this subsection is considered by the hearing examiner, a joint recommendation concerning development of the land and/or construction of the buildings shall be prepared by the fire and community development departments, specifying the conditions to be applied if approved. If it is concluded that the application for a conditional use permit should be approved, each requirement in the joint recommendation shall be considered and any which are found necessary for protection of the health, safety, and general welfare of the public shall be made part of the requirements of the conditional use permit. In any case, the approval of the conditional use permit shall include the following requirements:

a. The proposal’s proximity to stores and services, safety of pedestrian access in the vicinity, access to public transit, design measures to minimize incompatibility between the proposal and surrounding businesses;

b. Compliance with all applicable state, federal, and local regulations pertaining to such use, a description of the accommodations and the number of persons accommodated or cared for, and any structural requirements deemed necessary for such intended use;

c. The amount of space around and between buildings shall be subject to the approval of the fire chief as being adequate for reasonable circulation of emergency vehicles or rescue operations and for prevention of conflagration;

d. The proposed use will not adversely affect the surrounding area as to present use or character of the future development;
e. Restriction to such intended use except by revision through a subsequent conditional use permit;

2. Development Standards. Housing for the elderly and physically disabled facilities shall conform to the following criteria:
a. Lot area per dwelling unit: 1,000-square-foot minimum per unit;

b. Passive recreation and/or open space: 200-square-foot minimum per unit. In the city's higher density multiple-family zones, developments are required to provide active recreational space to help satisfy a portion of the demand for recreational facilities. Housing for the elderly has a similar need but is of a passive nature. Therefore, passive recreation space and/or open space shall be provided. Up to 50 percent of the requirement may be indoors; provided, that the space is utilized exclusively for passive recreation or open space (i.e., arts and crafts rooms, solariums, courtyards). All outdoor recreation and/or open space areas shall be set aside exclusively for such use and shall not include areas held in reserve for parking, as per LMC 21.18.800. All open space and/or recreational areas shall be of a permanent nature, and they may be restricted to use by tenants only. The use of private and semi-private patios and balconies in meeting these requirements is not permitted.

D. Living Quarters, Homeless Teenage Parents. Living quarters designed for homeless teenage parents and their children are permitted in any commercial zone of the city. For the purposes of this section, "living quarters for homeless teenage parents" is defined to mean a building or buildings occupied for living purposes by not more than eight teenage parents and their children.

1. Supervision and Maximum Occupancy. Such living quarters must have an adult supervisor residing therein. The maximum number residing therein at any one time shall not exceed 21, including parents, children, and adult supervisor(s).

2. Development Regulations and Standards. Subdivision and zoning development standards for living quarters for teenage parents shall be the same as for the low density multiple-family residential zone (RML). Such quarters shall be treated as an R occupancy for fire and building codes.

3. Expiration.

   a. Not withstanding below herein, uses established in accordance with this provision shall be considered lawful permitted uses as provided herein for as long as such use continues to exist. Non-use of any living quarters for teenage parents for more than six months shall be deemed to be abandoned and such use shall lose all right to its legal status.

   b. Except as provided for above, this subsection shall expire on December 15, 1992. (Ord. 2441 § 15, 2003; Ord. 2020 § 20, 1994)
April 27, 2012

**Section 3.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 4.** This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED BY THE CITY COUNCIL, the _______ day of ____________, 2012.

APPROVED:

______________________________
Don Gough, Mayor

ATTEST/AUTHENTICATED:

______________________________
Lorenzo Hines
Finance Director

APPROVED AS TO FORM:

______________________________
Rosemary Larson
City Attorney

FILED WITH ADMINISTRATIVE SERVICES: ____________
PASSED BY THE CITY COUNCIL: ________________
PUBLISHED: ________________
EFFECTIVE DATE: ________________
ORDINANCE NUMBER: ________________