AGENDA
Lynnwood Planning Commission
Thursday, February 28, 2013 — 7:00 pm
City Hall, Council Chambers, 19100 - 44th Ave. W., Lynnwood WA

A. CALL TO ORDER - ROLL CALL

B. APPROVAL OF MINUTES
   Approval of the minutes of the February 14, 2013 meeting shall occur during a future meeting.

D. CITIZEN COMMENTS - on matters not on tonight's agenda.

E. PUBLIC HEARINGS

F. WORK SESSIONS

1. CODE REVISIONS RELATED TO THE HIGHWAY 99 SUBAREA PLAN.
   Discussion of potential amendment of land use regulations that further implement the Highway 99 Subarea Plan.

2. MIXED-USE REGULATIONS FOR THE PLANNED REGIONAL SHOPPING CENTER AND PLANNED COMMERCIAL DEVELOPMENT ZONES
   Continued discussion of potential amendment of land use regulations relating to residential land uses.

G. OTHER BUSINESS

H. COUNCIL LIAISON REPORT

I. DIRECTOR’S REPORT

J. COMMISSIONERS’ COMMENTS

K. 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

Discussion only, at this work session.

BACKGROUND
On September 12, 2011, the City Council approved the Highway 99 Subarea Plan, the Design Guidelines for the Highway 99 Mixed-Use Zones, and the development regulations for the Highway 99 Mixed Use Zone. These documents had been presented before the Planning Commission for recommendation to the City Council.

As part of the Highway Subarea Plan, Goal 3 was adopted under the Policy and Implementation Recommendations Chapter as well as Policy 3.1 and 3.1.1 to allow residential development in the Highway 99 Corridor outside of the Mixed Use nodes. Under State law, development regulations which implement the Comprehensive Plan must be consistent with the Comprehensive Plan. When the Highway 99 Corridor Plan was adopted, development regulations were not approved for the commercial zones outside of the nodes that were consistent with the Comprehensive Plan.

RELEVANT CITATIONS

“Goal 3: Support housing along and adjacent to the Highway 99 Corridor:”

In order to implement Goal 3, Policy 3.2 and 3.2.1 were adopted:

“3.2 Policy: Consider allowing residential development at larger parcels outside of the nodes:

3.2.1 Allow residential development at parcels five acres or larger through approval of a planned unit development.
In addition to the nodes identified in Policies 1.1 and 1.2, larger parcels in other parts of the corridor may be suitable for residential or mixed-use-with-residential development. Owners of such parcels may seek to develop the property as if it was located in a node by applying for approval of a planned unit development (PUD), as provided in the Zoning Code. An application for a PUD under this policy shall be evaluated for general compliance with the regulations of the

Highway 99 PUD consistency
Highway 99 Mixed Use Zone, though variations from these regulations may be approved by the City Council if it finds that either site-specific circumstances necessitate a variation or that the variation is fully consistent with the purpose and intent statements of this Subarea Plan and the Highway 99 Mixed Use Zone.

**COMMENT**

This work session is to introduce language recommended for the commercial zones outside of the Mixed Use zones that would allow the commercial zoning to be consistent with the Comprehensive Plan and allow multi-family residential housing. Outside of the nodes, along Highway 99 are Community Business (B-1) and General Commercial (CG) zones. Revision of the development regulations is a two-step process, first to amend Table 21.46.10 to allow multi-family residential development correlating proposed uses with the commercial zones, and second, amending LMC 21.46.116 Limitations on uses – Residential uses. The proposed revision to Table 21.46.10 allows multi-family in the B-1 and CG zones. The amended LMC 21.46.116 proposes revisions consistent with the five acres in the Comprehensive Plan and the Mixed Use development regulations.

Future Commission meetings will include opportunities for more detailed discussion (including staff from other departments, as appropriate). Following these work sessions, a public hearing will be held to provide the opportunity for the public to comment on the proposals. Following the hearing, the Commission will be asked to make a recommendation to the City Council.

**RECOMMENDATION**

Discuss questions and proposal.

**ATTACHMENTS**

A. Proposed code language that would allow the zoning regulations for areas outside of the Mixed Use zone to be consistent with the Highway 99 Subarea Plan

B. Highway 99 Corridor Map

**FUTURE RECOMMENDATION**  **Multi-family housing on three acres outside of the nodes:** Recently inquiries have been made regarding multi-family residential development outside of the Mixed Use nodes in the Corridor on sites of less than five acres. Much of this developer interest is on sites immediately adjacent to the nodes or areas that would allow housing close to transit stops or near the college. The dense multi-family housing would be consistent with the Corridor Plan to “support transit and business while creating a neighborhood feel.” Future recommendations may include as an alternate provision, an Ordinance with the current CAM activity to allow multi-family housing on three acre parcels within the Corridor through the PUD process, followed by a Comprehensive Plan amendment to allow for consistency. Or a Comprehensive Plan amendment for multi-family residences on three acre parcels with the concurrent presentation of a development regulation ordinance.

Highway 99 PUD consistency
DEVELOPMENT CODE AMENDMENTS

Table 21.46.10

<table>
<thead>
<tr>
<th>Residential 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 Family Homes</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>All uses permitted in single family zones</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Multiple Family Housing Units +</td>
<td>C</td>
<td>P</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Caretaker or Watchman Quarters</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Living Quarters for Homeless Mothers +</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Motels or Major Hotels</td>
<td>-</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Respite Care</td>
<td>C</td>
<td>C</td>
<td>-</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

+ See LMC 21.46.110 through 21.46.119

Lynnwood Municipal Code section 21.42.400 is hereby amended as follows:

21.46.116 Limitations on uses – Residential uses.
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. 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. All provisions normally applying to high-rise multiple family housing shall apply.
C. Multiple –Family Housing – Highway 99 Corridor in B-1 and CG zones. Multiple-Residential Housing outside of the Mixed-Use zones is allowed in the B-1 and CG zones on sites that are a minimum of five acres. Multiple-residential residential development may be combined with mixed use development subject to the following bulk requirements:

<table>
<thead>
<tr>
<th>Development Level</th>
<th>Sites with residential development of less than 20 dwelling units per acre</th>
<th>Sites with residential development of more than 20 dwelling units per acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Standard</td>
<td>Sites with residential development of less than 20 dwelling units per acre</td>
<td>Sites with residential development of more than 20 dwelling units per acre</td>
</tr>
<tr>
<td>Minimum Setbacks</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Public Street</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Interior Property Lines</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Ground Floor Residential Units</td>
<td>10 ft</td>
<td>10 ft</td>
</tr>
<tr>
<td>Minimum Sidewalk Width Along Public Streets</td>
<td>12 ft</td>
<td>12 ft</td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>35%</td>
<td>None</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>50 ft</td>
<td>90 feet, not to exceed six stories</td>
</tr>
<tr>
<td>Minimum dwelling units per acre</td>
<td>N/A</td>
<td>20 DU/A</td>
</tr>
<tr>
<td>Maximum Floor Area Ratio</td>
<td>1.0</td>
<td>3.0</td>
</tr>
</tbody>
</table>

Highway 99 PUD consistency
Multi-residential development shall comply with the remainder of the development regulations established in Chapter 21.62 Highway 99 Mixed Use Zone, including the Development Standards established in LMC 21.62.400.

Processing of a multi-family residential development, including associated mixed use will be subject to the provisions set forth in Chapter 21.30 LMC Planned Unit Development.

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

1. Staff Evaluation and Recommendation. Before any conditional use permit for the uses designated in this subsection is considered by the hearing examiner and city council, 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 the 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 feet minimum per unit;
   b. Passive recreation and/or open space: 200 square feet 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 and/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. E. 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 time shall not exceed 2:1, 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 quarter shall be treated as n R occupancy for fire and building codes.

3. Expiration.
   a. Notwithstanding 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 quarter for teenage parents for than six months shall be deemed to be abandoned and such use shall lose all right to its legal status.
Highway 99 Corridor

Highway 99 PUD consistency
Staff Report

Agenda Item:
Regulation of residential uses and maximum lot coverage in Planned Regional Shopping Center and Planned Commercial Development zones.

Summary

The purpose of this agenda item is to allow continued discussion of potential code amendments relating to residential uses in both the Planned Regional Shopping Center (PRC) zone and the Planned Commercial Development (PCD) zone. This topic discussed by the Commission on February 14, 2013 and May 24, 2012. The draft ordinance was revised after the February 14, 2013 meeting.

During the February 14, 2013 discussion of the PRC zone, the Commission directed staff to prepare similar amendments for the PCD zone. This agenda item provides the draft amendments for each of these two zones. The Commission is asked to provide input regarding the amendments proposed.

While the existing PRC and PDC regulations already allow multifamily dwellings within a mixed-use project, those regulations make mixed use financially infeasible. The existing prohibition of dwellings on the second and third floors of buildings, and the requirement that residences not occupy more than 50 percent of the total building area, causes a considerable amount of building floor area to be relegated to professional office and professional service uses—for which there is little or no market demand. For a six-story building, this would result in 1/3 of the total building area (two out of six floors) being economically unviable.

Staff recommends that those regulations be “relaxed” to allow a greater proportion of building floor area to be used for residential purposes. The proposed amendments still require that non-residential uses occupy the street level of the building.

Staff also recommends a change to allow a greater percentage of the lot to be occupied by building(s). Currently, the Zoning Code specifies a maximum lot coverage of 35 percent.
If the Commission determines that the draft amendments as written are appropriate, staff will schedule a public hearing and provide public announcements for the hearing. Alternatively, staff can revise the draft amendments for the Commission’s review at a future meeting.

**Policy Questions**
Are the code amendments presented by staff adequate to accomplish Council’s direction regarding increased residential capacity in the vicinity of Alderwood Mall?

**Action**
Provide direction to staff.

**Background**

**Population Growth Targets:** The City of Lynnwood has adopted policies to preserve and protect existing single family residential areas. The City is also required by the State Growth Management Act (GMA) to accommodate a portion of the region’s future population and employment growth. Lynnwood has already undertaken significant steps to accommodate projected growth including the City Center Plan and Highway 99 Corridor Plan. However, consistent with State law, growth targets are now being extended out to 2035 and all cities and counties in the region are required to accept their “fair share”.

As a “built-out” community, there are relatively few areas where increased population can be realized. The City Council has provided direction to staff to identify ways to accommodate increased population in the vicinity of Alderwood Mall.

**Urban Form:** Somewhat irrespective of the 2035 population growth target issue, many communities with regional retail centers are taking steps to incorporate new housing in areas that were singularly retail in nature. This approach is intended to accomplish goals such as: a) reduce society’s dependence upon the automobile by reducing the distance between homes, shopping, and employment; b) establish land use density/intensity that can support transit service; c) promote healthy lifestyles by facilitating walking and bicycling; and d) reducing infrastructure costs (on a per-capita basis) by minimizing the lineal distance of roads and utilities.

This sort of “maturation” of malls and commercial centers is being experienced throughout the country and our own region. One need only look to the Northgate Mall area for an example. The vital components are the conversion of existing large parking fields into structured parking thereby creating new building capacity plus replacing what may be single-story or low-rise structures with multistory building designs. In addition to the factors mentioned above, supporting mixed use development in these areas is a reasonable strategy as:
• Malls and surroundings have already had major investments in transportation infrastructure. In the case of Alderwood, future projects include the Lynnwood Place loop road that will improve flow through existing traffic bottlenecks, the Poplar Way bridge over I-5 linked to 33rd Ave. the will create a major new link to I-5 greatly improving access into the area and pulling traffic away from single family neighborhoods to the west, major transit service that is already provided including the new CT route from Edmonds, along 196th and terminating at Alderwood, and if the voters approve ST3, a light rail station that will serve the area.

• In accordance with City Plans the Alderwood commercial area is reasonably separated and buffered from neighborhoods.

• Mixing residential and commercial financially benefits area businesses while creating a neighborhood that is active 24/7. The residential development supports commercial activity to meet the needs of the residents.

• Mixed use residential and overall development intensification can be accomplished without detracting from the areas already high level of commercial activity.

• There already appears to be some developer interest in the concept.

In the event Lynnwood Place is ultimately approved at the Lynnwood High School site, numerous new dwellings (~500) will be built across 184th Street SW from Alderwood Mall. This project, if approved, will influence and to some degree change the character of the Mall area. Increasing the opportunity for mixed-use development upon other similarly-situated properties seems appropriate.

When considering that: a) the vicinity that includes Alderwood Mall is designated as a VISION 2040 Regional Growth Center; and b) today’s shoppers are attracted to retail centers offering a more-varied experience, staff expects the continued evolution of the Mall area to include:

• Stores clustered along pedestrian promenades or sidewalks.
• Dwellings constructed over street-level shops and services, giving: a) residents access to goods and services without the need for an automobile; and b) businesses a steady, affluent market base.
• Multi-level parking structures providing ready access to many stores and homes.
• Convenient access to transit service and bike routes.

Maximum Lot Coverage: The PRC and PCD’s existing 35-percent maximum lot coverage of 35 percent relegates all development in this area to a suburban configuration—individual buildings surrounded by vast areas of parking.
Furthermore, this limitation on lot coverage effectively discourages parking structures.

**Impacts Upon City Center:** A few of the Commissioners raised concerns at the earlier meeting to the effect that allowing for mixed use development around Alderwood could detract from the potential for development occurring in City Center. Staff finds this concern to be unfounded for several reasons:

- First, the ability of a community to “force” development to occur when and where it is convenient is quite limited. Cities can set the table by adopting supportive plans and land use controls and by building infrastructure. However, developers will continue to make investments only when and where they believe they can achieve an adequate return. If a developer wanted to take advantage of the proposed amendment and build a project around the Mall was told that the City wants their project but somewhere else, they could well look elsewhere outside of Lynnwood for sites that meet their expectations.

- Secondly, significant development in City Center had yet to occur because of macro-economic cycles and development potential elsewhere in our region. Staff is already starting to see significant interest in building in City Center, along Hwy 99 and around Alderwood Mall, all at the same time and we are hopeful that this will continue. We also note that City Center will soon start to see the benefit of the extension of Light Rail to Lynnwood which will act as a further incentive to build nearby.

**Traffic impacts:** It is expected that multifamily dwellings will generate less traffic during the p.m. peak period than a comparable area of office space. According to the Institute of Transportation Engineers (ITE), general office uses are expected to generate 1.49 p.m. peak hour trips per 1,000 square feet of building area. Mid-rise apartment buildings are expected to generate 0.44 p.m. peak hour trips per dwelling. Many apartments are 1,000 square feet or larger. This means that allowing dwellings in lieu of offices has the potential to partially mitigate traffic impacts that would otherwise occur.

**Building height:** Currently, there is no maximum building height for the PRC or the PCD zone. In order to promote compatibility with regards to buildings containing dwellings, staff has proposed an amendment that would limit building height for buildings with dwellings in the PCD zone to 65 feet—where there are single family residential properties within 500 feet. For properties zoned PRC, this limitation is unnecessary since there are no single family residential properties within 500 feet of the PRC zone.

It is important to note that staff is not proposing that the City consider undertaking a large scale environmental analysis or Planned Action Ordinance (as was done
with City Center). Instead we envision each development proposal will be required to prepare their own SEPA documentation and mitigate their impacts.

**Previous Council Actions**
Described above.

**Funding**
NA.

**Key Features**
In the PRC and PCD zones,

1. The draft ordinance would allow residences within building levels **above the first floor**. The existing regulations allow residences only upon floors above the third floor.

2. The draft ordinance would repeal the requirement that residential floor area within a mixed-use building not exceed 50 percent of the total building area.

3. The draft ordinance would repeal the 35 percent maximum lot coverage requirement for PRC and PCD.

In the PCD zone,

4. For buildings containing dwellings and located within 500 feet of a single family residential zone, the draft ordinance would establish a maximum building height of 65.

**Adm. Recommendation**
Authorize staff to schedule a public hearing for this draft code amendment.

**Attachments**
1. Zoning Map excerpt
2. Summary of existing PRC and PCD zones
3. Draft ordinance
4. Correspondence
5. Meeting minutes
## Summary of Planned Commercial Development (PCD) and Planned Regional Center (PRC)

<table>
<thead>
<tr>
<th>Issue</th>
<th>PCD</th>
<th>PRC</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Purpose</td>
<td>For development of contiguous but individually-owned commercial properties. Conceptual development plan required for rezone to PCD.</td>
<td>For large-scale commercial developments.</td>
</tr>
<tr>
<td>2. Design guidelines apply</td>
<td>Yes.</td>
<td>Yes.</td>
</tr>
<tr>
<td>Use Regulations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Onsite processing/manufacturing</td>
<td>For sale onsite at retail only.</td>
<td>For sale onsite at retail only.</td>
</tr>
<tr>
<td>6. Auto sales</td>
<td>Indoor use.</td>
<td>Indoor use.</td>
</tr>
<tr>
<td>10. Convenience store in conjunction with auto service station or fuel sales</td>
<td>Not permitted.</td>
<td>Conditional use permit required.</td>
</tr>
<tr>
<td>11. Church</td>
<td>Permitted.</td>
<td>Permitted. ?</td>
</tr>
<tr>
<td>13. Multifamily dwelling</td>
<td>Permitted in office buildings above the third floor. Residential use may not exceed 50% of building floor area.</td>
<td>Permitted in office buildings above the third floor. Residential use may not exceed 50% of building floor area.</td>
</tr>
<tr>
<td>15. Auto wrecking</td>
<td>Conditional use permit required.</td>
<td></td>
</tr>
<tr>
<td>16. Dance hall</td>
<td>Conditional use permit required.</td>
<td></td>
</tr>
<tr>
<td>17. Indoor amusement</td>
<td>Not permitted.</td>
<td>Permitted.</td>
</tr>
<tr>
<td>Development Standards</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21. Building setback - general</td>
<td>15’ from street. 25’ rear setback if adjacent to residential zone.</td>
<td>15’ from street; 50’ from residential zone.</td>
</tr>
<tr>
<td>22. Building setback – office use</td>
<td>-</td>
<td>50’ from RS zone; 25’ from RM zone.</td>
</tr>
<tr>
<td>23. Maximum building height</td>
<td>None.</td>
<td>None.</td>
</tr>
<tr>
<td>24. Maximum lot coverage</td>
<td>35%</td>
<td>35%</td>
</tr>
<tr>
<td>25. Landscape buffer strip</td>
<td>Required adjacent to residential zone or public zone.</td>
<td>Required adjacent to residential zone or public zone.</td>
</tr>
<tr>
<td>26.</td>
<td></td>
<td></td>
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<tr>
<td>27.</td>
<td></td>
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</tbody>
</table>
February 12, 2012

Lynnwood Planning Commission  
c/o  
Mr. Paul Krauss, Director of Community Development  
City of Lynnwood  
4114 198th St. SW  
Suite 7  
Lynnwood, WA 98036  

Subject: Request to include PCD zone in its current PRC zone evaluation of multi-family uses  

Dear Members of the Lynnwood Planning Commission,

Edmonds School District #15 requests your consideration of including the District’s property at 2927 Alderwood Mall Boulevard, Lynnwood, WA 98036 in the modification of multi-family building requirements you are considering for the PRC zoning adjoining our property to the north.

We encourage you to consider incorporating a change that would modify the multi-family housing restriction currently in place to allow for multi-family in a mixed use development above a first floor commercial uses. The current requirement calls for allowing multi-family only in office buildings above the fourth floor. This requirement is really more geared for mid-rise or high rise construction. In addition, we would request repeal of the limitation currently in place that multi-family units not exceed 50% of the total building area.

This is important for the PCD zone and in particular this property because of the need to redevelop the District’s current Maintenance and Transportation site in a consistent manner with surrounding uses and the anticipated market interest for multi-family development in the area. The District is currently requesting proposals for redevelopment of the site and, based on inquiries for the project it appears there is considerable interest to include a multi-family segment in a planned commercial redevelopment of the property. This change would allow a true mixed use approach to redevelopment.

We believe the property could be more attractive for developers if the current multi-family restrictions were relaxed. The District has met with staff previously regarding this topic and was encouraged to make this request.

Thank you for consideration of this request. If you have any questions or would like to discuss our request, please call me at 425-431-7015.

Sincerely,

Stewart Mhyre, Executive Director-Business & Operations
ORDINANCE NO. ________

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO RESIDENTIAL USES IN, AND DEVELOPMENT STANDARDS FOR, THE PLANNED REGIONAL CENTER (PRC) AND PLANNED COMMERCIAL DEVELOPMENT (PCD) ZONES, AMENDING LYNNWOOD MUNICIPAL CODE (LMC) 21.46.116, LMC 21.46.200, AND LMC 21.48.116, 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, 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 Chapters 21.46 and 21.48 LMC relating to permitted land uses and development standards within the Planned Commercial Development (PCD) and Planned Regional Center (PRC) zones unduly restrict multifamily residential uses; and

WHEREAS, allowing multifamily residential uses within mixed-use buildings within the PCD and PRC zones 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 PCD, and implementing Smart Growth land use planning principles; and

WHEREAS, on, ____________, 2013, the City of Lynnwood SEPA Responsible Official issued a Determination of Non-Significance (DNS) on the proposal; and
WHEREAS, on May 7, 2012, notice of the proposed code amendment was sent to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

WHEREAS, on the _____ day of ____________, 2013, 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 ____________, 2013, 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 21.46.116 as enacted by section 5 of Ordinance 285 and as amended by section 3 of Ordinance 522, as amended by section 6 of Ordinance 1447, as amended by section 2 of Ordinance 1472, as amended by section 2 of Ordinance 1883, as amended by section 2 of Ordinance 1888, as amended by section 2 of Ordinance 1917, as amended by section 2 of Ordinance 1923, as amended by section 1 of Ordinance 1988, as amended by section 19 of Ordinance 2020, as amended by section 14 of Ordinance 2441, are each hereby amended as follows:

21.46.116 Limitations on uses – Residential uses.
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
B. Multiple-Family Housing.

1. Except for properties zoned PCD, dwelling units may be permitted in commercial or 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. All provisions normally applying to high-rise multiple-family housing shall apply.

2. For properties zoned PCD, dwellings may be permitted in commercial or office buildings on the second floor or higher, provided the street-facing ground level of the building is occupied by commercial or office uses. No dwellings are permitted below the second floor.

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 and city council, 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;

   2.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;
3. 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;

4. d. The proposed use will not adversely affect the surrounding area as to present use or character of the future development;

5. 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:

6. a. Lot area per dwelling unit: 1,000 square feet minimum per unit;

7. b. Passive recreation and/or open space: 200 square feet 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.

8. a. Notwithstanding 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.

9. b. Except as provided for above, this subsection shall expire on December 15, 1992.

Section 3. Amendment. LMC 21.46.200 as enacted by section 3 of Ordinance 522 and as amended
by section 4 of Ordinance 1057, as amended by section 3 of Ordinance 1140, as amended by section
5 of Ordinance 1343, amended by section 19 of Ordinance 2020, as amended by sections 9 and 13 of
Ordinance 2295, as amended by sections 33 and 34 of Ordinance 2388, as amended by section 14 of
Ordinance 2441, are each hereby amended as follows:

21.46.200 Development standards.
The following standards shall apply to all structures and nonstructural uses in the commercial zones:

A. General Area and Dimensional Standards. No building, structure or land shall be established,
erected, enlarged or structurally altered, except in conformance with the following standards and in
conformance with the adopted building code and applicable Lynnwood Citywide Design Guidelines,
as adopted by reference in LMC 21.25.145 (B)(3) (for purposes of determining the required yards
along public street, the classification of streets indicated on the comprehensive plan shall apply):

Table 21.46.14
Minimum Standards

<table>
<thead>
<tr>
<th>Area (unless adjacent to similar zoned land)</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>Maximum Area</td>
<td>none</td>
<td>3 ac.</td>
<td>1 ac.</td>
<td>none</td>
<td>none</td>
<td>none</td>
</tr>
<tr>
<td>Front Yard</td>
<td>none</td>
<td>6 ac.</td>
<td>none</td>
<td>none</td>
<td>none</td>
<td>none</td>
</tr>
<tr>
<td>Located on a principal arterial</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
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<td></td>
</tr>
<tr>
<td>Located on all other streets</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td></td>
</tr>
<tr>
<td>Side Yard-Street</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Located on a principal arterial</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td></td>
</tr>
<tr>
<td>Located on all other streets</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td></td>
</tr>
<tr>
<td>Rear Yard</td>
<td>25 ft.</td>
<td>none*</td>
<td>none*</td>
<td>none*</td>
<td>none*</td>
<td></td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>35 ft.*</td>
<td>35 ft.*</td>
<td>none</td>
<td>None#</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td>Maximum Lot Coverage</td>
<td>35%</td>
<td>35%</td>
<td>35%</td>
<td>35%</td>
<td>none</td>
<td></td>
</tr>
</tbody>
</table>

Key:

* Except where adjoining a residential zone; see LMC 21.46.220 and 21.46.230.

+ Except that the maximum height within 25 feet of a residential zone is 25 feet.

# Except that the maximum height of a building with dwellings located within 500 feet of a single family residential zone is 65 feet.

B. Exceptions.

1. Restricted Business Zone Uses. Uses which are permitted in the Restricted Business zone may be developed in other use zones under the dimensional standards and height limitations of the Restricted Business zone.

2. Repealed by Ord. 2295.

Section 4. Amendment. LMC 21.48.116 as enacted by section 20 of Ordinance 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. Dwellings units may be permitted in commercial or 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. Provided the street-facing ground level of the building is occupied by commercial or office uses. No dwellings are permitted below the second floor. All provisions normally applying to high-rise multiple-family housing shall apply.

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;

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a. Lot area per dwelling unit: 1,000-square-foot minimum per unit;

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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
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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. Notwithstanding 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.
February 21, 2013

b. Except as provided for above, this subsection shall expire on December 15, 1992.

Section 5. Severability. 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 6. Effective Date. 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 ______________, 2013.

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: ________________
On the _____ day of ___________, 2013, 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, RELATING TO RESIDENTIAL USES IN, AND DEVELOPMENT STANDARDS FOR, THE PLANNED REGIONAL CENTER (PRC) AND PLANNED COMMERCIAL DEVELOPMENT (PCD) ZONES, AMENDING LYNNWOOD MUNICIPAL CODE (LMC) 21.46.116, LMC 21.46.200, AND LMC 21.48.116, 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 ______, 2013.