WHEREAS, the City of Lynnwood is a municipal corporation organized under the laws
of the State of Washington; and,

WHEREAS, the City Council is authorized by RCW 35A.11.020 to adopt and enforce
ordinances of all kinds relating to municipal affairs and appropriate to the good government of
the City; and,

WHEREAS, on March 14, 2005, the Lynnwood City Council passed Ordinance No. 2553
adopting the City Center Sub-Area Plan as an amendment to the City of Lynnwood
Comprehensive Plan; and,

WHEREAS, on March 14, 2005 the Lynnwood City Council passed Ordinance No. 2554
adopter zoning regulations and design guidelines for the Lynnwood City Center, adding a new
chapter to Lynnwood Municipal Code Title 21; and,

WHEREAS, on July 10, 2006, the Lynnwood City Council passed Ordinance No. 2625
amending Section 21.60.600 of the Lynnwood Municipal Code regarding protection of planned
sites of public streets and parks/plaza in the City Center; and,

WHEREAS, on July 10, 2006, the Lynnwood City Council passed Ordinance No. 2627
establishing a street grid protection ordinance for the City Center subarea; and,

WHEREAS, the Lynnwood City Center Sub-Area Plan identifies the need for
parks/plazas in the City Center; and,

WHEREAS, the City Center Sub-Area Plan identifies the locations of the City Center
parks as general, and not specific, evidenced by statements in the City Center Sub-Area Plan that
the location of the Town Square park in the Core "should be roughly in the center" and CCPS #3
"...These parks and public spaces, or their spatial or functional equivalent, shall be provided as
new development occurs in the City Center"; and,
WHEREAS, the City of Lynnwood zoning code (LMC section 21.60.600 entitled “Design Review”), provides for specific locations of the City Center parks requiring that development demonstrate consistency and compatibility with the planned location of City Center parks and plazas, the location of which are described in detail in that section (21.60.600); and,

WHEREAS, the City Center Sub-Area Plan identifies the need for a finer City Center street grid system in the City Center to break down superblocks and encourage a more pedestrian friendly environment; and,

WHEREAS, the City Center Street Grid Protection Ordinance (Ordinance No. 2627) establishes a regulatory mechanism to require the dedication of public right of way to implement a finer City Center grid street system and to also provide for the acquisition of public right-of-way for streets that will serve to mitigate City Center transportation impacts; and,

WHEREAS, since the adoption of the City Center Sub-Area Plan the City of Lynnwood has conducted studies (“Lynnwood City Center Access Study” Perteet Engineering., September 2007 and “Lynnwood City Center Street Master Plan” David Evans and Associates, Inc., December 2009) to further analyze the City Center Street system, the optimal location of the proposed street grid, refine the transportation network and identify improvement needs for the City Center with specific attention to analysis of the secondary street network and transportation improvements necessary to mitigate transportation impacts; and,

WHEREAS, the Lynnwood City Center Street Master Plan concluded that two new secondary streets (42nd Avenue W. and 194th Street SW extension) were “system improvements”, both needed to mitigate capacity within the City Center and that the remainder of the new secondary streets (e.g. 41st Avenue W. 43rd Avenue W. etc.) are identified as “project improvements” and are not necessary to mitigate transportation capacity needs for the City Center; and,

WHEREAS, the City Center Street Master Plan recommended that the remainder of the secondary streets (“project improvements”) be converted to private roadways and access points with design standards related to non-motorized mobility; and

WHEREAS, the City Center goals for pedestrian orientation and access can be achieved through an alternate system of private roads and/or walkways protected by easements that allows for more flexible development opportunities for property owners; and,

WHEREAS, based on the conclusions of the above referenced studies, the City finds that the current street grid regulation (Ordinance No. 2627) is more comprehensive and encumbering than necessary to achieve the purpose of ensuring transportation mitigation than what was originally envisioned when the City Center Plan was adopted; and,

WHEREAS, as an alternative, the City is currently re-evaluating regulatory mechanisms to develop and implement an alternate system of private roads and/or private walkways in the City Center that will be brought forward for consideration by the Planning Commission and, eventually City Council, later this year (2011); and,
WHEREAS, the City has determined that the City's goal of providing for parks in the City Center zone would be served through financial strategies and/or regulations that allow for some degree of flexibility in the location of such parks in the City Center; and,

WHEREAS, in January 2011, the City of Lynnwood received a SEPA and a Project Design Review application for a development proposal on property identified for a future park in the City Center Sub-Area Plan and the City of Lynnwood zoning code (LMC section 21.60.600) and that the property proposed for development is also subject to street dedication through the Street Grid Protection Ordinance (Ordinance No. 2627); and,

WHEREAS, the City Council finds that there are sufficient reasons to take action to ensure that the zoning ordinance and other implementing development regulations provide the level of predictability, certainty and consistency needed for redevelopment of the city center by all property owners, businesses, citizens; and,

WHEREAS, to achieve the purpose, it is appropriate to amend the City of Lynnwood zoning code and Ordinance No. 2627 with respect to parks/plazas and streets; and,

WHEREAS, RCW 36.70A.390 establishes a process whereby the City can adopt interim official controls provided that a public hearing on the interim official controls is held within at least 60 days of its adoption; and,

WHEREAS, the City Council finds that it is in the interest of the public health, safety and welfare to adopt this ordinance, now therefore,

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

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

Section 2. Section 21.20.600 of the Lynnwood Municipal Code, “Design review”, is hereby amended as follows,

21.60.600 Design review.
A. Design Guidelines for Nonresidential Uses. The following structures and parking facilities permitted in the city center districts shall comply with Lynnwood city center design guidelines (which are adopted by this reference as if fully set forth herein) and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter: for proposals in these districts, the citywide design guidelines shall be replaced with the city center design guidelines.
   1. Construction of any nonresidential structure or building with a gross floor area of more than 1,000 square feet.
   2. Construction of any parking lot and/or parking structure with 20 or more stalls or paved parking area of 5,400 square feet or more.
   3. Construction of any multiple-family residential structure.
B. Supersede. Applicable Lynnwood city center design guidelines shall supersede any development standards and requirements of this title and other titles of this code that may conflict, unless otherwise specified in this chapter.

C. Gateways and Prominent Intersections. See city of Lynnwood zoning map to identify development project sites within a gateway or prominent intersection location. Such sites shall be subject to applicable gateway and/or prominent intersection design guidelines in the Lynnwood city center design guidelines. If any portion of a project site lies within a gateway or prominent intersection location, then the entire project shall comply with the applicable design guidelines.

D. Compliance with Subarea Plan and Related Documents. For determining compliance with the comprehensive plan (that includes the city center subarea plan), as required by LMC 21.25.145(B)(2), an application for approval of structures and facilities under this section shall:

1. Demonstrate consistency and compatibility with the planned location and design of streets, as shown in the street protection ordinance (Ord. No. 2627);

2. Locate “retail frontage land uses” along the portion of the Promenade, as depicted and described in the city center subarea plan, that is south of 196th St. S.W. and also around public parks/plazas that abut the Promenade. “Retail frontage land uses” in this case includes any pedestrian-oriented use, such as retail stores, groceries, drug stores, shoe repair shops, cleaning establishments, florist shops, beauty and barber shops, department stores, apparel shops, art galleries, travel agencies, restaurants, theaters, public offices, libraries and other businesses that are intended to be pedestrian-attracting or pedestrian-generating in nature (as determined by the community development director).

Section 3. Section 1 of Ordinance No. 2627 adopted by the Lynnwood City Council on July 10, 2006, is hereby amended as follows

“Section 1. The following new streets shall be located in City Center Sub-Area:

The proposed new streets in the City Center would follow centerlines defined approximately as follows. Such streets may be built with the centerline deviating up to 35 feet to either side of these descriptions, to take best advantage of physical conditions in the field and to coordinate with legal parcel boundaries. The true alignment of the centerline of each route would run generally parallel to existing 44th Avenue W or existing 196th Street SW, to the extent practical.

42nd Avenue W would run in a straight line generally aligned parallel to existing 44th Avenue W, from existing Alderwood Mall Blvd to existing 194th Place SW. The centerline would cross existing 194th Street SW approximately 680 feet east of the centerline of existing 44th Avenue W.

194th Street SW Extension would follow a meandering line proceeding from a point of beginning located on the centerline of existing 194th Street SW approximately 140 feet west of the centerline of existing 40th Avenue W, then
bearing generally east-northeasterly to existing 36th Avenue W, crossing existing 36th Avenue W approximately 220 feet north of the point of beginning. From the centerline of 36th Avenue W the route would continue east-southeasterly approximately 78 feet, then east approximately 956 feet to the centerline of existing 33rd Avenue W, meeting existing 33rd Avenue W approximately 220 feet north of the point of beginning.

Section 4. Section 2 of Ordinance No. 2627 adopted by the Lynnwood City Council on July 10, 2006, is hereby amended as follows

"Section 2. All development shall dedicate Right of Way for streets designated herein, and shall be a width in accordance with the adopted City Center Sub-Area plan or as approved by the Public Works Director. The Public Works Director shall also have the authority to waive the requirement for Right of Way dedication for the streets designated herein and/or approve modified alignments. For purposes of this ordinance, the term "development" shall include subdivisions, short subdivisions, planned unit developments, binding site plans and design review approvals."

Section 5. The interim development regulations established by this Ordinance shall take effect on the effective date of this Ordinance, and shall continue in effect until and including September 14, 2011, unless repealed, modified, or extended by the City Council after subsequent public hearing and entry of appropriate findings of fact pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 6. A public hearing on the adoption of this ordinance shall be held on May 9, 2011 at 7:00PM in the Lynnwood City Hall City Council Chambers, 19100 44th Avenue West;

Section 7. Before adopting permanent regulations, the City shall conduct a public process to receive public comment and it shall conduct environmental review as required by law.

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 14th day of March, 2011 and approved by the Mayor this 12th day of March, 2011.
ATTEST/AUTHENTICATED:

[Signature]

Patrick Dugan
Interim Finance Director

APPROVED AS TO FORM:

[Signature]

Rosemary Larson
City Attorney

PASSED BY THE CITY COUNCIL: 3-14-11
PUBLISHED: __________
EFFECTIVE DATE: __________
ORDINANCE NUMBER: 2885