



# SWICKARD AUTO GROUP: LYNNWOOD BMW

5711 SW 188TH ST & 5615 SW 188TH ST | LYNNWOOD, WASHINGTON 98037

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## APPLICATION TYPE

PROJECT DESIGN REVIEW (PDR)

## SUBMITTAL DATE

FEBRUARY 03, 2023

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## GENERAL INFORMATION

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## SITE INFORMATION

Tax Assessor Number: 00374300500401, 00374300500402, and 00374300500201  
Address: 18600 Highway 99., 5615 188th Street SW., and 5711 188th Street SW.,  
Lynnwood, WA 98037  
Size: 5.39 acres  
Existing Zoning Designation: CG (General Commercial), Pending Rezoning (RZN-010042-2023)  
Existing Use: Auto Dealership and Service Center

## **INTRODUCTION**

### **APPLICANT'S REQUEST**

Swickard Auto Group (the "Applicant") is requesting approval of a Project Design Review application for one automotive dealership with associated parking and inventory storage yard, and one automotive service building on the subject site. The Applicant's preference is for this application to be reviewed as the Phase 2 to the existing approval of Case File: PDR-009805-2021, which indicated a 2 phased approach to developing the subject properties.

At the time of submittal of this land use application, the site is zoned Highway Mixed Use; however, a rezoning (reclassification) application has been submitted to change the zoning of the subject properties to General Commercial (CG), case file: RZN-010042-2023. To best describe the different properties on the site, labels have been added on the properties shown in Figure 1 on the following page. This Project Design Review application and attached materials assumes the approval of the rezone application currently in review, and will refer to the lots (1) and (2) as labeled in Figure 1 as General Commercial (GC) throughout this narrative. The associated zone change application seeks to obtain unified zoning between the two phases of this automotive dealership, which crosses the three separate tax lots.

### **SITE DESCRIPTION/SURROUNDING LAND USE**

The proposed site is located within the CG zone in Lynnwood, Washington along Highway 99 in an area with a predominantly commercial and mixed-use pattern of development. The development area on the north portion of Lot 3 was previously approved through Case File: PDR-009805-2021, for an automotive dealership that is currently under construction. The north portion of property 3 (Phase 1), is not included in the red polygon used to distinguish the properties in Figure 1.

Phase 2 of the project, what this application pertains to, includes the east portion of the lot in figure 1 labeled (1), the entirety of the lot labeled (2), and the south portion of the lot labeled (3). The Phase 2 site area is outlined in figure 1 with the red polygon, which corresponds with the site plan included in the application materials. The rear boundary line of properties labeled (1) and (3) abuts a subdivision of single-family homes within a cul-de-sac. The site contains frontage along Highway 99, and 188th Street SW. Highway 99 is classified as a Principal Arterial, and 188th Street SW is classified as a Major Collector.

The subject building site is approximately 5.39 acres. The properties are situated on the west side of Highway 99 and to the north of 188th Street SW. and are a corner lot and two interior lots. Figure 1 is a zoomed-in area of the Lynnwood Zoning Map showing the subject properties in relation to its vicinity.

This Project Design Review application hinges on the approval of a rezone (reclassification) land use request to change the entirety of lots (1) and (2), from Highway Mixed-Use to General Commercial. The rezoning (reclassification) case file is RZN-010042-2023, and was submitted on February 1, 2023.

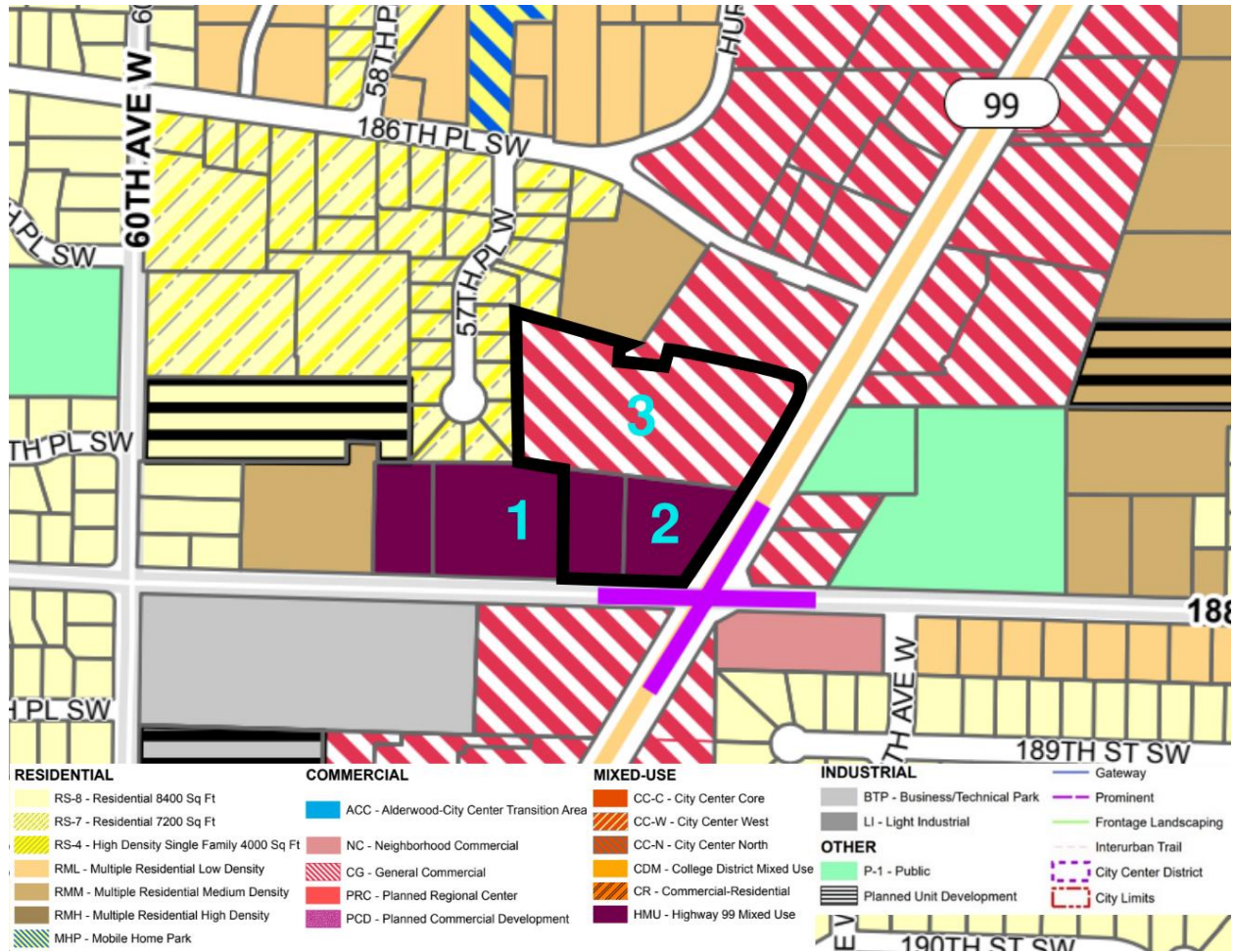


Figure 1: Lynnwood Zoning Vicinity Map with Phase 2 PDR polygon

## **APPLICABLE CRITERIA**

The following sections of The Lynnwood Municipal Code (LMC) Title 21 Zoning, Citywide Design Guidelines, and Comprehensive Plan have been extracted as they have been deemed to be applicable to the proposal. Following each **bold** applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document, with absolute certainty, that the proposed development has satisfied the approval criteria for a Project Design Review Application.

## **LYNNWOOD TITLE 21 ZONING CODE**

### **CHAPTER 21.08 LANDSCAPING**

#### **21.08.200 Applicability.**

**The landscaping requirements in this chapter apply to all properties except single-family residential properties; provided, that where applicable, the City Center Zone(s) City Center Design Guidelines landscape provisions supersede the landscape requirements of this chapter.**

**A. The requirements of this chapter apply to all parts of a site not devoted to hard surfaces such as parking lot pavement, pedestrian walkways, or driveways and structures or other structural site improvements. Properties may have any of the following areas that require landscaping in accordance with this chapter:**

- 1. General site area.**
- 2. Parking lot areas as follows:**
  - a. Parking lot street frontage.**
  - b. Parking lot interior.**
- 3. Parking structure areas as follows:**
  - a. Parking structure frontage.**
- 4. Buffer areas.**
- 5. Special streetscape landscaping.**

**B. When Requirements Apply. The requirements of this chapter apply to all multiple-family, commercial, industrial properties and developments in the city, excluding single-family residential development proposals and proposals in the City Center zone, as stated below:**

- 1. All landscaping requirements apply to:**
  - a. Any new development or redevelopment subject to a project design review land use application approval in this title.**
  - b. Projects that increase the gross floor area of any structure by at least 50 percent of the existing gross floor area of the structure.**

**Finding:** The development concerns an automotive dealership and is subject to Project Design Review (PDR), therefore subsection A is applicable.

- 2. Buffer landscaping only is required for:**
  - a. Projects that increase the gross floor area of any structure by at least 10 percent of the existing gross floor area of the structure if the increase is added on the elevation closest to a landscaped buffer.**

**Finding:** This application is not for an existing building or structure, therefore the full landscaping requirements are applicable.

- 3. All landscaping requirements apply to the respective area (parking area frontage, interior, or buffer areas) where:**

a. Replacement or newly installed landscaping greater than 200 square feet of cumulative area.

**4. All parking lot landscaping requirements apply to:**

a. Projects that replace existing paved parking lot surface with new paving by greater than 50 percent of existing paved surface area. Landscaping requirements only apply within the limits of disturbance of the replaced paved surface.

b. Projects that add additional parking lot paved surface area of at least 25 percent of existing parking lot paved surface area. Landscaping requirements apply within the area of the additional parking lot paved surface and from the edge of the paved surface to the nearest property lines.

c. Resurfacing or restriping a parking lot does not constitute replacing paved surface area. (Ord. 3326 § 2, 2019)

**Finding:** All landscaping and parking lot landscaping requirements are applicable to the subject site.

**21.08.250 Landscape applications, installation, and maintenance standards.**

**A. Application Procedures.**

1. The landscaping application shall be submitted to the community development department either with the development proposal application, if any, or as an independent application if the landscaping requirements are triggered by the thresholds above (LMC 21.08.200). The submittal requirements are listed on the landscaping application sheet and include a landscape plan.

a. All landscape plans must bear the seal or signature of a qualified landscape professional.

**Finding:** The Landscape Plan bears a seal from a qualified landscape professional. This standard is met.

**B. Installation, Irrigation, Maintenance, and Bonding.**

1. **Installation Prior to Occupancy.** All landscaping that fulfills the city code requirements must be installed prior to occupancy of any structure located on the same site. If, due to extreme weather conditions or some unforeseen emergency, all required landscaping cannot be installed prior to occupancy, then a cash deposit, guarantee account, or bond (the cost of installation may be included in the construction maintenance bond per LMC 13.40.110) must be provided to the city as financial security to guarantee installation of the remaining landscaping, as provided in LMC 21.04.920.

**Finding:** All landscaping will be installed in conformance with the provisions of this Chapter prior to occupancy. This standard is met.

2. **Landscaping in Right-of-Way.** Property owners who install landscaping on portions of right-of-way not covered by impervious surfaces must provide the city with a written release of liability for damages which may be incurred to the planting area from any public use of the right-of-way and must indemnify the city against any injuries occurring within that portion of right-of-way so utilized. Such release and indemnity shall be subject to approval by the city attorney. If acquisition of a portion of the private



property for the purpose of a public right-of-way creates a nonconformance, the nonconformance shall be regulated per LMC 21.12.500.

**Finding:** No landscaping is proposed in the right-of-way, therefore this section is not applicable.

### **3. Irrigation, Maintenance, and Bonding.**

**a. Irrigation Plan.** The landscape plan shall include an irrigation plan. Irrigation must be appropriate to the type of landscaping installed and be engineered to use as little water as necessary for plant survival and healthy growth. Any existing naturally landscaped portions of the site must not be irrigated. Irrigation systems shall meet the following requirements:

- i.** All irrigation systems shall include an automatic controller with an overriding rain sensor switch to turn off irrigation during rainfall events.
- ii.** The irrigation plan shall show zones, connecting nozzles, distribution valves, irrigation lines, sprinkler heads or drip lines, and timer location, as well as other information integral to the proposed irrigation system.
- iii.** Landscape plans that use xeriscaping methods (per LMC 21.08.300(I)) do not require permanent irrigation systems in the areas using drought-tolerant plants. However, temporary drip irrigation systems may be necessary for establishing plants. The irrigation plan must show the temporary irrigation system(s) and include details on when the temporary system will be removed.
- iv.** Landscape plans must provide adequate watering of the newly installed trees for a minimum of three years.

**Finding:** Per correspondence with the City's Planning staff, irrigation and maintenance plans will be provided in response to anticipated conditions of approval for the proposal.

**b.** Whenever landscaping is required to be installed according to this title the plant material shall be regularly maintained and kept in a healthy condition by the property owner or their agent in accordance with this chapter and approved development plans in perpetuity or until a new landscape plan is submitted and approved by the city.

**c.** Maintenance must include regular weeding, removal of litter from landscaped areas, and repair or replanting so that the landscaping continues to comply with requirements and/or approved development plans.

**d.** Xeriscaping shall be maintained as shown on the approved site plan, and all dry landscape materials shall follow industry standards of fire prevention, upkeep, and preventative maintenance.

**e.** The construction bond must include calculations for the cost of maintenance and replacement of damaged or destroyed landscaping during construction. Bonded landscaping must include all proposed landscaping (and retained existing landscaping per LMC 21.08.300(H)) in the development plans approved by the city. Monitoring and enforcement of landscaping conditions of approval must follow LMC 21.04.920.

**Finding:** Per correspondence with the City's Planning staff, irrigation and maintenance plans will be provided in response to anticipated conditions of approval for the proposal.

### C. Exceptions.

**1. Applicant Request.** The applicant may request a reduction to a required landscape buffer. The request must be made in writing and must describe fully the reduction and the basis for the request. The fee for processing a request may be found under LMC 3.104.210 – LMC Title 21 fees and charges. The applicant or person(s) requesting the buffer reduction may request a reduction if they can prove that, due to the intensity of existing or proposed landscaping, change in topography between properties, use of the properties along the abutting property line, or other characteristics of the abutting properties, a reduced buffer width or deviation from the landscape code requirements will provide adequate separation and screening between properties. The person(s) requesting the buffer reduction bear the burden of proof that the reduced buffer will provide adequate separation and screening between properties.

a. At least 28 calendar days prior to acting on a request for buffer reduction, notice of the request must be mailed to the owners of all properties that abut the site of the proposed reduction. Content of the notice shall include: (i) the date of the reduction request; (ii) the date the landscape application was submitted (if already submitted); (iii) the date of the issuance of the notice of reduction request; (iv) a description of the requested reduction; (v) a list of other project permits in the application (if any); (vi) a list of any studies required for reviewing the project (if any); (vii) a list of other permits that may be required for the project, to the extent known by the city (if any); (viii) a listing of any existing environmental documents that evaluate the proposed reduction (if any); (ix) the location where the application and any other supporting documents may be reviewed; (x) the date comments must be received by the city; and (xi) contact information for submitting comments. Action on a request may not be taken until this noticing period has expired.

b. Anyone may appeal a determination regarding an exception by the director under this subsection by filing a written statement of the reason(s) for the appeal with the community development department. Such an appeal shall be processed pursuant to the Process II procedures in Chapter 1.35 LMC.

**Finding:** A reduction to the required landscape buffer is not being requested, therefore this section is not applicable.

**D. Nonconforming Uses.** Proposals for properties with nonconforming uses and sites must meet the landscaping requirements under Chapter 21.12 LMC for alteration or improvement of nonconforming structures and site. (Ord. 3326 § 2, 2019)

**Finding:** The subject properties do not contain nonconforming uses or sites, therefore this section is not applicable.

### 21.08.300 General landscaping standards.

#### A. General Site Preparation.

**1. Compacted Soil.** During site preparation soil must be loosened or uncompacted in landscape areas where necessary due to compaction. Soil must be uncompacted, at minimum, down to 24 inches below surface grade in any landscape buffer, street frontage, or parking lot landscaping areas. Depth of soil that is loosened or uncompacted may be less if recommended by the qualified landscape professional. Where necessary soil amendments may be added from a verified source.

- 2. Root Barriers.** Trees planted within 10 feet of a public street, sidewalk, paved trail, or walkway must be a deep-rooted species and must be separated from hardscapes by a root barrier to prevent physical damage to public improvements.
- 3. Alternative Root Diversion.** Alternative root diversion and barrier techniques will be considered if the applicant states the root diversion method on the landscape plans and provides a letter and any exhibits from the qualified landscape professional explaining how the method achieves the desired outcome.

**Finding:** Site preparation for landscaping shall be in accordance with this section. Compliance is reflected within the landscape plans provided. This standard is met.

## **B. General Plant Standards (Groundcover, Shrubs, and Trees).**

**1. Plant Selection.** Plants must be appropriate for the Puget Sound lowland region. Permitted plants and trees are allowed as described below.

**a. Prohibited Plants.** Plants listed by the Washington State Noxious Weed Control Board in their Noxious Weed List or subsequent document, or commonly known as invasive species, are prohibited from being planted in the city.

**b. Permitted Plants.** Landscaping materials installed shall include species native to the Puget Sound lowland region of the Pacific Northwest or noninvasive species that have adapted to the climactic conditions of the region. Drought-tolerant or drought-resistant vegetation is preferred.

**2. Plant Variety.** Plant material should include a variety of seasonal colors, forms, and textures that contrast or complement each other with a mixture of evergreen and deciduous trees, shrubs, and groundcover and low-maintenance perennials. Preference must be given to plant material which can be maintained in its natural form without pruning over material requiring regular pruning or plants pruned into artificial shapes. Continuous expanses of uniform landscape treatment along an entire street front should be avoided.

**Finding:** No prohibited plants are proposed for the subject properties. All species used are native to the Puget Sound lowland region or noninvasive species that have adapted to the climate conditions of the region. The plants selected for this development complement the previously approved Phase 1 plants, and include a variety of colors, forms and textures as demonstrated in the Landscape Drawings in Appendix "D". This standard is met.

## **C. General Tree Standards.**

**1. Trees must be selected from the city's Tree Preservation and Protection Guidelines and meet the following standards:**

**a. A mixture of deciduous and evergreen trees must be planted in all landscaped areas of a site with exceptions noted in the specific landscaping sections of this chapter.**

**b. Trees must be suitable to the site and, if applicable, provide adequate screening throughout the entire life of the tree.**

**c. Deciduous and evergreen trees must be a minimum of eight feet in height and have a caliper size of at least two inches at time of planting.**

**d. Trees must be planted so that, when they reach maturity, there will be a minimum of 10 feet of clearance on-center between trees.**

- e. Tree selection within all landscape areas, including street trees, must comply with Snohomish PUD utility requirements, other existing utilities (stormwater, water, and wastewater conveyance systems), lighting, existing and proposed signage, adjacent trees, existing natural features, tree root growth, solar access, planting area width, and overall height of selected trees at maturity.
- f. Trees must be arranged to promote energy conservation wherever practical: This includes using deciduous trees on the south and west sides of buildings to provide shade from summer sun and evergreen trees on the north side of buildings to dissipate effects of winter wind and rain.
- g. Tree branches must be trimmed to provide a minimum of six feet of clearance measured from the ground to the branch to prevent sight and pedestrian obstructions. Tree branches must be trimmed to provide eight feet of clearance when overhanging vehicular use areas.
- h. If more than 10 trees are required to be installed, no more than 40 percent of the new trees may be of a single species. This applies to the new trees to be planted, not to the existing trees on the site.
- i. The specific number of trees required for a landscaped area on a site may be found under the respective section of this chapter.
- j. Trees may be planted in linear rows, staggered rows, or clustered. However, all trees shall be planted a minimum of five feet on-center from back of public sidewalk edge.

**Finding:** The tree species, size, and condition shown on the Landscape Drawings in Appendix “D”, in the landscape drawings provided are in accordance with this section. The proposed trees are arranged and will be maintained in a manner consistent with these requirements. This standard is met.

**2. In several sections of this chapter, a specific number of trees are required per linear feet of landscape area. Trees are categorized in the city’s Tree Preservation and Protection Guidelines into three types: small, medium, and large. If an applicant desires to use a combination of types, the applicant must first calculate how many small trees would be required by this chapter. Small trees may be substituted for medium or large trees and large or medium trees may be substituted for small trees according to the table below:**

**Table 21.08.01: Tree Substitution Table**

<b>Number of Small Trees</b>	<b>Substitution</b>
<b>2</b>	<b>1 Large Tree</b>
<b>1.5</b>	<b>1 Medium Tree</b>

**Finding:** Any and all tree substitutions utilized are described in the respective sections of this Chapter that call for a specific number of trees per linear feet of landscape area. Calculations are addressed elsewhere within this Chapter and the ability for substitution in accordance with this section has been noted.

**D. General Shrub and Groundcover Standards.**

**1. Groundcover. All areas of exposed earth not covered by trees or other plants must have living groundcover installed unless otherwise permitted.**

**Finding:** All areas of exposed earth not covered by trees or other plants contain living groundcover as demonstrated on the Landscape Plan. Ground cover incorporates species such as Foerster's Feather Reed Grass, Lipstick Strawberry, Sword Fern, All Gold Japanese Forest Grass, Emerald Carpet Creeping Raspberry, and hydro-seed grass. This standard is met.

**2. Motorist Visibility. In driveway and roadway sight triangles and parking lot frontage strips, shrubs and groundcover must be composed of low evergreen shrubs or a mix of evergreen and non-evergreen shrubs with a maximum growth height of three feet.**

**Finding:** Shrubs and groundcover have been selected in driveway, roadway sight triangles and parking lot frontage strips that are a mix of evergreen and non-evergreen shrubs with a maximum growth height of three feet. The Landscape Plan contains a species and size list demonstrating compliance with this section. This standard is met.

**3. Nonliving Groundcover. Nonliving groundcover (noncompacted, unless a functional part of a LID system) may not be used as living groundcover substitutes. However, up to three percent of the site's entire landscaped area may be landscaped with nonliving groundcover. Nonliving groundcover may not be installed within three feet of pedestrian walkways.**

**4. Landscape Areas Abutting Parking Stalls. If curbing or wheel stops are installed along an edge of a parking space that abuts a landscaped area, groundcover or plants may be installed adjacent to the stall. Otherwise a minimum area of two feet from the pavement edge shall be free of plants or shrubs. Grasses or groundcover may be planted in this area.**

**Finding:** For all customer and staff parking areas a curb is proposed along the back edge of the parking stall that abuts landscaped areas. Groundcover and plants will be planted adjacent to stalls. Nonliving groundcover is not utilized in this proposal. This standard is met.

**E. General Fence and Hedge Standards.**

**1. Vision-Obscuring Fences and Hedges. Fences are required in several landscaping types described in this chapter. The standards for fences and hedges must meet any applicable requirements in Chapter 21.10 LMC.**

**a. Exceptions. The following exceptions apply:**

**i. Height of fences or shrub hedges must be limited to maximum six-foot height in buffer landscape and frontage landscape areas.**

**ii. Where a fence is required or used to meet vision-obscuring purposes, a new fence shall not be required in those cases where a fence already exists which meets the intent of this section. However, if the existing fence is ever removed, demolished or partially destroyed, then the owner of the property shall be required to replace the fence at that time in accordance with the requirements of this code.**

**iii. In those cases where the slope of the land is such that the location of a fence required by this code is impractical or ineffective in satisfying the intent of this section, the community development director may, at his**

**discretion, permit a location which more adequately satisfies the intent of this section.**

**Finding:** Compliance with Chapter 21.10 related to vision-obscuring fences and hedges is discussed elsewhere within this narrative under Chapter 21.10.

**F. General Pedestrian Walkway and Sight Triangle Standards.**

**1. Pedestrian connections and walkways may traverse landscaped areas. All areas of a landscape buffer strip must be landscaped except where occupied by a pedestrian sidewalk, path, or vehicular driveway.**

**2. Pedestrian connections are encouraged across landscaped areas to connect multifamily and single-family residential zones, to commercial zones, and between commercial zones, for ease of resident access to grocery, retail, and other commercial businesses. Such pedestrian connections must be no wider than five feet.**

**Finding:** All areas within a landscape buffer strip are landscaped except where occupied by a pedestrian sidewalk. Pedestrian sidewalks can be found generally between the two proposed buildings and near the southeast corner of the site to meet the applicable Citywide Design Guidelines standards. For security purposes and given the nature of the commercial use (namely auto dealerships), pedestrian connections from the adjacent single-family and multi-family zoned properties to the rear are not warranted and should not be required for this development. The existing abutting residential uses do not provide the opportunity to have an internal connection to the subject site because the rear of the home and apartments abutting the rear of the subject properties; thus, the pedestrian connection to the right-of-way street is the best connection for pedestrians.

The other existing commercial uses on the subject properties are the adjacent Phase 1 commercial site to the north, which was approved as the Lynnwood Porsche Phase 1 (Case File PDR-009805-2021), and the Harley Davidson dealership and service center to the west. The intent of this standard appears to be relevant for other types of uses (e.g., shopping plazas), as it is unlikely that pedestrians will be visiting multiple automotive dealerships and a motorcycle dealership on foot within the same visit or trip. Additionally, the steep terrain on the subject properties inhibits the ability to incorporate a purposeful pedestrian connection between the subject properties.

These standards are met.

**G. Low Impact Development (LID) Facilities and Landscaping.**

**1. The city encourages landscaping to utilize low impact development (LID) practices where feasible. Applicants that incorporate these features may count them towards required landscaping and tree planting requirements.**

**2. LID Facilities. Areas of vegetation planted in stormwater LID facilities (except for permanently flooded or ponded areas) and for which there is a city-approved maintenance plan, as prescribed in the city's Engineering Design Standards Manual, may count towards:**

**a. The minimum landscape coverage areas per the landscaping requirements outlined in the zone's appropriate design standards; or**

- b. The minimum landscaped area required in the buffer landscaping strip as per this chapter; or**
- c. The minimum parking lot or parking structure buffer landscaping strip pursuant to LMC 21.08.350.**

**Finding:** The Applicant does not intend to make use of low impact development practices. All water treatment will be mechanical, and storage will be underground. This standard is not applicable.

#### **H. Existing Natural Vegetation Preservation.**

**1. Existing naturally vegetated areas may be retained and count towards landscaping standards based on location of the naturally vegetated area, species of trees, diameter at breast height of trees, and types of existing understory plantings.**

**a. The existing naturally vegetated area must meet or exceed the minimum number of trees (in any combination of large, medium, or small from the Lynnwood Tree Preservation Guidelines) that would otherwise be required for buffer landscaping.**

**b. Any invasive or noxious weed plant species as described in subsection (B) of this section or diseased, dead, or dying trees must be removed prior to installation of supplemental plantings.**

**c. Supplemental Plantings. The city may require the applicant to plant trees, shrubs, and groundcover according to the requirements of this section to supplement existing vegetation and provide adequate buffer between properties.**

**d. An identified critical area buffer that encroaches into or overlaps the site's required general site landscaping area or landscape buffer area may be counted where it overlaps the area required to be covered by general landscaping or buffer landscaping requirements.**

**e. Protection Techniques. The applicant must use the protection techniques described in LMC 17.15.160(B) to ensure protection of existing trees and soil on construction sites.**

**Finding:** As shown on the Tree Removal Plan on the Civil Drawings Sheet C110, and the Planting Plan on the Landscape Drawings in Appendix "D", 11 trees, mostly along the border with the adjacent multi-family property and in the southwest corner of the site, will be retained for use in meeting the buffer landscaping standards within this section.

**2. The existing naturally vegetated area must be delineated on the landscaping plan and must meet the following criteria:**

**a. For general site landscaping areas and buffers, credit for existing natural areas must be based on the existing trees in the naturally vegetated area. The number of new trees required may be reduced by two for every one existing tree preserved in the existing natural area.**

**b. In order for existing trees to be counted they must be listed in the City Recommended Tree List and have a minimum diameter at breast height (DBH) of eight inches.**

**c. Trees listed in the table "Trees Not Recommended" in the Lynnwood Tree Preservation Guidelines shall not be credited towards the required number of trees for a general or buffer landscape area.**

- d. Existing trees with a DBH of less than eight inches shall not count towards credit for landscaping but must not be removed unless tree health is assessed in accordance with subsection (H)(2)(e) of this section.
- e. Existing tree health must be assessed by an ISA certified arborist with tree risk assessment qualification (TRAQ). Only healthy trees must be shown for preservation on the landscape plan. Diseased, dying, dead, or overcrowded trees too closely spaced for adequate tree health must be marked for removal on the plan by the qualified landscape professional, licensed arborist or horticulturalist.
- f. Existing trees that meet the required DBH in the naturally landscaped areas shall be identified on the landscape plan and listed in a table showing DBH, species, and health status on the landscape plan.
- g. At least 75 percent of the ground surface of the naturally landscaped area must be covered with existing natural, living, vegetated groundcover, shrubs, or plants.
- h. The licensed arborist or horticulturalist must identify the existing groundcover, shrubs, or plants and show the various areas of predominant groundcover on the landscape plans using differentiating fill patterns. Identified species of the predominant groundcover must be included in the table. Estimated coverage area of the groundcover, shrubs, or plants must be totaled and expressed as a percentage of the entire ground surface area of the naturally vegetated area.

**Finding:** The tree removal plan, Sheet C110 and the site plan, sheet C200, provided in the Civil Drawings of Appendix “D” show the location of the 11 trees to be retained. The Landscape Drawings in Appendix “D” show the retained trees incorporated with proposed plantings in the various sheets where applicable.

All of the trees remaining are permitted per the Lynnwood Tree Preservation Design Guidelines. The 11 trees to remain are Douglas-firs.

The above-mentioned trees are categorized as large and are located within the buffer area and are used in the calculations toward buffer area trees in accordance with the appropriate section of this chapter. Because the trees are categorized as large per the Lynnwood Tree Preservation Design Guidelines, the number of trees required in the buffer area can be reduced by 22 (11 \* 2).

**3. The community development director or designee may approve a natural vegetated area with fewer trees or less groundcover than required; provided, that if it is a buffer area, the natural vegetation must provide the same amount of buffering between zones or a parking area and adjacent property, as required in this chapter.**

**I. Xeriscaping.** Xeriscape is a process by which sound horticultural, landscaping, and efficient water-using principles come together to provide an attractive, but low maintenance, and low water using landscape. Xeriscaping styles can be quite variable depending on the suitability of low water use plants for the region’s climate.

**1. Xeriscaping shall meet the following four principles:**

- a. **Good Design.** Design should be based on careful selection of low water use plants or drought-tolerant plants;



- b. **Soil Improvement.** Improvements including the addition of manure, compost, or other organic materials which can be amended into the soil should be used;
  - c. **Limited Lawn Areas.** Minimizing high water use grass areas results in minimal lawn maintenance; and
  - d. **Efficient Water Use.** Drip irrigation systems are preferred. Water between 12:00 midnight and 6:00 a.m. to lower the evaporation rate of water.
2. Low water use varieties of turf must be used. High water use turf must be limited to no more than 25 percent of the landscaped area and remaining landscaped area must be of low water or drought-resistant turf varieties, groundcover, native grasses, shrubs, or trees.
  3. Plants and trees selected for low water use shall be well-suited to the climate, soils, and topographic conditions of the site and must be low water use plants once established.
  4. Low water use or drought-resistant trees appropriate to the Puget Sound lowland region of the Pacific Northwest must be selected (use the Lynnwood Tree Preservation and Protection Guidelines or the Washington State University (WSU) hardy plants for waterwise landscapes list for guidance).
  5. Plants with similar water use requirements must be grouped together in distinct hydrozones and be irrigated with appropriate levels of water.
  6. Up to six inches of mulch may be used in limited areas around young plants to assist them with gaining root structure while they establish themselves.
  7. Plants and trees with a variety of textures, colors, and profiles must be used to create visual interest.

**Finding:** The Applicant does not intend to make use of voluntary xeriscape landscaping techniques; this criterion is not applicable.

**21.08.350 Parking area landscaping standards.**

**A. Purpose.** The parking area landscaping standards in this section explain the zones, location, and amount of landscaping required for parking lots, service yards, parking structures, and outdoor display areas.

**B. Surface Parking Lot Frontage Strip, Service Area Strip, and Outdoor Display Area Landscaping.**

1. For properties containing a surface parking lot, service area, or outdoor display area, a landscaping strip must be installed as required by the following Table 21.08.02:

**Table 21.08.02: Required Parking Lot Frontage, Service Area and Outdoor Display Area Landscaping**

Zone(s)	Location of Parking Lot, Service Area or Outdoor Display Area	Type of Parking Lot, Service Area or Outdoor Display Area	Landscape Strip Required
Surface Parking Lot: All zones except: Light Industrial (LI), Business and Technical Park (BTP), or Commercial-Residential (CR)	Between building and right-of-way.	Single aisle, double-loaded parking lot between building and any right-of-way.	A

**Table 21.08.02: Required Parking Lot Frontage, Service Area and Outdoor Display Area Landscaping**

Zone(s)	Location of Parking Lot, Service Area or Outdoor Display Area	Type of Parking Lot, Service Area or Outdoor Display Area	Landscape Strip Required
		Multi-aisle parking lot between building and any right-of-way.	B
Surface Parking Lot: Business and Technical Park (BTP) or Light Industrial (LI)	Anywhere on site, unless completely surrounded by buildings and not viewable from the right-of-way.	All parking lots.	A
Surface Parking Lot: Commercial-Residential (CR)	Between building and right-of-way.	All parking lots.	B
Service or storage yards in any zone	Anywhere on site.	All service or storage yards.	SERV
Outdoor display areas in PRC zone	Anywhere on site.	All outdoor display areas.	OUTDOOR

**Finding:** Landscape Strip SERV is required and provided on the east portion of the site between the proposed Building 1 and the right-of-way of Highway 99. The subject site is zoned General Commercial and there is a multi-aisle inventory storage yard. This is demonstrated in the Civil Drawings in Appendix “D”, on Sheet C200.

Landscape Strip A is required on the south portion of the site, between the proposed Building 2 and 188th Street SW because there is double loaded parking between the building and the right-of-way. This is demonstrated in the Civil Drawings in Appendix “D”, on Sheet C200.

**2. The requirements for the type of landscape strip required in Table 21.08.02 are detailed in the following Table 21.08.03:**

**Table 21.08.03: Parking Lot Frontage, Service Yard, and Outdoor Storage Area Landscape Strips**

Type	Location	Minimum width	Minimum number of trees per linear feet of frontage	Minimum number of shrubs or fence requirements
A	Between property line abutting the right-of-way and parking lot.	10 ft	1 small tree per 15 linear ft; 1 medium tree per 22 linear ft	2 per 20 sf
B	Between property line abutting the	15 ft	1 small tree per 15 linear ft;	2 per 20 sf

**Table 21.08.03: Parking Lot Frontage, Service Yard, and Outdoor Storage Area Landscape Strips**

Type	Location	Minimum width	Minimum number of trees per linear feet of frontage	Minimum number of shrubs or fence requirements
	right-of-way and parking lot.		1 medium tree per 22 linear ft	
SERV (Service Yard)	Any area between service yard and right-of-way.	Entire area between service yard and ROW	One row of trees 10 ft on center	Solid vision-obscuring fence or hedge minimum 4 feet (mature) height and max 6 feet. Locate at edge of service yard.
OUTDOOR (Outdoor Display Area)	Anywhere on site.	5 ft along any side; 10 ft along entire street frontage if applicable	One row of trees Min 6 ft tall at planting 15 ft on center	Vision-obscuring fence max 6 ft high at edge of outdoor display area.

**Finding:** Landscape Strips SERV and A are required as mentioned above. Type A requires a 10-foot minimum, and the SERV Type required the entire area between service yard and ROW to have the landscape strip. The proposed landscape strip width for these areas is 15 feet.

As shown on the Site Plan on sheet C200 in Appendix “D”, the landscape buffer, which is between the inventory storage yard area to the east of Building 1 and the Highway 99 right-of-way is 15 feet in width. Medium/large trees and a vision obscuring hedge is with a mixture of shrubs in accordance with this section (2 per 20 square feet). Because the trees are medium/large it would not be feasible to plant them 10 feet on center. The attached landscape drawings demonstrate compliance with this code.

The area between the parking lot to the south of Building 2 and the right-of-way for 188th Street SW is 15 feet in width. A medium/large tree is proposed every 22 linear feet. For shrub requirements, a mixture of shrubs is proposed in accordance with this section (2 per 20 square feet).  
The above standards are met.

**3. Trees may be located in abutting street right-of-way if they comply with Citywide Design Guidelines and are approved by public works.**

**Finding:** No trees are to be planted in abutting street right-of-way; therefore this standard is not applicable.

**4. Walls. An optional continuous masonry wall three feet in height above the ground directly below it may be added to a frontage landscape strip. The wall must be placed abutting the parking lot edge. The wall must include decorative masonry patterns, brick, stone, or cast stone and decorative bands of masonry such as soldier course of brick or multicolored stone.**

**The wall may include wrought iron or wood details such as lattice work that extend an additional two feet in height above the wall.**

**Finding:** No continuous non-structural masonry walls are being added to any part of the frontage landscape strip. This section is not applicable.

**C. Parking Lot Interior Landscaping.**

**1. Landscaping within the interior of a surface parking lot area is intended to reduce the visual blight that large, unbroken areas of pavement create, increase stormwater absorption, and reduce the urban heat island effect. For surface parking lot interior landscaping types, the following standards shall apply to all zones except the Highway 99 Mixed Use zone (HMU):**

**a. Interior landscaping areas shall be at least 25 square feet in area and at least three feet wide.**

**Finding:** All parking lot interior landscaping areas are at least three feet wide (with most areas being four to five feet wide) and at least 25 square feet in area as demonstrated in Appendix "D" in the Civil Drawings. This standard is met.

**b. No parking stall shall be located more than 45 feet from a landscaped area.**

**Finding:** No parking stall is located more than 45 feet from a landscaped area in accordance with this section. The inventory storage yard to the northwest of the Building 1, and the inventory storage yard directly east of Building 1 will store cars-for-sale and are not considered parking stalls per guidance from the pre-application conference and are therefore not subject to this distance requirement. This standard is met.

**c. All interior landscaping must be located between parking stalls or at the end of striped parking columns.**

**Finding:** All landscaping is located at the end of striped parking columns as shown on the planting plan in Appendix "D", in the Landscape Drawings.

**d. Interior landscaped islands or peninsulas must be surrounded on at least three sides by parking lot surface.**

**Finding:** Interior landscaped islands and endcap islands are being proposed. Both the islands are surrounded on at least three sides by parking lot surface in accordance with this section, as demonstrated in Appendix "D" in the Civil Drawings.

**e. Where feasible, bioswales or stormwater low impact development (LID) techniques may be installed in the planting islands, peninsulas, or areas.**

**Finding:** The Applicant is not proposing to utilize LID techniques for this site due to feasibility concerns. All water treatment will be mechanical, and storage will be underground.

**2. Parking Lot Interior Landscaping. The amount of landscaping per parking space must be installed and maintained within the interior of a surface parking lot per the following Table 21.08.04. The following Table 21.08.04 applies to all non-single-family residential uses in residential zones, and to all uses in multifamily residential, commercial, and industrial zones with the exception of the Highway 99 Mixed Use zone:**

**Table 21.08.04: Parking Lot Interior Landscaping Requirements**

Parking spaces proposed	Interior Landscaping Required (square feet)	
	Interior landscaping per space	If providing more than minimum required parking (unless located in the rear yard and not abutting a right-of-way - then smaller values in column to the left apply)
Less than 10	0	8
11 - 48	28	32
49 - 100	32	38
101 and more	38	44

**Finding:** 107 customer parking spaces are being proposed, which is over the minimum required parking as discussed further in this narrative, requiring 38 square feet of interior landscaping per space.  $107 \times 38 = 4,066$  square feet of interior landscaping area is required.

4,066 square feet of interior landscaping area is required per the calculation above. The landscape plan provided shows that the interior landscaping area far exceed the requirements of this section, with well over 4,066 square feet of parking lot landscaping. The total interior landscaping - which includes not only parking lot landscaping but also landscaping adjacent to drive aisles and other perimeter landscaping not included in the required buffer areas - is 51,134 square feet. The provided landscaping demonstrated in Appendix "D" in all sheets on the Landscape Drawings, far exceeds the square footage requirements of this section by any measure of interpretation. This standard is met.

**3. Highway 99 Mixed Use Zone Parking Lot Interior Landscaping. The amount of landscaping per parking space must be installed and maintained within the interior of a surface parking lot for Highway 99 Mixed Use zoned properties per the following Table 21.08.05:**

**Table 21.08.05: Highway 99 Mixed Use Zone Parking Lot Interior Landscaping Requirements**

Parking spaces proposed	Interior Landscaping Required per Space (square feet)	
	Interior landscaping per space	If providing more than minimum required parking (unless located in the rear yard and not abutting a right-of-way - then smaller values in column to the left apply)
Less than 10	0	8
10 - 30	20	25
31 or more	25	32

**Finding:** The subject property will be in the General Commercial zone after the rezoning (reclassification) application related to this development proposal is approved, therefore this section is not applicable.

**4. Trees for Parking Lot Interior Landscaping.** The number of trees required within the parking lot (excluding any frontage or buffer strip tree requirements) must be calculated per the following Table 21.08.06:

**Table 21.08.06: Parking Lot Interior Landscaping Tree Requirements**

Zone	Number of Trees
All zones except: Highway 99 Mixed Use and Commercial-Residential Zone	1 Large Tree per 7 Parking Spaces 1 Medium Tree per 4 Parking Spaces 1 Small Tree per 3 Parking Spaces At Least 50% Shall Be Medium or Large Trees
Highway 99 Mixed Use (HMU) Zone	1 Large Tree per 6 Parking Spaces 1 Medium Tree per 3 Parking Spaces 1 Small Tree per 2 Parking Spaces At Least 50% Shall Be Medium or Large Trees
Commercial-Residential Zone (CR)	1 Tree per 6 Parking Spaces At Least 50% Shall Be Medium or Large Trees

**Finding:** The underlying zoning is General Commercial; therefore the first row applies. There are 107 spaces that apply for calculating interior landscaping tree requirements. To comply with the requirements of this section, a combination of large trees, medium trees, or small trees are required, with at least 50% being medium or large trees. The Landscape Drawings in Appendix "D", demonstrates compliance with these requirements. This standard is met.

**5. Expanding Parking Lots.**

**a. When an applicant proposes to expand an existing parking lot, the amount of interior landscaping per parking space must be based on the total amount of parking provided after expansion.**

**Example:**

Existing parking spaces:	10 spaces
	+
Additional parking spaces proposed:	15 spaces
<hr/>	
Total size of expanded parking lot =	25 spaces
Interior landscaping per space (not HMU) =	28 sf

**b. The amount of interior landscaping required shall be multiplied by the number of new spaces proposed. The result is the number of square feet of landscaping to be provided only in the new, expanded parking lot area. Interior landscaping within the existing parking lot shall not count toward the interior landscaping required by the proposed parking.**

**Example:**

Additional parking spaces proposed:	15 spaces
	X
Interior landscaping per space (not HMU) =	28 sf
<hr/>	
Interior landscaping required in new parking area =	420 sf

**Finding:** All parking lots are new and the Applicant is not proposing to expand an existing parking lot; therefore this section is not applicable.

**D. Parking Structure Landscape Strip Requirements.**

**1. Landscaping must be installed and maintained at ground level on all sides of a parking structure as stated in the following Table 21.08.07:**

**Table 21.08.07: Parking Structure Parking Strip Types**

Parking structure's zone	Minimum width abutting ROW	Minimum width abutting private street, access easement, or driveway	Minimum width abutting other sides of parking structure	Minimum number of trees	Groundcover
Parking Structure in Any Zone Except for ACC or CC Zone	25 feet	15 feet	10 feet	1 medium per 22 linear feet, or 1 small per 15 linear feet of landscaped area. May be clustered or evenly spaced. A combination of sizes is allowed per LMC 21.08.300(C)(2).	3 feet max mature height shrubs. Remainder planted with vegetative groundcover.
Parking Structure in ACC Zone	10 feet	15 feet	10 feet	1 small, medium, or large tree per 150 square feet of landscaped area. May be clustered or evenly spaced. A combination of sizes is allowed per LMC 21.08.300(C)(2).	3 feet max mature height shrubs. Remainder planted with vegetative groundcover.
Parking Garage in a CC Zone	Parking structures fully screened in accordance with the City Center Design Guidelines are not required to provide landscape strip buffers abutting ROW or streets, easements, or driveways. If a parking structure does not meet these standards the parking structure shall comply with requirements for parking structures in the ACC zone.				

(Ord. 3326 § 2, 2019)

**Finding:** No parking structures are being proposed with this development proposal; therefore this section is not applicable.

**21.08.400 Buffer area landscaping standards.**

**A. A landscape buffer is required to screen development on the property from uses and development on abutting properties, in accordance with this section.**

**B. Location.** When a landscape buffer is required it shall be placed at the property line; provided, that a buffer is not required when the properties are separated by a right-of-way.

1. If a site’s property line abuts more than one adjoining zoning designation, the applicant must provide a gradual transition between the different required buffer types. The transition must be complete at the start of the larger buffer or the larger buffer may be used in lieu of the smaller buffer for the entire length of landscaped buffer area.

**Finding:** No landscaping buffer is required for this development proposal on the east and south portions of the site due to the properties abutting a right-of-way. To the north of the Tax Assessor’s property number: 00374300500201 (Figure 1: Property 3), there are properties zoned RMM, and to the north of Tax Assessor’s property number: 00374300500401 (Figure 1: Property 1), there are properties zoned RS-7. The Applicant has chosen to apply the larger buffer in lieu of the smaller buffer for the entire length of the landscaped buffer area, which is shown in Appendix “D” in the Civil Drawings, sheet C200.

**C. Landscape Buffer Size.** The landscape buffer types, listed in the first column of Table 21.08.09 below, are used in Table 21.08.08 below (low, medium, high). The landscape buffer is required when a zoned property abuts a differently zoned property as explained by the table below:

**Table 21.08.08: Location and Type of Required Landscape Buffer**

Zone of the Subject Property		Zone Abutting the Subject Property					
		RS	RM	NC	PCD	CR	P-1
Residential Zones	Single-Family - Nonresidential Uses Only (RS)	Medium	-	-	-	-	-
	Multifamily Low and Medium (RML and RMM)	Medium	-	-	-	-	-
	Multifamily High (RMH)	Medium	-	-	-	-	-
Commercial Zones	Alderwood City Center (ACC)	-	-	-	-	-	-
	Neighborhood Commercial (NC)	Medium	Medium	-	-	-	Medium
	General Commercial (CG)	High	Medium	-	-	-	Medium
	Planned Commercial Development (PCD)	High	Medium	-	-	-	Medium
	Planned Regional Center (PRC)	High	Medium	-	-	-	Medium
Mixed Use Zones	College District Mixed Use (CDM)	-	Medium	-	-	-	-
	Commercial Residential (CR)	High	Medium	-	-	-	Medium
	Hwy 99 Mixed Use (HMU)	High	Medium	-	-	-	-



**Table 21.08.08: Location and Type of Required Landscape Buffer**

Zone of the Subject Property		Zone Abutting the Subject Property					
		RS	RM	NC	PCD	CR	P-1
City Center Zones	All City Center Zones (CC-C, CC-W, CC-N)	High	Medium	-	-	-	-
Industrial Zones	Light Industrial (LI)	High	High	Low	Low	Low	Medium
	Business/Tech Park (BTP)	High	High	Low	Low	Low	Medium
Public Zones	Public (P-1)	Medium	-	-	-	-	-

Notes: (-) indicates no landscaping buffer required.

If a zone is not listed along the top row (zone abutting property under development), no landscaping buffer is required.

**D. Landscape Buffer Types.** Where landscape buffer strips are required, one or more of the following landscape buffer types shall be placed along the entire property line between incompatible uses:

**Table 21.08.09: Buffer Strip Types**

Buffer Type	Width	Trees	Plants and Groundcover	Fence or Other Barrier
Low (L)	5 ft	1 small per 15 lineal feet.	Mix of natural groundcover that provides 100% cover. Shrubs of any height.	6-foot vision-obscuring fence or Row of shrubs reaching 3 ft max.
Medium (M)	10 ft	1 large per 30 lineal feet. 1 medium tree per 22 lineal feet. 1 small per 15 lineal feet.	Mix of natural groundcover that provides 75% cover. Shrubs of any height. Mulch or woodchips on rest of area.	6-foot vision-obscuring fence or Row of shrubs reaching 3 ft max.
High (H)	20 ft	1 large per 30 lineal feet, or 1 medium per 22 lineal feet. A combination of sizes is allowed per LMC 21.08.300(C)(2).	Mix of natural groundcover that provides 75% cover. Shrubs of any height. Mulch or woodchips on rest of area.	6-foot vision-obscuring fence or Row of shrubs reaching 3 ft max or Berm (see below).
Berm in lieu of buffer (3 to 4 feet in height, grade no steeper than 2:1)	20 ft	1 large per 30 lineal feet, or 1 medium per 22 lineal feet. May be planted in a row or staggered on	Mix of natural groundcover that provides 100% cover. Shrubs of any height.	Fence not required. A row of shrubs to ensure a 6-foot total height from surrounding grade.

**Table 21.08.09: Buffer Strip Types**

Buffer Type	Width	Trees	Plants and Groundcover	Fence or Other Barrier
		the slope closest to the property line. A combination of sizes is allowed per LMC 21.08.300(C)(2).		

**Finding:** Pursuant to the tables above and from guidance provided in the pre-development conference, a High Buffer Type is required adjacent to the Single-Family zone and a Medium Buffer Type adjacent to the Multiple-Family zone. A 20-foot wide buffer is required for the High Buffer Type. The proposed buffer is greater than 20 feet along the property line shared with multi-family use and single-family use. A High Buffer is maintained in accordance with this standard; therefore this standard is met.

**21.08.450 Special landscaping standards.**

Several zones have additional landscaping requirements in addition to the general landscaping standards contained in this chapter. These requirements are detailed below:

**A. Auto-Oriented Uses Landscaping in the Planned Regional Center Zone.** Site screening standards and special street frontage landscaping requirements may be found in LMC 21.48.111(B).

**Finding:** The subject site is not within a Planned Regional Center Zone; therefore this section is not applicable.

**B. Swift Station Off-Street Parking and Landscaping.** In calculating and applying the parking stall requirements of Chapter 21.18 LMC and landscaping requirements of this chapter, the parking stalls and landscaping that have been or are replaced by a transit station and related improvements of the Snohomish County Public Transportation Benefit Area (dba Community Transit), also known as a Swift BRT station, pursuant to the development agreement between the city and Community Transit dated August 20, 2008, or any subsequent agreements, shall be included within the calculation and application of such requirements. The replacement of a portion of a parking stall shall be deemed to be a replacement of the entire parking stall. In any application for a building or other permit for construction of such transit station and related improvements, Community Transit shall provide photographs of the parking stalls and landscaping that will be replaced by the transit station and related improvements, or such other evidence of the parking stalls and landscaping that is acceptable to the director.

**Finding:** The Applicant does not propose to make use of these elective provisions; therefore, this section is not applicable.

**C. Planned Regional Center (PRC) Outdoor Display Screening.** Screening shall be installed around any outdoor display areas permitted in the Planned Regional Center (PRC) zone. Screening shall meet the requirements stated in Table 21.08.10 below.

**Table 21.08.10: Planned Regional Center (PRC) Zone Outdoor Display Screening**

Location	Buffer Width	Shrubs and Groundcover	Fence	Notes
Side or rear of property (behind front facade) Around entire outdoor display area	5 feet	Evergreen groundcover covering 100% of buffer. Evergreen shrubs minimum height 6 feet at maturity, spaced maximum 5 feet on center.	6-foot vision-obscuring fence	
Front of property (forward of front facade)	10 feet	Mix of evergreen groundcover covering 100% of buffer. Low evergreen shrubs: 3-foot height maximum. Staggered and spaced 18 inches on center.	None required	Interior Landscaping: 5% of display area surface shall include landscaped islands. Light fixtures may be placed in landscaped islands.

**Finding:** The subject site is not within the Planned Regional Center Zone; therefore, this section is not applicable.

**CHAPTER 21.10 FENCE, HEDGE, AND VISION OBSTRUCTION REGULATIONS**

**21.10.100 Fence and hedge standards.**

The following regulations shall apply to all fences, hedges, and other vision-obscuring structures:

**A. Height and Composition of Fences and Hedges, and General Standards.**

1. **Vision-Obscuring Fences and Hedges.** “Vision-obscuring fences and hedges” shall mean solid or partially open fences and hedges more than three feet in height, but not exceeding six feet in height or eight feet in height with an attached adornment (i.e., arbor, trellis, or other decorative features attached on the top of a fence) in residential-zoned areas and not exceeding eight feet in height in commercial-zoned areas. Maximum height shall be measured from the elevation of the ground adjacent to the fence or hedge on the higher side.

2. **Non-Vision-Obscuring Fences and Hedges.** “Non-vision-obscuring fences and hedges” shall include solid or partially open fences and hedges not exceeding three feet in height, and open fences not exceeding six feet in height or eight feet in height with an attached adornment in residential zones and eight feet in height in commercial zones. “Open fences” shall mean those fences consisting of open chain link, widely spaced board rails or other materials which provide adequate driver visibility through the fence. Rail fences shall consist of horizontal rails not more than four inches wide and at least one foot between rail edges. Deviation from horizontal rails and from these dimensions may be allowed, providing the applicant can demonstrate to the satisfaction of the appropriate city officials that such deviation will provide at least as much visibility through the fence. Maximum height shall be measured from the elevation of the ground adjacent to the fence on the higher side; however, within sight distance triangles (see subsections (B)(1)(b) and (B)(1)(c) of this section) maximum height of solid or partially open fences and hedges not exceeding three feet shall be measured from the elevation of the street adjacent to such sight distance triangle.

3. **Maintenance.** All fences and hedges shall be maintained in a condition of repair so as not to be dangerous to human life or a danger to the property.
4. **Conflicting Limitations.** Where the limitations of this chapter conflict with site-screening or fencing required by this or other city ordinances, requirements relating to the site-screening and other required fences shall apply, subject only to adequate provisions for driver visibility.
5. **Continuous Fencing Along Streets.** Where continuous fencing along a street between intersections is allowed due to the length and/or number of side and/or rear lot lines abutting that street, landscaping shall be required between the fence and the property line in order to mitigate the adverse aesthetic impacts of such fencing. Where such landscaping is required, the fence may be built along the property line except for offset sections to contain the landscaping.

Such landscaping shall consist of ornamental landscaping of low plantings and high plantings. The minimum height of trees shall be eight feet for evergreen trees and 10 feet for all other species. Trees shall be spaced a maximum of 25 feet on center with branches eliminated to a height of six feet where necessary to prevent vision obstruction. Low evergreen plantings or a mixture of low evergreen and deciduous plantings with a maximum height of 30 inches, in bark or decorative rock, shall be provided so as to achieve 50 percent groundcover within two years.

**Finding:** No fences or hedges are proposed that are above six feet and located within intersection and driveway sight distance triangles, or will obstruct driver and pedestrian visibility, or that do not comply with the Lynnwood Citywide Design Guidelines. There is an existing wood fence on the site that is shown on the Civil Drawings in Appendix "D", Sheet C100; however, no additional fencing or replacement of existing fencing is proposed at this time. The Applicant will meet the applicable sections of the LMC and Citywide Design Guidelines if additional fencing is proposed in any future stages of development.

## **B. Location of Fences and Hedges.**

1. **Residential Zones.** Non-vision-obscuring fences and hedges may be located on any portion of a residential-zoned lot. Vision-obscuring fences and hedges may be located on portions of a residential-zoned lot other than the following:
  - a. Within 15 feet of the front lot line.
  - b. Within a triangular area at street intersections. Such "intersection sight distance triangle" is defined as having two sides of 30 feet, measured along the property lines from the property corner at the street intersection, and a third side connecting the ends of the two aforementioned sides.
  - c. Within a triangular area adjacent on one side to a street, and on a second side to a property having frontage on and requiring access from that street. Such "driveway sight distance triangle" is defined as having two sides of 15 feet measured along the property lines from the property corner common to the subject and adjacent property, and a third side connecting the end points on the two aforementioned sides. If any adjacent lot is undeveloped, it shall be construed as having access from all adjacent streets until the direction of access has been established, either by development or by waiver of right of direct access as per RCW 58.17.165.
  - d. However, fences, walls and hedges between three and six feet in height or fences up to eight feet in height with an attached adornment that comply with applicable design guidelines may be located in any portion of a multiple-family

residential-zoned lot as long as they are not located within intersection and driveway sight distance triangles, do not obstruct driver and pedestrian visibility, comply with applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), and are approved through project design review (Chapter 21.25 LMC).

**Finding:** The subject property is not within a residential zone; therefore, this section is not applicable.

**2. Commercial Zones.** In commercial zones, vision-obscuring or non-vision-obscuring fences or hedges up to eight feet in height may be located on side and rear property lines and within side and rear yards, but not nearer to any public street than a point equal to the closest part of any building thereon to that street.

However, fences, walls and hedges up to six feet high that comply with applicable design guidelines may be located in any portion of a commercial-zoned lot as long as they are not located within intersection and driveway sight distance triangles, do not obstruct driver and pedestrian visibility, comply with applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), and are approved through project design review (Chapter 21.25 LMC).

**Finding:** There is one vision-obscuring hedge proposed on the property line that abuts Highway 99, as demonstrated in the Landscape Drawings in Appendix "D" on sheet L102. This proposed hedge meets the SERV landscape buffer requirements discussed in this narrative.

No fences are proposed that are above six feet and located within intersection and driveway sight distance triangles, obstruct driver and pedestrian visibility, or that do not comply with the Lynnwood Citywide Design Guidelines. There is an existing wood fence on the site that is shown on the Civil Drawings in Appendix "D", sheet C100; however, no additional fencing or replacement of existing fencing is proposed at this time. The Applicant will meet the applicable sections of the LMC and Citywide Design Guidelines if additional fencing is proposed in any future stages of development. These standards are met.

**C. Referrals to Hearing Examiner.** Any fence or wall approved through project design review (Chapter 21.25 LMC) does not have to be approved by the hearing examiner. The hearing examiner may review applications for fence permits in the following situations:

**1. Appeal.** As an appeal of an administrative determination when:

- a. An applicant proposes a fence which he/she believes meets the stated purpose of this section, but does not strictly conform to the regulations;
- b. City staff believes that a proposed fence, while meeting regulations, may still obstruct visibility to such an extent that hazardous conditions would exist; or
- c. There is a disagreement between staff and an applicant regarding interpretation of the fence and hedge regulations.

In such cases, the hearing examiner may stipulate standards for fence composition, height, and location.

**2. Variance.** As a variance, when an applicant believes the regulations of this chapter cause hardship.

**Finding:** No fences or walls are proposed in this application that are not otherwise retaining walls; therefore this standard is not applicable.

#### **21.10.200 Electric fences.**

**Electric fences are permitted provided they comply with the requirements in this section.**

**An electric fence using an interrupted flow of current at intervals of about one second on and two seconds off shall be limited to 2,000 volts at 17 milliamperes current. All electric fences shall be posted with permanent signs a minimum of 36 square inches in area at intervals of 100 feet, stating that the fence is electrified. Electric fences manufactured by an established and reputable company and sold as a complete assembled unit carrying a written guarantee that complies with the requirements of this paragraph can be installed by an owner if the controlling elements of the installation carry a "U.L. Approved" seal.**

**Finding:** The Applicant is not proposing electric fences with this development request. This standard is not applicable.

#### **21.10.300 Barbed wire fences.**

**No fences incorporating barbed wire are permitted except that barbed wire may be used on top of a six-foot high solid or chain link fence surrounding a public utility, an industrial plant site or a whole property, or barbed wire may be used when the fence is not a property line fence.**

**Finding:** The Applicant is not proposing barbed wire fences with this development request. This standard is not applicable.

#### **21.10.400 Vision obstruction by signs along public streets.**

**The legal setback for signs shall comply with the sign regulations of Chapter 21.16 LMC. This limitation does not apply to signs established or required by a public agency to service a public purpose.**

**Finding:** There are no proposed signs along public streets with this application, therefore this standard is not applicable.

#### **21.10.900 Exceptions.**

**The director may allow fences that do not conform to the regulations of this title at the following situations if the director finds that such fences are needed to protect the public health and safety:**

**A. Outdoor recreation establishments or park and recreation facilities; or**

**B. To prohibit illegal dumping.**

**As part of approving fences under this section, the director may impose conditions or limitations on fences allowed under this section in order to insure that such fences conform with the purpose and intent of this chapter and this title.**

**Finding:** No exceptions to this Chapter are being requested; therefore, this section is not applicable.

### **CHAPTER 21.16 SIGNS**

**Finding:** Compliance with Chapter 21.16 will be reviewed under a separate sign permit if any proposed signs in the future are requested, which is in accordance with guidance provided during the pre-application conference. Therefore these standards are not applicable to this application.

## **CHAPTER 21.17 OUTDOOR LIGHTING STANDARDS**

### **21.17.050 General requirements.**

#### **A. The following general requirements shall apply to all proposed outdoor lighting:**

- 1. Site lighting trespass onto adjacent residential properties shall be minimized;**
- 2. Site lighting shall minimize light spillage into the night sky;**
- 3. Outdoor lighting shall be controlled by either a combination of a photo sensor and a time switch or an astronomical time switch. All time switches shall be capable of retaining programming and the time setting during loss of power for a period of at least 10 hours;**
- 4. Fixtures and lighting systems shall be maintained in good working order and in a manner that serves the original design intent of the system; and**

**Finding:** Site lighting trespass onto the adjacent multi-family property and single-family properties is minimal. Spillage onto these adjacent uses is limited to 0-3 footcandles at the relevant property lines. All lights are facing a general downward direction, minimizing spillage into the night sky. Lighting will be controlled by an astronomical time switch. Compliance is demonstrated in Appendix "F", in the Site Lighting Plans and Specifications. This standard is met.

#### **5. The applicant shall submit to the city a site lighting plan to enable a determination that the applicable provisions of this chapter will be satisfied.**

##### **a. The outdoor lighting plan shall include the following:**

- i. Manufacturer specification sheets, cut-sheets or other manufacturer provided information for all proposed lighting fixtures;**

**Finding:** Manufacturer specification sheets have been provided for all proposed light fixtures alongside the photometric plan itself as demonstrated in Appendix "F". This standard is met.

##### **ii. The proposed location, mounting height, and aiming point of all outdoor lighting fixtures; and**

**Finding:** The Site Lighting Plans and Specifications in Appendix "F" indicates the mounting height and aiming point of all outdoor fixtures. The locations of all fixtures are shown on various sheets of the lighting plans set.

##### **iii. If building elevations are proposed for illumination, drawings shall be provided for all building elevations showing fixtures, portions of the elevations to be illuminated, illumination levels of the elevations, and the aiming point for any remote light fixture.**

**Finding:** No building elevations are proposed for illumination; therefore, this standard is not applicable.

b. If needed to review proposed outdoor lighting installations, the city may require additional information following the initial lighting plan submittal, including but not limited to:

- i. A brief written narrative, with accompanying plan or sketch, which demonstrates the objectives of the lighting;
- ii. Photometric data, BUG ratings as defined by the Illuminating Engineering Society of North America (IESNA), Color Rendering Index (CRI) of all lamps, or LEDs, and other descriptive information on the fixtures, or designation as IESNA "cutoff fixtures";
- iii. A computer generated photometric grid showing footcandle readings every 10 feet within the property or site, and 10 feet beyond the property lines; iso-footcandle contour line style plans are also acceptable; and
- iv. Landscaping information that indicates mature vegetation in order to evaluate the long-term and seasonal effectiveness of lighting or screening of lighting.

**Finding:** The Applicant has provided an outdoor lighting plan that includes the above-mentioned requirements. The proposed location of all outdoor lighting fixtures is shown on the plan, and demonstrated in Appendix "F". This standard is met.

#### **21.17.060 Lighting standard requirements in or within 50 feet of residential zones.**

**A. Outdoor lighting installations and fixtures located in or within 50 feet of a residential zone shall comply with the following requirements:**

1. Lighting fixtures shall be no higher than 15 feet above grade;
2. Lighting fixtures shall be designed and shielded in a manner so that the fixture does not directly illuminate on adjacent residentially zoned property. Fixtures should be of a type or adequately shielded so as to prevent glare from normal viewing angles; and
3. Where feasible, additional landscaping may be required by the city to provide light screening between commercial zones and residential zones to help prevent light trespass onto the residentially zoned properties. Where landscaping is used for light screening, the city shall take into consideration the applicable landscaping standards and citywide design guidelines.

**B. The height restrictions of this section shall not apply to lighting used to illuminate outdoor performance areas, sport and recreation facilities, and playfields, except where such lighting fixtures are located within 50 feet of the property line of a residentially zoned property. Lighting of outdoor performance areas, sport and recreation facilities, and playfields shall also meet the standards in LMC 21.17.090.**

**Finding:** The subject properties abuts a multi-family property and a single-family zoned subdivision. Light fixtures near these areas are designed and shielded in a manner so that the fixture does not directly illuminate on the residential property, and are not proposed to be taller than feet above grade level. Compliance is demonstrated in Appendix "F". This standard is met.

#### **21.17.070 Lighting zones.**

**A. The lighting zone shall determine the limitations for lighting as specified in this chapter. The lighting zones shall be as follows:**



**Table 21.17.01**

<b>LIGHTING ZONE</b>	<b>Recommended Uses or Areas</b>	<b>Zoning Considerations</b>
<b>LZ-1</b>	Lighting Zone 1 pertains to areas where low ambient lighting levels are desirable. These typically include single- and two-family residential communities, and other areas with limited nighttime activity. May also include the developed areas in parks and other natural settings.	Recommended default zone for low density residential areas. Includes single- or two-family residential districts, and open space including preserves in developed areas.
<b>LZ-2</b>	Lighting Zone 2 pertains to areas with moderate ambient lighting levels. These typically include multifamily residential uses, institutional residential uses, schools, places of worship, hospitals, hotels/motels, commercial and/or business areas with evening activities embedded in predominately residential areas, recreational and playing fields serving neighborhoods, and/or mixed use development with a predominance of residential uses. Can be used to accommodate a district of outdoor sales or industry in an area otherwise zoned LZ-1.	Recommended default zone for light commercial business districts, business parks and high density or mixed use residential districts. Includes neighborhood business districts, places of worship, schools and neighborhood recreation facilities, and light industrial zoning with modest nighttime uses or lighting requirements.
<b>LZ-3</b>	Lighting Zone 3 pertains to areas with moderately high lighting levels. These typically include commercial corridors, high intensity suburban commercial areas, town centers, mixed use areas, industrial uses and shipping and rail yards with high nighttime activity, high use recreation and playing fields, regional shopping malls, car dealerships, gas stations, and other retail areas with outdoor nighttime activity.	Recommended default zone for general business districts. Includes business zone districts and industrial and/or manufacturing zone districts.

**B. Lighting Zones Defined.**

1. **LZ-1: Low ambient lighting:** Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to the darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished.
2. **LZ-2: Moderate ambient lighting:** Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used

for safety and convenience but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.

3. LZ-3: Moderately high ambient lighting: Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. After curfew, lighting may be extinguished or reduced in most areas as activity levels decline.

C. The following chart determines which lighting zone generally applies to each zoning district on the city’s official zoning map. However, the specific use of a property, as described in Table 21.17.02, shall supersede the property’s zoning district when determining which lighting zone applies to the specific property or development.

Table 21.17.02

LIGHTING ZONE	ZONING DISTRICT	USES
LZ-1	RS-8, RS-7, RS-4, RML, RMM, P1	Single-family, low/medium density multifamily, mobile home parks, city low-use neighborhood parks
LZ-2	RMH, MHP, NC, CDM, HMU, BTP, P1	High-density multifamily, mobile home parks, neighborhood-oriented business, business parks, places of worship, schools, larger city parks, office buildings
LZ-3	CG, PRC, PCD, CC-C, CC-W, CC-N, ACC, CR, LI, P1	High-intensity commercial areas along arterials, Alderwood Mall, Transition Area, EDCC, Meadowdale Playfields, medium-intensity light industrial, car dealerships, office buildings

**Finding:** Given the proposed commercial use of the subject site as an automotive dealership, concerns for security, and the proximity to a busy commercial corridor (namely Highway 99), the LZ-3 category applies best to the development. Additionally, the Applicant’s assessment of the lighting zone relevant for this development is in accordance with subsection C. above.

**21.17.080 Nonresidential lighting.**

For all nonresidential properties, and for multifamily residential properties of 12 or more dwellings and having common outdoor areas, all outdoor lighting shall comply either with subsection (A) or (B) of this section.

A. Prescriptive Method. An outdoor lighting installation complies with this section if it meets the requirements of subsections (A)(1) and (2) of this section, except that parking lot lighting shall also meet the requirements of subsection (A)(3) of this section:

1. Total Site Lumen Limit. The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen limit shall be determined using either the parking space method (Table 21.17.03) or the hardscape area method (Table 21.17.04). Only one method shall be used per permit application. For sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens.

**Finding:** The Applicant will use the hardscape area method provided in this section. Pursuant to Table 21.17.04, 5 lumens per square foot of hardscape are allowed. According to the plans provided with this narrative in Appendix “D”, sheet C200, the total impervious

surface is 183,755 square feet. Using the Lumen Allowances in Addition to Base Allowance for Outdoor Sales Frontage, and the the allowed total initial lumens for the LZ-3 site the total number of lumens proposed is under the amount allowed. This is demonstrated the Lighting Plans and Specifications plans provided in Appendix "F". This standard is met.

**2. Limits to Off-Site Impacts. All luminaires shall be rated and installed according to Tables 21.17.05 through 21.17.07.**

**Finding:** All luminaires are rated and installed in accordance with Tables 21.17.05 through 21.17.07. Compliance is demonstrated in Appendix "F". This standard is met.

**3. Light Shielding for Parking Lot Illumination. All parking lot lighting shall have no light emitted above 90 degrees.**

**a. Exception. Ornamental parking lot lighting shall be permitted by special permit only pursuant to LMC 21.17.090(C), and shall meet the requirements of Table 21.17.05 for backlight, Table 21.17.06 for uplight, and Table 21.17.07 for glare, without the need for external field-added modifications.**

**Finding:** All proposed lighting is LED and LED fixtures onsite point downward; thus, no parking lot lighting emits light above 90 degrees. Compliance is demonstrated in Appendix "F". This standard is met.

**B. Performance Method.**

**1. Total Site Lumen Limit. The total installed initial luminaire lumens of all lighting systems on the site shall not exceed the allowed total initial site lumens. The allowed total initial site lumens shall be determined using Tables 21.17.08 and 21.17.09. For sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens. The total installed initial luminaire lumens of all lighting systems on the site is calculated as the sum of the initial luminaire lumens for all luminaires.**

**2. Limits to Off-Site Impacts. All luminaires shall be rated and installed using either Option A or Option B below. Only one option may be used per permit application.**

**Option A: All luminaires shall be rated and installed according to Tables 21.17.05 through 21.17.07.**

**Option B: The entire outdoor lighting design shall be analyzed using industry standard lighting software including interreflections in the following manner:**

**a. Input data shall describe the lighting system including luminaire locations, mounting heights, aiming directions, and employing photometric data tested in accordance with IES guidelines. Buildings or other physical objects on the site within three object heights of the property line must be included in the calculations.**

**b. Analysis shall utilize an enclosure comprised of calculation planes with zero reflectance values around the perimeter of the site. The top of the enclosure shall be no less than 33 feet above**

the tallest luminaire. Calculations shall include total lumens upon the inside surfaces of the box top and vertical sides and maximum vertical illuminance (footcandles and/or lux) on the sides of the enclosure.

c. The design complies if:

- i. The total lumens on the inside surfaces of the virtual enclosure are less than 15 percent of the total site lumen limit; and
- ii. The maximum vertical illuminance on any vertical surface is less than the allowed maximum illuminance per Table 21.17.10.

**Finding:** Subsection B of this section is not being utilized; instead, compliance with Subsection A can be found above; therefore this standard is not applicable.

### **21.17.090 Lighting by special permit only.**

**A. High Intensity and Special Purpose Lighting.** The following lighting systems are prohibited from being installed or used except by special permit:

1. Temporary lighting in which any single luminaire exceeds 20,000 initial luminaire lumens or the total lighting load exceeds 160,000 lumens.
2. Aerial lasers.
3. Searchlights (unless permitted by LMC 21.16.310(H)).
4. Other very intense lighting defined as having a light source exceeding 200,000 initial luminaire lumens or an intensity in any direction of more than 2,000,000 candelas.

**B. Upon special permit issued by the city, lighting not complying with the technical requirements of this chapter but consistent with its intent may be installed for complex sites or uses or special uses including, but not limited to, the following applications:**

1. Sports facilities, including but not limited to unconditioned sports facilities (fields, stadiums, courts, etc.)
2. Construction lighting.
3. Lighting for industrial sites having special requirements, such as petrochemical manufacturing or storage, shipping piers, etc.
4. Parking structures.
5. Urban parks.
6. Ornamental and architectural lighting of bridges, public monuments, statuary and public buildings.
7. Correctional facilities.

**C. To obtain such a permit, applicants shall demonstrate that the proposed lighting installation:**

1. Makes every reasonable effort to mitigate the effects of light on the environment and surrounding properties, supported by a signed statement describing the mitigation measures. Such statement shall be accompanied by the calculations required for the performance method under LMC 21.17.080(B).
2. Employs lighting controls to reduce lighting at a project specific curfew ("curfew") time to be established in the permit.
3. Complies with the performance method under LMC 21.17.080(B) after curfew. The city shall review each such application. A permit may be granted if, upon review, the city believes that the proposed lighting will not create unwarranted glare, sky glow, or light trespass.

**Finding:** The site does not contain any of the above-mentioned prohibited lighting systems. Additionally, the Applicant is not requesting a special permit as provided by this section; therefore this standard is not applicable.

**21.17.100 Tables.**

**Table 21.17.03 – Allowed Total Initial Luminaire Lumens per Site for Nonresidential Outdoor Lighting, Parking Space Method**

May only be applied to developments with no more than 10 parking spaces (including handicapped accessible spaces.)

LZ-1	LZ-2	LZ-3
490 lms/space	630 lms/space	840 lms/space

**Table 21.17.04 – Allowed Total Initial Lumens per Site for Nonresidential Outdoor Lighting, Hardscape Area Method**

May be used for any development. When lighting intersections of site drives and public streets or road, a total of 600 square feet for each intersection may be added to the actual site hardscape area to provide for intersection lighting.

LZ-1	LZ-2	LZ-3
<b>Base Allowance</b>		
1.25 lumens per SF of hardscape	2.5 lumens per SF of hardscape	5.0 lumens per SF of hardscape

Lumen Allowances in Addition to Base Allowance	LZ-1	LZ-2	LZ-3
<b>Additional allowances for sales and service facilities. No more than two additional allowances per site.</b>			
<b>Outdoor Sales Lots.</b> This allowance is lumens per square foot of uncovered sales lots used exclusively for the display of vehicles or other merchandise for sale, and shall not include driveways, parking or other nonsales areas. To use this allowance, luminaires must be within 2 mounting heights of sales lot area.	4 lumens per square foot	8 lumens per square foot	12 lumens per square foot
<b>Outdoor Sales Frontage.</b> This allowance is for lineal feet of sales frontage immediately adjacent to the principal viewing locations(s) and unobstructed for its viewing length. A corner sales lot may include two adjacent sides provided that a different principal viewing location exists for each side. In order to use this allowance, luminaires must be located between the principal viewing location and the frontage outdoor sales area.	0	1,000 per LF	1,500 per LF

Lumen Allowances in Addition to Base Allowance	LZ-1	LZ-2	LZ-3
Drive-Up Windows. In order to use this allowance, luminaires must be within 20 feet horizontal distance of the center of the window.	2,000 lumens per drive-up window	4,000 lumens per drive-up window	8,000 lumens per drive-up window
Vehicle Service Station. This allowance is lumens per installed fuel pump.	4,000 lumens per pump (based on 5 FC horizontal)	8,000 lumens per pump (based on 10 FC horizontal)	16,000 lumens per pump (based on 20 FC horizontal)

**Table 21.17.05 – Maximum Allowable Backlight, Uplight and Glare (BUG) Ratings**

May be used for any development. A luminaire may be used if it is rated for the lighting zone of the site or lower in number for all ratings B, U and G. Luminaires equipped with adjustable mounting devices permitting alteration of luminaire aiming in the field shall not be permitted.

	LZ-1	LZ-2	LZ-3
<b>Allowed Backlight Rating*</b>			
Greater than 2 mounting heights from property line	B3	B4	B5
1 to less than 2 mounting heights from property line and ideally oriented**	B2	B3	B4
0.5 to 1 mounting heights from property line and ideally oriented**	B1	B2	B3
Less than 0.5 mounting heights to property line and property oriented**	B0	B0	B1

\* For property lines that abut public walkways, bikeways, bikeways, plazas, and parking lots, the property line may be considered to be five feet beyond the actual property line for purposes of determining compliance with this section. For property lines that abut public roadways and public transit corridors, the property line may be considered to be the centerline of the public roadway or public transit corridor for the purpose of determining compliance with this section. NOTE: This adjustment is relative to Table 21.17.05 and Table 21.17.07 only and shall not be used to increase the lighting area of the site.

\*\*To be considered “ideally oriented,” the luminaire must be mounted with the backlight portion of the light output oriented perpendicular and toward the property line of concern.

**Table 21.17.06 – Maximum Allowable Backlight (BUG) Ratings – Continued**

	LZ-1	LZ-2	LZ-3
<b>Allowed Uplight Rating</b>	U1	U2	U3
<b>Allowed % light emission above 90 degrees for street or area lighting</b>	0%	0%	0%

**Table 21.17.07 – Maximum Allowable Glare (BUG) Ratings – Continued**

	LZ-1	LZ-2	LZ-3
<b>Allowed Glare Rating</b>	G1	G2	G3

**Table 21.17.07 – Maximum Allowable Glare (BUG) Ratings – Continued**

	LZ-1	LZ-2	LZ-3
Any luminaire not ideally oriented*** with 1 to less than 2 mounting heights to any property line of concern	G0	G1	G1
Any luminaire not ideally oriented*** with 0.5 to 1 mounting heights to any property line of concern	G0	G0	G1
Any luminaire not ideally oriented*** with less than 0.5 mounting heights to any property line of concern	G0	G0	G0

\*\*\* Any luminaire that cannot be mounted with its backlight perpendicular to any property line within two times the mounting heights of the luminaire location shall meet the reduced Allowed Glare Rating in Table 21.17.07.

**Table 21.17.08 – Performance Method Allowed Initial Site Lumens**  
May be used on any project.

Lighting Zone	LZ-1	LZ-2	LZ-3
Allowed Lumens per Square Foot	1.25	2.5	5.0
Allowed Base Lumens per Site	3,500	7,000	14,000

**Table 21.17.09 – Performance Method Additional Initial Luminaire Lumen Allowances**  
All area and distance measurements shall be in plan view unless otherwise noted.

Lighting Application	LZ-1	LZ-2	LZ-3
<b>Additional Lumens Allowances for All Buildings Except Service Stations and Outdoor Sales Facilities. A maximum of three allowances are permitted.</b>			
<b>Building Entrances or Exits. This allowance is per door. In order to use this allowance, luminaires must be within 20 feet of the door.</b>	1,000	2,000	4,000
<b>Building Facades. This allowance is lumens per unit area of building facade that are illuminated. To use this allowance, luminaires must be aimed at the facade and capable of illuminating it without obstruction.</b>	0	8/SF	16/SF
<b>Sales or Non-Sales Canopies. This allowance is lumens per unit area for the total area within the drip line of the canopy. In order to qualify for this allowance, luminaires must be located under the canopy.</b>	3/SF	6/SF	12/SF
<b>Guard Stations. This allowance is lumens per unit area of guardhouse plus 2,000 sf per vehicle lane. In order to use this allowance, luminaires must be within 2 mounting heights of a vehicle lane or the guardhouse.</b>	6/SF	12/SF	24/SF
<b>Outdoor Dining. This allowance is lumens per unit area for the total illuminated hardscape of outdoor dining. In order to use this allowance, luminaires</b>	1/SF	5/SF	10/SF

**Table 21.17.09 – Performance Method Additional Initial Luminaire Lumen Allowances**

All area and distance measurements shall be in plan view unless otherwise noted.

Lighting Application	LZ-1	LZ-2	LZ-3
must be within 2 mounting heights of the hardscape area of outdoor dining.			
Drive-Up Windows. This allowance is lumens per window. In order to use this allowance, luminaires must be within 20 feet of the center of the window.	2,000 lumens per drive-up window	4,000 lumens per drive-up window	8,000 lumens per drive-up window

Additional Lumens Allowances for Service Stations Only. Service stations may not use any other additional allowances.			
Vehicle Service Station Hardscape. This allowance is lumens per unit area for the total illuminated hardscape area less area of buildings, area under canopies, or areas obstructed by signs or structures. In order to use this allowance, luminaires must be illuminating.	4/SF	8/SF	16/SF
Vehicle Service Station Canopies. This allowance is lumens per unit area for the total area within the drip line of the canopy. In order to use this allowance, luminaires must be located under the canopy.	8/SF	16/SF	32/SF
Additional Lumens Allowances for Outdoor Sales Facilities Only. Outdoor sales facilities may not use any other additional allowances. NOTICE: Lighting permitted by these allowances shall employ controls extinguishing this lighting after a curfew time to be determined by the city.			
Outdoor Sales Lots. This allowance is lumens per square foot of uncovered sales lots used exclusively for the display of vehicles or other merchandise for sale, and may not include driveways, parking or other non-sales areas and shall not exceed 25% of the total hardscape area. To use this allowance, luminaires must be within 2 mounting heights of the sales lot area.	4/SF	8/SF	12/SF
Outdoor Sales Frontage. This allowance is for lineal feet of sales frontage immediately adjacent to the principal viewing location(s) and unobstructed for its viewing length. A corner sales lot may include two adjacent sides provided that a different principal viewing location exists for each side. In order to use this allowance, luminaires must be located between the principal viewing location and the frontage outdoor sales area.	0	1,000/LF	1,500/LF

**Table 21.17.10 – Maximum Vertical Illuminance at Any Point in the Plane of the Property Line**

LZ-1	LZ-2	LZ-3
0.1 FC or 1.0 LUX	0.3 FC or 3.0 LUX	0.8 FC or 8.0 LUX

**CHAPTER 21.18 OFF-STREET PARKING**

**21.18.200 Off-site parking.**



If any parking required by this chapter (including shared parking permitted pursuant to LMC 21.18.900) will be provided on a lot or property other than the lot on which the land use requiring such parking is located:

A. The lot or part of a lot on which the parking is provided shall be legally encumbered by an easement or other means acceptable to the city to ensure continuous use of the parking facility.

1. Any such easement shall be recorded with the Snohomish County auditor so as to appear of record on the property title.

2. The city of Lynnwood shall be named as a grantee to such easement, and the easement may not be released or terminated without the consent of the city.

B. A legal contract between the property owners is required to evidence the existence of a contractual right to use the lot or property as an off-site parking facility. Any such contract shall provide for and assign the responsibility for operating and maintaining the facility to the applicable party. Unless otherwise provided by the terms of the contract, the property owner of the off-site parking facility shall be responsible for the operation and maintenance of the parking facility. The contract shall contain a provision which indemnifies and holds the city harmless from any and all claims or damages relating to the operation or maintenance of the parking facility. The city of Lynnwood shall be named as an intended third party beneficiary to the contract.

C. The easement and contract are subject to the approval of the director.

D. The owner of the property shall place and maintain permanent, weatherproof signs providing clear, usable directions for vehicle access to the off-site parking location.

1. There shall be one sign at each site or parking lot entrance. The signs may be placed at building entrances or other appropriate locations, if it is demonstrated that such placement would provide superior information to parking users due to the characteristics of site traffic circulation.

2. Information on the signs shall be readable by a person seated in a vehicle at the nearest driveway or access aisle. Use of graphics (e.g., maps and arrows) is encouraged to supplement written directions.

3. Such signs shall be considered internal information signs under and subject to the requirements of LMC 21.16.310.

4. Placement and design of the signs is subject to approval by the director.

**Finding:** This is Phase 2 of this project and includes the proposal of 2 new buildings, which are proposed on two separate properties, but will be under the same ownership pending the competition of sale (Property (3) and (2) on Figure 1). The other property that is involved in this application (property (1) on Figure 1) will retain the existing Harley-Davidson Dealership and Service Center on the west portion of the property, as well as the proposed shared parking aisles, and 41 of the proposed parking spots for this application. This is shown in Appendix "D" in the Civil Drawings on sheet C200. The Applicant is in the process of obtaining easements and contracts with the property owner of the Harley-Davidson Dealership and Service Center. This standard will be met with conditions of approval.

#### **21.18.300 Location of parking.**

Except as provided in subsection (A) of this section, off-street parking shall be located on the same lot or an adjoining lot or lots to the property being served. Parking stalls located on another property shall be within 300 feet of the property being served and not separated from the property by a street.

**A. Exception – Remote Parking Lots.** Customer and employee parking may be located on a lot more than 300 feet but less than 1,000 feet from the property and/or separated from the property by a street designated other than a principal arterial in the Lynnwood comprehensive plan when approved by the director. In considering any remote parking application, the director shall consider all factors relevant to the public interest, including but not limited to the following:

1. The distance from the building, business, or site to the proposed parking lot; and
2. That the pedestrian route to and from the parking lot is as direct and short as practical, provides for adequate pedestrian safety, which may include but is not limited to sidewalks, walkways, crosswalks, traffic and pedestrian signals and/or signs, lighting, and surveillance or patrolling if appropriate; and
3. That the parking lot meets all dimensional and landscaping requirements of this title.

**Finding:** As described in the finding above, 41 parking spaces are proposed on the adjoining property that has the existing Harley-Davidson Dealership and Service Center, and are within 300 feet of the property being served with the buildings proposed in this application, and is not separated by a street. This standard is met.

**B. Parking on Adjacent Property with Dissimilar Zoning.**

1. Property that is more restrictively zoned (per LMC 21.40.900) may be used for ingress and egress from the public right-of-way to property in less restrictive zones upon approval by the director.
2. More restrictively zoned property may also be used for parking upon approval of the director if the director finds:
  - a. That the land to which such auxiliary use is subordinate is part of a comprehensively planned development subject to city approval; and
  - b. That the more restrictively zoned land is a reasonable and consistent extension of said plan; and
  - c. That it would not constitute or tend to induce a piecemeal encroachment of nonresidential uses into residential areas.

**Finding:** The rezoning (reclassification) application (RZN-010042-2023) submitted prior to the submittal of this land use application will remedy the Dissimilar Zoning between the three subject properties upon approval, therefore this standard not applicable.

**C. For purposes of this section, walking distance shall be measured using an approved pedestrian connection (i.e., not straight-line distance).**

**21.18.400 Ingress and egress provisions.**

The public works director shall have authority to fix the location, width, and manner of approach of vehicular ingress or egress to or from a building or parking area or to or from public streets, and to require alteration of existing ingress and egress as necessary to control street traffic in the interest of efficient circulation, public safety and general welfare.

**21.18.450 Use of parking lots for storage and/or displays.**

**A. Parking intended or available for the use of residents, clients, customers and employees of any use or development, including but not necessarily limited to parking required by LMC 21.18.800, shall not be used for storage of products or materials processed, sold, leased or otherwise used or stored by businesses or other uses on the site. This includes but is not limited to storage in shipping containers, truck trailers or similar receptacles.**

**Finding:** Customer and employee parking will not be used for storage or displays. Conversely, inventory storage yards (vehicle storage) will not be used for customer or employee parking. This standard is met.

**B. Exceptions.**

1. This prohibition does not apply to loading docks and outdoor storage areas permitted by LMC 21.46.110(B) and 21.46.210 and which are properly located and screened in accordance with those sections.
2. Trucks and/or truck trailers intended for immediate loading or unloading may remain in a parking area for not more than 72 hours. This exception does not apply to shipping or storage containers unless they are mounted on a trailer unit.
3. Temporary special events approved and conducted in accordance with Chapter 5.30 LMC.

**Finding:** The Applicant acknowledges the above exceptions. Loading docks and related trucks and trailers used will comply with the applicable standards.

**21.18.500 Parking lot surfacing requirements.**

**A. Grading and Paving.** All areas used for off-street parking, movement, storage or display of motor vehicles shall be graded and surfaced to standards approved by the city engineer before an occupancy permit for the building or use is issued.

**B. Low Impact Design.** Use of paving materials such as, but not limited to, pervious paving, "grasscrete" or similar materials to reduce the impact of stormwater runoff are encouraged where appropriate and consistent with applicable development standards. Permeable paving is not appropriate in the following circumstances:

1. Fire lanes, unless the developer provides certification from the manufacturer that the material is capable of meeting the fire access requirements of LMC Title 9.
2. Gas stations, truck stops, industrial chemical storage areas, or other locations where concentrated pollutant spills are a hazard.
3. Where the parking lot surface will slope more than five percent.
4. Where excessive sediment is likely to be deposited on the surface, such as construction and landscaping material storage areas, or where an erosion prone area is upslope of the permeable surface.
5. Where seasonally high ground water creates prolonged saturation at or near the surface, or where soils can become unstable when saturated.
6. In any other situation or application where, based on accepted engineering practice or standards, the city engineer determines that pervious paving is inappropriate.

**Finding:** The Applicant does not elect to make use of LID techniques; therefore, this criterion is not applicable.

**C. Traffic Control Devices.** All traffic control devices such as parking strips designating car stalls, directional arrows or signs, curbs, bullrails, and other developments shall be installed and completed as shown on the approved plans. Hard surfaced parking areas shall use paint or similar devices to delineate parking stalls and directional arrows.

**Finding:** The Site Plan in the Civil Drawings on sheet C200 in Appendix "D" demonstrates compliance with the above parking lot surfacing requirements. All areas used for off-

street parking, movement, storage or display of motor vehicles are graded and surfaced in compliance with the applicable standards. This standard is met.

**D. Pedestrian Walks. Pedestrian walks shall be curbed, or raised six inches above the lot surface.**

**Finding:** All pedestrian walks are curbed or raised six inches above the lot surface in accordance with this standard.

**21.18.600 Parking lot illumination.**

**Lighting in off-street parking areas shall be arranged so as to not constitute a nuisance or hazard to passing traffic. Where lots share a common boundary with any residential-zoned property, and where any RM zone lot shares a boundary with an RS zone, the illumination shall be directed away from the more restrictively classified property. See Chapter 21.17 LMC, Outdoor Lighting Standards, for specific regulations pertaining to parking lot illumination.**

**Finding:** Proposed lighting as demonstrated on the submitted Site Lighting Plans and Specifications in Appendix "F", shows that all proposed lighting is directed away from Residentially classified adjacent properties. Compliance with LMC 21.17 related to parking lot illumination can be found elsewhere within this narrative. This standard is met.

**21.18.700 Parking lot development standards.**

**A. Fire Access.**

- 1. All parking lots shall be designed with fire access and fire lanes in accordance with Chapter 9.06 LMC.**
- 2. It is at all times the responsibility of the property owner to maintain fire lanes in accordance with Chapter 9.06 LMC.**

**Finding:** As mentioned in pre-development conference provided by the Department of Fire Prevention, fire lanes will be subject to the following standards:

- a. Minimum 20 feet wide.
- b. Must be 26 feet wide and set back 15 to 30 feet if within the vicinity of a building with roof line higher than 30 feet from the lowest level fire department access.
- c. Must have unobstructed vertical clearance of 13'-6".
- d. Vaults must support 75,000 pound GVW and 45,000 pound point load.

The Site Plan on sheet C200 in Appendix "D" provided demonstrates compliance with this section. All drive aisles around the proposed buildings are at least 26 feet wide. In the rear inventory storage yard where there are no structures, all drive aisles are a minimum of 23.3 feet wide.

This standard is met.

**B. Stall and Aisle Specifications.**

- 1. All parking stalls and aisles shall be designed according to the "Minimum Standards for Off-Street Parking" tables (below), unless all parking is done by parking attendants on duty at all times the parking lot is in use. Parking at angles other than those shown is permitted, provided the width of stalls and aisles is adjusted by interpolation between the specified standards.**
- 2. Parking shall be designed so vehicles need not back onto public streets.**

**Finding:** Parking is designed such that vehicles do not need to back onto public streets. Vehicle access to the site is separated from parking by landscape islands and the appropriate distances. This standard is met.

**3. Where tandem parking is allowed by this chapter, the “D” figure in the stall and aisle specifications for single stalls shall be doubled.**

**Finding:** Tandem parking is not used for customer parking. Tandem inventory storage is used in a portion of the automobile inventory storage yard. This standard is met.

**C. Compact Car Parking (also see LMC 21.18.820).**

**1. In sites with 10 or more stalls, up to 20 percent of the number of stalls required by this chapter may be designed for compact cars in accordance with the specifications contained in this section.**

**2. Compact stalls shall be restricted to, and signed or marked for, employee, student or resident use only. Parking stalls for customers, patients, guests, deliveries and other frequent parking turnover users shall be full-size. Pavement markings, if used, must be maintained in a clear and readable condition.**

**3. Stalls provided in excess of the minimum number required by this chapter may be compact stalls.**

**4. Compact stalls shall be clearly designated for compact car use only with signs and/or pavement markings.**

**5. Compact stalls shall not be adjacent to fire lanes unless the stall is parallel (stall angle zero degrees) to the direction of traffic flow in the fire lane.**

**Finding:** No compact car parking is being proposed for the customer and employee parking areas; therefore, this standard is not applicable.

**D. Handicapped Accessible Stalls. Handicapped accessible parking shall be provided in accordance with the requirements of the International Building Code per Chapter 51-50 WAC. Accessible stalls count toward the parking capacity requirements of LMC 21.18.800.**

**Finding:** Handicapped Accessible Stalls are incorporated in accordance with IBC Chapter 51-50 WAC and LMC 21.18.800 nearest the main entrance of Building 2 as demonstrated in Appendix “D” in the Civil Drawings on sheet C200. This standard has been met.

**E. Pedestrian Access. Paved pedestrian access walkways shall be provided between streets and sidewalks and building entrances, and between parking lots and building entrance(s) in accordance with the standards of the Lynnwood citywide design guidelines.**

**Finding:** Compliance with Lynnwood Citywide Design Guidelines can be found further in this narrative. Compliance with pedestrian access requirements is contained therein.

**MINIMUM STANDARDS FOR OFF-STREET PARKING**

## MINIMUM STALL AND AISLE DIMENSIONS

	Standard Car Stalls			Compact Car Stalls			One-Way Aisles		Two-Way Aisles	
	Stall Width (ft.) -A-	Stall Center (ft.) <sup>+</sup> -C-	Stall Depth (ft.) -D-	Stall Width (ft.) -B-	Stall Center (ft.) <sup>+</sup> -C-	Stall Depth (ft.) -D-	Aisle Width (ft.) -E-	Bay Width (ft.) -F-	Aisle Width (ft.) -E-	Bay Width (ft.) -F-
Stall Angle (°) -A-										
90 (perpendicular)	9.0	9.0	17.5	8.0	8.0	16.0	24.0	*	24.0	**

### Notes:

\* = Sum of D + E

\*\* = Sum of 2(D) + E

+ = Stall center indicates the width from the center of a given parking space to the center point of the adjacent parking spot, also illustrated in the diagram below as Section C. This measurement is used to ensure that parking spaces are the appropriate size based on development standards and do not include the measurement of painted lines.

## ACCEPTABLE PARKING DESIGNS

21.18.710 Parking structure development standards.

A. Compliance with Other Standards – Exceptions. A parking structure shall comply with all development standards for the zone it is located in, with the following exceptions:

1. In the PRC, CG and PCD zones, 50 percent of the square footage of the ground-level floor of the parking structure shall be counted toward lot coverage. In all other zones, 100 percent of the square footage of the ground-level floor shall be counted toward lot coverage.

2. See subsection (D)(3) of this section for minimum setback requirement from streets.

B. Stall and Aisle Dimensions. All parking stalls and aisles shall be designed according to Figure 21.18.1, “Minimum Standards for Off-Street Parking,” unless all parking is done by parking attendants on duty at all times that the parking structure is in use.

C. Exterior Elevations.

1. The exterior colors and materials of a parking structure shall match or complement those of the project for which it provides parking to the maximum extent feasible.

2. The architectural design of the structure’s exterior (including the use of colors and materials), if not matching the design of adjoining buildings, should visually complement other buildings in the project. When viewed together, the main building(s) and parking structure(s) should create an overall design character that integrates all project buildings into a well-coordinated and visually pleasing streetscape.

3. Regardless of the interior or structural design of the structure, exterior horizontal facade elements shall be level and not sloped. Masking or concealing sloping ramps may necessitate placing facades on the exterior walls.

4. Horizontal exterior facades 30 feet or longer shall be treated or designed so long, continuous horizontal surfaces do not dominate the structure’s appearance.

5. The apparent bulk of the structure shall be reduced by setting back floors above the third level.

6. Low walls, facades or other improvements (at least three and one-half feet high) shall be installed around all sides of all levels of the structure so parked vehicles are not visible from ground level and adjoining buildings. Landscaping may be installed (in planter boxes) on top of such walls to provide additional screening and soften the exterior appearance of the parking structure.

**D. Ground Floor.**

1. **Vehicle Access.** No parking structure entry/exit driveway shall have more than three lanes unless exceptional traffic conditions or congestion require an additional drive lane. In no case shall the number of lanes exceed four.

2. **Street Frontage.**

a. Where a parking structure is directly adjacent to a street parking may be located along the street frontage; provided, that the parking structure is set back from the street a minimum of 25 feet.

b. The 25-foot setback shall be landscaped as required by LMC 21.08.400(A).

3. **Pedestrian Connections.** The design of pedestrian connections or pathways from a parking structure to the building(s) for which it provides parking shall clearly delineate and separate the pedestrian way from travel areas for vehicles.

**E. Above-Ground Pedestrian Connections.**

1. Pedestrian connections from a parking structure to the building(s) for which it provides parking (“sky bridges”) are allowed.

2. The exterior design of such connections shall be consistent with the design of the parking structure and the main building(s) and shall maintain architectural continuity with the design concept for the project.

**Finding:** No parking structures are being proposed with this application. There will be vehicle storage on the interior of the proposed Building 2, which will contain the showroom and offices for the automotive dealership. The proposed building does not meet the conventionally held definition of a parking structure (Chapter 21.02 does not contain a definition for “parking structure”). Therefore, this standard is not applicable.

**21.18.800 Capacity requirements.**

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

Table 21.18.01

Automotive Uses	Number of Parking Stalls Required <sup>(1)</sup>
Motor Vehicle Sales and Service	One per 1,000 SF of GFA and one per 1,500 SF of outdoor sales area
Car Wash: - Full service	Two per service lane or bay + stacking space requirements + parking for retail uses (if any)
-Automatic (unattended)	One per 3,000 SF GFA (minimum one stall) + one for each vacuum (if any) + stacking lane requirements
- Self-service	

**Table 21.18.01**

Automotive Uses	Number of Parking Stalls Required <sup>(1)</sup>
	One for every five wash bays (not including stalls in wash bays) + stacking lane requirements + one at each vacuum (if any)

**Key:**

**SF:** Square Feet

**GFA:** Gross Floor Area

**(1)**All parking stall requirement calculations that result in a fractional requirement shall be rounded up to the next highest whole number of stalls.

**(2)**The student portion of the day-care parking requirement does not apply to “on-site” day-care facilities provided for children of employees (or other persons (e.g., students) associated with a corporation, agency or institution) usually present on-site with the enrolled child. Day care centers located in or on a building, or corporate, institutional or similar campus primarily serving on-site employees, but also open to outside enrollment, may reduce the parking requirement proportional to on-site enrollment. The employee parking requirement may be reduced to the extent the space occupied by the day care is already “parked” on-site under other requirements of this section.

**(3)**This parking ratio may be reduced by the director in accordance with LMC 21.18.820 if it is found that at least 75 percent of the congregates reside within three-quarters miles of the facility, and/or that religious restrictions on use of automobiles or other characteristics of the religious services or congregation can be demonstrated to reduce parking demand.

**(4)**Property owner may be required to enter into a covenant agreeing the development will be maintained as senior (age-restricted) housing, and not be converted to general market units unless required extra parking is provided.

**Finding:** The automotive use for the proposed development is an auto dealership with a service reception area, therefore the Motor Vehicle Sales and Service category in the above table applies. Building 1 will also contain a private (not for public use) car wash. Proposed buildings 1 and 2, as part of Phase 2, contain a total of 38,415 square feet of floor area, requiring 39 parking spaces. The site plan provided demonstrates that 107 parking stalls will be provided as part of this application. Thus, Phase 2 will result in a surplus of parking stalls for what is required per this subsection. This standard is met.

**21.18.810 Stacking lanes for drive-through facilities.**

**All uses and facilities providing drive-through services shall provide stacking lanes and stacking spaces in compliance with the standards of this section.**

**A. Required Stacking Spaces.** Each service window, lane or point shall have the following minimum number of stacking spaces. All uses shall have at least one space in each lane after the last island, window, bay or other service point, but shall have more if required by the table.



Type of Drive-Through Use	Minimum Required Number of Stacking Spaces
Car Wash – Full-Service or Automatic	2 stacking spaces for each wash bay in addition to the vehicle(s) in the wash bay. If hand drying and/or detailing is provided, then minimum 3 spaces beyond the wash bay, otherwise 1 space beyond the end of the wash bay

**B. Stacking Space Dimensions.** Each stacking space shall be a minimum of 20 feet long and 10 feet wide on straight segments, and minimum 12 feet wide on curved segments with a minimum 25 feet centerline radius.

**C. Stacking Lane Design.**

1. Stacking lanes shall be delineated from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping, or use of alternative paving materials.
2. Entrances and exits of stacking lanes shall be clearly marked with directional signs.
3. Stacking lanes shall be designed to prevent circulation congestion both within the site, and on adjacent public streets. The circulation shall:
  - a. Separate drive-through traffic from other on-site circulation;
  - b. Not impede or impair access to or out of parking stalls;
  - c. Not impede or impair vehicle or pedestrian traffic movement;
  - d. Minimize conflict between pedestrian and vehicle traffic with physical and visual separation;
  - e. Not interfere with required loading/unloading and trash storage areas.

**D. Stacking Space Location.**

1. No stacking space shall be located closer than 50 feet from any lot in a residential zone.
2. A solid wall or fence shall be placed along the property line of any abutting lot zoned for residential use so as to block lights from vehicles in the stacking lanes.

**Finding:** A small Car Wash is proposed with this application on the north side of Building 1. This car wash will not be used as a public car wash, but will be used in conjunction with the proposed use of building 1, namely automobile service related to the automobile sales in Building 2. The carwash facility will have adequate space for stacking on site to accommodate any private use operations related to stacking. This standard is met.

**E. Order Placing Facilities.**

1. Outdoor facilities such as menu boards, speakers, windows, dispensers, etc., shall be a minimum of 50 feet from any residential zone.
2. Menu boards shall be a maximum of 30 square feet, and shall be designed, placed and shielded so as to not cast glare on public streets or adjacent properties. The term “menu board” is not limited to food, but may be any listing of products, services, etc., from which the customer makes a choice or which provides product information.
3. Outdoor speakers must comply with the noise restrictions of Chapter 10.12 LMC.

**Finding:** No order placing facilities are proposed; therefore, this section is not applicable.

**21.18.820 Administrative adjustment to parking or stacking lane capacity, or compact parking limitation.**

**A. The community development director shall have the authority to administratively reduce the parking capacity requirements of LMC 21.18.800 or stacking lane requirements of LMC 21.18.810, by not more than 20 percent or to increase the proportion of compact stalls by up to 10 percent (rounded to the nearest whole number of stalls) upon presentation of empirical evidence acceptable to the director that a particular use of property will generate different parking demands than other similar uses. Such evidence may include:**

- 1. Parking studies performed by a qualified engineer or professional parking consultant.**
- 2. Parking surveys conducted at similar and comparably situated uses. The applicant or owner shall bear the burden of demonstrating that the survey methodology is correct and applicable to the situation.**
- 3. Other empirical evidence that in the professional judgment of the director clearly demonstrates that the particular use or property will generate less parking demand than similar uses.**
- 4. A plan, map or diagram showing the proposed parking layout and how vehicular ingress/egress, pedestrian access, landscaping, and all other requirements of this code and applicable citywide design guidelines will be provided.**

**B. On approving such administrative reduction, the director shall make written findings that:**

- 1. The reduction will not be a grant of special privilege inconsistent with parking requirements for similar uses.**
- 2. The level or amount of the reduction granted is consistent with the empirical evidence in the study or survey.**
- 3. Granting the reduction will not be detrimental to the public welfare, or injurious to other property or improvements in the vicinity.**
- 4. The nature or configuration of the use or facility is such that its future occupancy by uses generating significantly higher parking demand is unlikely.**
- 5. The reduction is consistent with the purpose and intent of the comprehensive plan and zoning code.**

**C. The director may require a parking management plan or agreement, or other conditions of approval reasonably necessary to ensure compliance with any of the findings required by subsection (B) of this section.**

**D. A reduction in parking allowed by this section may not be in addition to parking reductions allowed by LMC 21.18.850 and/or 21.18.900 unless supported by a professional parking study that justifies the entire reduction.**

**E. The director shall have the authority to administratively reduce the parking capacity requirements of LMC 21.18.800 by not more than 50 percent when, in addition to meeting the requirements of subsections (A) through (D) of this section, the applicant or owner:**

- 1. Provides a site plan acceptable to the director showing how the additional number of stalls otherwise required by LMC 21.18.800 could subsequently be provided on the site (sometimes referred to as “landbanking” or “ghost parking”). The additional parking must meet all required yard, setback, access requirements and other requirements of this chapter. These areas shall be set aside and landscaped in such a manner that they will not be used for parking. The additional parking may be provided in surface or structured parking as determined by the city to be practically feasible and compatible with the site plan.**
- 2. Conducts a study of actual parking use to be carried out by a qualified consultant within three years after the facility is fully occupied. The parking study shall be subject to approval by the director. The city may require construction of some or all of the additional parking if the parking study demonstrates need. If the owner fails to comply,**

the city may, but shall not be obligated to, undertake construction of the required additional parking. Any costs and expenses incurred by the city shall be the responsibility of the owner.

3. Provides a bond or other financial guarantee in a form acceptable to the city sufficient to finance construction of the additional parking, and to pay for the study of actual parking use.

4. Provides a binding covenant, easement or other legal agreement guaranteeing the provisions of this section. The covenant shall be in a form acceptable to the city attorney and recorded with the Snohomish County auditor.

**Finding:** The Applicant is not requesting an administrative adjustment to any of the above-mentioned standards; therefore, this section is not applicable.

**21.18.850 Commute trip reduction modification to off-street parking capacity requirements.**

**A. The property owner(s) of employment sites having 100 or more employees present during any shift change (if applicable) for the following use classifications and/or combination thereof may apply to the director to reduce the parking capacity requirements for employees up to 50 percent:**

1. Banks and offices providing on-site services;
2. Offices not providing on-site service;
3. Manufacturing, including research and testing, bottling, and baking establishments, and canneries, but not including apparel, printing, and related.

**B. Review Criteria.** In reviewing such applications, the director shall find that such reduction of parking capacity requirements will not create an adverse environmental impact on the site; on existing or potential uses adjoining the subject property or in the general vicinity of the subject property; or on the traffic circulation system in the vicinity.

**C. Alternative Commute Programs.** The applicant, owner, and/or proponent shall show through appropriate studies, reports, and/or documentation, as determined by the public works director and/or community development director, that the alternative program(s) proposed in lieu of the parking capacity requirements will not cause the above stated impacts. Alternative programs which may be considered include, but are not limited to, the following:

1. Private vanpool operation;
2. Transit/vanpool fare subsidy;
3. Imposition of a charge for parking;
4. Provision of subscription bus services;
5. Flexible work hour schedule;
6. Capital improvements for transit services;
7. Preferential parking for carpools/vanpools;
8. Reduction of parking fees for carpools and vanpools;
9. Establishment of a transportation coordinator position to implement and monitor a carpool, vanpool and transit programs;
10. Bicycle parking facilities; and
11. Spacing of shifts.

**D. Covenants, Guarantees or Agreements.** If approved, the city shall require such covenants, guarantees, or agreements as necessary to ensure that the agreed on alternative program(s) reducing the parking capacity requirements will be a permanent and effective solution. Such covenants, guarantees, or agreements shall include, but not be limited to, the following:

1. That the reduced parking be a condition of occupancy of the building and/or building permit;

2. That measures shall be taken immediately if the alternative program(s) prove unsuccessful in reducing the required parking;
3. That the level of management overseeing the alternative program(s) be specified; and
4. That reports be prepared and submitted annually by the property owner(s) documenting the effectiveness of the alternative program(s).

**Finding:** The Applicant is not requesting a commute trip reduction modification to off-street parking capacity requirements; therefore, this section is not applicable.

**21.18.855 Bicycle parking.**

**A. Purpose.** Bicycle parking is intended to encourage the use of bicycles by providing safe and convenient places to park bicycles. These regulations encourage bicycle parking based on the demand generated by different uses and the level of security necessary to encourage the use of bicycles for short or long stays.

**B. Bicycle Parking Ratio.** For developments with 20 or more required automobile parking stalls, the number of automobile parking stalls otherwise required by LMC 21.18.800 may be reduced by one stall for every five bicycle parking stalls provided that meet the requirements of subsections (C) and (D) of this section up to a maximum of five percent of all automobile parking stalls required.

**C. Type of Bicycle Parking Required.** Categories of bicycle parking required for each type of use shall be in accordance with the following:

Type of Use	Class 1 Stalls	Class 2 Stalls
Office, Financial and Industrial	60%	40%
Retail and Service Retail	20%	80%
Public or Commercial Recreation	10%	90%
Schools and Colleges	20%	80%

1. A "Class 1 bicycle facility" means a bike locker, or other individually locked enclosure, or a supervised area within a building providing protection for each bicycle therein from theft, vandalism and weather.

2. A "Class 2 bicycle facility" means an outdoor bike rack or stand constructed and located in accordance with subsection (D) of this section.

**D. Design and Location of Bicycle Parking Facilities.**

1. Each bicycle parking stall shall be no less than six feet long by two feet wide and shall have a bike rack system.

2. Bike racks shall be constructed so as to enable the user to secure the bicycle by locking the frame and at least one wheel of each bicycle. Racks must be easily usable with both U-locks and cable locks. Racks shall support the bikes in a stable upright position so that a bike, if bumped, will not fall or roll down. Racks that support a bike primarily by a wheel, such as standard "wire racks," are damaging to wheels, thus not acceptable.

3. Outdoor bicycle parking areas shall be floored or paved. Bike racks shall be securely anchored to the floor or lot surface so they cannot be easily removed and sufficiently strong to resist vandalism or theft.

4. Location.

- a. Bicycle parking should be located in close proximity to the building or facility entrance(s) and clustered in lots not to exceed 20 stalls each.
- b. Bicycle parking should be located in highly visible, well-lighted areas to minimize theft and vandalism.
- c. Bicycle facilities shall not impede pedestrian or vehicle circulation. Wherever possible bicycle parking should be incorporated into building design or street furniture.
- d. If bicycle parking is side-by-side in rows, there shall be an access aisle at least six feet wide to the front or rear of each stall.
- e. Bicycle parking areas within auto parking areas shall be separated by a physical barrier such as curbs, wheel stops, stanchions, fences, or similar to protect bicycles from damage by cars.

**Finding:** Bicycle parking is not required nor is any being proposed with this development. The proposal is for an automotive dealership and service center and locating bicycle parking onsite would be inappropriate given the use and auto-oriented location of the site. Because bicycle parking is not being proposed, this section is not applicable.

#### **21.18.900 Shared parking.**

**A. Purpose.** Cumulative parking requirements for mixed-use occupancies or shared facilities may be reduced where it can be shown that the peak parking requirements of the various uses occur at different times of the day, week or year. Methods for calculating parking reduction and submission requirements are outlined in this section. This section does not apply within the city center zoning districts.

**B. Authority.** The development and business services director (director) may approve a reduction in the number of required parking stalls at a property, as provided in this section.

**C. Parking Reduction Determination.** Two methods for determining parking reduction are as follows:

1. **Table 21.18.20, Parking Occupancy Rates.** When a parking reduction is requested based on parking demand calculations from Table 21.18.20, the applicant shall submit a parking demand summary showing the calculations outlined in this section. (Note: occupancy rates in the table include a “safety” margin beyond typical average peak demand. A parking study may yield greater reduction.) To determine the number of parking stalls required:
  - a. Determine the minimum required minimum number of parking stalls for each use from LMC 21.18.800.
  - b. Multiply the minimum required number of stalls by the “occupancy rate” for the corresponding use in Table 21.18.20 (or as determined by a parking study) to produce an adjusted minimum requirement for each use for weekday day, evening and night periods, and for weekend day, evening and night periods.
  - c. Sum the adjusted minimum number of stalls for each use for each time period to produce an aggregate adjusted minimum number of stalls for each period.
  - d. The greatest of the aggregate adjusted minimum number of stalls for each period shall be the minimum number of shared parking stalls required.
  - e. Parking reserved for specified individual persons, positions, businesses, or offices, hotel or residential units do not count toward shared parking.

**Table 21.18.20: Parking Occupancy Rates**

*(table omitted)*

**2. Parking Study. For:**

- a. Uses not found in Table 21.18.20; or
- b. Parking reductions based on seasonal variation or other time frames not found in the table; or
- c. A parking reduction greater than provided for in the table; or
- d. A total reduction of more than 50 stalls below the number required by LMC 21.18.800. The minimum number of parking stalls shall be determined by a parking study performed by a qualified parking or traffic consultant, planner or civil engineer. The study shall be subject to approval by the development and business services director.

**3. Demand Analysis. A parking demand analysis, which substantiates the basis for granting a reduced number of stalls. The analysis shall take into account the following:**

- a. **Parking Survey.** Parking surveys shall determine parking occupancy rates for day and evening peaks on the seven days of the week. The seven days of observation may take place over the span of two consecutive typical weeks. In the case of new construction, or addition of new uses, the surveys shall observe a comparable development with a similar mix of uses. A combination of developments may be necessary to cover all proposed uses. The approximate square-footages of the various uses of the comparison projects will be compared to the proposed project to allow the ratios of uses to be rated accordingly. In the case of enlargement or substitution of existing uses, the surveys shall document the occupancy rates of the existing parking facility.
- b. **Proximity and Convenience Factors.** The development and business services director may consider the following factors in approving the parking reduction:
  - i. Distance between sharing uses and the parking facility.
  - ii. Pedestrian connections between sharing uses and the parking facility.
  - iii. Vehicular connections.
  - iv. Whether parking will be paid, gated, by valet or other special features.
  - v. Location proximity to other shared parking developments.
  - vi. Proximity to transit corridors and stops.
  - vii. Special trip reduction programs in accordance with LMC 21.18.850.
- c. **Captive Market Parking.** Parking requirements for office, retail, restaurant, hotel, and convention/conference uses may be reduced where it can be determined that some portion of the patronage of these businesses comes from other uses located within a maximum walking distance of 500 feet. Parking requirements may be reduced up to 75 percent where such a reduction can be supported by surveys conducted at similar establishments.

**D. Application and Supplemental Materials. Applications for a parking reduction shall be in writing and accompanied by the following:**

- 1. The parking demand summary or parking study in accordance with subsection (C) of this section.
- 2. A shared parking operations plan prepared to the satisfaction of the director showing that:
  - a. Parking stalls conveniently serve the uses intended;

- b. Consideration is given to appropriate location of high versus low turnover stalls;
  - c. Directional signage is provided where appropriate; and
  - d. Pedestrian links between uses and parking areas meet the requirements of LMC 21.18.300.
3. A covenant or other agreement for shared parking in a form acceptable to the city. The covenant shall:
- a. Be executed by the owners of said lot or parcel and/or parties having beneficial use thereof;
  - b. Be enforceable against the owner, the parties having beneficial use and their heirs, successors and assigns;
  - c. Contain a specific statement that the property owner understands and agrees that the implementation of shared parking may restrict the number and type of uses that may in future occupy the property; and
  - d. Be recorded with the Snohomish County auditor.
4. Where the requested reduction is 50 stalls or more:
- a. A site plan showing how the additional number of stalls otherwise required could be subsequently provided on the site (“landbanking”). The additional area shall meet all dimensional standards, access aisle, required yards, landscaping, setbacks and driveways for the property and all other requirements of this chapter. The additional parking may be provided in a surface lot or structured facility as determined by the director to be practical, feasible and compatible with the site plan for the use.
  - b. Alternatively the property owner shall provide a performance bond sufficient to construct the number of stalls in a shared or municipal facility or to fund a shuttle van/bus operation or other trip reduction elements that would reduce parking demand sufficiently. The performance bond shall be available for two years after initial occupancy.
  - c. The covenant required by subsection (D)(3) of this section shall further guarantee that the property owner will provide additional stalls if the director, upon thorough investigation of the actual use of parking, determines that the approved reduction be modified or revoked due to insufficient parking supply by showing occupancy rates over 98 percent for at least two consecutive hours on at least three separate days within a single month.
  - d. A fee sufficient to pay for a parking study of actual parking accumulation to be carried out within two years of occupancy. The performance bond and/or fee may be waived when in the determination of the director, previous experience with similar shared parking projects indicates it is unlikely a serious deficiency would result.

**Finding:** No shared parking reductions are being requested with the proposed development. The site will be used only as an automotive dealership and corresponding service center in conformance with the underlying zoning’s permitted uses and is not classified as mixed-use. This section is not applicable.

**21.18.930 Electric vehicle parking.**

**A. General.** Electric vehicles may be parked in any space designated for public parking, regardless of whether or not the parking space has electric vehicle charging capabilities.

**B. Electric Vehicle Charging Station Space.**

1. **Use.** Electric vehicle charging station spaces shall be reserved for parking and charging electric vehicles only during times the charging space is made available solely for that purpose (see subsection (B)(4)(a) of this section for sign provisions) if the charging station has time limitations for its use.
2. **Number.** There is no minimum required number of charging station spaces.
3. **Size.** Where provided, spaces shall be standard (e.g., not compact) size stalls.
4. **Location and Design Criteria.** Where provided, electric vehicle charging station spaces shall include the following:
  - a. **Signage.** Each charging station space shall be posted with signage indicating the space is for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced.
  - b. **Maintenance.** Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting malfunctioning equipment or other problems. Spaces no longer used for electric vehicle charging shall have the electric vehicle infrastructure removed.
  - c. **Accessibility.** Charging equipment shall be located so as not to interfere with accessibility requirements of WAC 51-50-005.
  - d. **Signs for electric vehicle parking shall be consistent with the Manual for Uniform Traffic Control Devices (MUTCD).**
5. **Fee.** No electrical permit fee shall be charged for Level 1 and Level 2 facilities.

**Finding:** Pursuant to Section A. above, electrical vehicles may park in any space designated for customer parking onsite. The Applicant is not proposing any electric vehicle charging station spaces nor are they required to pursuant to Subsection B.2 above; therefore these standards are met.

## **CHAPTER 21.25 PROJECT DESIGN REVIEW**

### **21.25.050 Procedure.**

**The issuance of any project design review must be in accordance with procedures set forth in Process III, LMC 1.35.300 et seq.**

**Finding:** This Project Design Review application is being submitted in accordance with the procedures set forth in Process III, LMC 1.35.300. This standard is met.

### **21.25.105 Administration.**

**Various places in this title indicate that applications for certain multiple-family, commercial, industrial and other nonresidential development are permitted only if it complies with applicable design guidelines and is approved pursuant to the provisions of this chapter. In addition, various parts of this title that also require design review for remodeling and expansion of existing multiple-family, commercial, industrial and other nonresidential development shall also comply with the applicable design guidelines and be approved pursuant to the provisions of this chapter. The development and business services director will make the decision on compliance with the applicable design guidelines based on written comments and information. Appeals of the decision will be decided by the hearing examiner.**



**Finding:** Compliance of the subject proposal with the Lynnwood Citywide Design Guidelines is addressed elsewhere within this narrative. This standard is met.

**21.25.120 Compliance with State Environmental Policy Act.**

**The State Environmental Policy Act (SEPA) applies to some of the decisions that will be made using this process. The SEPA responsible official shall evaluate each application and, where applicable, comply with SEPA and with state regulations and city ordinances issued under the authority of SEPA.**

**Finding:** Staff has indicated that a SEPA application for the site will not be necessary because a SEPA application for the Phase 1 of the project was completed and submitted, and subsequently approved. This Phase 2 development proposal is an extension of Phase 1. This standard is met.

**CHAPTER 21.46 COMMERCIAL ZONES**

**21.46.100 Permitted structures and uses.**

**A. No building, structure or land shall be used and no building or structure shall be erected, or structurally altered, except for one or more of the uses permitted by Tables 21.46.01 through 21.46.12 or the development and business services director may permit a use not listed in any table if the director determines, in his or her discretion, the use is found consistent with the intent of the zone.**

**Table 21.46.01**

	NC	PCD	CG
<b>Automotive Uses</b>			
<b>Automobiles, rental or sale</b>	-	P**	P

**\*Provided, that such activities be conducted indoors without outdoor storage, overnight parking, excessive noise or other adverse environmental impacts.**

**\*\* (1) Only at properties either with frontage on the freeway right-of-way or within 1,500 feet of a freeway on- or off-ramp (measured in a straight line from the nearest point of the end of the freeway ramp (where the ramp connects to a public street) to the nearest point of the property).**

**(2) Sale of used vehicles as a principal use of the property is prohibited.**

**\*\*\*Service stations shall not be located adjacent to or across the street from any residential zoning district. Key:**

**P = Permitted as principal use**

**Finding:** Pursuant to Table 21.46.01 above, "Automobiles, rental or sale" is an outright permitted use of the General Commercial zone. Two of the subject properties that will contain the proposed application are in the process of being reviewed for a rezoning (reclassification), and this application hinges on the approval for the subject properties to be rezoned from Highway Mixed-Use to General Commercial. The other subject property for this proposed development is already zoned General Commercial. Once the rezoning (reclassification) is approved, the proposal for which these narrative concerns, namely to operate auto dealership and auxiliary service, is an outright permitted use in accordance with the above table. This standard is met.

**21.46.103 Uses prohibited in the commercial zones.**

- A. Retail sales, production and processing of marijuana and/or marijuana-infused products.
- B. Medical marijuana collective gardens.
- C. Supervised drug consumption facilities.
- D. Heliports and helistops.

**Finding:** None of the above prohibited uses are being proposed. This section is not applicable.

#### **21.46.105 Project design review.**

**A. Design Guidelines for Nonresidential Uses.** The following structures and parking facilities permitted outright or by conditional use permit in any commercial zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Commercial Districts as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter:

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.

**Finding:** Compliance with the applicable Design Guidelines can be found within this narrative below. The proposal is not exempt based on the above allowable exemptions.

**B. Design Guidelines for Multiple-Family Uses.** Construction of any multiple-family structure or building including duplexes (two-family dwellings) permitted outright or by conditional use permit in any commercial zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Multifamily Districts as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.

**Finding:** The proposal is for an auto dealership in the General Commercial zone and does not include multi-family uses. This section is not applicable.

**C. Supersede.** Applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), shall supersede any development standards and requirements of this chapter that may conflict, unless otherwise specified in this chapter.

**D. 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 identified in the all districts section of the Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3). 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.

**Finding:** The intersection of SW 188th Street and Highway 99 is marked on the Lynnwood Zoning Map as a prominent intersection as shown in Figure 2 below, and the subject property, 00374300500402 (highlighted as #2 in figure below) touches this prominent intersection. This application is subject to applicable gateway and/or prominent intersection design guidelines identified in the "all districts" section of the Lynnwood Citywide Design Guidelines, and is addressed further in this narrative.

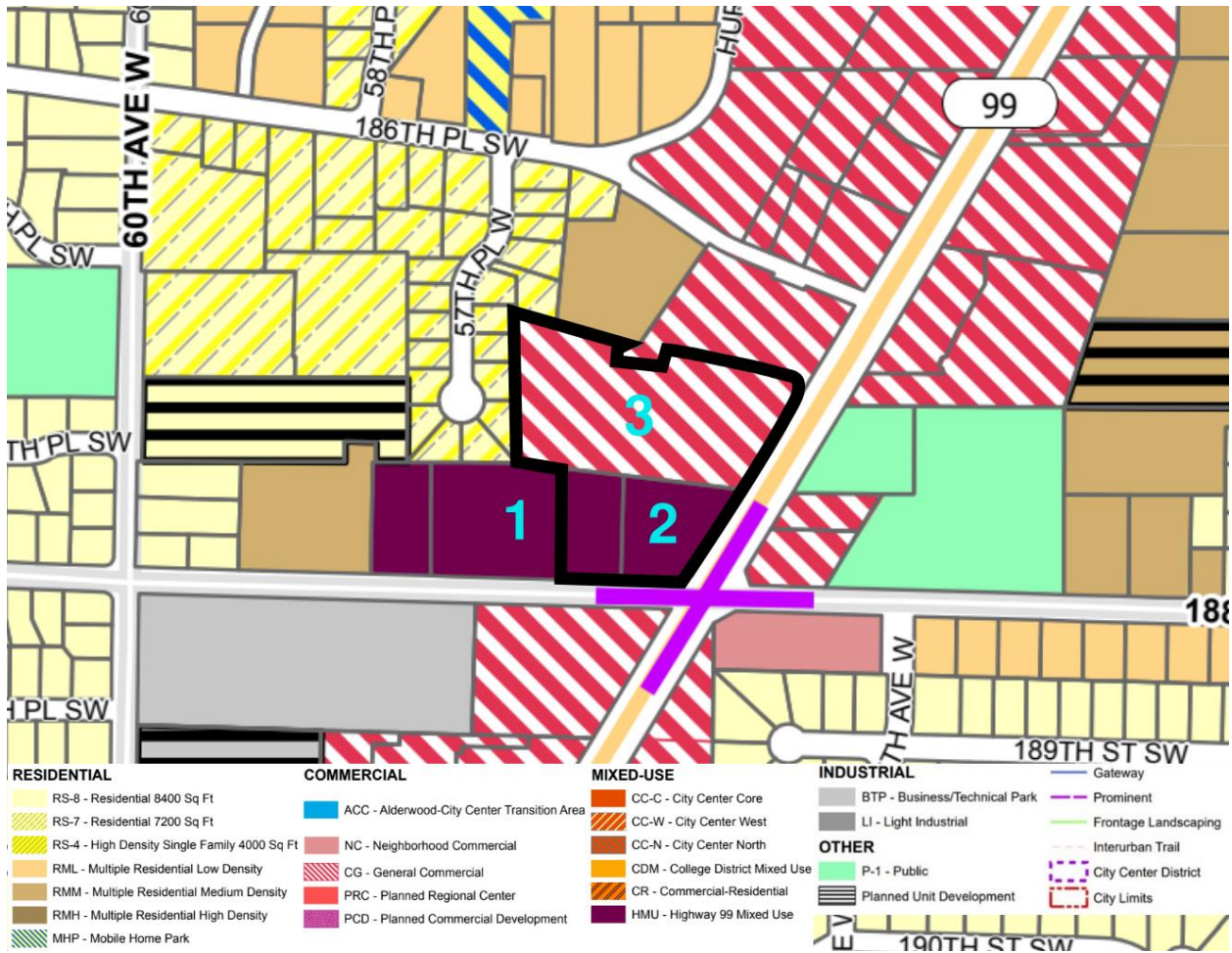


Figure 2: Zoomed-in area of the Lynnwood Zoning Map showing prominent intersections.

**21.46.110 Limitations on uses – General.**

Every use shall be subject to the requirements of applicable codes and, in addition, the regulations in this section and LMC 21.46.111 through 21.46.119 shall apply.

**A. General Performance Standards.**

**1. Artificial lighting shall be hooded or shielded so that direct light of lamps will not result in glare when received from beyond the property;**

**Finding:** As shown on the Lighting Plan and Specification in Appendix “F” and discussed in the findings for LMC 21.17 above, artificial lighting will be hooded or shielded so that direct light of lamps will not result in glare when received from beyond the property. This standard is met.

**2. Any machinery or operation which generates air or ground vibrations shall be muffled to eliminate any sensation of sound or vibration beyond the property;**

**Finding:** No machinery or operation which generates air or ground vibrations is proposed; therefore, this section is not applicable.

**3. Arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the property, and in no case shall be visible to drivers on the adjacent streets;**

**4. Emission of obnoxious odors, fumes, gas, dust or smoke beyond the property is prohibited. Dust and other types of air pollution borne by wind from such sources as storage areas and roads shall be minimized by landscaping where feasible or by paving or other acceptable means;**

**Finding:** The Applicant does not anticipate any industrial-type use of the property. No arc welding or similar processes will occur within view of the right-of-way. No emission of air-borne obstructive particles will travel beyond the property. The vehicle service area is enclosed, thus any of the above-mentioned externalities that could be associated with typical vehicle servicing will be limited to the appropriate indoor areas. This standard is not applicable.

**5. On-site hazardous waste treatment and storage facilities are permitted as accessory uses to any activity generating hazardous waste and lawfully allowed in LMC 21.46.100; provided, that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210.**

**Finding:** No hazardous waste or storage facilities pertaining to hazardous waste will be handled or located onsite. This standard is not applicable.

**B. Outdoor Uses. All business uses and activities shall be located within an entirely enclosed building, except as indicated below:**

**1. General Regulations. Any uses and activities which are permitted to occur outdoors by LMC 21.46.100, or by other provisions of this title, subject to the following:**

**a. The use or activity shall not encroach on site screening or landscaping as currently required by this title or other city ordinances;**

**b. The use or activity shall not block pedestrian traffic or fire lanes;**

**c. The use or activity shall observe the same minimum front, side, and rear yards as apply to buildings on sides adjoining public streets, except that such yards may be used for outdoor customer parking and for other uses and activities which are permitted outdoors;**

**d. The highest point of any item displayed within that area shall not be more than six feet in height from an even grade and at least 10 feet from the right-of-way line; and**

**e. Items which, in the opinion of the fire chief, present a potential fire hazard shall be located 15 feet from any interior property line and shall be arranged to provide 20-foot fire lanes no more than 300 feet apart.**

**Finding:** All permitted outdoor uses will abide by these provisions. It is not anticipated that the sale of vehicles will conflict or potentially violate any of the above-mentioned regulations. This standard is met.

**2. Incidental Outdoor Displays. For uses not included in subsection (B)(1) of this section, incidental outdoor displays are permitted in conjunction with the indoor sales of similar merchandise conducted by the same business. Such displays shall be displayed on racks, pallets, or in neat stacks and shall be located in areas underneath marquees,**

**canopies, or overhanging roofs. If no marquees, canopies, or overhanging roofs exist, such displays shall be not more than eight feet from the walls of buildings. All limitations specified in subsection (B)(1) of this section shall apply.**

**Finding:** While no incidental outdoor displays are anticipated for the site at this time, all future incidental outdoor displays will abide by this and any other applicable standards.

**3. Business Serving Customers in Automobiles. Automobile service stations, drive-in restaurants, and other businesses which primarily service customers in automobiles as an inherent trait of the business shall not be permitted to store or display merchandise outdoors, except as specified herein and in subsections (B)(1) and (B)(2) of this section.**

**Finding:** The automotive service stations shall abide by these provisions – display merchandise will not be displayed or stored outdoors.

**4. Commodities Requiring Outdoor Storage. Commodities which would be damaged if required to be kept indoors, including but not limited to growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots or containers; open air sales areas for firewood, trees, shrubs, plants, and home gardening supplies and equipment; and public utility facilities (see LMC 21.46.118(B)) are allowed outdoors subject to the provisions of subsection (B)(1) of this section.**

**Finding:** A significant portion of the site will be used for the outdoor storing of business commodities (namely vehicles for sale) in inventory storage yards as shown in the site plan on sheet C200 in the Civil Drawings in Appendix “D”. This standard is met.

**5. Cross-Reference. See also LMC 21.46.100.**

**C. On-Site Processing. All products made incidental to a permitted use which are manufactured, processed or treated on the premises shall be sold on the premises only, and at retail only.**

**Finding:** The proposed use of the subject site is for an automotive dealership – the vehicles are manufactured off-site and shipped to the dealership. Any other products sold that are accessory to vehicle sales will be sold only on premises and at retail.

**D. Uses in the Neighborhood Commercial Zone – Size Restriction. No use of property in the NC zone shall occupy any floor area or portion of the floor area of a structure that is greater than 7,500 square feet in size; provided, that any use in the NC zone that on the effective date of the ordinance codified in this section (Ordinance 3233, adopted November 28, 2016) exists and occupies the floor area or portion of the floor area of a structure that is greater than 7,500 square feet in size shall be a legal, permitted use not subject to the requirements of Chapter 21.12 LMC, and use may be continued and expanded, and the structure occupied by the use may be maintained, altered, repaired, remodeled, expanded and reconstructed, without having to comply with Chapter 21.12 LMC and without regard to tenancy.**

**Finding:** The underlying zoning designation for the subject property is currently Highway Mixed Use but upon approval is changing to General Commercial (CG) zoning as part of a separate land use application submitted prior to this application (RZN-010042-2023).

The subject site is not and will not be zoned Neighborhood Commercial; thus, this section is not applicable.

#### **21.46.111 Limitations on uses – Auto-oriented uses.**

**A. Automobile Agencies. New car automobile sales and display room buildings and the repair and servicing necessary to the business are permitted as an indoor use.**

**Finding:** The subject site will be used for new car automobile sales with indoor display rooms and outdoor inventory storage yard. This standard is met.

**B. Full-Service, Self-Service Stations, and Gas Stations. These uses are permitted only by means of a conditional use permit. All full-service, self-service, and gas stations shall be developed in accordance with the following regulations:**

**1. Purpose.** The purpose of this subsection is to promote the public health, safety, and general welfare in the city by establishing standards for the site design and operation of full-service stations, self-service stations, and gas stations, and convenience stores when combined with the aforementioned uses. The need for such standards is created by the typical close spacing of curb cuts and the frequency with which vehicles enter and leave the sites. This is an inherent trait of these uses. Conflicts with normal traffic patterns on arterial streets increase the potential for automobile accidents and injury to passengers and pedestrians, and contribute to traffic congestion. By establishing standards for such uses and their ingress and egress, it is intended that the smooth flow of traffic will be facilitated and greater safety will be provided for automobile passengers and pedestrians. It is also the purpose of this chapter to establish bulk regulations including standards for landscaping and signs, consistent with the aesthetic objectives of the city as indicated in the texts of the official plans of the city and as are appropriate to the characteristics of this industry.

**2. Development Standards.** In addition to any applicable development standards and Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), development of full-service stations, self-service stations, and gas stations, and convenience stores, when combined with any of these stations, shall comply with the following standards:

**a. Minimum Street Frontage.** One hundred fifty feet of frontage is necessary for street frontages which have two accesses. This figure can be reduced appropriately if the number of curb cuts is also reduced.

**b. Minimum Lot Area.** As provided for the applicable zone.

**c. Minimum Setbacks for Buildings and Canopies.** Minimum setbacks for buildings as provided for the applicable zone. However, canopies shall be set back a minimum of 20 feet from public street right-of-way.

**d. Site-Screening Standards for Side Yard and Rear Yard.** As required in Chapter 21.08 LMC.

**e. Off-Street Parking and Landscaping.** Same as Chapter 21.08 LMC except that a 20-foot-wide landscaping strip shall be required along the street frontage. This 20-foot landscaping strip is in lieu of the five percent landscaping required in the interior of the parking area. This requirement shall supersede applicable design guidelines. However, when the service stations described in subsection (B)(2) of this section are contained within buildings located closer to the street than fuel pump islands, canopies and parking areas, then a 15-foot-wide street frontage landscape strip shall be required.

- f. **Street Standards.** All public rights-of-way shall be fully improved to the center of the street with paving, curb, gutter, and sidewalk to city standards.
- g. **Driveways.** Driveways shall be designed and located according to public works department standards.
- h. **Separation between Parking and Pump Island.** Where there are parking stalls backing up to pump islands, the minimum distance between pump islands and off-street parking shall be 40 feet from the end of the stall to the pump island.
- i. **Signs.** See LMC 21.16.310 for sign regulations.
- j. **Lighting Standards.** All lighting shall be so arranged and shielded as to confine all direct light rays entirely within the boundary lines of the site, as to prevent, to the extent practicable, reflected light rays from shining upon other properties, and as to avoid glare onto any portion of any adjacent right-of-way or into the path of oncoming vehicles.
- k. **Dumpster Enclosures.** All dumpster enclosures shall meet the setback requirements for the applicable zone. The enclosure shall not exceed six feet in height and shall consist of a solid fence made of wood or masonry material.
- l. **Building Height and Maximum Lot Coverage and Interior Yard Setbacks.** As provided for the applicable zone.

**3. Operation, Supervision, and Maintenance Restrictions.**

- a. **Services rendered, and products stored on the premises and sold there shall be limited in accordance with the activities included in the definitions of LMC 21.02.267, 21.02.375, 21.02.660 and 21.02.661, as approved by conditional use permit.**
- b. **Operation of a rental agency or sale lot for automobiles, trucks, trailers or other equipment or other business accessory to the operation of a full-service station, self-service station, and gas station, shall require a separate occupancy permit and business license. These uses would only be allowed as an accessory use if they are permitted in that zone as a separate use. The application for the occupancy permit and a business license shall be accompanied by a site plan, and any vehicle or equipment involved shall be stored or parked in areas defined on the site plan and shall be kept in a neat and orderly manner. The development for the accessory use shall meet all applicable city regulations.**
- c. **All buildings, grounds, and landscaping shall be kept in a constant state of repair and maintenance. Upon failure to do so, the city shall require repair or replanting as per LMC 21.08.250(B)(3)(b).**
- d. **The work station shall be designed so that at least one qualified attendant shall have maximum view of the fueling areas. For the purpose of this title, a qualified attendant is one who is trained in the operation of the fuel emergency shut-off system.**
- e. **When a convenience store is combined with a full-service station, self-service station or gas station, dispensing of fuel shall be subject to electronic control (within arm's reach) of a qualified attendant.**
- f. **Amusement devices as defined by LMC 5.60.030(B) are not permitted in conjunction with the uses allowed by this subsection.**
- g. **All alcoholic beverages shall be stored within cabinets or coolers which can be locked during the time period when alcoholic beverage sales are prohibited by law. A buzzer on the doors of the coolers which store alcoholic beverages shall be provided for monitoring. Observation mirrors shall also be provided.**

h. Window visibility shall be maintained. Advertising and/or merchandise displays or other objects shall not block attendant visibility from view of the gas pumps. The attendant's cashier station shall be visible from a street and the parking areas.

i. Wrecked or dismantled vehicles shall not be stored out-of-doors for more than 24 hours.

4. Motor Vehicle and Pedestrian Separation between the Public Sidewalk and the Convenience Store. When a convenience store is combined with an automobile service station, self-service station and/or gas station, design considerations shall be implemented to minimize pedestrian conflicts with vehicular traffic such as but not limited to brick pavers, signs, raised sidewalks, striping, or a combination of the above.

5. Effects of Change of Use. The addition of a convenience store to an automobile service station, self-service station or gas station would constitute a change in use and would require complete compliance with Chapter 21.12 LMC.

6. General Criteria for Approval. In addition to the criteria found in Chapter 21.24 LMC, no conditional use permit for the uses mentioned in this subsection shall be approved unless:

a. The proposal meets the International Fire Code and International Building Code;

b. The proposal meets the standards of this chapter and this title; and

c. The proposal meets all other applicable city and governmental regulations.

Exceptions. There shall not be any relaxation of development standards as provided for in LMC 21.24.100. Any exceptions to these standards shall be subject to the variance criteria as found in Chapter 21.26 LMC. However, the hearing examiner may consider these criteria as part of the conditional use permit process, instead of a separate variance application.

7. Park and Pool Lots. Park and pool lots may be permitted by a conditional use permit. In considering such a conditional use, the hearing examiner shall review all impacts upon the surrounding neighborhood, including but not limited to traffic, location, displacement of required stalls, ingress and egress, signs, and illumination. The applicant must submit a site plan with the property boundaries and the location of all buildings with their respective floor areas designated on the drawing. The available parking stalls to be used for a park and pool lot must be designated on the submitted site plan. Drawings depicting the proposed signs should also accompany the applications.

**Finding:** No gas stations or convenience stores are being proposed; therefore this section is not applicable.

**B. 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 multistory structures that emulate the exterior architecture of residential or multifamily or as components located within larger



multistory 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. Where this chapter provides for self-service storage facilities upon property zoned CG, self-service storage facilities are permitted only within multistory structures designed to emulate multifamily or office buildings.

b. Where this chapter provides for self-service storage facilities upon property zoned CC or ACC, self-service storage facilities are permitted as an accessory use, and may occupy no more than 20 percent of the property's building floor area. With the exception of the business office and loading/unloading facilities, self-service storage facilities shall not be permitted upon the ground or street level of the multistory building.

c. 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 retail sales or auctions or to conduct any other commercial activity;

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

d. Accessory Uses. Accessory uses such as the rental of trucks, trailers or moving equipment (hand carts, jacks and 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.

#### **e. 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 p.m. and 7:00 a.m. 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.

f. Outdoor Storage Prohibited. Within commercial zones, all goods and property stored in a self-service 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, docks 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 21.46.12 subject to the following limitations:

- i. The facility shall be located in a multistory building.
- ii. Loading docks, entrances or bays may not be located on a street-facing side of 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, Project 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 floor 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 subsection (B)(3)(b)(i) of this section 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; facade 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 the purpose 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 precast 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 Chapter 21.25 LMC, 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 on which it is located or have negative impacts on surrounding uses.

**Finding:** While the site will contain some areas that are designated as inventory storage yards for cars for sale, their storage is not self-service, and the primary use of the site is not a self-service storage facility; therefore these standards are not applicable.

#### **21.46.120 General commercial area for controlled uses.**

Adult establishments and adult retail uses shall be permitted in the CG zone in the area described in subsection (A) of this section and subject to the locational and development standards contained in this section. In the event of invalidation by a court of competent jurisdiction of these provisions, adult establishments and adult retail uses shall be permitted to locate only in the CG, and subject to locational and development standards of this section.

**A. Location of Controlled Use Area.** These regulations apply to all General Commercial zones south of a line approximately 800 feet south of 212th Street SW between 68th Avenue W and Highway 99 and south of 212th Street SW, between 67th Avenue W and 68th Avenue W, and between 66th Avenue W and 67th Avenue W, south of a line varying between 175 feet and 195 feet north of 212th Street SW as more particularly set forth below:

Beginning at the Southeast corner of the Southwest quarter of the Southeast quarter of Section 20, Township 27 North, Range 4 East, W.M.; thence West 679.56 feet; thence North 175 feet to the true point of beginning thence West 132.6 feet to a point eight feet East of the East line of Lot 15, Block 6, of the Plat of Seattle Heights, Division No. 3; thence North 20 feet more or less, to a point eight feet East of the Northeast corner of said Lot 15; thence West 132.5 feet, more or less, along the North line of said Lot 15 and the prolongation thereof, to the Northwest corner of said Lot 15; thence continuing West along the prolongation of said line 30 feet, more or less, to a point which is the intersection with the centerline of 67th Avenue West; thence South 192.5 feet, more or less, along said centerline of 67th Avenue West; thence South 195.2 feet, more or less, along said centerline to a point which is the intersection of the centerlines of 67th Avenue West and 212th St. SW; thence West along the centerline of 212th St. SW to a point which is the intersection of the centerlines of 212th St. SW and 68th Avenue West; thence South along the 68th Avenue West centerline 830 feet, more or less, to the intersection of the centerline of said right-of-way and the Easterly prolongation of a line located parallel to and 160 feet South of the North line of Lot 19, Plat of Solner's 5 Acre Tracts; thence West along said line and the prolongation thereof, to the intersection with the East line of Lot 21, Plat of

Solner's 5 Acre Tracts, said point being 160 feet, more or less, South of the Northeast corner of said Lot; thence North 20 feet, more or less; thence North 89°51'00" West 130.14 feet, more or less, to the East line of the Highway 99 right-of-way.

**B. Uses Permitted.** Except for those uses listed in subsection (E) of this section, all uses permitted outright in the General Commercial zone area allowed in this controlled area and all adult establishment are allowed, subject to the location standards of subsection (C) of this section. Adult retail uses are allowed in this controlled use area subject to:

1. The same location standards as set forth in subsection (C) of this section for adult establishments.
2. The same variance from separation requirements as set forth in subsection (D) of this section for adult establishments; and
3. The same development standards as forth in subsection (F) of this section for adult establishments.

**C. Location Standards.** Any adult establishment use which locates in the city of Lynnwood shall, in addition to any other requirements, meet the following:

1. Separation from Location. No adult establishment use shall be allowed to locate within 300 feet of any property zoned residential or P-1.
2. Measurement of Distance. The 300-foot separation shall be measured by following a straight line, without reference to intervening structures, between the nearest point on a line defining a residentially zoned or P-1 zoned property and the nearest point of the building or portion thereof used by an adult establishment.

**D. Variance from Separation Requirements.** Whenever the proponent of an adult establishment subject to the separation requirements pertaining to adult establishments set forth in this chapter feels that strict application of such requirements is not necessary to achieve an effective degree of physical separation between the adult establishment and property zoned P-1 or residential, the proponent(s) may apply to the hearing examiner for a variance from such requirements. In determining when a variance should be granted, and if so, to what extent, the hearing examiner shall consider the following, in addition to the general criteria for variance established in Chapters 2.22 and 21.26 LMC:

1. Topographical and other features of the land which provide actual separation between the proposed business or other land use and surrounding land uses;
2. Pedestrian and vehicular circulation pattern in the vicinity of the proposed activity; and
3. Any other fact or circumstance which has a significant effect upon the need for the full separation distance required by this chapter.

If after considering these criteria the hearing examiner finds that an effective separation between the proposed adult establishment and property zoned residential or P-1 can be achieved without requiring the full distance of separation provided by this chapter, the hearing examiner shall determine the degree of variance to be allowed and shall grant such variance. Otherwise, the application for variance shall be denied.

**E. Prohibited Uses.** The following uses are found to be incompatible with adult establishments and are prohibited in the controlled use area set forth above:

1. Pet grooming, pet shops, and veterinary clinics;
2. Churches, libraries, museums, art galleries and similar institutions;
3. Schools, including pre-schools, child day-care, and nursery school;
4. Restaurant and cafeterias, drive-in car service, drive-through, and take-out restaurants;
5. Bakery retail stores and convenience stores;
6. Hotel/motels;

7. Indoor amusement enterprises centers, as defined; and
8. Bicycle sale and repair.

**F. Development Standards.** The development standards in the controlled use area are the same as general commercial, except as follows:

1. Signs. See LMC 21.16.310 for sign regulations.
2. Other Standards. The following standards apply to adult establishments in the controlled use area, and the following standards shall supersede the Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), that may conflict:
  - a. The starting of an adult establishment constitutes a change in use and is subject to the nonconforming chapter in addition to these development standards;
  - b. Landscaping shall be a wall of trees created by two rows of evergreen conifer trees. The trees shall be staggered and spaced a maximum of 10 feet on center, so as to form an effective visual barrier within five years. The minimum tree height shall be six feet. A permanent six-foot site-screening fence shall be placed on the side and rear property lines;
  - c. All parking areas shall be visible from the street fronting the establishment and shall not allow access to the rear of any structures; and
  - d. The parking areas shall be fully illuminated with street light standards.

**Finding:** The site will not be used as an adult establishment or for any adult retail uses. This section is not applicable.

#### **21.46.150 Accessory structures and uses.**

Any use may be permitted by the community development director as an accessory use to a principal use that is allowed in the applicable zone; provided, that the community development director finds that the proposed accessory use is clearly accessory or incidental to the principal use of the property and that the proposed accessory use is consistent with the purpose of the applicable zone. A determination made pursuant to this section may be appealed through Process II.

**A. Placement of Accessory Buildings and Structures – Interior Lots.** In commercial zones, accessory buildings which:

1. Are behind the front wall of the main building;
  2. Do not exceed one story in height (not to exceed 15 feet);
  3. Are not greater than 600 square feet in floor area; and
  4. Do not contain habitable space (as defined in the building code);
- shall be set back not less than five feet from the lot side and rear lines, except that one accessory building which does not exceed eight feet in height nor 64 square feet in floor area may be located on lot side and rear lines. In no case shall the accessory building or structure be located closer to the street than the main building.

**B. Placement of Accessory Buildings and Structures – Corner and Reverse Corner Lots.** In commercial zones, accessory buildings which:

1. Are behind the front wall of the main building;
2. Do not exceed one story in height (not to exceed 15 feet);
3. Are not greater than 600 square feet; and
4. Do not contain habitable space (as defined in the building code);

shall be set back not less than five feet from the interior side and rear lines and any corner lot setback requirement shall apply. One accessory building which does not exceed eight feet in height nor 64 square feet in floor area may be located on interior lot side lines and lot rear lines. In no case shall the accessory building be located closer to the street than the main building.

C. Shipping container or other similar storage units as defined in Chapter 21.02 LMC are not permitted as accessory structures in commercial zones. Shipping containers may be used as temporary storage in conjunction with an ongoing construction project.

**Finding:** No accessory buildings are being proposed with this development. Both buildings will be used for the same purposes and contain similar interior layouts (offices, a showroom, a vehicle service area, etc.).

**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 streets, the classification of streets indicated on the comprehensive plan shall apply):

<b>Table 21.46.14 Development Standards</b>			
	<b>NC</b>	<b>PCD</b>	<b>CG</b>
<b>Minimum Area</b>	none	none	none
<b>Minimum Front Yard Setback</b>	15 ft	15 ft	15 ft
<b>Minimum Side Yard Setback – Street</b>	15 ft	15 ft	15 ft
<b>Minimum Side Yard Setback – Abutting to RS Zone</b>	10 ft.	25 ft.	25 ft.
<b>Minimum Side Yard Setback – Abutting to RM Zone</b>	10 ft.	15 ft.	15 ft.
<b>Minimum Side Yard Setback – Abutting all other zones</b>	none	none	none
<b>Minimum Rear Yard Setback – Abutting to RS Zone</b>	25 ft.	50 ft.	50 ft.
<b>Minimum Rear Yard Setback – Abutting to RM Zone</b>	25 ft	25 ft	25 ft
<b>Minimum Rear Yard Setback – Abutting all other zones</b>	none	none	none
<b>Maximum Building Height</b>	35 ft.+	none	none
<b>Maximum Lot Coverage</b>	35%	none	35%

**Key:**

**+ Multifamily is permitted at three stories or 45 feet (whichever is less) on parcels that have a minimum of one acre in size, subject to standards and procedures established in Chapter 21.43 LMC for the multiple residential medium-density zone (RMM). See Figure 21.46.1 for specific permitted locations.**

**Finding:** The proposed development meets all the applicable development standards of this table, as demonstrated on the Site Plan in Appendix "D", in the Civil Drawings on sheet C200. This standard is met.

**21.46.210 Additional development standards.**

**A. Parking.**

**1. Capacity Requirements. For calculating the required number of parking stalls see Chapter 21.18 LMC.**

**Finding:** Compliance with Chapter 21.18 LMC regarding the calculation of parking stalls is found elsewhere in this narrative.

**21.46.900 Other regulations.**

**A. Refuse and Recycling Collection Areas and Enclosures. On-site paved and enclosed refuse recycling collection areas shall be provided on sites where new buildings are being constructed or existing buildings are being remodeled or expanded, and shall comply with the requirements of this section. One-family dwelling units, two-family dwelling units, and public parks are exempt from the requirements of this section.**

**Finding:** The onsite refuse and recycling collection area is paved and enclosed in accordance with this standard, and was approved through the Phase 1 PDR Application, case file PDR-009805-2021.

**1. Development Standards. Refuse and recycling collection areas in all commercial zones shall comply with the development standards below. The following development standards shall supersede other applicable setback requirements of this chapter and any Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), that may conflict:**

**a. Set back a minimum of 25 feet from a public street;**

**Finding:** The refuse enclosure as described above is set back well over 100 feet from the nearest public street. This standard is met.

**b. Set back a minimum of 25 feet from any interior property line adjoining an RS or RM zone or a P-1 zone with one-family dwelling units if a business site is one acre or larger in area; or**

**c. Set back a minimum of 15 feet from any interior property line adjoining an RS or RM zone or a P-1 zone with one-family dwelling units if a business site is less than one acre in area.**

**Finding:** As demonstrated on the site plan provided on Sheet C200 in the Civil Drawings of Appendix "D", the refuse enclosure is set back 28 feet from the property line shared with the abutting residential zones. This standard is met.

**2. Enclosure. All refuse and recycling collection areas shall be enclosed on three sides by a six-foot-high sight-obscuring fence which uses building materials, color, and design details similar to the primary buildings on the site and a six-foot-high gate on one side. The height of the enclosure may include the height of a surrounding slope or berm (height measured from bottom inside edge of the collection area). The enclosure shall include a gate which can be secured in an open or closed position. If the enclosure includes a gate made of metal chain link fencing, the fencing shall contain slats which screen the view of containers and materials inside the collection area. An alternative design may be approved if it is determined that such alternative would provide equal or better screening, architectural compatibility, and containment.**

**Finding:** The refuse and recycling enclosure previously approved through the Phase 1 application (PDR-009805-2021), has been designed in accordance with these standards. It will be enclosed on three sides by a six-foot-high fence that uses building materials, color, and design details similar to the primary buildings on the site and a six-foot high gate on one side. The gate will have the ability to be secured in either closed or open positions. This standard is met.

**3. Parking. No refuse and recycling collection area shall be located in such a way that new or existing parking stalls will prevent or interfere with the use and servicing of the collection area.**

**Finding:** The refuse and recycling collection area is not located in a way that proposed parking stalls will prevent or interfere with the use and servicing of the collection area. This standard is met.

**4. Design. Refuse and recycling collection areas shall be sized, located, and constructed per standards established by the public works department.**

**Finding:** The design of the refuse and recycling collection area will be sized, located, and constructed per public works department standards as described above and demonstrated on the Site Plan in Appendix "D" in the Civil Drawings on sheet C200. This standard is met.

**B. Procedural Requirements for Proposed Rezoning to the Neighborhood Commercial Zone (NC). The minimum and maximum area specified in LMC 21.46.200(A) shall apply to all future rezones to the Neighborhood Commercial (NC) zone.**

**In addition, the applicants shall provide such market information as may be required by the planning commission or city council in determining whether the proposed development will promote the general welfare of the city. Businesses which are nonconforming in another zone but which would be conforming if zoned Neighborhood Commercial (NC) may be rezoned Neighborhood Commercial without regard to the minimum and maximum area, upon a finding that such a rezone would be in the public interest and/or the businesses in question would be consistent with the general intent of the Neighborhood Commercial zone.**

**Finding:** The underlying zone, after the rezoning (reclassification) land use application is approved, will be Commercial General, not Neighborhood Commercial. This section is not applicable.

**C. Requirements for Development of Properties in the General Commercial (CG) Zones.**



**1. Plans. Shopping centers or other multi-store retail developments in the General Commercial zones shall be subject to the same site plan and utility plan requirements as are required in the Neighborhood Commercial (NC) zone. The plan shall include a landscaping plan as per LMC 21.46.210(B); provided, however, that an alternate arrangement to LMC 21.46.210(B)(2)(d) may be approved by the planning commission if it finds that the alternate plan would be more effective in meeting the stated objectives of LMC 21.46.210(B).**

**Finding:** The subject properties will be in the CG zone once the rezoning (reclassification) is approved, the site will not be used as a shopping center or other multi-store retail development. The site will be used as an automotive dealership; therefore this criterion is not applicable.

**2. Site Utilization. Unless the site plan provides for full utilization of the lot or parcel, the utilized part shall be officially divided from the remainder under the city subdivision regulations and the subdivision shall conform to all normal subdivision requirements. As a condition of the subdivision, the city may require that all parcels of the subdivision have common access to public streets.**

**Finding:** The entirety of the site is being utilized as demonstrated by the plans provided. The buildings will be used for auto sales and associated service, and the rest of the site will be used for inventory storage yard, as is standard for an automotive dealership, and customer and staff parking. This is demonstrated on the Site Plan on sheet C200 of the Civil Drawings in Appendix "D". This standard is met.

**D. Surface Water Management. All building permit applications and site plans required herein shall provide adequate facilities for the management of surface water.**

**Finding:** Adequate facilities for the management of surface water are provided as required. This is demonstrated on the Utility Plan in Appendix "D" in the Civil Drawings on sheet C240, showing the proposed underground stormwater detention system. This standard is met.

**E. Elimination of Nonconforming Uses. All site plans shall provide for the elimination of nonconforming uses.**

**Finding:** The site does not contain any nonconforming uses; therefore, this criterion is not applicable.

## **CITYWIDE DESIGN GUIDELINES**

### **Guidelines for All Districts - Site Design**

#### **LOCATION OF PARKING LOTS**

**1. New development and redevelopment should locate parking lots behind buildings when possible (Fig. 1).**

**Finding:** Given the specific nature of automotive dealerships and the necessity for the storage of a large number of vehicles for sale, the site layout was designed so that a majority of the area dedicated toward car storage are toward the rear of the site. Placing the primary inventory storage yard toward the rear of the site gives the benefit of creating the maximum distance between the residential properties toward the rear of the site

and the proposed buildings. Because the inventory storage yard is not considered parking, there are provisions in the LMC that allow for the storage of vehicles near the right-of-way. Most of the customer and employee parking is located behind building facades where possible, and parking in front of the buildings was kept to a minimum. The parking and inventory storage yard locations are demonstrated in Appendix "D" in the Civil Drawings on sheet C200. This design guideline is met.

**2. Where a double-loaded aisle of parking is located between a building and a street right-of-way, a 15-foot wide landscape area shall be provided between the parking lot and the street right-of-way. In addition, interior landscaping for that parking lot shall be increased to a minimum of 10% of the total square feet of the parking lot area (Fig. 2 & 4). Note there may be additional parking lots located behind buildings where this guideline would not apply.**

**3. Where there is more than a double-loaded aisle of parking located between a building and a street right-of-way, a 20-foot wide landscape area shall be provided between the parking lot and the street right-of-way. In addition, interior landscaping for that parking lot shall be increased to a minimum of 15% of the total square feet of the parking lot area (Fig. 3). Note there may be additional parking lots located behind buildings where this guideline would not apply.**

**Finding:** There is one double-loaded aisles of parking and it is located between the proposed Building 2 and the 188th Street SW right-of-way. This double loaded aisle provides 2 ADA stalls as close as possible to the building. There is a 15-foot wide landscape buffer between this double-loaded parking and the right-of-way which includes the pedestrian connection to 188th Street SW. There are no more-than-double-loaded aisles of parking proposed in this application. This standard is met.

**4. Where parking lots are located in front, beside or in between buildings, 75% of plant material used to meet landscape requirements between a parking lot and a street right-of-way shall be evergreen varieties.**

**Finding:** This standard is met as demonstrated on the Landscape Drawings in Appendix "D". This design guideline is met.

**5. Shrubs used adjacent to a street right-of-way shall not exceed a maximum height of 30 inches at maturity.**

**Finding:** No shrubs were selected adjacent to the street right-of-way and within the setback that do not exceed this maximum height as demonstrated on the Landscape Drawings in Appendix "D". This design guideline is met.

**6. Location of parking lots shall be easily identifiable from the street right-of-way.**

**Finding:** Locations for customer and employee parking are made clear as they are some of the nearest site features when driving by the site and into the site's access on Highway 99, and from the access on 188th Street SW. The south entrance off of 188th Street SW is the main entrance for the proposed Building 2, and is highlighted by its placement at and by the architectural characteristics of the building itself. Thus, the site's layout and

design provide easy identification of parking lot locations from street right-of-way. This design guideline is met.

**7. Variation in the width and depth of planting areas are encouraged so long as the minimum width is provided.**

**Finding:** The minimum width is provided and there is variation in the width and depth of planting areas as demonstrated on the landscape plan. This design guideline is met.

**PARKING LOT LANDSCAPING**

**1. The parking lot landscape should reinforce pedestrian and vehicular circulation, especially parking lot entrances, ends of driving aisles, and pedestrian walkways leading through parking lots.**

**Finding:** All the areas of the site that can be landscaped (i.e., are not impervious surfaces such as drive aisles, pedestrian walkways, parking lots and spaces, etc.) are landscaped, including the above-mentioned parking lot entrances and ends of driving aisles. The locations of these features highlight and reinforce pedestrian and vehicle circulation by improving onsite wayfinding and navigability, creating visual distinctions between different areas of the site. This design guideline is met.

**2. Low walls and raised planters (a maximum height of 3 feet), trellises with vines, architectural features or special interest landscape should be used to define entrances to parking areas. Where signs are placed on walls, they should be integrated into the design and complement the architecture or character of other site features.**

**Finding:** There are two signs proposed on the southeast elevation of the proposed Building 2. The sign is integrated into the design and architectural characteristics of the elevation and other site features. The landscape plan demonstrates that the entrance to the site (and subsequently some of the main parking areas for customers and employees) is highlighted with particular emphasis on landscaping features – many of the shrubs and prominent trees are concentrated in this area. This design guideline is met.

**3. Landscape plant material size, variety, color, and texture within parking lots should be integrated with the overall site landscape design.**

**Finding:** The plant species (and therefore the material, size, variety, color, and texture) chosen for landscaping within parking lot areas can be found elsewhere in the site, including in the landscape buffer and adjacent to drive aisles. This design guideline is met.

**4. One tree shall be provided for every 10 parking stalls to be located within the interior parking lot landscape areas.**

**Finding:** 107 parking stalls are proposed per the site plan provided, requiring 10.7 trees (rounded up to 11). As demonstrated in the Landscape Drawings in Appendix “D”, there are more than 11 trees in the interior parking lot landscape areas. This design guideline is met.

**5. A minimum 4 foot setback shall be provided for all trees and shrubs where vehicle overhang extends into landscape areas.**

**Finding:** All proposed vehicle parking spots do not have trees or shrubs located in the landscape areas that would result in a vehicle overhang into landscape areas. This design guideline is met.

**SITE LANDSCAPING**

**1. Landscape areas should reinforce pedestrian and vehicular circulation routes and entrances.**

**Finding:** As demonstrated on the Landscape Drawings in appendix "D", all landscape areas are located strategically to reinforce and highlight vehicular and pedestrian circulation routes and entrances. This design guideline is met.

**2. Plant material should include a variety of seasonal colors, forms, and textures that contrast or compliment each other with a mixture of evergreen and deciduous trees, shrubs, groundcover and low-maintenance perennials. Continuous expanses of uniform landscape treatment along an entire street front should be avoided.**

**Finding:** Plant species throughout the site, as demonstrated on the Landscape Drawings in Appendix "D", are chosen in accordance with this section and in a manner that is consistent with other applicable regulations within the LMC and Citywide Design Guidelines. This design guideline is met.

**3. Drought tolerant plants and/or plants native to the Pacific Northwest should be used where opportunity allows.**

**Finding:** Drought tolerant plants native to the Pacific Northwest are used when possible. A species list was provided on the Landscape Drawings provided in Appendix "D". This design guideline is met.

**4. Plant material should be provided to enhance the corners at intersections. Plant material within the intersection sight distance triangle as defined in the City of Lynnwood Municipal Code shall not exceed 36 inches in height.**

**Finding:** The site's entrance from 188th Street SW contains plant material that does not and will not exceed 36 inches. The site entrance onto Highway 99 was approved through the Phase 1 PDR. The plant material provided at the corner intersection of Highway 99 and 188th Street SW enhances the corner of the site. This is demonstrated in the Landscape Drawings provided in Appendix "D". This design guideline is met.

**5. Avoid planting groundcover or shrubs where pedestrian access is anticipated. Pedestrian walkways may extend across required landscape areas.**

**Finding:** No groundcover or shrubs are located where pedestrian access is anticipated or in an area that obstructs the pedestrian walkways that are in front of and on the sides of the

proposed buildings. This is demonstrated in the Landscape Drawings provided in Appendix "D". This design guideline is met.

**6. All areas not devoted to required landscape areas, including parking lots, structures, or other site improvements, should be planted, or remain in existing non-invasive vegetation.**

**Finding:** Areas not devoted to required landscape areas are planted or remain in existing non-invasive vegetation as required by this section. This design guideline is met.

**7. Perennials and/or annuals should be provided to highlight pedestrian areas such as building and/or site entrances, public open space, plazas and pedestrian connections.\***

**Finding:** Given the site layout, which was determined largely with consideration for the requirement for a large amount of vehicle storage for the automotive dealership use, the pedestrian areas are limited to the sidewalks in front of and on the sides of the proposed buildings. The parking areas for customer and employees are directly south of the proposed Building 2, and to the west of Building 2, making access to the proposed buildings clear and highlighted by the architectural features of the buildings themselves (including glazing and transparency beyond the requirements of the LMC and Citywide Design Guidelines) as well as the plant species proposed around the site entrance as demonstrated in the Landscape Drawings provided in Appendix "D". This design guideline is met.

**8. River rock, gravel, driftwood, and similar non-living materials should not be used as groundcover substitutes, but may be allowed as accent features within landscape planting areas so long as the area covered by such features does not exceed 5% of the total landscape planting area.**

**Finding:** None of the above-mentioned are used as groundcover substitutes as demonstrated in the Landscape Drawings provided in Appendix "D". This design guideline is met.

**9. Automatic irrigation shall be provided in all required landscape areas.**

**Finding:** Automatic irrigation will be provided for all landscape areas in accordance with this design guideline.

**10. Landscape planting areas located between commercial or industrial districts and any residential district shall provide a 100% sight-obscuring year-round buffer using plant material or a combination of a fence (maximum 6 feet high) and plant material.**

**Finding:** As mentioned elsewhere in this narrative, the site abuts a single-family residential zone and a multi-family residential zone. The plant material and retaining walls necessitated by the site's topographic characteristics provide for a 100% sight-obscuring year-round buffer between the residential zones and the subject site as demonstrated in the Landscape Drawings provided in Appendix "D". This design guideline is met.

**11. A maintenance plan, including on-going tasks and schedules, shall be submitted to the City for review for all landscape areas, to include:**

- **Litter pick-up.**
- **Mowing turf.**
- **Weeding planting beds.**
- **Removing noxious weeds.**
- **Sweeping.**
- **Replacement of dead or dying plant material.**
- **Irrigation repair/adjustments.**
- **Trimming hedges.**

**Finding:** Through correspondence with Planning staff, the Applicant intends to provide a maintenance plan prior to final approval of this project design review application. Compliance with this section can be met through a condition of approval.

**12. Tree selection within all landscape areas, including street trees, shall consider existing utilities, lighting, existing and proposed signage, adjacent trees, existing natural features, tree root growth, solar access, planting area width, and overall height of trees selected at maturity.**

**Finding:** Tree selection within all landscape areas considers all of the above-mentioned as required by this section as demonstrated in the Landscape Drawings provided in Appendix "D". This design guideline is met.

**13. Trees within the street frontage buffer should be located near the street right-of-way to help contribute to a more pedestrian friendly streetscape environment.**

**Finding:** All trees within the street frontage buffers (along both Highway 99 and 188th Street SW) are located near the street right-of-way to help contribute to a more pedestrian friendly streetscape environment as demonstrated in the Landscape Drawings provided in Appendix "D". This design guideline is met.

## **LIGHTING**

**1. Lighting should complement other lighting elements used throughout and surrounding the site, such as pedestrian pathway lighting, and lighting used in adjacent developments and the public right-of-way.**

**2. All lighting should be shielded from the sky and adjacent properties and structures, either through exterior shields or through optics within the fixture.**

**3. The use of accent lighting is encouraged but should be combined with functional lighting to highlight special focal points, building/site entrances, public art and special landscape features.**

**4. Lighting used should contribute to the overall character of the surrounding community, site architecture or other site features.**

**5. Lighting used in parking lots shall not exceed a maximum of 30 feet in height. Pedestrian scale lighting shall be a maximum of 16 feet in height.**

**6. Lighting design should comply with the Illuminating Engineering Society of North America's Recommended Practices and Design Guidelines, latest editions, for each applicable lighting type (i.e. Parking Lot, Walkways, etc.).**

**Finding:** The provided Lighting Plans and Specifications in Appendix "F" demonstrates compliance with the Lighting section of the Citywide Design Guidelines. All lights

complement each other, are shielded from the sky and adjacent properties, and are appropriate for the architecture and other site features. Additionally, the lighting used in parking lots does not exceed 25 feet in height and any pedestrian scale lighting used is at or under 16 feet. This standard is met.

## **PEDESTRIAN CONNECTIONS**

### **1. Clearly defined pedestrian connections shall be provided: • Between a public right-of-way and building entrances. • Between parking lots and building entrances.**

**Finding:** A pedestrian connection is provided from 188th Street SW to the Building 2 entrance on the building's southeast corner. The architectural design, characteristics of the site layout, and use of landscaping to improve visual navigability make it easy for pedestrians to find the sidewalks that strategically lead to the building entrances. This design guideline is met.

### **2. Pedestrian connections should be clearly defined in a combination of two or more of the following ways:**

- **6 inch vertical curb.**
- **Trellis.**
- **Special railing.**
- **Bollards.**
- **Special paving.**
- **Low seat wall and/or other architectural features.**
- **A continuous landscape area a minimum of 3 feet wide on at least one side of the walkway, except when walkway crosses vehicular travel lanes.**
- **Pedestrian scale lighting, bollard lighting, accent lighting, or combination thereof to aid in pedestrian wayfinding.**

**Finding:** A continuous landscape area a minimum of 3 feet wide is provided at the pedestrian connection between the right-of-way at the intersection and the parking lot area in front of Building 1's main entrance. Additionally, a 6-inch vertical curb is provided at this pedestrian connection when it abuts a parking area. This is demonstrated on the Site Plan on Sheet C200 of the Civil Drawings in Appendix "D". This design guideline is met.

### **3. Pedestrian connections shall not be less than 5 feet wide.**

**Finding:** The pedestrian connection proposed from 188th Street SW is 5 feet in width. This is demonstrated on the Site Plan on Sheet C200 of the Civil Drawings in Appendix "D". This design guideline is met.

### **4. Where a building entrance is located on or near the corner of two street right-of-ways, a pedestrian connection shall be provided from that corner to the building entrance.**

**Finding:** A pedestrian connection is provided from 188th Street SW near the corner of the intersection. This is demonstrated on the Site Plan on Sheet C200 of the Civil Drawings in Appendix "D". This design standard is met.

## **WALLS AND FENCES**

**1. Fences and walls should be visually permeable and have a desirable appearance from both sides. Where solid, vision obscuring fences and walls are required by the Lynnwood Municipal Code, one or more of the following shall be used:**

- **A variety of vegetation, such as trees, shrubs, groundcover and/or vines, adjacent to the fence or wall.**
- **Trellis/vine panels.**
- **Architectural detailing, contrasting materials, or other special interest.**
- **A variety of fence/wall angles and heights to add visual interest and character.**

**Finding:** As mentioned elsewhere in this report, a number of retaining walls are incorporated into the boundaries of the site and within the interior owing to the topographical constraints and characteristics of the terrain. As shown on the Grading Plan provided in the Civil Drawings on Sheet C220, these retaining walls are of different heights and add to the visual interest and character of the site as a whole. Given the walls' locations at or near the landscaping along the perimeters of the site, the retaining walls contain a variety of vegetation adjacent to the walls. This design standard is met.

**2. Walls and fences should be constructed of materials that complement adjacent architectural styles.**

**Finding:** No walls other than retaining walls will be constructed. Per the definition in LMC 21.02.330 for "Fence.", retaining walls are not included; therefore this standard is not applicable.

**3. Chain link fences shall not be allowed except around sport courts.**

**Finding:** No chain link fencing is proposed on the site. This design standard is met.

**4. Solid walls and fences used adjacent to a street right-of-way should be a maximum of 4 feet high. Walls and fences may extend up to a maximum height of 6 feet provided they are at least 90% visually permeable, such as open rails, ironwork, trellis or column/gate treatment.**

**Finding:** The retaining walls that are proposed adjacent to the right-of-way are in a tiered wall system. Because they are retaining walls, they do not fall under the definition of fences in the LMC, which this guideline applies to. This design standard is met.

## **MARKING GATEWAYS & PROMINENT INTERSECTIONS**

**1. Developments adjacent to gateways and prominent intersections should be marked with visually prominent features. (See Zoning Map and Appendix-A.)**

**2. Visually prominent features shall include three or more of the following:** • Public art. • Monuments. • Special landscape treatment. • Open space/plaza. • Water feature. • Special paving or surface treatments. • Unique pedestrian scale lighting or bollards.

**3. Elements used shall be oriented towards both pedestrians and vehicles along the street right-of-way.**

**4. Elements used should not block the visibility of adjacent businesses and/or vehicular sight distance requirements.**



**Finding:** The proposed buildings in on the prominent intersection of 188th Street SW and Highway 99, as identified in the City of Lynnwood Zoning Map. Visual prominent features at this intersection included on the site include the special landscape treatment, which is emphasized by the tiered retaining wall system. Additionally, there is an open space/plaza at the primary entrance of the proposed Building 2 on the south side of the building. The enhanced and extra landscape buffer and visually appealing tiered retaining wall enhance the site with special surface treatments. The extra glazing and prominent entrances of the proposed buildings also help to mark this prominent intersection. This design guideline is met.

## **NATURAL FEATURES/GREEN CORRIDORS**

- 1. Natural features, both within or adjacent to a development, should be integrated into project designs in one or more of the following ways. Other sustainable techniques may also apply, as approved by the City:**
  - **Establish view corridors to natural features, framed by landscape or architectural treatments.**
  - **Provide controlled visual access, such as view overlooks.**
  - **Provide environmentally sensitive pedestrian connections to or throughout natural features, such as boardwalks and pedestrian bridges.**
  - **Continue plant materials used adjacent to natural features into other areas of site development to soften the transition between the natural and built environment.**

**Finding:** As shown on the provided Tree Removal plan on Sheet C110 of the Civil Drawings in Appendix "D", and Landscape drawings in Appendix "D", trees will be retained within the required landscape buffer, particularly within the buffer required between the subject site and the abutting residential zones. Additionally, plant materials used adjacent to retained trees are found in other areas of the site to soften the transition between the retained natural areas and the built environment. This design guideline is met.

- 2. Existing significant trees should be retained where possible. If more than 20% of all existing significant trees are retained within a development, and are located outside environmentally sensitive areas and associated buffers, overall landscape requirements of the area in which the significant trees are retained may be reduced by 10%.**

**Finding:** As demonstrated in the provided Landscape Drawings in Appendix "D", any trees (significant or otherwise) that could be retained were retained and incorporated into the plans. The Applicant does not intend to make use of the tree reduction to landscape requirements provision provided for in this section. This design guideline is met.

- 3. Elements of natural features or stands of existing (noninvasive) vegetation should be extended through developments to form a network of green corridors between adjacent site developments throughout Lynnwood.**

**Finding:** The plant species as shown on the Landscape Drawings in Appendix "D" were selected so that native plants that are likely to be found on adjacent sites are incorporated,

providing for consistency of the greenery between adjacent sites. This design guideline is met.

**4. Storm water facilities, such as detention ponds and biofiltration swales, should be integrated into the overall project design. Storm water facilities should provide a more natural overall form and/or appearance through layout, design and landscape treatment. Storm water facilities may be located within perimeter buffer areas provided the total required square foot area of the buffer and a minimum 5 feet width is maintained.**

**Finding:** All stormwater facilities were chosen, located, and designed in a manner consistent with this provision. This is demonstrated on the Utility Plan on Sheet C240 of the Civil Drawings in Appendix "D". This design guideline is met.

## **Guidelines for All Districts – Building Design**

### **PROMINENT ENTRANCE**

**1. Principal entry to the store / building shall be marked by at least one element from Group A and one element from Group B:**

**Group A –**

- Large entry doors
- Recessed entrance
- Protruding entrance

**Group B –**

- Canopy
- Portico
- Overhang

**Finding:** Building 2 will be the prominent entrance for the proposed buildings for this Phase 2 application. Building 1 will not be used as a customer entry point. The entrance for building 2 is located on the southeast corner of the building. This corner of the building as shown on the site plan and elevation contains a vestibule with large entry doors. This satisfies Group A's requirement.

From Group B, the entrance contains an overhang of the upper façade over the lower area.

The intent of this section of code – namely for the principal entry of the store to be highlighted through architectural features – is satisfied by the significant glazing surrounding the main doors, the vestibule, the panel protrusions providing architectural interest.

This design guideline is met.

**2. Weather Protection – some form of weather protection should be provided over the entry.**

**Finding:** The overhang above Building 2's entrance mentioned in the previous standard provides for weather protection in accordance with this standard. This is demonstrated in the Sales Building Elevations in Appendix "E". This design guideline is met.

## SCREENING ROOFTOP EQUIPMENT

1. **Any mechanical, electronic, communication equipment mounted on the roof shall be properly screened. Furthermore, screening should be organized, proportioned, detailed and colored to be both an integral element of the building as seen from the points of high elevation, streets and adjacent residences. (May be exceptions for public safety communication devices).**

**Finding:** All equipment mounted on the roof will be screened in accordance with this section. Parapets on the building will be 4 feet high – no mechanical equipment will be visible within the vicinity. This is demonstrated in the Building Elevations in Appendix “E”. This design guideline is met.

## 2. **Rooftops of buildings could include landscaped decks or terraces designed in such a way that mechanical equipment, elevator overruns and stair towers are housed within structures that are part of the composition of the building.**

**Finding:** Landscape decks or terraces are not incorporated into the building design and all mechanical equipment and other similar items are screened in a manner otherwise consistent with the Citywide Design Guidelines and applicable sections of the LMC using the parapet roof. This design guideline is met.

## TREATING BLANK WALLS

1. **For walls visible from a street or residential area, if an uninterrupted expanse of blank wall longer than 30 feet\* is unavoidable, a combination of the following features shall be used to cover a minimum of 50%\*\* of the blank wall.**

**At least one of these:**

- **Artwork, such as a low relief sculpture or mosaic.**
- **Landscape area and/or vertical trellis with climbing vines.**

**Plus, at least one of these:**

- **Architectural detailing, reveals, or indentations.**
- **A mix of different materials, colors, and textures.**
- **Pedestrian-oriented features such as lighting, awnings, or canopies.**

**Finding:** The west elevation of Building 1 faces the multi-family residential property west of the subject site. Additionally, the proposed Building 1 east elevation faces Highway 99. The site’s landscaping and retaining walls render the Building 1 west-facing and east-facing façades sight-obscured, and not visible from the street. The facades facing Highway 99 are mostly uninterrupted and blank, but multiple landscape areas are between the proposed building and the right-of-way. The landscape area also includes a pedestrian-oriented feature that is a plaza with special paving material and special plantings, meeting the intent of the guideline. This is demonstrated in the Landscape Drawings in Appendix “D”. This design guideline is met.

## MINOR ACCESSORY STRUCTURE

**Accessory structures should be screened by landscaped features or solid wall. Structures and walls should use materials with such color and texture that match with the character of the main building.**

**Finding:** No accessory structures are proposed with this application; therefore this standard is not applicable.

## **MARKING GATEWAYS**

- 1. Buildings along Gateway Locations (see definitions) shall be designed to emphasize their gateway locations.**
- 2. Buildings along Gateway Locations should be given major architectural expression in its facade, roof form and massing; such as larger bulk, tower forms, peaked roofs, and over-sized windows.**

**Finding:** The site is not located within a Gateway Location; therefore this section is not applicable.

## **MATERIALS**

- 1. Buildings should use solid, permanent, low-maintenance materials to add variety, permanence and richness to building and streetscape.**

**Finding:** All materials used for the buildings are solid, permanent, and low-maintenance and meet the purpose of this section. Materials include aluminum, concrete, and architectural glass among others. This design guideline is met.

- 2. Plywood shall not be used as an exterior surface.**

**Finding:** Plywood is not used on any exterior surface. This design guideline is met.

- 3. Exposed concrete walls shall be painted or given an architectural finish.**

**Finding:** Exposed concrete found primarily on the north elevation is given a broom architectural finish in conformance with this section.

## **INTEGRATION WITH ARCHITECTURE**

- 1. The design of buildings and sites shall identify locations and sizes for future signs. As tenants install signs, such signs shall be in conformance with an overall sign program that allows for advertising which fits with the architectural character, proportions, and details of the development. The sign program shall indicate location, size, and general design.**
- 2. Signs shall not project above the roof, parapet, or exterior wall.**

**Finding:** The proposed development is not designed to incorporate any future tenants, therefore this standard is not applicable.

## **CREATIVE / ARTISTIC ELEMENTS**

- 1. Signs should be creative, expressive and individualized.**
- 2. Sign should convey the product or service offered by businesses in a bold, graphic form.**
- 3. Any sign that meets this criteria may be allowed to be 30% larger than the code otherwise allows.**

**Finding:** The signs proposed with this applicable are limited to a large sign with the text "BMW of Lynnwood" on the southeast elevation. The sign is bold, of graphic form and is

expressive of the product or service offered onsite. This is demonstrated in the Sales Building Elevations in Appendix "E". This design guideline is met.

## **Additional Guidelines for Commercial Districts - Site Design**

### **ACCESS DRIVEWAYS**

- 1. Access driveways connecting a double-loaded aisle of parking or garage to the street right-of-way shall not be impacted or interrupted by parking drive aisles or adjacent parking stalls for a distance of at least 30 feet from the edge of the street right-of-way.**
- 2. Access driveways connecting more than a double-loaded aisle of parking or garage to the street right-of-way shall not be impacted or interrupted by parking drive aisles or adjacent parking stalls for a distance of at least 50 feet from the edge of the street right-of-way.**

**Finding:** The site does not contain any double-loaded aisles (or more) of parking or garage connected to access driveways to the right-of-way. This standard is not applicable.

### **SIDEWALKS AND STREET TREES**

- 1. Street trees within the public right-of-way (where approved by the Lynnwood Public Works Department) should be located in tree grates or a planted area (minimum 4' wide) between the walking route of the sidewalk and the curb edge.**
- 2. Street trees planted between the walking route of the sidewalk and the curb edge shall utilize root barriers, trunk protection measures, staking and soil preparation as approved by the Community Development Department.**
- 3. Special paving, such as brick or other unit pavers, used for plazas, gateways, or other features may extend into the sidewalk area provided they comply with minimum Public Work's standards.**

**Finding:** Neither of the streets that intersect along the property's frontage (188th Street SW and Highway 99) contain appropriate space for the implementation of street trees within the public right-of-way due to overhead utility lines. Highway 99 and 188th Street SW sidewalks contains no planter strip, however the Landscape Drawings in Appendix "D" demonstrate that trees will be planted on the subject property along the frontage of 188th Street SW. This design guideline is met.

### **SITE FURNISHINGS**

- 1. Site furnishings, such as benches, tables, trash receptacles, and other pedestrian amenities used should be made of durable, weather-resistant and vandal-resistant materials.**
- 2. Use of site furnishings, such as benches, tables, bike racks and other pedestrian amenities should be provided at building entrances, plazas, open spaces, and/or other pedestrian areas.**
- 3. Site furnishings used should not block pedestrian access or visibility to plazas, open space areas and/or building entrances.**

**Finding:** Site furnishings are provided at the building entrance in the plaza of Building 2. In the plaza area there will be granite benches provided, which is described in more detail in the following design guideline. This design guideline is met.

### **PLAZAS AND OTHER OPEN SPACES**

- 1. New or renovated buildings shall have plazas, courtyards, or other pedestrian spaces at or near their main entrances. Plazas should be a minimum of 1 square foot of plaza per 100 square feet of building area.**

**2. Plazas, courtyards and other pedestrian space should include at least three of the following:**

- **Special interest landscape.**
- **Pedestrian scale, bollard, or other accent lighting.**
- **Special paving, such as colored/stained concrete, brick, or other unit paver.**
- **Public art with a valuation of at least one-half of 1% of the total construction cost.**
- **Seating, such as benches, tables, or low seating walls.**
- **Water feature.**

**Finding:** The Applicant believes the intention of these standards were designed to accommodate commercial uses such as shopping plazas and associated open space areas; however, the subject site will be used for automotive dealerships on a primarily autocentric corridor and pedestrian amenities will be provided within the building, which is where business will be conducted except to view or test drive vehicles ancillary to the conducting of business. Additionally, the site's size, topographical constraints, and need for a large amount of inventory storage yard preclude the dedication of a large amount of space for outdoor pedestrian amenities. The Applicant has designed a pedestrian Plaza that is over 3,000 square feet, on the southeast entrance of the proposed Building 2, where the main sales and pedestrian interaction with the proposed buildings will take place. Amenities for the Plaza will include special landscaping, special paving, and seating. The seating will be granite benches. Other amenities are better provided for inside of the proposed building. This design guideline is met.

**CONSOLIDATED (SHARED) ACCESS**

**1. Vehicular access to adjacent parking lots should be consolidated (shared) to reduce the number of curb cuts.**

**Finding:** The number of curb cuts is not changing from the existing conditions and with the previously approved Phase 1. Only one vehicular access is being taken from Highway 99, and one vehicular access from 188th Street SW, as shown on Sheet C200 of the Civil Drawings in Appendix "D". This design guideline is met.

**2. Pedestrian connections (meeting the standards outlined in the Pedestrian Connections section for all districts) should be provided between adjacent commercial developments.**

**Finding:** The only adjacent commercial site is the Harley Davidson dealership to the southeast of the site. The intent of these standards appear to be relevant for other types of uses (e.g. shopping plazas), as it is unlikely that pedestrians will be visiting both an automotive dealership and a motorcycle dealership on foot within the same visit or trip. Additionally, the south property line of the subject site that has the Harley Davidson dealership has a retaining wall and steep terrain that would make it cost prohibitive to incorporate a pedestrian connection between the sites. The lack of practicality of requiring a pedestrian connection between these sites coupled with the cost prohibitive nature associated with implementing a pedestrian connection makes this standard not applicable to this proposal.

## RELATIONSHIP TO PUBLIC STREETS

### 1. Buildings, along with trees and landscaping should be predominant, rather than parking lots and large free-standing signs.

**Finding:** The reasoning for why there is an inventory storage yard area between Highway 99 right-of-way and the proposed building on the subject site is located elsewhere in this narrative. Additionally, the landscaping, trees, and prominent building entrance to Building 2 serve to take prominence in accordance with this standard. This design guideline is met.

### 2. People travelling along arterial streets should be able to see storefronts, windows, merchandise, and other aspects of business activity.

**Finding:** Significant levels of glazing appear on the elevations facing Highway 99 as shown on the elevations and site plan provided. The showroom of Building 2 can be seen through the proposed architectural glass, allowing people to see the nature of the business activity onsite. This design guideline is met.

### 3. Pedestrian access to the building should be visually and functionally clear.

**Finding:** Pedestrian access to the building is visually and functionally clear. The proposed sidewalk along the sides and front of the building leads to the highlighted main entrance on the southeast corner of Building 2. The parking areas for customers are in close proximity to the entrance and the aforementioned areas of sidewalk are adjacent to customer parking stalls. This is demonstrated in the Site Plan on sheet C200 in Appendix "D". This design guideline is met.

## Building Design

### OVERALL MASSING/BULK/ARTICULATION

#### 1. Façades longer than 50 ft shall be broken down into smaller units through the use of offsets, recesses, staggered walls, stepped walls, pitched or stepped rooflines, overhangs and other elements of the building's mass. Simply changing materials or color is not sufficient to accomplish this.

**Finding:** The façades on the proposed buildings that exceed 50 feet are broken down into smaller units visually through the use of stepdown roof heights as a result of the site's topography. This is demonstrated in the Building Elevations in Appendix "E". This design guideline is met.

#### 2. Buildings should convey a visually distinct "base" and "top". A sense of "base" can be produced by a different masonry pattern, more architectural detail, a visible "plinth" above which the wall rises, storefront, canopies or a combination.

**Finding:** Building 2, the prominent building of this application provides for a visually distinct base and top by incorporating the use of significant glazing and transparency on the base level where the showroom will be located. Where there is no glazing, the base also contains appealing clear Rytex overhead doors necessitated by the need to move

cars in and out of the building. The top of Building 1 is characterized by the use of metal composite material wall panel among other unique uses of materials exclusive to the top section of the elevations. This is demonstrated in the Building Elevations in Appendix "E". This design guideline is met.

**3. Articulation shall be provided along façades visible from streets, as well as from any residential areas.**

**Finding:** All building façades visible from the street contain appropriate levels of articulation made distinct by the use of different materials, particularly throughout the lower part of the building and the parapet roof. This is demonstrated in the Building Elevations in Appendix "E". This design guideline is met.

**DISTANCE FROM THE STREET**

- 1. In order to mark the intersections of major streets, buildings should be located within close proximity to the property line at least 15 ft but no more than 20 ft, rather than parking lots. This can be accomplished by "out buildings" that sit in front of other buildings situated further away from the street. Buildings at the corner should have windows facing the street and entrances either facing the street or close to it. Buildings at the corner should be set back from the property line to allow for both a more generous sidewalk and additional landscaping.**
- 2. At other locations along major streets, buildings may be setback any distance.**

**Finding:** The intersection the site is located on contains a major street (namely Highway 99) and a local street (188th Street SW). The portion of this subsection that requires that the building be set back no more than 20 feet from the property line does not apply, as both streets are not major streets. The proposed Building 2, which will contain the primary automotive sales area has significant windows facing the street and the entrance facing the street with a prominent entrance provided. This design guideline is met.

**GROUND FLOOR TRANSPARENCY**

- 1. A minimum of 15% of any ground floor façade\* that is visible from any street shall be comprised of windows with clear, "vision" glass.**

**Finding:** Elevations for the proposed buildings are submitted as Building Elevations and Renderings in Appendix "E", that demonstrate that more than 15% of the ground floor façade which is visible from the street will have windows with clear "vision" glass. The proposed building 1 will not be visible from the street with the special landscaping, a hedge, and the inventory storage area obstructing the vision from the street. The proposed Building 2 requirement is addressed below. This design guideline is met.

- 2. A minimum of 30% of any ground floor façade\* located closer than 60 ft to an arterial street shall be comprised of windows with clear, "vision" glass.**
- 3. A minimum of 60% of any ground floor façade\* located closer than 20 ft to an arterial street shall be comprised of windows with clear, "vision" glass. Display windows may be used to meet half of this requirement.**



**Finding:** The proposed Building 2 is located more than 20 feet to the arterial street, Highway 99, which is demonstrated in the Site Plan on sheet C200 in Appendix “D”. As shown in the Building elevations, at least 44.9% of the ground floor façade is comprised of glass windows; therefore this standard is met. The proposed Building 1 is located approximately 170 feet from the arterial street; therefore, these standards are not applicable.

**4. For portions of façades that do not have windows, see guidelines for Opaque Walls.**

**OPAQUE WALLS**

**1. The portions of walls facing streets that do not have windows shall have architectural treatment. At least four of the following elements shall be incorporated into any ground floor, street facing façade:**

- **masonry (but not flat concrete block)**
- **concrete or masonry plinth at the base of the wall**
- **belt courses of a different texture and color**
- **projecting cornice**
- **projecting metal canopy**
- **decorative tilework**
- **trellis containing planting**
- **medallions**
- **opaque or translucent glass**
- **artwork**

**Finding:** Of the above list, the ground floor of the walls and non-flat masonry on the primary sales building, Building 2, that are street facing (southeast, northeast, and southwest elevations) contains translucent glass windows. The portions of walls on the proposed service building, Building 1, that face the street are set at least 160 feet back from any right-of-way and will not be a visible from the street as discussed in this narrative. This design guideline is met.

**WEATHER PROTECTION**

**Canopies and awnings shall be provided along façades that give access to the building. Minimum depth of any canopy awning shall be 5 ft. The vertical dimension between the underside of a canopy or awning and the sidewalk shall be at least 8 ft and no more than 12 ft.**

**Finding:** The entrance to Building 2 contains an overhang of the upper façade over the lower area for the facades that give access to the building. The overhang for the primary entrance is 20 feet. This is demonstrated in the Building Elevations in Appendix “E”. This design guideline is met.

**GROUND LEVEL EXPRESSION**

- 1. Ground level of building shall be pedestrian friendly in scale, expression and use of materials.**
- 2. Ground floor of the buildings shall have at least three of the following elements:**
  - a. large windows**
  - b. kickplates for storefront window**
  - c. projecting sills**
  - d. pedestrian scale signs**

**e. canopies**

**f. plinth**

**Finding:** The ground floor of Building 2, which is the building that potential customers will arrive at will contains large windows, pedestrian scale signage, and an effective canopy over the entirety of the building entrance. This is demonstrated in the Building Elevations in Appendix "E". This design guideline is met.

**ROOF EXPRESSION**

**1. Buildings with flat roofs should have pitched roofs, extended parapets or projecting cornices to create a prominent edge when viewed against the sky, especially to highlight major entrances.**

**2. Sloped roofs with a pitch greater than 12:12 are not desired.**

**Finding:** The roofs shown on the elevations do not contain a pitch greater than 12:12. The proposed buildings will contain extended parapets that create a prominent edge when viewed against the sky and also serve as visual screening for standard roof HVAC equipment on the roof interior. This is demonstrated in the Building Elevations in Appendix "E". This design guideline is met.

**COLORS**

**1. In general, bright, intense colors shall be reserved for minor accent trim, with body of the building a more muted color. More intense colors may be considered for the purpose of highlighting architectural elements. However, large amounts of intense color which simply serves to advertise a business shall not be approved.**

**2. Translucent awnings with interior lighting shall not be permitted.**

**Finding:** The colors of the building are muted and tasteful, opting for a monochromatic palate with the use of white and gray. The primary colors to be used on the building as well as the color of the main materials used are demonstrated in the Building Elevations in Appendix "E", on the same page as the elevations provided. This standard is met.

**LYNNWOOD COMPREHENSIVE PLAN**

This Project Design Review application was submitted concurrently with a Rezone application. Compliance with the Lynnwood Comprehensive Plan as it pertains to the rezone can be found within that narrative. Compliance with the Lynnwood Comprehensive Plan as it pertains to this application can be found in the section below. Compliance with many of the relevant policies found within the Comprehensive Plan are met de facto as a result of compliance with the relevant sections of the Lynnwood Design Guidelines and Lynnwood Municipal Code. Compliance with these can be found elsewhere within this narrative. Policies not covered by the aforementioned or that are of particular relevance to the proposal are delineated below.

**Action 3.1c.3 – City of Lynnwood Comprehensive Plan**

***"Foster the retention and expansion of auto dealerships where appropriate along the corridor."***

***Goal 2.1.2 Support the retention and expansion of auto dealerships between nodes. Continue to recognize auto dealers and service as a desirable niche business. Work with these business owners to improve the physical condition and appearance of properties, while maintaining visibility along the corridor.***

**Finding:** This Action and Goal, as part of the Economic Development Element of the comprehensive plan and the Highway 99 Subarea Plan, seeks to retain and expand auto dealerships along the Highway 99 corridor. The rezoning (reclassification) proposal and subsequent Project Design Review application will facilitate the economic welfare of the community by providing additional employment opportunities.

**1. Policy LU-11**

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

**Finding:** This application proposes fill-in development that complement the existing uses in the area which is surrounded by established commercial and residential development with existing utilities and infrastructure that can easily serve the site. Developing the site in the manner proposed in this application meets Policy LU-11.

**2. Policy LU-19**

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

**Finding:** The subject properties are along Highway 99, therefore this policy is applicable. Approximately 20-30 new jobs will be created as a result of this development proposal, resulting in employment growth encouraged by the Countywide Planning Policies. Developing the site in the manner proposed meets Policy LU-19.

**3. Policy LU-36**

**“When reviewing non-residential proposals that involve discretion, the extent to which non-residential development would reduce existing housing stock, or reduce land available for residential development, should be weighed.”**

**Finding:** This application concerns a non-residential proposal involving discretion; therefore, this policy is applicable. This non-residential development will not reduce the existing or available housing stock as the subject site is currently vacant. Additionally, the zoning designation (CG) is intended as commercial zones and the subject property is situated directly on Highway 99 alongside other commercially zoned and commercially used properties. This proposal satisfies Policy LU-36.

**4. Policy CC-2.5**

**“Provide adequate setbacks, buffers, landscaping, visual screens, and appropriate building scale and architecture to make development compatible with nearby residential and other land uses.”**

**Finding:** The development complies with all applicable chapters of the Lynnwood Municipal Code and the Lynnwood Design Guidelines, which contain the specific criteria for

ensuring that developments provide for adequate setbacks, buffers, landscaping, visual screens, and appropriate building scale and architecture to make development compatible with the nearby residential zones and adjacent commercial sites. This policy is met.

**5. Action 3.1c.3 “Foster the retention and expansion of auto dealerships where appropriate along the corridor [Highway 99].”**

**Finding:** The City of Lynnwood recognizes the vital economic role of auto dealerships along Highway 99 exemplified by this Action. The proposed development is an auto dealership and service center, and its approval will support the Comprehensive Plan’s intention to foster the retention and expansion of auto dealerships along the corridor. The site is an appropriate location along the corridor given that it is surrounded by similar and appropriately zoned and used sites.

**HIGHWAY 99 CORRIDOR PLAN**

**6. Policy 3.1**

**3.1.1 Require adequate setbacks and screening for development adjacent to residential zones. Use setbacks and screening to ensure new development is compatible with existing adjacent residential development.**

**3.1.2 For commercial and mixed-use developments, require site planning to minimize impacts to adjacent single and multifamily development. For developments in commercial and mixed-use zones adjacent to single-family and multifamily zones, apply transitional standards to ensure minimal impact. Transitional standards will include, but not be limited to: site access, screening, building setbacks and location of service areas.**

**Finding:** The site plan was designed to exceed the setback and screening requirements for the multi and single family uses toward the rear of the site by positioning the two proposed buildings toward the front of the site. Additionally, the property’s dimensions and shape lend itself to this design. The rear of the site will be used as a inventory storage yard for the auto dealership, which will see the least amount of use compared to other parts of the site as a result of daily business. Additionally, the setbacks and screening proposed include retaining walls that lend themselves to the topographical nature of the site and serve to minimize impacts to the adjacent residential uses. The buildings and service areas proposed are located in a manner that mitigates the impact to neighboring uses. This proposal is in accordance with these policies.

**SUMMARY AND CONCLUSION**

Based on the above findings and the submitted plans and documentation, the Applicant has demonstrated compliance with the requirements of the relevant sections of the Lynnwood Comprehensive Plan, Lynnwood Municipal Code, and Lynnwood Citywide Design Guidelines. Therefore, the Applicant requests approval of this application of a Project Design Review.