

## PRELIMINARY BINDING SITE PLAN DECISION

Lynnwood Transit Center Binding Site Plan - BSP-24-0001

September 30, 2024

### I. APPLICATION

Applicant:	Marissa Gifford, Central Puget Sound Regional Authority
Property Owners:	Central Puget Sound Regional Transit Authority (Sound Transit) Washington State Department of Transportation
Proposal:	Six (6) Lot Binding Site Plan
Project Location:	The site is located at the southwest corner of 44 <sup>th</sup> Ave W and 200 <sup>th</sup> Street SW. 48 <sup>th</sup> Ave W bounds the site to the east and Scriber Creek and the associated wetland to the south.
Parcel Number(s):	003726-006-008-00 (A), 003726-006-013-01 (B) 003726-006-013-02 (C) 003726-006-014-01 (D) 003726-006-014-06 (E) 003726-006-009-00 (F)
Zone:	City Center West (CC-W)
Future Land Use:	City Center
Complete Application:	August 1, 2024
Notice of Application:	August 9, 2024
Staff Reviewer:	Rebecca Samy, Senior Planner
Decision:	Approved with conditions

## II. PROPOSAL AND BACKGROUND

On May 31, 2024, Marissa Gifford, on behalf of the property owner, Central Puget Sound Regional Transit Authority (Sound Transit), submitted an application for a six-lot binding site plan to reconfigure six parcels to consolidate Sound Transit owned lots, infrastructure, consolidation of potential Transit Oriented Development parcels, and conveyance of right-of-way easements. The project site is zoned City Center West (CC-W) and located between 200<sup>th</sup> Street SW, 44<sup>th</sup> Ave W, 48<sup>th</sup> Ave W and Interstate 5. The area to the west of the site is comprised of a multi-family neighborhood. The area north of the is a mix of undeveloped commercial land and multi-family uses. The area to the east of the site is comprise of mixed multi-family residential and commercial uses. The area to the south of the site is a wetland complex that includes Scriber Creek.

The property is developed as the Lynnwood Link Extension transit center providing both bus and light rail service. Structures on the site include a multi-story parking garage, bus terminals, surface parking for commuters, and accessory buildings supporting operations at the site. The existing property consists of six (6) parcels measuring 786,503 SF (18 acres) in size. All utilities are available to this location and multiple points of access are available via 196<sup>th</sup> St. SW, 44<sup>th</sup> Ave. W, and 200<sup>th</sup> St. SW.

Five of the six proposed lots (Lots 2-6) are proposed to remain as a transit center. Proposed Lot 1 is not currently developed or encumbered with associated transit center infrastructure. A series of permits were issued in 2019, 2020, and 2021 to construct Lynnwood Link Extension including a Development and Access Enhancement Funding Agreement in 2019 approving development of the site, which included the binding site plan (Development and Access Enhancement Funding Agreement GA-0070-18. AFN: 201910240188).

## III. APPLICATION REVIEW AND APPROVAL PROCESS

The proposal is for a binding site plan in the City Center West (CC-W) zone. A binding site plan is a Process III application. The mayor has the authority to approve, approve with conditions, or deny the applications, or remand the applications for additional information.

LMC 19.75 Binding Site Plan provides standards and considerations for the mayor when making the decision. These standards and considerations require conformance with other code chapters, plans, and State code. The Decision Criteria and Staff Analysis section below will review each relevant code and plan that applies to the proposed subdivision and planned unit development.

## IV. EXHIBITS

1. Project Narrative, received 5/31/2024
2. Preliminary Binding Site Plan, received 5/31/2024

3. Affidavit of ownerships, received 7/18/24
4. Title Report, received 7/18/2024
5. SEPA NEPA Record of Decision, received 5/31/2024

## V. NOTICING

**Notice of Complete Application** - The application was deemed complete on August 1, 2024.

**Notice of Application and Impending Decision** - In accordance with Chapter 1.35 Lynnwood Municipal Code (LMC), the notice was posted at City of Lynnwood official posting sites and onsite, as well as published in the Everett Herald on August 9, 2024. Owners of property and tenants within a 300-foot radius of the subject property were also mailed a copy. The comment period ended on August 19, 2024, with no comments received from the public.

## VI. DECISION CRITERIA AND STAFF ANALYSIS

### Factors to be considered in the Preliminary Binding Site Plan LMC 19.75.055

As provided by RCW Chapter 58.17, the City of Lynnwood Binding Site Plans Ordinance implements an alternative subdivision process under LMC 19.75. The Binding Site Plan makes appropriate and adequate provision for factors set forth in RCW 58.17.110. LMC 19.75.055 states that “the Development & Business Services Director recommendations and mayoral action on preliminary binding site plans shall be based on review of Chapter 58.17 RCW and other factors that follow:”

1. The Lynnwood Comprehensive Parks and Recreation Plan.

*Staff Response:* The City of Lynnwood 2016-2035 Parks, Arts, Recreation, and Conservation Plan (2022 update) identifies the Scriber Creek Trail, which provides a connection from the Interurban Trail at the Lynnwood Transit Center in the location of the Transit Center. Trail access and improvements to the Lynnwood Transit Center via the Scriber Creek Trail are identified in the plan. As part of the Transit Center construction, an improved and enhanced connection to and between Scriber Creek Trail and the Interurban Trail were completed.

2. The Lynnwood Zoning Code.

*Staff Response:* The site is zoned City Center West (CC-W). There are no required lot dimensional standards for CC-W zone. The existing development at the Transit Center was permitted as an essential public facility and reviewed under the Project Design Review Decision (PDR) PDR-007135-2018). Future development of any lots shall conform to all applicable regulations of the City of Lynnwood Municipal Code, City Center Development and Streetscape Standards.

3. The standards of Title 19, Subdivisions, LMC and Chapter 58.17 RCW.

*Staff Response:* The proposal is in conformance with Title 19 LMC and Chapter 58.17 RCW for the reasons set forth in Section VI of this decision.

4. The Lynnwood six-year transportation and improvement plan.

*Staff Response:* Traffic concurrency was evaluated during the federal environmental review process for the Lynnwood Link Extension (EIS, Record of Decision, 2015). The City of Lynnwood coordinated and commented on the extension and identified mitigation measures needed for compliance with Title 12.22. Mitigation for the light rail extension traffic impacts included adding lanes at the intersection of 44<sup>th</sup> Ave W and 200<sup>th</sup> Street SW in addition to signalization changes at key intersections around the transit facility. The BSP is reflective of the TIP including dedication of right-of-way for 200<sup>th</sup> Street SW and facilitates implementation of planned projects within the City Center. Future development of lots within the BSP boundary will require a concurrency determination.

5. The City's Environmental Policies.

*Staff Response:* There is a one unnamed Type F stream that flows from the north portion of the parcels to the southeast across the site and reconnects to Scriber Creek off site. A portion of this previously piped stream was daylighted, or un-piped, during construction of the Transit Center and completed in compliance with Title 17 LMC. Future development proposed for any undeveloped lots that include critical area, will be evaluated for compliance with Title 17 LMC.

6. The Lynnwood Water System Comprehensive Plan.

*Staff Response:* The proposal complies with the Water System Comprehensive Plan; this Binding Site Plan proposal does not require upgrade or expansion of existing facilities. Upgrades for the Transit Facility were completed during construction. Based on its review for the next 15 years, the City acknowledged that there is sufficient public water supply and City infrastructure planned or in place to serve the existing and future development, other than what the future development will construct on-site to connect to the City's water distribution system.

7. The Lynnwood comprehensive flood and drainage management plan.

*Staff Response:* Stormwater drainage was evaluated prior to construction of the Transit Center and included adequate stormwater facilities for the existing use. Future development will be reviewed for compliance with stormwater and drainage regulations at the time of application.

8. The compatibility of the Binding Site Plan to existing adjacent developments.

*Staff Response:* The proposed Binding Site Plan is compatible with the existing adjacent commercial and multi-family uses. The property located directly north, known as Northline Village has an approved BSP and Development Agreement (DA) for a mixed-use development that will include multi-family and commercial development, as well as standalone commercial, parks and new streets and other public amenity improvements all of which is compatible with this BSP and existing development.

9. The land clearing code, Chapter 21.08 LMC.

*Staff Response:* Chapter 21.08 LMC has been amended to address landscaping standards. Existing landscaping for the Transit Center was reviewed and approved for compliance with Chapter 21.08 LMC and as modified by the development agreement between the City and Sound Transit. All future developments at this site will comply with landscaping requirements of this chapter, City Center requirements, and applicable Design Guidelines.

10. The federal flood hazard area map and criteria, Chapter 16.46 LMC.

*Staff Response:* This site is not within a federal flood hazard area.

Additionally, “the Development & Business Services Director, Public Works Director and Mayor shall determine whether appropriate provisions are made for the public use and interest by the proposed binding site plan.” Appropriate provisions are made for, but not limited to:

1. The public health, safety, and general welfare;

*Staff Response:* The proposed Binding Site Plan meets all minimum Code requirements of the City of Lynnwood, which are the official City standards regarding public health, safety, and welfare. This binding site plan has been reviewed and recommended for approval by the City’s Fire Marshal with respect to public safety. The Public Works Department has reviewed and recommended approval with respect to public safety and welfare..

2. Open spaces, parks and playgrounds;

*Staff Response:* Public open space is provided within the existing Sound Transit development site including trail easements for connection to Scriber Creek and Interurban Trails.

3. Storm drainage;

*Staff Response:* There is an existing storm drainage system that conforms with city requirements for the existing development Future development will be evaluated for compliance at the time of application.

4. Streets, alleys, sidewalks, trails and other public ways;

*Staff Response:* The Binding Site Plan provides streets, sidewalks, trails, other public ways, and all traffic improvements, in conformance with City standards.

5. Water supplies; and

*Staff Response:* The Binding Site Plan includes the necessary utility improvements, including adequate water supply, as applicable, in conformance with City standards.

6. Sanitary and solid waste disposal.

*Staff Response:* The Binding Site Plan includes the necessary utility improvements, including sufficient sanitary and solid waste disposal, as applicable, in conformance with City standards.

## VII. CONCLUSION

1. The applicant has shown that the proposed Preliminary Binding Site Plan meets the decision factors of Chapter 19.75 LMC and conforms to the provisions of the Lynnwood Subdivision Code and other applicable City codes.
2. The Binding Site Plan, as proposed conforms to the general purpose, objectives, and policies of the Comprehensive Plan and with the applicable regulations of the zoning code, and other land use controls. Therefore, the application conforms to the factors of LMC 19.75.055. The Preliminary Binding Site Plan proposal conforms to the Lynnwood Municipal Code.
3. The Preliminary Binding Site Plan proposal conforms to all applicable plans adopted by the City of Lynnwood.
4. The Preliminary Binding Site Plan proposal conforms to the provisions of Chapter 58.17 RCW and Chapter 19.75 LMC.
5. The Preliminary Binding Site Plan proposal is consistent with the provisions of the approved Development Agreement.

## VIII. CONDITIONS AND DECISION

### Conditions

The preliminary binding site plan is **CONDITIONALLY APPROVED**, subject to compliance with all applicable provisions, requirements, and standards of the LMC, standards adopted pursuant thereto, and the following conditions:

1. The Preliminary Binding Site Plan drawings, received by the City of Lynnwood on May 31, 2024, shall be the approved Preliminary Binding Site Plan. Any discrepancy between the content of the Preliminary Binding Site Plan drawings and the performance standards of

Title 21 LMC shall be resolved in favor of Title 21, in conjunction with the approved Development Agreement. Any revisions to the approved Preliminary Binding Site Plan are governed by LMC Chapter 19.75.

2. Pursuant to LMC 19.75.060(B), the applicant shall have three years from the date of preliminary approval to submit to the city a final binding site plan meeting all requirements of Chapter 19 LMC, except as authorized by LMC 19.75.060(D). Failure to do so will result in the expiration of preliminary binding site plan approval. However, an applicant who files a written request with the mayor's office at least 30 days before the expiration shall be granted one one-year extension upon a showing that the applicant has attempted in good faith to submit the final binding site plan within the three-year period.
3. Pursuant to LMC 19.75.100, all utility easements within this binding site plan shall be approved by the appropriate utility authority before final acceptance of the binding site plan and shall be shown in their exact location on the final drawing of said plat.
4. Water and sewer connections must meet all terms and conditions of Lynnwood Water and Wastewater Engineering Standards and Codes.
5. Electrical connections shall meet all Snohomish County PUD requirements, including but not limited to facility upgrades, relocation or modifications, and granting of easements for any electrical facilities that must be installed to serve the proposed development.
6. Final Binding Site Plan application shall include all requirements found in LMC 19.75 and the submittal checklist. Final plat applications shall be delivered to the Development and Business Services Department Community Planning Division for review and approval.

## VI. DECISION

The Mayor of the City of Lynnwood hereby adopts the above Findings of Fact and Conclusions and approves the proposed Lynnwood Transit Center Preliminary Binding Site Plan, subject to conditions shown above.

Reviewed: *David Kleitsch*  
David Kleitsch (Sep 30, 2024 14:10 PDT)  
David Kleitsch  
Development & Business Services Director

Date: 09/30/24

Approved: *Christine Frizzell*  
Christine Frizzell (Oct 1, 2024 09:02 PDT)  
Christine Frizzell  
Mayor

Date: 10/01/24

## **VII. RIGHT OF APPEAL**

Administrative decisions of the Director may be appealed by filing a written request for appeal with the Development and Business Services Department within 14 calendar days. An appeal filed within this time limit shall be processed pursuant to Process II, as identified in LMC Section 1.35.200.

## **VIII. OTHER PERMITS**

The approval of preliminary binding site plan does not in any way replace, modify or waive any requirement for the compliance of the proposal with other applicable codes, standards, or regulations, including, but not necessarily limited to, those of the Public Works, Permit & Inspections and Fire Departments.

## **IX. VALIDITY**

The conditions must be satisfied within three (3) years preliminary approval.











# BSP-24-0001\_Lynnwood Transit Center\_Decision

Final Audit Report

2024-10-01

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