

City of Lake Forest Park - Planning Commission
Regular Meeting Minutes: January 14, 2020
17425 Ballinger Way NE—Council Chambers

Planning Commissioners present: Chair Joel Paisner, Vice Chair Maddy Larson, Richard Saunders, T.J. Fudge, Jon Lebo, Mark Withers, Ira Gross

Staff and others present: Lorri Bodi, Councilmember; Tom French, Councilmember; Steve Bennett, Planning Director; Lauren Hoerr, Assistant Planner; Kim Adams Pratt, City Attorney; Christina Haworth, Otak; Kathy Leotta, Sound Transit; Mary Nicholl, Sound Transit

Members of the Public: Mike Dee, Richard Larson, and others who did not sign in.

Planning Commissioners absent: Steve Morris, Rachael Katz

Call to order: 7:01 PM

Approval of Agenda:

Cmr. Saunders asked about including Sound Transit on the agenda since representatives are here. Chair Paisner responded that his understanding was that the representatives were mainly here to listen but Commissioners are free to ask them questions and representatives are free to chime in as needed, so no formal agenda item is needed. Cmr. Gross moved to approve the agenda. Cmr. Saunders seconded and the agenda was approved unanimously.

Public Comment:

Mike Dee said he was concerned that the meeting wasn't on the online calendar, but it was likely added this morning. He said the agenda wasn't available on the normal calendar event, but it was on the Town Center Process page. It should be easier for the public to figure out the agenda.

Chair Paisner, Cmr. Saunders, and Cmr. Larson said they supported Mr. Dee's concerns. Mr. Bennett said the agenda is always posted on the Town Center page and the Planning Commission page, but the materials were likely not posted on the Town Center page in advance. It was noted that there was a reference on the Planning Commission page stating that meeting materials can be found on the Town Center Process. Mr. Bennett acknowledged that the website posting procedure does need to be streamlined where it is all posted on one page and that he will work on getting this accomplished.

Approval of Minutes: December 2, 2019

Cmr. Gross moved to approve the minutes. Cmr. Fudge seconded and the motion was approved unanimously.

Meeting Dates:

The next meeting is scheduled for February 11, 2020 and the potential for additional meetings should be discussed at the end of the meeting. There was discussion about Commissioners' availability for January 23rd and the Council's work session on February 13th. The goal for the 13th would be to have the Commission's recommendation on all proposed amendments, so the Commission would need to wrap up its review in early February to achieve this. Cmr. Lebo asked about the timeline. Mr. Bennett responded that the Council only has until the end of March to approve the code amendments without extending the moratorium. Cmr. Larson suggested continuing to have two meetings per month and emphasized the importance of having key documents in advance of the meetings.

Chair Paisner said that the current draft of the Town Center code update includes a proposal for 700 units

and we still need to discuss density and open space plus the whole package and the Framework Design Guidelines. He wondered if the Commission can accomplish this and give Council at least a month to review it. Cmr. Lebo suggested meeting weekly and asked if there would be enough material to review. Mr. Bennett said they should have the full draft by the next meeting and Ms. Haworth confirmed that the full version could be available on the 22nd or in advance of a January 28th meeting. Chair Paisner suggested figuring out the schedule at the end of the meeting. Cmr. Gross and Cmr. Saunders said they'd be willing to meet weekly. Cmr. Fudge said it will be difficult for him to review and prepare weekly. He also noted that it may be difficult for those of other demographics to be involved and prepare weekly.

Old Business:

Implementation of Town Center Vision - Design Review Process and Structured Parking Regulations

Chair Paisner thanked the City Attorney for being present. Mr. Bennett suggested discussing the updates from the last draft and the currently proposed Design Review code provisions. He noted that overall organization of the document represents what would go into ordinance form with the Commission's recommendation. Chair Paisner asked if this made sense to Commissioners. Cmr. Lebo said he will recuse himself for any discussion related to the garage. Commissioners agreed to review everything but the garage provisions first.

Mr. Bennett asked Ms. Pratt to summarize the draft provisions up to page 6. Ms. Pratt explained the edits that were made to the first page. Commissioners discussed Section B on the first page and whether the design review board should have three or five members. Cmr. Lebo suggested just keeping it to five people with the two possible outside members and not allowing for three members with one outside. Commissioners agreed.

Ms. Pratt explained the rationale for the definition of Major Town Center Design Review (18.08.642). Chair Paisner asked if gross floor area is determined by leases or the whole building. Mr. Bennett responded that the intent was to avoid applying the process to tenant improvements and focus the review on the exterior building changes. Cmr. Withers asked if B.1 on page 5, line 29 would prohibit the Town Center Hardware store from renting out power tools. Cmr. Fudge said the provision seems to suggest that we wouldn't want bobcats or other vehicles and structures to be sitting in the parking lot. Cmr. Fudge pointed out if it is a problem for Town Center Hardware, they could request a change it later.

Cmr. Fudge asked about the definition of 'usable space' is on page 5, line 5 and whether more specificity was needed. Ms. Haworth responded that the intention is to describe space to be occupied by people. It would exclude mechanical rooms and storage rooms, but would include uses like tasting rooms or shopping. Ms. Haworth said they will look for alternative language for the definition.

Cmr. Larson asked if there was anything on page 5 which would limit more undesirable uses such as adult entertainment. Mr. Bennett said that the way the zoning code works is that, if a use is not specifically mentioned, it is not allowed. Those uses that are allowed in a zoning districts are the ones that are listed. He followed up by saying that, if the Commission wished, a clause could be added that makes it clear that adult use establishments would not be allowed. Cmr. Saunders asked whether storage units would be allowed. Ms. Haworth responded that section B on page 4 allows additional uses to be permitted uses if a development agreement is used, which would have to be approved by Council. Ms. Haworth said she thought it would be very unlikely that the Council would approve an adult use establishment.

Mr. Bennett asked if Commissioners wanted to talk about the density provision on page 6, line 13-14. Cmr. Lebo brought up issues with lines 15-17 on the same page. Ms. Pratt said that the provision noted by Cmr. Lebo should be stricken through and amended to likely state that no conditional uses are allowed. Ms. Haworth noted that the maximum is listed on page 5, line 41 is 60,000 gross floor area. Mr. Lebo asked if when we talk about density, we can include discussion on what we want the maximum gross floor area.

Commissioners agreed to discuss parking structure provisions on page 6. Ms. Haworth said that since the last version, most of the changes made were to remove more discretionary items and relocate them into the draft design guidelines, so the current version is shorter than the draft update reviewed previously. Ms. Haworth added that she did not receive too many comments from Commissioners so this version is very similar to what was reviewed last time. Cmr. Withers asked for clarification on the decision from last meeting. Mr. Bennett said that his understanding was that Commissioners decided to move any 'shoulds' to the design guidelines and keep 'shalls' in the regulations.

Chair Paisner asked Ms. Haworth to explain how the bonus process works. Ms. Haworth said the basic structure is allowed to be 40 feet high. If parking structure is within 50 feet of City Hall, the south-facing façade can only protrude up to 10 feet further south than City Hall. That can be expanded up to 30 feet in addition to a bonus in height if the listed public benefits are addressed appropriately the proposed structure. To count, at least two of the five including all of the subset within #1. Ms. Haworth said it is a cascading format, but you would have to address 1a through 1e in order to completely satisfy #1. Chair Paisner said how realistic is it for Sound Transit to do any of these public benefits. Kathy Liotta said Sound Transit would not comment at this time. Mr. Bennett said the underlying premise is to establish there are certain benefits that will come with a baseline development. At the last meeting, the objective was to create a framework where anything above Sound Transit's 300 spaces would trigger the need for a joint venture and a development agreement. That's the venue for discussing the value of the benefits in relation to what the applicant gets. It is difficult to create certainty within the regulations, but you can put in the regulations what you want to require for base development, and Sound Transit will at some point weigh in on whether or not the base requirements match with the scale of public benefit being required.

Ms. Haworth added that the base requirements was written with the assumption that the preferred location was near City Hall. Parking structures within 50 feet of City Hall have a number of requirements starting on line 25 of page 6. There is a base height limit of 40 feet with an option of 60 feet as a bonus height. The specific height limitations of penthouses and stairway towers was not defined but could be decided by the Design Review Board. Cmr. Larson asked what page 7, line 9 through 12, was referring to. Ms. Haworth responded that lines 13-26 are the only height exemptions authorized here, except for what might be negotiated through a development agreement. Ms. Haworth suggested that line 9 could be amended to include a reference to 18.42.090(A)(5). Cmr. Larson asked about non-negotiables within development agreements. Mr. Bennett suggested that the section Cmr. Larson was referring to was towards the end of the document and that it warrants a fuller discussion once we get there.

Mr. Bennett said that line 13 should read "Director or Hearing Examiner" in case review by the Hearing Examiner is required. Chair Paisner asked, if this section is only for a parking structure, shouldn't it only be reviewed by the Hearing Examiner. Mr. Bennett responded that there is possibility that some minor design changes in the future could be of a scale that only review by the Director is required as the draft is currently written. He added that line 17 should read "such elements should be reviewed and recommended...". Mr. Bennett recommended that any height exception would matter of interest to the community, so it should be reviewed by the Hearing Examiner and go through the public process and, therefore, line 13 should just read "Hearing Examiner." Cmr. Larson asked if the phrase in lines 17-18 should apply to all the exceptions within subsection 5. Mr. Bennett said line 5 could read "the Hearing Examiner can allow the following exceptions...after it has been reviewed and recommended by the Design Review Board." Basically, any exception to base height revisions would go through the Design Review Board and the Hearing Examiner.

Cmr. Fudge said at the last meeting, we wanted to discuss regulation of not just height but also the footprint of the parking structure. There are some restrictions based on the assumption that the structure is located next to City Hall, but do we want to have limitations if the location is not next to City Hall. Cmr. Fudge then asked if there is sloping topography, how is height defined. Mr. Bennett said the building height is defined by the average existing ground level height at the four corners of a rectangle that encloses the proposed

structure. Cmr. Gross asked if a maximum length of one side of the parking garage could be set. Chair Paisner referred to the document given at a previous meeting and asked what the dimensions were of that garage scenario. Mr. Bennett said it would be somewhere between 300 and 350 feet in depth or length. In another design scenario with the taller height, he indicated that the length was more like 200 feet. Cmr. Fudge said 400 square feet per parking space is about what you need with variation depending on choices of bike parking, etc. He is concerned about the lack of ability to quantify and picture these things and this makes it difficult to say 40 feet is the right base height. Cmr. Fudge asked if there was anything from preventing 40 feet structure from being next to the single family homes bordering the area near Lake Forest Park Bar and Grill. Cmr. Withers said he agreed and that, since we're specifying quite detailed requirements for a location near City Hall, we need to think about what happens if Sound Transit decides to put it elsewhere. Chair Paisner said to keep in mind that, if Sound Transit went near LFP Bar and Grill, he assumes that Merlone Geier wouldn't happily want them there because they're looking at that space to put housing, so it gets more complicated. Cmr. Larson said the code should stand on its own whether we're talking about a project tomorrow or five or ten years from now. Chair Paisner said it sounds like we want to have some massing requirements that go along with the base height requirements.

Chair Paisner asked if we could write the code to prescribe the location of the parking garage to be next to City Hall. Ms. Pratt said that would probably be too prescriptive and problematic. Mr. Bennett said the Commission could write the code to make it more restrictive to place the location elsewhere if they don't want to choose next to City Hall or ways to incentivize putting it next to City Hall. Chair Paisner asked what direction we can give Staff in terms of what is acceptable. Cmr. Larson suggested a height limit around the borders of the property such as 30 feet to preclude the garage from being located along Ballinger or along the houses. Cmr. Saunders said he is starting to feel that we've got a location we're comfortable with and that we get scared with a possible garage somewhere else, so he likes the idea of encouraging the garage to be near City Hall, so whatever we can do to encourage it there with provisions limiting height and massing. Cmr. Gross said we need to have some massing and height requirements for locations elsewhere besides within City Hall. Commissioners agreed. Chair Paisner said we need a section on dimension and massing for the location near City Hall.

Cmr. Fudge said that he disapproves of the location of the garage near City Hall because it creates a division between City Hall and the rest of Town Center. He is a proponent of putting the garage on the edge and make it more inviting on the interior than exterior. Cmr. Withers agreed with the idea of having it on the edge of the property. Cmr. Saunders said a lot of people have thought about this location and there seems to good reasons for that location. Chair Paisner suggested pausing the discussion on this, as we seem to have discussed this at length. Cmr. Withers said the decision seemed to be made in terms of the priority of Sound Transit. He added that he thinks the area adjacent to Ballinger where there are metal cages for Town Center Hardware storage would be a better spot. Cmr. Fudge said the odds of success of burying parts of the parking garage in that area are more favorable as well. Mr. Bennett said that Merlone Geier would want to weigh in on that, if you put even two stories of parking garage, you might kill the commercial potential of anything behind the garage. Cmr. Larson agreed to Chair Paisner saying our job isn't to site the garage, but wherever it might be sited, there should be good guidance in our code and design guidelines. Mr. Bennett agreed. Cmr. Larson said she would like the Commissioners to think about how building height is determined and consider deviating from the current. Mr. Bennett said this can be addressed fairly easily in the code and Commissioners agreed they would like the code to say that no facade should be over the height established by the 40-foot height above the lowest point of existing grade.

Cmr. Fudge said the code does not have any sections to incentivize going underground and asked if there was a desire to include provisions on this. Cmr. Larson said as complicated as other areas of the code are, the lowest corner provision seems to be a simple way to address it. Chair Paisner said he didn't think we should try to incentivize below-grade parking and asked what incentives would be available. Chair Paisner asked if Commissioners are interested in figuring out how to incentivize going below-ground. Cmr. Larson said the only incentive she sees is offering more parking spaces and she doesn't want to do that and create further

traffic issues. Cmr. Gross said he though limiting height and massing would incentivize building below-ground. Cmr. Larson said it is up to the Commission to create a code that allows for a reasonably-sized garage and we shouldn't get into details about below-ground. Cmr. Fudge clarified he should not have used the word 'incentivize' as it has a particular connotation, rather, shouldn't the code be written so that they'd have to go below-ground. Cmr. Larson said it seems like Cmr. Fudge was concerned about height and footprint. Cmr. Fudge responded that he'd like to see base height at 30 feet and bonus at 50 feet. Cmr. Larson responded that if Cmr. Fudge felt strongly that the community is looking for that, he should make a motion. Cmr. Fudge moved that the maximum height for a base parking garage with 30 feet. Cmr. Larson seconded. Cmr. Gross said if you reduce the height, then you increase the footprint. Cmr. Larson asked if it is the Commission's responsibility is to develop code that accommodates 300 spaces or develop code to define what a parking garage at Town Center should look like. Ms. Pratt referred to her memo on essential public facilities and added that it is not advisable for the code to preclude the option for essential public facilities with 300 spots. Ms. Pratt said the information that staff has given you is what you should take into account. Cmr. Gross said if we're talking about Cmr. Fudge's motion, the we may be precluding the development if they have to go underground in terms of the costs of water table issues. Chair Paisner said that in 2016, there was a vote for Sound Transit 3 and there was a massive rush to try and get parking structures sited between Woodinville and LFP. LFP stood up and said this is what we want here in Town Center. We should feel obligated by that vote, and we as a community need to stand up and provide transit and provide adequate access to transit. I feel like, yes, at least 300 parking spots need to be sited here and we should not limit it to 30 feet because flexibility needs to be provided. He concluded by saying he is against the motion.

Cmr. Fudge said the response Sound Transit emailed to his questions has some relevant information. In response to his question about why 300 spaces, Sound Transit representatives said that they try to right-size parking by what seems like a reasonable number, roughly 270 parking spots. Cmr. Saunders agreed that it is has been confusing whether 300 is a requirement or if we are designing what the community would want to fit in. He is of the belief that the PC's role is to be the guardian of what the public wants. He feels obligated to be part of the Sound Transit solution, but he feels like the worse nightmare is a 300 car garage that looks terrible and it has a major negative impact on Town Center, so he is leaning more towards something compatible and palatable to the community. Chair Paisner said he is also trying to find something compatible or palatable. Cmr. Saunders said didn't mean to say Chair Paisner wasn't. Chair Paisner said the question at hand is about 30 feet or 40 feet. Cmr. Saunders requested that Cmr. Fudge withdraw the motion. Cmr. Fudge sto withdraw the motion. Cmr. Withers asked if a plan-view drawing could be mocked up showing three or four different examples of where the garage might be placed and what the height and dimension restrictions would look like. Mr. Bennett said that several plan-view scenarios had been done during the public engagement process. Chair Paisner agreed that people are having a hard time visualizing.

Chair Paisner suggested discussing scheduling and that he has a lot of travel coming up and his attendance will be limited. Cmr. Larson said she is free every Tuesday for the next six weeks. There was general consensus that January 27th worked for everyone but Chair Paisner.

Councilmember French updated the Commission on the conversation that he had had that day with the Deputy Mayor and City Administrator regarding to the moratorium. He emphasized the importance of the Commission and the Council getting the work done without extending the moratorium. There may not be a possibility of extending the moratorium and everyone is feeling the weight of this. He said he understands that the Commissioners all deeply care about the community and what needs to happen in terms of housing and parking garage. He said that we are fairly time-constrained, but that he is optimistic that things will go well.

Commissioners agreed on the 27th as the date for the next meeting. Mr. Bennett said he would find out if Cmr. Katz and Cmr. Morris could attend the meeting on the 27th. Cmr. Larson asked what the goal for the meeting would be. Mr. Bennett responded that he would get in touch with to Cmr. (Vice Chair) Larson in the near future to have that discussion. Chair Paisner recommended picking a date certain to put a book end

on the parking structure discussion and answer any remaining questions. He added that the Commission had talked about everything, and embedded in our discussion were certain assumptions about the parking garage.

Councilmember Bodi was recognized and she stated that the community will want to be able to ask Commissioners questions about their proposal and that it would be better not have to be a public hearing but an informal town hall to help people understand what the Commission has been grappling with over the last few months. She said the Commission should consider doing this in parallel with its other goals.

New Business: None

Reports and Announcements: None

Public Comments:

Richard Larson said there is a lot of language that sets precedent in municipalities across the country that could help guide the decision making, whether it is a formula for the massing or how height is defined. Let's not reinvent the wheel when there are other references out there.

Mike Dee thanked the Commissioners for trying to use microphones. He encouraged City staff to have folders available with previous documents such as maps in case people don't have digital access. The Notify Me tool is a good resource for educating public about meetings. He agreed on extending the notice period to 21 days.

Agenda for Next Meeting: Similar to this agenda

Cmr. Withers moved to adjourn the meeting, Cmr. Gross seconded and motion passed unanimously.

Adjournment: 9:13 pm

APPROVED:

Joel Paisner, Vice Chair