

City of Lake Forest Park - Planning Commission
Special Meeting Minutes: January 27, 2020
17425 Ballinger Way NE—Council Chambers

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

Staff and others present: Tom French, Councilmember; Steve Bennett, Planning Director; Lauren Hoerr, Assistant Planner; Kim Adams Pratt, City Attorney; Christina Haworth, Otak; Mandi Roberts, Otak

Members of the Public: Mike Dee; Don Fiene; Gail Gross

Planning Commissioners absent: Chair Joel Paisner, Steve Morris

Call to order: 7:01 PM

Approval of Agenda:

Cmr. Gross moved to approve the agenda. Cmr. Saunders seconded the motion and it was approved unanimously.

Vice Chair Larson noted the moratorium ends in just over a month and two areas of code that need attention are the sections related to the parking garage and the application process. The rest of the code seemed to be in good shape, but we still want to revisit it. She said that Commissioners need to use this meeting and the next meeting to wrap this up. Commissioners don't need to all agree but we should keep moving so there may be a need to vote on topics. She added that the focus tonight should be on getting to specific numbers on height and footprint and other non-negotiables, as well as advancing discussion on the design review process and the public hearing process.

Mr. Bennett noted that during the Old Business part of the agenda, he would like to discuss what the Commission has done and what they have left to do in a holistic manner as suggested in the memo from the Chair and Vice Chair.

Public Comment:

Mike Dee thanked the Commission for their discussion after his comment at the 14th meeting. The comments touched on a variety of topics that help ensure citizens know what is going on. It has been said that since the failure on Prop 1, the City has had a communication issue. The Council formed a Communications Plan, but it was never funded. He noted that if timely posting of meeting agendas is a budget issue, staff should ask for an adjustment when budget matters are discussed and approved. Mr. Dee thanked staff for having a special meeting notice on the calendar and the materials available for the meeting.

Cmr. Saunders thanked Mr. Dee for commenting and thanked staff for posting the materials.

Approval of Minutes:

None.

Meeting Dates

Next meeting is scheduled for February 11, 2020. Cmr. Gross indicated that he might not be available. The second meeting in February will be scheduled after an email poll is conducted to decide on the best meeting date.

Old Business

Implementation of Town Center Vision

Parking Structure Regulations: Height, Footprint, Non-Negotiables

Vice Chair Larson said it will be important to determine what number we want to put in for building height and maximum footprint and whether or not we want these numbers to be negotiable through the

Development Agreement. Mr. Bennett said that from a holistic perspective, there are two major pieces, the limitation on uses and the process, and the Commission reviewed these in detail. These pieces have been combined in this draft and all of the “should” provisions are being moved to the guidelines document. Tonight’s primary goal is to get a consensus on what Commissioners want for those criteria. He then asked if the Commission could take a few minutes to discuss whether Commissioners want a notice area of 1,000 feet or 500 feet and whether they feel that after having reviewed this last draft, are they close on deciding the process, or do they need more time.

After discussion, Vice Chair Larson suggested starting with spending 20 minutes on the first bullet and then move on to the second bullet. Vice Chair Larson invited Cmr. Gross to explain the Town Center site model and the various blocks he created that were shaped like miniature parking garage structures. Cmr. Lebo recused himself at this point from the discussion of the garage. Cmr. Gross explained his methodology in creating the model. Commissioners asked questions and discussed various aspects of the model. Vice Chair Larson mentioned the Bellevue Public Library parking garage, which uses flat floors. Cmr. Katz said that from the last meeting, she is fine with a 40-foot base height and a 60-foot bonus height since making it taller allows for more options for future development.

Ms. Haworth presented a set of maps with alternative setbacks and parking structure footprints. Commissioners gathered around Cmr. Gross’s model and Ms. Haworth’s map and moved the garage-shaped blocks around the site model and asked clarifying questions to better understand the maps. Cmr. Fudge noted that the maximum length and the maximum width do not have to add up to the maximum area. They are three separate but interrelated numbers that we can play with in an effort to avoid forcing the developer into a certain footprint. Discussion continued until Vice Chair Larson stopped discussion and suggested that they to move on to other topics.

Vice Chair Larson encouraged Commissioners to voice that opinion now if they are not satisfied with what is currently included in the draft code in terms of height. Cmr. Fudge moved to set the base maximum height at 30 feet and added that he did not want to include the bonus height in his motion. Mr. Bennett noted that the numbers in question are on page 8. Cmr. Gross seconded the motion to open discussion. Cmr. Saunders said it will probably be hard to accomplish the goals for the structure in 30 feet and that 40 feet seems more aligned with those goals. Cmr. Gross noted that if the maximum height is 30 feet, it will likely have to solely be a parking garage and not include mixed use. Cmr. Katz said she supported 40 feet to better accommodate the community goal of it being mixed use. Vice Chair Larson noted that the community would be heard from at a public hearing. Cmr. Fudge, Gross, and Larson voted aye, while Cmr. Katz and Cmr. Saunders voted nay. The motion passed to incorporate 30 feet as the maximum garage height into the next draft. Vice Chair Larson noted that the height issue could be brought up again at the next meeting since other Commissioners are not present and asked if Commissioners could vote even if they are not present at the meeting but are able to participate in and hear the discussion via phone. Ms. Pratt responded that, yes, they could vote.

Cmr. Gross noted that page 8, line 10 of the draft has new language that proposes 52,500 square feet as a maximum footprint and that this seems large and might not fit near City Hall. Ms. Haworth recited the different length, width, and areas of the footprints discussed in the model and noted the 52,500 would be significantly more constrained with the proposed setbacks. Sound Transit’s model showed a footprint of 125x200 but that design would have at least four stories tall. Vice Chair Larson asked if line 10 allowed for upper stories to have a greater amount of area. Cmr. Gross suggested changing the language to force the structure to have a boxier shape. Commissioners agreed to change the maximum footprint size to 45,000 square feet on page 8 line 10.

Vice Chair Larson asked Commissioners whether they’d like line 25 to remain unchanged now that 30 feet was the base maximum height. Mr. Bennett noted the exceptions allowed by the provisions starting at line 27 would potentially allow the structure to go beyond 60 feet maximum bonus height. Vice Chair Larson asked Commissioners whether they want there to be non-negotiables in the parking garage code. Cmr. Katz and

Cmr. Saunders noted their desire for the ability to negotiate and be flexible since the approval process will ensure there is enough feedback that community desires will be reflected.

Cmr. Katz brought up the highlighted portion of page 8, line 14 and Commissioners discussed its intent. Cmr. Katz suggested striking #4 as it did not have meaning. Staff and the City attorney agreed.

Cmr. Gross discussed whether there should be a motion about not placing the parking garage at Town Center. Vice Chair Larson noted that this has been brought up through memorandums and at other meetings and that while he is welcome to make a motion, it may not be a good use of time.

Application and Design Review Process Regulations

Mr. Bennett explained changes made to page 1 on the Design Review Board. Cmr. Katz asked if line 28 should add the phrase 'parking structure' as part of the definition of 'Active ground floor uses.' Mr. Bennett noted how this may change that definition in section 18.08.325.

Cmr. Saunders asked on page 16, line 27, how in-lieu fees would work with public benefits. Ms. Pratt said this would be part of the development agreement and be up for negotiation. Vice Chair Larson asked if a financial contribution in this section could be for free rent in Third Place Commons. Ms. Pratt responded that it could. Cmr. Saunders asked if this would go to the Design Review Board. Mr. Bennett explained the process and where the decision on allowing in-lieu fees would be made and that it would likely be public knowledge when a project was before the Design Review Board.

Cmr. Lebo had a question on page 5, line 34, but Vice Chair Larson noted that there will be opportunities in future meetings to discuss the rest of the code and guided the discussion back to the process section. Mr. Bennett noted that page 17 is the start of the process and passed out an updated version of a process flow chart and the diagram showing the difference between requiring a 500-foot and a 1000-foot notice radius. He noted that the reference to 16.26 in the other section on notices will help keep things standardized as this refers to how other land use applications go through the Hearing Examiner process. Cmr. Lebo asked whether the applicant pays for it or the City pays for the notice process. Mr. Bennett said that generally we ask the applicant to provide the mailing addresses and the City mails the notices. Cmr. Lebo suggested making it a wider catchment area and making the developer pay for it. Commissioners agreed on having the notice go to the all property owners with the city limits. Cmr. Katz asked about people who have submitted written comments and when would they have needed to submit public comments. Ms. Pratt suggested not adding specific language on this so that the interpretation doesn't become confusing since 16.26 is noted as the overall process. Cmr. Lebo asked if we can have the applicant reimburse the City for the direct mailing cost. Ms. Pratt did not see an issue with this. Mr. Bennett asked Ms. Pratt to develop language for this for the city-wide mailings (page 17, line 27-28, and page 22, line 1).

Cmr. Lebo asked about the Design Review Board and the number of meetings it would hold, noting that other cities have it so that there are multiple opportunities for meeting. Mr. Bennett said the current code language does not preclude the option of multiple meetings, but they can come up with some proposed language to make this clearer. Vice Chair Larson asked if a similar amendment could be made on page 22. Cmr. Saunders suggested an amendment to add social media channels to the noticing requirements. Commissioners agreed.

Vice Chair Larson asked about how vesting would work with an application or a development agreement. Ms. Pratt said that the development agreement would have its own vesting provisions that the developer would utilize on the multiple phases of the project. Design Review, page 18, line 20 states that it does not provide vesting, which is in line with State law. Vice Chair Larson asked if this would incentivize projects to go through the development agreement. Ms. Pratt responded that it would.

Comr. Lebo said page 19, line 20, suggested “A or better” rather than having to define “sufficient surety.” Comr. Katz asked if page 21, lines 4-5, had to explicitly say all of these items. Ms. Pratt responded that it could reference the current code provisions at that time. Vice Chair Larson noted on page 21, line 30 the use of “shall” and whether this presentation should be explicitly required to help community members understand the project. Mr. Bennett said that it could but the developer is incentivized to do this in order to improve public relations.

Comr. Katz asked if there is code that explicitly says the development agreement has to be accompanied with a complete application to move forward. Ms. Pratt noted section 110 and Mr. Bennett provided clarification. Ms. Pratt says there is no timeline for development agreements because it is not a land use application. Ms. Pratt said she would think about possible language so that it is clear to community members reading the code.

Scheduling and Format for Public Hearing

Vice Chair Larson asked about the idea of having a public hearing on the Commissioner’s work from 6-7 prior to the normal meeting on February 11th. She asked if the code for the parking garage and design guidelines and application process was for public review. Mr. Bennett responded that it might be difficult to be ready for public review on the 11th. He added that it would be ideal to have a week to look at the complete package. Vice Chair Larson said she is concerned about getting recommendations to the Council and acting on them before the moratorium expires. She said that Council is not eager to extend the moratorium due to the parking garage being deemed as an essential public facility. Mr. Bennett said that the Council is meeting on February 13th and 27th, as well as, on March 12th and 26th. Comr. Saunders agreed with Mr. Bennett that the 11th might be too soon. Comr. Fudge said it may be more useful for the public to comment sooner rather than later.

Mr. Bennett said the City can staff additional February Planning Commission meetings on the 18th, 24th, and 25th. Comr. Lebo is in favor of meeting more often to get it done. Vice Chair Larson said she will send out a poll to Commission members.

Mr. Bennett, Ms. Pratt, and Commissioners discussed the timing and noticing requirements of a potential public hearing. Mr. Bennett suggested opening the meeting at 6pm and then leaving it open and not having a certain stop time for the hearing. Ms. Pratt suggested 10 calendar days for the hearing notice. Mr. Bennett added that the public comments received usually include questions, and the Commissioners can get back to them after the comments have been received. Commissioners agreed to schedule the hearing for February 11th from 6-9pm and asked staff to create a public hearing notice that included a summary of what the Commission was working on and encourages input from the public. Vice Chair Larson indicated that she and Chair Paisner would work with Mr. Bennett on the details.

New Business

None.

Reports and Announcements

None.

Public Comments

Jason Colberg said that this had been a great meeting.

Don Fiene said that, for the public benefit in the garage, the public benefits need to be better defined and some of them may be beyond the ability of Sound Transit to provide. He noted that the two terms “public comment” and “public hearing” have different meanings and suggested making it clear what the Commission want. He said there will be huge community interest in whatever is presented, so be flexible in your timeline. He said 50-200 people were present at past events and 50 people would require 150 minutes just to get

through their comments. It's hard to have an open public hearing on a controversial issue and contain it within an hour.

Mike Dee said that the memo to Planning staff has some useful feedback about having materials on the web a week in advance.

Agenda for Next Meeting: Vice Chair Larson said she and Chair Paisner would work with Mr. Bennett on the agenda for the next meeting.

Com. Katz moved to adjourn the meeting. Com. Lebo seconded and the motion passed unanimously.

Adjournment: 9:13 pm

APPROVED:

A handwritten signature in black ink, appearing to read "Joel Paisner", written over a horizontal line.

Joel Paisner, Vice Chair