

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

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

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

Members of the Public: Mike Dee, Richard Larson, others

Planning Commissioners absent: Steve Morris, Rachael Katz

Call to order: 7:01 PM

Approval of Agenda:

Cmr. Saunders asked about including Sound Transit since representatives are here. Chair Paisner said that representatives are mostly here to listen but Commissioners are free to ask questions or representatives are free to chime in as needed, so no formal agenda item is needed. Cmr. Gross moved to approve the agenda as amended. Cmr. Saunders seconded the agenda and it was approved unanimously.

Public Comment:

Mike Dee:

Mr. Dee 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 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. There is a reference on the Planning Commission page that meeting materials can be found on the Town Center Process. He noted the website 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 2nd, 2019

Cmr. Gross motioned to approve the minutes. Cmr. Fudge seconded the motion and it 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. They can discuss everyone's availability for the 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 aspects, so the Commission would need to wrap things up in early February to achieve this. Cmr. Lebo asked about the timeline. Mr. Bennett says the Council only has until the end of March to approve things 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.

Cmr. Paisner said there is 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, but 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 said the full version should be available on the 22nd or in advance of the 28th. Chair Paisner said we would figure 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, and noted it may be difficult for other demographics of the city to be involved and prepare weekly.

Chair Paisner thanked the City Attorney for being present. Mr. Bennett suggested discussing the updates from the last draft and what the Design Review code document looks like now. This overall document represents what will 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 first to distinguish the discussions.

Mr. Bennett asked Ms. Pratt to summarize what has been done up to page 6. Ms. Pratt said few edits were made to the first page. Commissioners discussed Section B and whether to have three or five members. Cmr. Lebo suggested just keeping it to five people, with the two possible outside members, not allowing for three members with one outside. Commissioners agreed.

Ms. Pratt explained the format and rationale of 18.08.642, the definition of Major Town Center Design Review. Cmr. Paisner asked if gross floor area is determined by leases or the whole building. Mr. Bennett said we're trying to avoid applying the process to tenant improvements, so it focuses on the exterior building footprint. Cmr. Withers asked if B.1 on page 5, line 29 would not allow the Town Center Hardware store to rent out power tools. Cmr. Fudge said it seems to suggest we wouldn't want bobcats or other structures to be sitting in the parking lot. Cmr. Fudge pointed out if it is a problem for Town Center Hardware, they can come in and change it later.

Cmr. Fudge asked what the definition of usable space is on page 5, line 5, and if we needed more specificity. Ms. Haworth said the intention is occupied space or space to be occupied by a person, you would exclude mechanical rooms and storage rooms, but you would include tasting rooms or shopping area. Ms. Haworth said they will look for an alternative or look for a definition.

Cmr. Larson asked if anything on page 5 would limit more undesirable uses such as adult entertainment. Mr. Bennett said the way zoning code works is that if it is not specifically mentioned, it would not be allowed and that those uses are specifically allowed in certain districts, but we can add a clause that makes it clear that adult use establishments would not be allowed. Cmr. Saunders asked about storage units and if those would be allowed, and Mr. Bennett. Christina says that section B on page 4 allows the option to entertain options not listed, but since this has to be in a development agreement and that would have to be approved by Council, it would be very unlikely they would approve an adult use establishment.

Mr. Bennett asked if Commissioners wanted to talk about density on page 6, line 13-14. Cmr. Lebo brought up issues with page 6, lines 15-17, and Ms. Pratt said that should be stricken through and it will likely now say that no conditional uses are allowed. Christina said the maximum is listed on page 5, line 41 about 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 structures on page 6. Christina said that since the last version, most of the changes made were to remove more discretionary items and relocate those into just the design guidelines draft, so this is a shorter version than the code reviewed previously. Christina did not receive too many comments so it is very similar to what was reviewed last time. Cmr. Withers asked for clarification on the decision from last meeting. Mr. Bennett said we decided to move any "shoulds" to the design guidelines and any "shalls" to the code.

Cmr. Paisner asked Christina to explain how the bonus process works. Christina said the basic structure is allowed to be 40 feet high. If you are within 50 feet of City Hall, your south-facing façade can protrude up to

10 feet further south than City Hall. You can expand up to 30 feet further south with a bonus height but you have to provide some type of public benefit in order to do this (see page 7 line 1). Page 13, lines 29, talking about the types of public benefits. To count at least two of the five, if you provide #1, you must provide the all the subsets within #1. Christina said it is a cascading format, but you would have to walk through 1a-e in order to completely satisfy #1. Cmr. 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, we tried to convey, anything above Sound Transit's 300 spaces will have to require a joint venture and a development agreement. That's when the value of the benefits is discussed in terms of what the applicant gets. There can't be certainty within the regulations, you can put in the regulations what you want to require on the base, and Sound Transit will at some point comment on whether or not the base requirements match the scale of public benefit being provided.

Christina started to explain the base requirements was written in the lens 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 of 40 feet with an option of 60 feet as a bonus height. The specific height limitations of penthouses and stairway towers was not set as this would probably be decided by the Design Review Board. Cmr. Larson asked page 7, line 9 and 12, what is this referring to? Christina said lines 13-26 are the only height exemptions authorized here, except for some possible negotiations within a development agreement. Christina said we could update line 9 to now read 18.42.090(A)(5). Cmr. Larson asked about non-negotiables within development agreements, and Mr. Bennett said that is towards the end of the document and warrants a discussion once we get there.

Mr. Bennett said line 13 should read "Director or Hearing Examiner" in case it is something being reviewed by the Hearing Examiner. Cmr. Paisner asked if this section is only for a parking structure, shouldn't it only be reviewed by the Hearing Examiner. Mr. Bennett said there is a small chance some minor change in the future could be reviewed by the Director. Mr. Bennett said line 17 should read "such elements should be reviewed and recommended...". Mr. Bennett said that any height exclusion would matter to the Community, so it should be reviewed by the Hearing Examiner and go through the public process. So line 13 should just read "Hearing Examiner." Cmr. Larson asked if the phrase in lines 17-18 should be for all the exceptions within 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 all goes 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 asked if there is sloping topography, how is height defined. Mr. Bennett said the building height is defined by the average of the four corners. Cmr. Gross said why can't we give them a maximum length of one side of the parking garage. Cmr. Paisner referred to the document given at a previous meeting and asked what the dimensions are. Mr. Bennett said it would be somewhere between 300 and 350 feet in depth if it was at the base height, whereas the one in the diagram with the higher height is more like 200 feet long. Cmr. Fudge said there should be 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, which makes it difficult to say 40 feet is the right base height. Do we have 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 agreed, saying 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. Cmr. 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 it's own whether we're talking about a

project tomorrow or five or ten years from now. Cmr. Paisner said it sounds like we want to have some massing requirements that go along with the base height requirements.

Cmr. 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. Cmr. 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 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. Cmr. 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 as it acts as 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 to have 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. Cmr. Paisner asked to pause 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 and the area adjacent to Ballinger where there is metal cages currently for Town Center Hardware seems to 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 Cmr. Paisner saying our job isn't to site the garage, but wherever it might be sighted it is well guided through our code and design guidelines. Mr. Bennett agreed. Cmr. Larson would like us to think about how building height is determined, and possibly deviate from the current definition as she has seen unfavorable results in residential neighborhood. 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 this height from existing grade. Cmr. Fudge said he would like it to be 40 feet from the lowest part. Commissioners agreed now with Cmr. Fudge.

Cmr. Fudge said the code does not have any sections to incentivize going underground, do we want to include provisions on this? Cmr. Larson said as complicated as other areas of the code are working out to be, the lowest corner provision seems to be a simple way to address it. Cmr. Paisner said he didn't think we should try to incentivize below-grade parking, as what incentives would be available? Cmr. Paisner asked if Commissioners are interested in figuring out incentivizing 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 asked if we limit height and massing, aren't we incentivizing below-ground? Cmr. Larson said it is up to us to code for a reasonably-sized garage and we shouldn't get into details about below-ground. Cmr. Fudge clarified he should not use the word incentivize as that has a particular connotation, rather shouldn't we write the massing and height code so that they'd have to go below-ground. Cmr. Larson said it seems like you're concerned about height and footprint, and Cmr. Fudge said he'd like to see base at 30 and bonus at 50. Cmr. Larson said if you feel strongly that the community is looking for that, then you should motion for a vote for that. 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, you increase the footprint. Cmr. Larson asked if our 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 said that is why there is a memo on essential public facilities, and that gets into what you bump up against when you 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 his motion, we may be precluding the

development if they have to go underground in terms of the costs of water table issues. Cmr. Paisner said that in 2016, there was a vote for Sound Transit 3 and there was a massive rush to try and get a parking lot cited between Woodinville and LFP, and LFP stood up and said this is what we want. 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 cited here and we should not limit it to 30 feet because we need to provide some flexibility. He is against the motion.

Cmr. Fudge said the response Sound Transit emailed to his questions has some relevant information. IN response to the question about why 300 cars, we ST, try to right-size parking by what seems like a reasonable number, so 270 parking spots. Cmr. Saunders agreed 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 ST 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 compatible and palatable by the community as our offer. Cmr. Paisner is also trying to find something compatible or palatable. Cmr. Saunders didn't mean to say Cmr. Paisner wasn't. Cmr. Paisner said the question at hand is about 30 ft or 40 ft. Cmr. Saunders requested Cmr. Fudge to withdraw the motion and Cmr. Gross agreed. Cmr. Fudge requested to withdraw the motion and Cmr. Larson agreed. Motion was withdrawn. 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 was likely done during the public engagement process. Cmr. Paisner agreed people are having a hard time visualizing.

Cmr. Paisner said to discuss scheduling and he said he has a lot of travel coming up and his attendance will be limited. Of the two dates, the 22nd and the 28th. Cmr. Larson is free every Tuesday for the next six weeks. 27th the Monday works for everyone but Cmr. Paisner.

Councilmember French updated that the conversation today with the Deputy Mayor and City Administrator relative to the moratorium that the emphasis is for the PC and the Council to get the work done without extending the moratorium. Wants to put it in perspective, there may not be a possibility for extending the moratorium, and everyone is feeling the weight of this, and you all deeply care about the community and what needs to happen in terms of housing and parking garage. His suggestion is that we are fairly time-constrained and we need to box some of this in. He's optimistic things will go well.

Commissioners agreed on the 27th meeting and Mr. Bennett will need to find out if Cmr. Katz and Cmr. Morris can attend the 27th meeting. Cmr. Larson asked what the goal for the meeting would be, and Mr. Bennett will get back to Cmr. Larson on that at a later discussion. Cmr. Paisner recommended picking a date certain to put a book end on the parking nad answer any remaining questions. We have talked about everything, and embedded in our discussion were certain assumptions about the parking garage.

Deputy Mayor Bodi said the community will be able to ask the PC questions about their proposal, it does not have to be a public hearing but an informal town hall to help people understand what the PC has been grappling with over the last few months. Consider doing this in parallel with your other goals.

Old Business

Implementation of Town Center Vision

Land Use – Design Review Process Regulations

Structured Parking Regulations

Update of Town Center Framework Design Guidelines

New Business

None.

Reports and Announcements

None.

Public Comments

Richard Larson

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.

Thank you for trying to use microphones, remember to microphones. Encourages to have folders available with previous documents such as maps in case people don't have access to digital. The Notify Me tool is a good resource for educating public about meetings. He agreed on extending the notice period to 21 days. Inserts into the LFP Newsletter.

Agenda for Next Meeting: Similar to this agenda.

Comr. Withers moved to adjourn the meeting, Comr. Gross seconded, all agreed and motion passed unanimously.

Adjournment: 9:13 pm

APPROVED:

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

Joel Paisner, Vice Chair