

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, TJ Fudge, Jon Lebo, Mark Withers, Ira Gross, Rachel Katz

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

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

Planning Commissioners absent: Chair Joel Paisner, Steve Morris, Mark Withers

Call to order: 7:01 PM

Approval of Agenda:

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

Cmr. Larson noted the moratorium ends in just over a month and the two areas of code that needs the Commissioners attention are sections related to the parking garage and the application process. The rest of the code seemed to be in good shape, but we still wanted to revisit it. In order to wrap this all up, the Commissioners need to use this meeting and the next meeting to wrap this up. Commissioners don't need to all agree but we can move to vote on topics. Focus tonight on getting to specific numbers on height and footprint and other non-negotiables. Also advancing discussion on design review process and the public hearing process.

Mr. Bennett noted that for Old Business, he wants to do an overview to address what the PC has done and what they have left to do in a holistic manner, which is discussing one of the topics of the memo.

Public Comment:

Mike Dee: Thank you for the discussion after his comments on the 14th meeting. The comments touched on a variety of topics that help ensure citizens know what is going on. Since the failure on Prop 1, it has been said the City has had a communication issue ever since. The City Council formed a Communications Plan but it was never funded. Departments do have budgets based on department needs. Timely posting of meetings is a minimum requirement. If this is a budget issue, they should ask for it when budget matters are discussed and approved. Thank you for having a special meeting notice on the calendar and the materials available for the meeting.

Mr. 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 might not be available. The second meeting in February will be sent out via email to decide on meeting dates.

Old Business

Implementation of Town Center Vision

Parking Structure Regulations: Height, Footprint, Non-Negotiables

1 Cmr. Larson said it will be important to determine what number we want to put in for building height and
2 maximum footprint and whether or not we want these numbers to be negotiable through the Development
3 Agreement. Cmr. Larson invited Cmr. Gross to share the model he created. Cmr. Lebo recused himself from
4 the discussion of the garage, which will be discussed first.

5
6 Mr. Bennett wanted to discuss the holistic process first before Cmr. Lebo recused himself. We did have two
7 major pieces, the limitation on uses and the process, and the Commission reviewed these in detail, then we
8 combined these in detail and put all the “should” documents in the guidelines or updated framework
9 document. The primary goal tonight is to get a consensus on where the planning Commission is headed in
10 terms of those criteria. Is this something we can take a few minutes to look at and try to wrap up, there is one
11 question: do the Commissioners want a Notice area on 1,000 feet or 500 feet. Having reviewed this last draft,
12 is there a sense the Commissioners are pretty close on process, or would this be a long discussion?

13
14 Cmr. Larson felt there would be some specific questions and to look for comments later on. We started the
15 moratorium with a clear vision that the parking garage code, the design review guidelines, and the application
16 process would be the focus. She doesn’t feel they are finished with any one part. Mr. Bennett wants to make
17 sure we leave enough time for the second bullet point. Cmr. Larson suggested starting with 20 minutes to
18 focus on the first bullet and then do the second bullet.

19
20 Cmr. Larson invited Cmr. Gross to share the model he created. Cmr. Gross explained his methodology in
21 creating the model. Commissioners asked questions and discussed various aspects of the model. ~~He noted~~
22 ~~that City Hall at the front corner is 26 feet, and that Third Place Books is 33 feet from ground to roof, and~~
23 ~~Albersons is 21 feet. He noted his garage has a footprint of nearly 40,000 square feet, 135 feet wide by 290~~
24 ~~feet long, and has 91 parking stalls per floor. He said if a parking garage is going to be next to City Hall, let’s~~
25 ~~figure out a base height that we can agree upon. Cmr. Larson said our task is to recommend, if we have a~~
26 ~~stand alone parking garage, what are some regulations that fit with the character and desires of the~~
27 ~~community. Cmr. Saunders asked if he can pass it around and to clarify what’s the height from the ground in~~
28 ~~front of the lower entrance of Third Place Books to the second floor is 15 feet. The back entrance height to~~
29 ~~Third Place books (only 1 floor) is 18 feet. Cmr. Larson spoke of the features of the Bellevue Public Library~~
30 ~~parking garage, which uses flat floors. Cmr. Katz said her general reaction to the last meeting is that she’s still~~
31 ~~fine with 40 foot base height and 60 foot bonus height. Making it taller allows for more options for future~~
32 ~~development. Commissioners clarified that consultants added sections X and Y based on last meeting’s~~
33 ~~discussion.~~

34
35 Christina provided a set of maps with setback options and footprint options. Commissioners gathered around
36 Cmr. Gross’s model and Christina’s map. Christina explained the maps and Commissioners worked with the
37 model and asked clarifying question. Christina noted that the models include pieces that are part of the
38 structure. Cmr. Fudge noted that the maximum length and the maximum width do not have to add up to the
39 maximum area, they are three separate but interrelated numbers that we can play with, we do not want to
40 force the developer into a certain footprint. Discussion continued. Cmr. Fudge mentioned the Northgate
41 Sound Transit garage uses below-grade levels. Cmr. Katz mentioned the feasibility of this may be limited by
42 the issues with the water table. Cmr. Larson stopped discussion to move on to other topics.

43
44 Cmr. Larson encouraged Commissioners that if they are not satisfied with what is currently written in terms
45 of height, to voice that opinion now. Cmr. Fudge moved that the base maximum be 30 feet, and not
46 discussing the bonus. Mr. Bennett noted that the numbers in question are on page 8. Cmr. Gross seconded to
47 open discussion. Cmr. Saunders said it will probably be hard to accomplish this, 40 seems more in line with
48 the goals of the garage. Cmr. Gross noted that if it is 30 feet, it will likely have to solely be a parking garage
49 and not mixed uses in order to fit the number of spaces. Cmr. Katz thought a goal of the community was that
50 it not just be a parking garage, so she is for a 40 foot base. Cmr. Larson noted that we can hear from the
51 community at a public hearing. Cmr. Fudge, Gross, and Larson voted aye, Cmr. Katz and Cmr. Saunders

1 voted nay. The motion passed and will be incorporated into the next draft. The discussion can be brought up
2 at the next meeting since other Commissioners are not present.

3
4 In line 10 pg 8, this is a new component of the draft listing 52,500 square feet as a maximum footprint. Cmr.
5 Gross thought this was a large footprint. Christina read off the different length, width, and areas of the
6 footprints discussed in the model. Cmr. Gross thought that this maximum wouldn't fit near City Hall.
7 Christina noted the 52,500 would be significantly more constrained with the current setbacks. Sound Transit's
8 model showed a footprint of 125x200 but this would have at least four stories.

9
10 Cmr. Larson asked if you can vote if you are not present at the meeting but are able to participate in and hear
11 the discussion via phone. Ms. Pratt said yes.

12
13 Cmr. Larson asked if line 10 allowed for second stories and above to be more, and Cmr. Gross suggested to
14 change the language to make the shape more boxy. Commissioners agreed to change the maximum footprint to
15 45,000 on page 8 line 10.

16
17 Cmr. Larson asked Commissioners whether they'd like line 25 to stay the same now that 30 feet is the base.
18 Mr. Bennett noted the exceptions in line 27 that the Hearing Examiner would have to approve, and it would
19 allow developers to go beyond 60 feet. Cmr. Larson asked commissioners whether they want there to be non-
20 negotiables in our code around the parking garage. Cmr. Katz and Cmr. Saunders noted they want there to be
21 options for negotiation and flexibility, as the process of approval will ensure there is enough feedback that
22 community desires will be reflected.

23
24 Cmr. Katz brought up the highlighted portion of page 8, line 14 and Commissioners discussed its intent.
25 Cmr. Katz suggested striking #4 as it did not have meaning. Staff and the City attorney agreed.

26
27 Cmr. Gross discussed whether there should be a motion about not siting the parking garage at Town Center.
28 Cmr. Larson noted that this has been brought up through memorandums and at other meetings and that
29 while he is welcome to make a motion, it may not be a good use of time. Add Cmr. Larson's comment here.

30 31 Application and Design Review Process Regulations

32 Mr. Bennett explained changes made to page 1 on the Design Review Board. Cmr. Katz asked if line 28
33 should add the phrase "parking structure." Mr. Bennett noted this may also change 18.08.325.

34
35 Cmr. Saunders asked on page 16, line 27, how in-lieu fees would work with public benefits. Ms. Pratt said this
36 is part of the developer's agreement as a voluntary option, so that it would be up for negotiation. Cmr.
37 Larson asked if a financial contribution in this section could be for free rent in Third Place Commons. Ms.
38 Pratt said yes. Cmr. Saunders asked if this would go to the Design Review Board. Mr. Bennett explained the
39 process that it would be vetted and a lot of opportunities for public discussion.

40
41 Cmr. Lebo, page 5, line 34, and Cmr. Larson noted that there will be opportunities in future meetings to
42 discuss the rest of the code.

43
44 Mr. Bennett noted that on page 17 is the start of the process and passed out an updated version of a process
45 flow chart and the diagram showing the 500 vs 1000 feet notice radius. He noted there is a non-negotiable list
46 on page 20 before moving on to what the Development Agreement looks like. He noted the other section on
47 Notices refers to 16.26, the same way things go for the Hearing Examiner, so that things going to the Hearing
48 Examiner have a standardized notice process. Cmr. Lebo asked the 1,000 square foot notice, whether the
49 applicant pays for it or the City. Mr. Bennett says that generally we ask the applicant to give the mailing
50 addresses and the City mails it. Cmr. Lebo suggested making it a wider catchment area and making the
51 developer pay for it. Commissioners agreed on having the notice go to the whole City. Cmr. Katz asked for
52 people who have submitted written comments, at what point would they have needed to submit public

1 comments. Mr. Bennett said it will be if you've made comments on the specific application, but Ms. Pratt
2 suggested not adding specific language on this so that the interpretation doesn't become confusing since
3 16.26 is noted as the overall process.

4
5 Cmr. Lebo asked if we can have the applicant reimburse the City for the direct mailing cost. Ms. Pratt did not
6 see an issue with this. Mr. Bennett asked Ms. Pratt to come up with language for this idea for the mailings
7 that have to go city-wide (page 17, line 27-28, and page 22, line 1).

8
9 Cmr. Lebo asked about the Design Review Board's number of meetings, noting that other cities have it so
10 that there are multiple opportunities for meeting. Mr. Bennett said the current code language does not
11 preclude the option of multiple meetings, but they can come up with some proposed language to make this
12 more clear. Cmr. Larson asked if a similar update would be made on page 22.

13
14 Cmr. Saunders asked if we can add social media channels to the noticing requirements. Commissioners
15 agreed.

16
17 Cmr. Larson asked about how vesting would work whether through an application and through a
18 development agreement. Ms. Pratt said that the development agreement would have its own vesting
19 provisions that the developer would propose depending on the multiple phases of the project. Design
20 Review, page 18, line 20 states that it does not provide vesting, which is in line with State law. Cmr. Larson
21 asked if this would incentivize projects to go through the development agreement. Ms. Pratt said yes.

22
23 Cmr. Lebo said page 19, line 20, suggested "A or better" rather than having to define "sufficient surety."

24
25 Cmr. Katz asked page 21, lines 4-5, do we have to explicitly say all of these items. Ms. Pratt said we could
26 attach the current code provisions at that time.

27
28 Cmr. Larson page 21, line 30 the use of "shall" and whether this presentation should be explicitly required to
29 help community members get a useful summary that is digestible. Mr. Bennett said it would be an immediate
30 strike against the developer if they didn't, so it may encourage them to do that to have good public relations.

31
32 Cmr. Katz asked if there is a piece of code that explicitly says that to move forward, that the development
33 agreement has to be accompanied with a complete application. Ms. Pratt pointed to section 110 and Mr.
34 Bennett also provided clarification. Ms. Pratt says there is no timeline for development agreements because it
35 is not a land use application. Ms. Pratt said she would consider adding language so that it is clear to
36 community members reading the code.

37
38 Mr. Bennett says we can talk about non-negotiables after we've gotten through everything else.

39
40 Cmr. Larson said the importance of letting the public chime in and the idea of having a public hearing on the
41 Commissioner's work from 6-7 prior to the normal meeting on February 11th. She asked if the code for the
42 parking garage and design guidelines and application process updated enough so that it could go out to the
43 public for review. Mr. Bennett said that we are promising to deliver everything by February 4th. There is a
44 public notice for a hearing but there is not a requirement for putting up materials by a certain date. Cmr.
45 Saunders agreed it is important but it is coming up quickly. Mr. Bennett said hopefully on the 11th they'll have
46 had a week to look at the complete package and ideally have time to adjust that. You'd want that discussion to
47 occur and have a public hearing at the next meeting after the 11th, so that there's a bigger window than 10
48 days. Cmr. Larson is concerned about getting recommendations to the Council and acting on them before the
49 moratorium expires. Cmr. Larson said that Council is not eager to extend the moratorium due to the parking
50 garage being deemed as an essential public facility, and the legal ramifications of this, but you could extend
51 the moratorium on other components. Mr. Bennett said Council is meeting February 13th and the 27th and

1 March 12th and 26th. Cmr. Saunders agreed with Mr. Bennett that the 11th is too soon. Cmr. Fudge said it may
2 be more useful for public to comment sooner rather than later when things are more buttoned up.

3
4 Mr. Bennett said City can staff meetings on the 18th, 24th, and 25th. Cmr. Lebo is in favor of meeting more
5 often to get it done. Cmr. Larson will send a poll.

6
7 Mr. Bennett said there would be more notice for a public hearing and there is a larger amount of time to hear
8 from people at the meeting to give comments on a particular date. He suggested opening the meeting at 6 and
9 then leaving it open and not having a certain time. He said it would go through the process for 16.26 Notice
10 of Application. The code is not specific on how many days in advance for the public hearing. Make sure it
11 notes it is a special meeting. Kim suggested 10 calendar days. Word the notice of the public hearing to give
12 people an expectation of what they should comment on and a website location to get materials on the 4th.
13 Ms. Pratt noted the public hearing does need to be focused on the regulations being considered in order to
14 meet GMA requirements. Mr. Bennett says generally what happens is we get public comments that include
15 questions, and the Commissioners can get back to them after the comments have been received.

16
17 February 11th go from 6-9, that the public hearing notice has a summary of what we're working on and their
18 input is encouraged. Cmr. Larson and Cmr. Paisner will work with Mr. Bennett.

19
20 Scheduling and Format for Public Hearing

21
22
23 New Business

24 None.

25
26 Reports and Announcements

27 None.

28
29 Public Comments

30 Jason Colberg

31 Great meeting.

32
33 Don Fiene

34 On the public benefit in the garage, the public benefit needs to be better defined and some of them may be
35 beyond the control of Sound Transit to provide. The two terms "public comment" and "public hearing" have
36 different meanings and make it clear what you want. There will be huge community interest in whatever you
37 present so be flexible in your timeline. He remembers 50-200 people being present at past things he's been
38 involved with. 50 people would be 150 minutes just to get through their comments. It's hard to have an open
39 public hearing on a controversial issue and contain it within an hour.

40
41 Mike Dee

42 Memo to planning staff had useful feedback to staff about having materials on the web a week in advance.

43
44 Agenda for Next Meeting: Cmr. Larson and Cmr. Paisner will work with Mr. Bennett.

45
46 Cmr. Katz moved to adjourn the meeting, Cmr. Lebo seconded, all agreed and motion passed unanimously.

47
48 **Adjournment:** 9:13 pm

49 APPROVED:

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A handwritten signature in dark ink, appearing to read "Joel Paisner". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Joel Paisner, Vice Chair