

**City of Lake Forest Park - Planning Commission
Draft Regular Meeting Minutes: July 13, 2021
Virtual/Zoom Meeting**

Planning Commissioners present: Chair Maddy Larson, Vice Chair Rachael Katz, David Kleweno, Richard Saunders, Lois Lee, Melissa Cranmer

Staff and others present: Steve Bennett, Planning Director; Nick Holland, Senior Planner, Councilmember Lorri Bodi (Planning Commission Liaison)

Members of the Public: Mike Dee, Randi Sibonga

Planning Commissioners absent: T.J. Fudge, Ira Gross

Call to order: Chair Larson called the meeting to order at 7:01 pm.

Land Acknowledgement:

Mr. Saunders read the land acknowledgement.

Approval of Agenda

Mr. Katz made a motion to approve the agenda, Mr. Saunders seconded and the motion to approve the agenda as presented passed unanimously.

Approval of Meeting Minutes from June 8, 2021

Mr. Saunders made a motion to approve the June 8, 2021 meeting minutes as presented, Mr. Cranmer seconded, and the motion passed unanimously.

Meeting Dates:

Chair Larson noted that the next regular meeting is scheduled for August 10, 2021. Cmr. Katz indicated that she would not be able to attend the next meeting.

Citizen Comments:

Citizen
None

Report from City Council Liaison

Councilmember Bodi said that City Hall is open, with some limitations and the City Council is still meeting virtually which will continue for the foreseeable future, but the Council is considering a hybrid meeting style perhaps late this year, or early next year. She said the Council is looking to see what other cities do in the meantime.

Councilmember Bodi provided an update on the Sound Transit appeal of the regulations LFP recently adopted for the parking garage. She said that the attorneys are defending the City against the litigation and updates will continue to come each meeting.

Councilmember Bodi said that the Council is moving ahead with a levy lid lift for a tax increase to cover various public amenities such as sidewalks and other public infrastructure. Additional information can be found within the recordings of the Council meetings and on the City's website. She indicated that the Council must vote to place the measure on the ballot but, after that vote, it cannot engage the public with a hearing or public process.

1 Councilmember Bodi said she found the comments from the ADU survey very interesting and thoughtful.
2 She said that she is looking forward to the discussion tonight and that the Council is looking forward to a
3 recommendation from the Planning Commission regarding the ADU ordinance changes.
4

5 Cmr. Saunders asked Councilmember Bodi about the broader implications of the Sound Transit litigation.
6 Councilmember Bodi said that everything is public record and that the original complaint from Sound Transit
7 can be found through the Growth Management Hearing Board website. She said that it is a breathtakingly
8 broad challenge of the LFP regulations which caught some by surprise. She said that other cities also
9 received challenges to their transit-oriented regulations. She said that Sound Transit is seeking invalidation of
10 four separate LFP ordinances. Chair Larson asked about how we will regulate tree removal for the Sound
11 Transit project. Councilmember Bodi said that Sound Transit should comply with all of the applicable
12 ordinances. Director Bennett added that only newly adopted ordinances can be challenged.
13

14 **Old Business**

15
16 *Evaluation of LFP's Accessory Dwelling Unit (LFPMC Ch. 18.50.050) and Accessory Structure (LFPMC Ch.
17 18.50.060)*

18 • *Discuss results of public survey on ADUs*

19 Chair Larson asked for feedback on the survey results. Cmr. Cranmer said that she was happy with the level
20 of response from the public. She summarized some of the data and said that it was interesting to see which
21 criteria were important to respondents and which were not. She said that the siting, height, and lot size
22 seemed to be the most important criteria. She said that privacy and building siting seemed to be the main
23 factors for those who wanted to construct ADUs and indicated based on the survey data that people would
24 like to see changes to those provisions. She said that there was not a definition of "privacy" so it could be
25 difficult what the term meant to them.

26 Cmr. Katz said that the survey was helpful and informative. She said that the survey showed a mix of interest
27 on this topic within the community. She said that some answers contradicted one another and wondered
28 how some interpreted criteria such as "siting." She said that the written comment section was more
29 informative and that the pushback to potential changes to make ADUs easier to build wasn't as prevalent as
30 she first had thought.

31 Cmr. Saunders said that he agreed with previous Commissioners comments on the level of participation and
32 that he was surprised at the level of interest in the topic. He said that siting and costs seemed like the largest
33 barriers to ADU construction. Cmr. Saunders said that the comment section generated some questions for
34 him such as creating a potential exception for smaller lots if an ADU can be attached to the primary
35 residence. He said renter displacement could also be a topic of discussion.

36 Cmr. Lee said that the survey was a great way to stimulate discussion. She said that the spirit of the ADU
37 discussion revolves around the housing shortage and flexibility in the code is a move in the right direction to
38 address that issue. She said the comment section was interesting to read since it seemed to mirror some
39 discussions at the Commission level. She added that the potential for increased impervious surfaces needs to
40 be considered from an environmental perspective. She said that privacy should be considered when
41 constructing ADUs and that accessory structures should be subordinate to the primary structure.

42 Cmr. Kleweno said that he was glad the survey was done and that participation was high. He said that the
43 comment section provided more insight than the questions. He said that, while the survey did not reveal a lot
44 about elements that people thought should be changed, it seems like there is enough information to make
45 some recommendations to change the code. He also said that more information may be needed.

46 Chair Larson said that the survey was designed to be impartial and gauge interest and that it was not designed
47 to take a position. She said that there could potentially be a public meeting on the topic of ADU code

1 changes. She noted that Cmr. Fudge provided some comments indicating his concern is that ADUs could be
2 used as primary residences, essentially doubling the number of residents living on a lot. She added that Cmr.
3 Fudge also thought the results of the survey demonstrated that the community does care about the ADU
4 topic. Chair Larson then shared the comments of Cmr. Gross and said that his comments pertained to the
5 importance of lot sizing for detached accessory dwelling structures and that LFP's character as an urban
6 forest needs to be maintained.

7 Chair Larson said that cost and the application process seemed to be important to people according to the
8 survey data. She said that it was hard to interpret some of the answers to the questions and that the sample
9 of opinions seemed to focus on just a few, specific changes to the ADU regulations. She asked for any
10 additional discussion on this topic.

11 Cmr. Cranmer asked about next steps and how or if the community would be involved. Chair Larson said
12 that when draft language is considered for recommendation, a hearing or public meeting is traditionally held
13 for feedback on the recommended code changes. Cmr. Cranmer asked how to get people involved and asked
14 about how to distribute additional information to the community. Director Bennett explained how the City
15 communicates with citizens regarding major land use issues. He added that the City has a lot of contact
16 information from people who expressed interest in the ADU topic. Councilmember Bodi said that the
17 Planning Commission functions as community representatives and that their opinions basically reflect what
18 the community would like to see. She added that the Planning Commission can hold public hearings to
19 solicit public opinion. She summarized some past experiences with other code changes and how the public
20 participated in those past adoptions.

21 Cmr. Kleweno asked what the process is supposed to be for moving forward with recommendations to
22 Council on this topic. Chair Larson explained the process and direction of the ADU recommendations.
23 Director Bennett summarized the various aspects discussed at previous Commission meetings on the ADU
24 topic and how they related to the 'roadmap' for getting to a recommendation on the ADU provisions that
25 had been reviewed at the May meeting.

26 • *Discuss draft amendments to Accessory Dwelling Unit (LFPMC Ch. 18.50.050) and Accessory Structure*
27 *(LFPMC Ch. 18.50.060) code provisions*

28 Chair Larson began the discussion on the draft code amendments. Director Bennett summarized what he
29 had drafted which were specific changes to the code in the title listed above. He supplemented his specific
30 draft amendments with higher level discussion on the reasons behind the specific amendments and how those
31 amendments affect other areas of the code such as accessory structure regulations and potentially critical area
32 regulations. He said that generally in zoning codes, if the topic is not specifically permitted or allowed as
33 codified within the ordinance, it is prohibited. Director Bennett entertained questions from the Commission.
34

35 Cmr. Katz asked if a review of the amendments can be done letter by letter as they are drafted. Chair Larson
36 agreed and for comments on the amendments in the order they appeared. Cmr. Saunders said that the
37 section in 18.50.060 (B) is usually the biggest hurdle. The Commissioners continued to discuss the proposed
38 amendments and talked about how implementation of the draft amendments would affect site planning and
39 neighborhood character. Cmr. Lee asked why the restriction for accessory structure location within the side
40 and front yard area cannot removed. Director Bennett suggested some reasons why the restriction should
41 remain and indicated that there could be some unintended consequences if all types of accessory structures
42 were allowed in all yards. He went on to describe a scenario where one could potentially take advantage of
43 that type of regulation in terms of building placement. Cmr. Saunders indicated Cmr. Lee's question was
44 worth discussing. He said he noticed that accessory structures have a square footage limitation of 1000 square
45 feet, regardless of lot size. He said that those with space could build more or larger structures without
46 compromising the zoning code regulations.
47

1 Chair Larson asked for additional comments. Cmr. Kleweno asked for clarification on where detached ADU
2 structures can be placed and Chair Larson responded that, with the proposed amendments, a detached ADU
3 can be placed anywhere where area and dimensional requirements for the zone will allow. Director Bennett
4 added that the proposed language being discussed would not allow detached ADUs any closer to the property
5 lines than the primary structures were allowed to be.

6
7 Chair Larson suggested a discussion on the limitation of accessory structure floor area. She asked for
8 discussion on the floor area maximum requirement and asked if it makes sense to limit floor area in this way.
9 She asked if DADUs could have a basement, and if so, would floor area be limited by code. Director Bennett
10 provided interpretation on how the current regulations apply and quoted the current limitations to ADU
11 floor area. He discussed the impact of floor area restrictions, explained how lot coverage is calculated, and
12 recommended that accessory structure size be regulated by lot coverage. Cmr. Katz said she was pleased
13 with the proposed language for the lot coverage regulation and explained her rational for supporting that idea.
14 She said that the zoning code statute for overall lot coverage restriction rather than floor area maximums
15 should be how the size of accessory structures are regulated. She suggested that the maximum cumulative
16 square footage for accessory structures should be increased to 1500 square feet. She asked if others would
17 entertain a higher threshold for cumulative accessory structure square footage. Director Bennett clarified
18 how lot coverage is calculated. He indicated that larger lots could have larger accessory structures if the
19 maximum were to be calculated just by lot size percentage, which may have unintended consequences. Cmr.
20 Katz reiterated her proposal of increasing the maximum coverage for all accessory structures to 1500 square
21 feet.

22
23 Discussion continued regarding size limitations for accessory structures. Cmr. Lee said that an accessory
24 structure should be subordinate to the main structure. Cmr. Cranmer asked if there was any interest in
25 changing the minimum to less than 300 square feet. Cmr. Katz said that she would be interested in that, but
26 it is in a different section of code than the Commission are currently discussing and suggested that the
27 Commission could potentially come back to that idea. Chair Larson asked for Director Bennett to bring an
28 amendment for that forward. Director Bennett responded that he would prepare something for discussion.
29 Chair Larson summarized Cmr. Katz suggestion for an increase in the maximum square footage for all
30 accessory structures. Cmr. Saunders said he agrees with entertaining Cmr. Katz proposal. Cmr. Lee said
31 1,000 square feet is approximately equal to a one-bedroom apartment, but that 1500 square feet could be
32 equal to the size of a two bedroom apartment. She wondered if perhaps the area would be too large with that
33 kind of change. Cmr. Katz clarified what the intent of her suggestion was to change the total square footage
34 for all accessory structures combined, not to increase the maximum size of ADUs. Cmr. Saunders
35 summarized his understanding of a maximum floor area for accessory structures and said he was concerned
36 that, if all the square footage is taken by one accessory structure, no other smaller accessory structures like
37 sheds would not be allowed. Cmr. Lee said she understood the nature of the amendment and that she
38 supports Cmr. Katz for the proposed square footage increase for accessory structures. Cmr. Saunders asked
39 about distinguishing detached ADUs and attached ADUs in the definition section. Director Bennett agreed
40 that defining those terms to the definitions of ADUs would be helpful. Chair Larson said that most of the
41 discussion is focused on detached ADUs. Chair Larson asked Director Bennett about where ADUs can be
42 built in the City and Director Bennett responded that an attached ADU can be built on any residentially
43 zoned parcel with a lot area of 7200 square feet or greater. He said that LFP is the only City he is aware of
44 with the minimum lot size requirement for all ADUs.

45
46 Chair Larson moved onto item 18.50.060 (D) under the amendments to accessory structures and asked the
47 rational for the change from “principal” to “main” building. Director Bennett replied “main” is consistent
48 with the rest of the zoning code. Chair Larson asked for clarification on how setback regulations are applied
49 for accessory structures. Director Bennett responded that the setback minimum for accessory structures is 5
50 feet from the rear lot line. He added that removing the 15-foot rear yard setback for any ADU would open
51 up more of the rear yard for single story ADUs. Cmr. Saunders said that the setback issue was not identified
52 as a barrier. Cmr. Lee said she supports the change and flexibility that comes with this type of setback

1 reduction. Cmr. Katz seconded Cmr. Lee's statement. Cmr. Kleweno said he agreed with Cmr. Lee. Cmr.
2 Lee suggested adding language that would create privacy for an adjacent neighbor in the event an ADU is
3 placed 5-feet from a rear lot line. Director Bennett suggested some language for that type of scenario where
4 if a rear yard abuts a side yard of an adjacent property, the setback should be increased. Cmr. Saunders and
5 Cranmer both indicated that it was important to add something like what Director Bennett suggested. Cmr.
6 Katz suggested protecting occupied structures on adjacent properties with additional setback requirements
7 and suggested that it might not need to be yard dependent. She clarified her statement to intend to apply
8 only to adjacency of primary living units. Chair Larson indicated that she wasn't particularly supportive of
9 allowing structures five feet from the property line because of privacy issues. Cmr. Cranmer suggested
10 limiting where windows can be located on an ADU. Director Bennett replied that such a provision would be
11 more restrictive than any other zoning regulation for residential areas. Chair Larson said that the
12 Commission should be mindful of what is being changed. Cmr. Saunders emphasized that he would like
13 something in the draft to speak to the separation between living units. Director Bennett indicated that he
14 would include a draft provision requiring a 15-foot separation between residential structures.
15

16 Chair Larson asked for feedback on the proposed amendment in 18.50.060.E which would allow a 25-foot
17 height limit for accessory structures. Cmr. Saunders asked where the 25-foot height limit came from and
18 Director Bennett responded that the 25-foot height limitation would help insure that accessory structures are
19 not taller than the primary structure. He also indicated that 25 feet would also allow for sloped roofs on two
20 story accessory structures. Cmr. Saunders asked why the limitation on height is associated with the primary
21 structure. Director Bennett responded that the reason for limiting it is to maintain the subordinate nature of
22 the accessory structure. Cmr. Saunders said he would like more conversation on the issue of that type of
23 height cap for accessory structures and said he did not understand why the max height for an accessory
24 structure was not driven by what the zoning code allows for all structures. Director Bennett emphasized that
25 his understanding was that the direction from the Commission to this point has been to have accessory
26 structures subordinate to the main. Cmr. Katz provided her perspective on the proposed 25-foot height limit
27 for accessory structures. She asked about new designs and proposed deleting the last sentence of the draft.
28 She said there are a lot of single-story structures adjacent to two story structures, so that an ADU would still
29 be subordinate even if the height is taller than the primary. She said that topography has a large effect on
30 building height and that one house could have a large height differential over another, if a slope is involved.
31 She said that a proposed height limitation of an accessory structure should not be a function of the primary
32 structure's height because it could eliminate some thoughtful and creative designs for second story ADUs.
33 Cmr. Lee re-emphasized her position that the accessory structure should be subordinate to the primary
34 residence and that the comments received through the survey indicated neighbors and neighborhood
35 character should be considered and maintained through construction of an ADU. Cmr. Saunders said he
36 agrees with the idea of accessory structures as subordinate to the main. Cmr. Lee suggested as an alternative
37 having the height limits for accessory structures as a function of the primary structure where the accessory
38 structure could be limited to some percentage of height of the primary structure. Cmr. Cranmer noted that a
39 taller building can accommodate a more floor area in a smaller footprint, which could reduce impervious
40 surfaces. Cmr. Kleweno said he liked what has been talked about and provided his thoughts on some
41 unintended consequences with an increase in building height, and the potential for impacts to neighbors if
42 such an increase is adopted.
43

44 Chair Larson indicated she would like to pick these topics back up next month but asked if staff had enough
45 direction to prepare additional amendments. Cmr. Katz said that size limitations in 18.50.050 (B), (C), and
46 (D) should be looked at. She also said that she would like to potentially change 18.50.050 (E) and will email
47 her thoughts to the Chair. She also suggested checking the parking requirement discussed in recent State
48 legislation. Director Bennett responded that he did have enough direction and agreed to look into the state
49 legislation regarding parking for ADUs.
50

51 **New Business**

52 None

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2 **Reports and Announcements**

3 None from staff. Cmr. Katz said that she attended the housing summit and that LFP is participating at the
4 regional level and that there are a lot of regional resources for housing and affordability.

5
6 **Additional Citizen Comments**

7 Mike Dee said that the tree removal as described in Sound Transit's SEPA checklist does not recognize the
8 tree removal as a significant impact and he suggested that the City challenge that part of the SEPA
9 determination. He said that the SEPA scope was not as big as it should have been, especially if the project
10 timeline is increasing.

11
12 **Agenda for Next Meeting:**

13 Similar to this agenda. Chair Larson summarized the process for discussing code amendments at future
14 meetings.

15
16 **Adjournment:**

17 Cmr. Saunders moved to adjourn the meeting, Cmr. Lee seconded, and the motion carried unanimously. The
18 meeting was adjourned at 9: 05 pm.

19
20 APPROVED:
21

22
23 *Madlyn Larson*
24
25

Maddy Larson, Chair