

**City of Lake Forest Park - Planning Commission
Draft Regular Meeting Minutes: September 14, 2021
Virtual/Zoom Meeting**

Planning Commissioners present: Chair Maddy Larson, Vice Chair Rachael Katz, David Kleweno, Richard Saunders, Melissa Cranmer, T.J. Fudge, Ira Gross, Lois Lee

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

Members of the Public: Mike Dee, Don Fiene, Larry Goldman, Paul Sanford, Connie Barnes

Planning Commissioners absent: none.

Call to order: Chair Larson called the meeting to order at 7:00 pm.

Land Acknowledgement:

Chair Larson read the land acknowledgement and provided background on the reasons for reading the land acknowledgement at the beginning of each meeting.

Approval of Agenda

Mr. Gross made a motion to approve the agenda, Mr. Katz seconded, and the motion to approve the agenda was approved unanimously.

Approval of Meeting Minutes from July 13, 2021

Chair Larson thanked staff for their work on the minutes. Mr. Gross made a motion to approve the August 10, 2021 meeting minutes as presented and Mr. Katz seconded. Mr. Katz said that page five line 2 should read, "ground floor area" instead of "floor area". Director Bennett replied that he agreed with Mr. Katz that there was a lack of clarity in the summary but added that he thought that it was reflective of the discussion. Mr. Katz indicated she wanted to withdraw her comment on the change, based on the information she received from Director Bennett. All voted and the motion to approve the minutes passed unanimously.

Meeting Dates:

Next regular meeting is scheduled for October 12, 2021.

Citizen Comments:

None.

Old Business

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

- Presentation on draft amendments to Accessory Dwelling Unit (LFPMC Ch. 18.50.050) and Accessory Structure (LFPMC Ch. 18.50.060) code provisions

Chair Larson summarized the direction of the meeting and indicated that citizen feedback will be important at this stage of the Commission's work. She provided background on the reasons for the recommended code changes. She said that the suggested code changes come from community input gathered over the last few months.

1 Director Bennett shared his screen and presented a set of slides which provided background and explanations
2 for the recommended code changes to the ADU regulations and the accessory building regulations. He said
3 that the changes being considered are intended to follow the City Council's guidance to remove the regulatory
4 barriers for individuals wanting to construct ADUs and increase affordable housing options, while
5 maintaining the character of LFP neighborhoods. Director Bennett summarized the specific code changes
6 being considered and indicated that the Commission is discussing code amendment that would affect where
7 accessory buildings can be generally located, how much of the lot can be covered by accessory buildings, and
8 the height limitations of accessory buildings. He highlighted proposed changes that would affect which lots
9 can have detached ADUs, what type of lots can have more than one ADU, the minimum size for an ADU,
10 and parking requirements for ADUs. He then presented drawings that illustrated some of the concepts being
11 considered and various site plan diagrams which illustrated concepts of yards, principal and accessory
12 buildings and potential lot layouts.

13
14 Director Bennett went on to explain where accessory buildings can be located within the existing regulations
15 and how the Commission is proposing to change those rules. He summarized the existing regulations for lot
16 coverage of accessory buildings and presented the proposed code change which would allow the footprint of
17 an accessory building to reach 1,500 square feet. He said that the Commission is recommending that lots
18 with a minimum area of 10,000 square feet be eligible for detached ADU structures. He noted that, in the
19 current draft, lots over one acre would be eligible for having a detached ADU and an attached ADU. He
20 added that the Commission is recommending that there not be a minimum size for an ADU since the
21 building code regulates minimum requirements for habitable spaces. Director Bennett then explained that the
22 Commission is proposing to change height limits for accessory buildings that include an ADU to have a 25-
23 foot height, provided that the building be no taller than the principal structure. He said that any other
24 accessory building would be limited to 15 feet in height.

25
26 Director Bennett indicated that some lots in LFP have very challenging circumstances for development
27 because of critical areas and provided information on which lots can accommodate detached ADU structures.
28 Director Bennett then moved to the proposed changes to the parking requirements for ADUs. He indicated
29 that the Commission is just getting this new information and could adjust their recommendation based on
30 development around transit stops being planned by Sound Transit. He presented a graphic which depicted
31 the number of single-family lots that were within a ¼ mile of Sound Transit's three planned mass transit
32 stops in LFP, all of which are understood to qualify for a state-mandated parking exemption with
33 construction of an ADU. He said that about 16% of single family lots in LFP could potentially be exempt
34 from parking requirements for an ADU.

35
36 Chair Larson asked Director Bennett to elaborate on the potential exemption from the state mandated ADU
37 parking regulations. Director Bennett provided additional information on the requirement and clarified the
38 criteria for the exemption.

- 39
40 • Invite attendees to comment on current draft of proposed amendments LFPMC Ch. 18.50.050 and
41 Ch. 18.50.060
42

43 Chair Larson invited the meeting attendees to comment on the code change recommendations.
44

45 Don Fiene said that he would like to address the material proposed for 18.50.050. He indicated that square
46 footage should be added in reference to the 1 acre minimum size for lots that are eligible to have both an
47 attached ADU and a detached one. He said that section (H) should be better defined and explain how
48 occupancy is calculated for a single family lot with an ADU. He described the content of code section
49 18.50.060 (A) and suggested it be changed so that a new accessory building could be up to a maximum of
50 1,500 sf only with the addition of a DADU. He then explained his proposed changes to the regulations in
51 section 18.50.060 (E) which included having graduated setbacks for detached ADUs in rear yards depending

1 on building height. He explained that this would provide for privacy when back yards are adjacent to each
2 other. He concluded by thanking the Commissioners for their work on the code changes.

3
4 There were no additional citizen comments.

- 5
6 • Discuss and finalize the recommendation to Council

7
8 Chair Larson asked for input on areas that might require discussion. Cmr. Saunders thanked Director
9 Bennett for his presentation and said he didn't have any objection to the content of Mr. Fiene's
10 recommendations and would like to hear what other Commissioners thought about them. Cmr. Gross asked
11 if the ability to architecturally attach an accessory structure would still exist in the code. Director Bennett
12 confirmed that it would remain an option and would essentially be regulated as a single-family addition.

13
14 Cmr. Fudge asked to revisit section 18.50.050 (B) which limits the size of an ADU to 50% of the size of the
15 primary residence. He also said that he'd like to discuss the parking regulations in (G), and then asked if
16 discussion of 18.50.060 (A) and a potential definition of accessory structure areas and accessory dwelling unit
17 areas as they are combined.

18
19 Cmr. Katz indicated that she would like to discuss 18.50.050 (D) and (E) and 18.50.060 (E). She also agreed
20 with Cmr. Saunders that Mr. Fiene's comments should be discussed. Cmr. Cranmer said that she would like
21 to discuss the parking provisions. Cmr. Kleweno said that he does not have any comments at this point.
22 Cmr. Lee said that she did not have any comments.

23
24 The Commission discussed Mr. Fiene's suggestion and all indicated that they agreed with adding the square
25 footage for an acre to 18.50.050(A). Chair Larson asked if an acre was the correct minimum lot size for what
26 they wanted to accomplish. She said that with her recent contacts with members of the community suggested
27 there may be acceptance with something smaller. The discussion item was tabled.

28
29 Cmr. Fudge proposed discussing the recommendation for 18.50.050(B) concerning floor area. He said that an
30 increase from 50% of the floor area should be considered to allow for owners of smaller homes to construct
31 larger ADUs. Chair Larson clarified her understanding of Cmr. Fudge's suggestion and asked if there was
32 consensus on the item. Cmr. Kleweno provided his input on the item and asked about the consequences if
33 the provision were to be changed. Cmr. Fudge summarized his understanding of the potential consequences
34 and provided examples of what could occur. He said that it could be difficult to determine which structure is
35 subordinate. Cmr. Saunders said that the current code is consistent in terms of proportional changes, such
36 as the height recommendation, and said that changes should be consistent. Cmr. Gross said that he agrees
37 with Cmr. Fudge's recommended concept. Cmr. Fudge elaborated on his suggestion and provided some
38 examples of how equity can be addressed through his suggestion. Cmr. Katz said that she agreed with Cmr.
39 Fudge's potential change. Director Bennett provided his perspective on Cmr. Fudge's suggestion and the
40 Commission's discussion and said that if Cmr. Fudge's change is considered, the definition of an ADU would
41 need to be changed to eliminate the subordinate language. Chair Larson suggested having the change be,
42 "may not exceed the size of the principal structure, or 1,000 square feet, whichever is less." Cmr. Kleweno
43 said he supported that language as amended by Chair Larson's proposal. Chair Larson summarized the
44 language of the recommendation and asked Director Bennett if the language would work from a policy
45 standpoint. Director Bennett confirmed that he thought the suggested language would work to meet the
46 Commission's goals as he understands them. Commissioners indicated their support for the change by giving
47 a visual thumbs-up or thumbs-down.

48
49 Cmr. Katz discussed her recommendations for changes to 18.50.050 (D) and the direction from last meeting
50 as she understood it. She proposed that conversions of garages to ADUs may not be as much of a significant
51 change and suggested that there be an allowance for such conversions on lots as small as 7,200 square feet.
52 Chair Larson asked Director Bennett about putting a restriction to conversions for those structures that were

1 currently existing, such as garages. Chair Larson then began to experience internet connection difficulties and
2 her statements were not understandable. Director Bennett replied to his understanding of her questions and
3 said that a restriction on date or a before date would need some more thought and that he would like to
4 investigate what other cities were doing for similar provisions.

5
6 Cmr. Katz assumed the Chair duties due to Chair Larson's internet connection problems. She called for
7 additional discussion on the item. Cmr. Fudge said he was concerned about the potential equity issue for
8 those who were aggressive earlier and said he supported staying within the existing footprint. He said that
9 there is a substantial difference between a garage and a garage with an ADU and that impact on the neighbors
10 should be considered.

11
12 Director Bennett asked for clarification on Vice Chair Katz's suggestion. Vice Chair Katz said that she
13 intended the change to function within the existing footprint and height of the carport or garage. Cmr. Fudge
14 said he supported the proposal if it involved staying within the existing footprint. Cmr. Saunders asked
15 Director Bennett about other jurisdictions who have this type of rule and Director Bennett said he thought
16 Kenmore had a provision like this but would investigate and draft some language to address the proposal.
17 Vice Chair Katz asked for supporters on evaluating new language at the next meeting and all were in
18 agreement to entertain new language at the next meeting.

19
20 Vice Chair Katz introduced her ideas for changes to 18.50.050 (E) which concerns the owner occupancy
21 requirement. Vice Chair Katz said that she suggests allowing an ADU on the site where an owner is a
22 resident within the city for at least 6 months of the year. She said that it could provide flexibility for
23 affordable housing and providing more rental properties for community residents. Vice Chair Katz asked for
24 discussion on her suggestion and Commissioners indicated that they were not in favor of the idea.

25
26 Vice Chair Katz asked what the next discussion item should be and Director Bennett suggested discussing
27 parking.

28
29 Cmr. Fudge asked to go back to the occupancy provisions and said he was concerned that there may be too
30 many individuals residing in each single-family unit. Vice Chair Katz said that the Commission didn't
31 propose changes to that part of the code-section (H). Director Bennett expanded on his understanding of
32 the occupancy requirements and provided an explanation where the definition for family is used to determine
33 how many individuals can reside in a single-family unit. He described how the code might be enforced in
34 situations where the occupancy thresholds were being abused.

35
36 Chair Larson was able to rejoin the meeting and resumed the duties of Chair. She asked about the discussion
37 while she was away from the meeting and Vice Chair Katz provided an update and described the current
38 discussion.

39
40 Cmr. Fudge asked for an explanation of the definition of family and Director Bennett provided a summary as
41 well as an explanation of how the regulations are interpreted at the staff level. Cmr. Saunders asked Director
42 Bennett if the way staff interprets the definition of family and enforces the occupancy requirements is
43 documented anywhere and Director Bennett said that staff hasn't ever had an enforcement case related to
44 family size and that the definition of family hasn't changed since 1999. Cmr. Fudge said that the Commission
45 shouldn't change the provision. Chair Larson said she'd follow up with Don Fiene and clarify his concerns.

46
47 The size of accessory structures and the recommendations in 18.50.060 (A) were the next item of discussion.
48 Chair Larson asked if anyone wanted to clarify what Mr. Fiene's comments were about this issue. Director
49 Bennett provided clarification on the context of Mr. Fiene's comments on this section and said that Mr. Fiene
50 was suggestion that allowing the extra 500 sq. ft. of lot coverage should only occur if the accessory building
51 incudes an ADU. Chair Larson asked for the Commissioners opinions on the proposal. Cmr. Fudge asked
52 for clarification on the wording. Chair Larson provided an explanation of the area lot coverage requirements

1 that addressed Cmr. Fudge's questions. Cmr. Kleweno, Gross, and Cranmer indicated agreement with the
2 proposed change. Chair Larson confirmed that the Commission supported Mr. Fiene's recommendation on
3 this section.
4

5 Cmr. Fudge asked about the difference between lot coverage and floor area and he described the difference
6 as he understood it. He said the line between an accessory structure and a dwelling unit could potentially be
7 exploited. He said a definition that is specific to each should be created so that people don't take advantage of
8 the regulation. Chair Larson asked Director Bennett to share her screen and she shared a photo of an
9 accessory building. Cmr. Katz said that the group is discussing the accessory building portion of the code
10 and asked Director Bennett if all accessory structures are detached. Director Bennett responded that all
11 accessory structure are by definition detached. Cmr Fudge clarified his concerns and described the difference
12 between a shop with living space accommodations and a living unit. He asked Director Bennett what the
13 difference is between accessory structures that are capable of accommodating living space and additional
14 dwelling units. He said that his question deals how the code would handle the situation where an accessory
15 structure is constructed with the potential for a dwelling unit. Director Bennett responded that the design
16 plans and permit conditions establish a contract of sort between the applicant and the City. He went on to
17 describe that people are responsible for adhering to the approved plans and that when they don't, code
18 enforcement is the mechanism used to secure compliance. Cmr. Fudge asked what constituted a code
19 violation and that it doesn't seem that there is anything stopping someone from incrementally converting a
20 shop to a living unit. Chair Larson said that the points presented are good, but the conversation needed
21 progress beyond this issue. She asked Cmr. Fudge what his concerns were, specifically. Cmr. Fudge said that
22 he is concerned with the potential for second homes on single family lots. He said that the second story of
23 accessory buildings could be turned in additional housing units on single family lots. Cmr. Fudge said that this
24 provision is a loophole that will be exploited.
25

26 Cmr. Saunders asked for clarification on how this conversation relates to the suggested changes in 18.50.060
27 (A). Director Bennett explained how he thought the proposed language would be interpreted and said that an
28 ADU must be part of the application for the additional floor area be allowed. Cmr. Gross suggested tabling
29 the item and the Commission agreed.
30

31 Chair Larson summarized Mr. Fiene's suggestion on setbacks where a single-story accessory building would
32 have a 10-foot setback and a two-story structure would have a 15-foot setback and be reflected in changes for
33 18.50.060 (E). Cmr. Katz suggested that this change should occur in section D. Chair Larson said that she
34 can appreciate what Mr. Fiene is suggesting, but that the Commission discussed the issue and decided that 15
35 feet would be appropriate in any situation. She suggested talking about the height provisions.
36

37 Cmr. Katz said that her suggestion for changes to 18.50.060 (E) would be to allow a DADU to exceed the
38 height of the primary structure if the paint and trim color matched the primary structure. She added that this
39 would provide flexibility for single family residences with only one story. Cmr. Fudge said he agreed with the
40 suggestion proposed by Cmr. Katz. Cmr. Cranmer asked if the primary residence is always considered in that
41 designation. Director Bennett responded that generally the primary residence is the first structure built. He
42 also said that it is difficult to administer regulations requiring similar trim and color. He suggested looking
43 into how other cities were handling this type of provision. Cmr. Gross said that there isn't anything in the
44 code that would prevent the initial structure from becoming the accessory residence. Chair Larson asked if
45 Commissioner supported the suggestion regarding match color and trim. Commissioners indicated a lack of
46 support for recommending this type of provision.
47

48 Chair Larson returned to the requirement for one parking space for each ADU and the related state
49 legislation regarding exempting parking requirement for ADUs within ¼ mile of a major transit station. Cmr.
50 Cranmer said people will still own a car and that parking for ADUs should be provided and required,
51 regardless. She added that pedestrian circulation infrastructure is poor, so that parking needs to be required
52 on-site for ADUs. Chair Larson said the state law should be considered with the parking recommendation

1 but noted that the Commission could elect not to address the issue because Bus Rapid Transit (BRT) had not
2 been constructed yet. She asked Director Bennett if the Commission had to recommend anything since BRT
3 is not present at this time. Director Bennett responded that his understanding was that, until BRT is available
4 in LFP, the exemption from required parking for ADUs would not need to be addressed.

5
6 Chair Larson asked if there was support for the recommended parking code change and there was not
7 enough support to entertain the parking code change. Chair Larson said that the issue can be tabled. Cmr.
8 Cranmer asked what the exception are once BRT is available. Director Bennett read the list of circumstance
9 in which cities could still require parking for ADUs, including lack of access to street parking capacity or
10 other reasons supported by evidence that would make on-street parking infeasible for ADUs. Director
11 Bennett asked to confirm that Commission wanted to take out the recommended change regarding ADU
12 parking space being exempt for sites within 1/4 mile of a BRT stop. Chair Larson confirmed that the
13 Commission wanted to strike that proposed language.

14
15 Chair Larson asked if Commissioners would be available for a Monday 9/27/21 special meeting from 7-9pm
16 and all indicated they would be available. Cmr. Saunders asked if the public should be notified about what
17 has occurred at this meeting. Chair Larson said that she has some ideas about how to inform the public. She
18 said that posting to next door has been done for past issues and meetings; she also said that shoreline area
19 news could be another source to transmit information. Chair Larson confirmed with Councilmember Bodi
20 that a public hearing would be held with the Council before the regulations would be adopted.

21
22 Cmr. Fudge said that since BRT is coming, a plan to be proactive about the parking requirement should
23 occur. He said that it could be discussed after the ADU code changes are adopted. Councilmember Bodi said
24 that the BRT stops would be completed by 2026 at the earliest and that a lot could change based on many
25 factors. She also said that the parking garage has been pushed to the year 2044.

26 27 **New Business**

28 None.

29 30 **Report from City Council Liaison**

31 Councilmember Bodi said that the Council had adopted a plastic bag ban. She also said that discussions on
32 interim zoning provisions for emergency shelters were occurring at the Council level. She said that the City
33 needs to adopt regulations on this issue by the end of the month. She said that the Council is meeting with
34 the city attorney to determine how to meet the state mandate. She also said that the state mandate indicates
35 that all residential zoning districts needs to allow supportive and transitional housing. She summarized the
36 current regulations and explained what changes were needed to meet the new state mandate.

37
38 Councilmember Bodi also noted that someone observed a large salmon in McAleer creek.

39
40 Cmr. Fudge asked about the report for the growth management targets. Councilmember Bodi said that there
41 been an increase in the growth targets for the city and that the current zoning provides sufficient capacity to
42 accommodate the increased targets.

43 44 **Reports and Announcements**

45 None from staff.

46 47 48 **Agenda for Next Meeting:**

49 Similar to this agenda.

50 51 **Citizen Comments:**

1 Don Fiene said that the current code allows for an accessory building of 1,000 square feet and the
2 Commission is working hard to increase housing options in LFP with the increased floor area 1,500 square
3 feet, but that it should be incentivized by trying to allow for an ADU with the increased floor area. Chair
4 Larson noted that his recommendation for that provision was added to the draft amendments.

5
6 Don Fiene said that changes to the amount of people living in a structure should be changed. Chair Larson
7 asked if they could talk later about the item and Mr. Fiene agreed.

8
9 **Adjournment:**

10 Cmr. Saunders moved to adjourn the meeting, Cmr. Gross seconded, and the motion carried unanimously.
11 Chair Larson thanked all for the input and said she appreciates everyone taking on an extra meeting. The
12 meeting was adjourned at 9: 07 pm.

13
14 APPROVED:
15

Madlyn Larson

16
17
18 _____
19 Maddy Larson, Chair