

**City of Lake Forest Park - Planning Commission
Draft Regular Meeting Minutes: September 27, 2021
Virtual/Zoom Meeting**

Planning Commissioners present: Chair Maddy Larson, Vice Chair Rachael Katz, David Kleweno, Richard Saunders, Melissa Cranmer, T.J. Fudge, Lois Lee, Ira Gross (arrived at 7:32)

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, Jack Tonkin, Larry Goldman

Planning Commissioners absent: n/a

Call to order: Chair Larson called the meeting to order at 7:02 pm.

Land Acknowledgement:

Mr. Cranmer read the land acknowledgement.

Approval of Agenda

Mr. Lee 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 September 14, 2021

CMR. SAUNDERS MADE A MOTION TO APPROVE THE SEPTEMBER 14, 2021, MEETING MINUTES AS PRESENTED AND CMR. CRANMER SECONDED. CMR. LEE SUGGESTED A PERIOD ON LINE 50. CMR. SAUNDERS MADE A MOTION TO APPROVE THE SEPTEMBER 14, 2021, MEETING MINUTES AS AMENDED AND CMR. CRANMER SECONDED. ALL VOTED AND THE MOTION TO APPROVE THE MINUTES PASSED UNANIMOUSLY. CMR. FUDGE AND SAUNDERS SAID THEY APPRECIATE THE CONTENT OF THE MINUTES. DIRECTOR BENNETT SAID THAT SENIOR PLANNER STAFF DOES A GOOD JOB WITH THE MINUTES.

Meeting Dates:

Next regular meeting is scheduled for October 12, 2021.

Citizen Comments:

Jack Tonkin said that he appreciates the Commissions work. He said that a facility that would allow 1500 square feet (sf) would not qualify as low-income housing. He referred to two illustrations in the binder he previously provided to the Commission. He talked about a study for 44 cities where no city offered a space over 1000 sf. He said that paint type and texture may be hard to comply with, but that color could be very easy to mandate. He also said that he understands the Sound Transit proposal but that it doesn't speak to the living conditions in LFP, where citizens will have to use a car and will be forced to park on the street.

Cmr. Saunders asked for some discussion on Mr. Tonkin's comments. He wanted to clarify how the 1500 sf would be applied as combined structures with non-and dwelling unit type occupancies. Cmr. Lee agreed with Cmr. Saunders. Cmr. Fudge summarized his understanding of the regulation.

Report from City Council Liaison

Councilmember Boden said the Council and Deputy Mayor has started to plan ahead for the Commission's recommendations. She said that if proposition 1 passed or perhaps did not pass, the Council wondered how a community advisory board for sidewalks would function. She said that the Council decided that sidewalks should be a part of the parks and recreation board's responsibility. She said the Council will be talking to them about their role with sidewalks in the City.

1 Councilmember Bodi said that state imposed new requirements on locals to deal with emergency shelters and
2 housing. She indicated the State had set a deadline for local jurisdictions to adopt regulations by the end of
3 September of this year. She indicated at the last meeting on Thursday the Council adopted a new ordinance
4 (ordinance 1227) with interim regulations to address emergency shelters supportive and transitional housing
5 requirements. She explained the content of the ordinance and summarized some of the overall direction of
6 the regulations. She said that the planning team came up with language to draft the ordinance and that the
7 Planning Director was able to access the existing information and add to it with conservative numbers. She
8 said that emergency shelters must be allowed anywhere a hotel would be zoned and that larger emergency
9 facilities must be able to accommodate up to 15 people. She said that the interim regulations will be in effect
10 for about six months. Councilmember Bodi said that transition and supportive housing must be designated
11 for wherever residential zoning exists, the Council has adopted interim regulations for these types of uses in
12 residential areas. She said the Council is looking at how services are being provided and how parking is being
13 accommodated. She said that the Council will have another look at these regulations as the situation
14 develops.

15
16 Councilmember Bodi asked Director Bennett for any additional thoughts and Director Bennett replied and
17 said that a public hearing will be held on these regulations in the future.

18
19 **Old Business**

20
21 *Evaluation of LFP's Accessory Dwelling Unit (LFPMC Ch. 18.50.050) and Accessory Structure (LFPMC Ch.
22 18.50.060)*

23 • Review and discuss latest version of draft amendments to Accessory Dwelling Unit
24 (LFPMC Ch. 18.50.050) and Accessory Structure (LFPMC Ch. 18.50.060) code
25 provisions and consider making recommendation to Council for amending these code
26 sections

27 Chair Larson suggested discussing code recommendations. She asked Director Bennett if there was anything
28 that needed discussion prior to getting into the code requirements. Director Bennett replied and said he
29 thought there wasn't a need for any further discussion items and presented a slide show regarding the content
30 of the recommendations.

31
32 He started discussing height, and the provisions in 18.50.060 (E); where if the accessory building has an ADU
33 it could be 25 feet height. He talked about a potential direction whereby ADUs with a similar appearance to
34 the primary dwelling unit could be higher than the principal structure. He talked about other cities where this
35 occurs. He described Redmond's regulations where roof pitch, siding and windows need to be the same as
36 the primary structure. He also described the City of Mountlake Terrace's regulations where an attached ADU
37 must be consistent with the existing roof pitch, siding and windows of the principal residence. He indicated
38 that if elements such as roof pitch, siding and window type were being regulated, additional height may be
39 something that could be permitted. He provided visual examples of how those types of architectural feature
40 regulation gets applied. He said that some jurisdictions require design review or technical review by way of a
41 committee for confirming that it meets the regulations, which would slow down the permitting process. He
42 described the potential for appeals from neighbors, which may disagree with the applicant's idea of
43 compliance with the design regulations and talked about the challenges from a staff perspective when
44 regulating design elements to buildings. He asked for questions. Cmr. Gross joined the meeting.

45
46 Cmr. Katz thanked Director Bennett for his presentation and clarified her statements and intent from the last
47 meeting where she was trying to suggest a situation where in no case shall the accessory building exceed the
48 height of the primary building. She said that she can appreciate the administrative challenges that come with
49 such a regulation and said that design review for these types of projects would not be a good idea for the
50 community. She suggested supporting language which wouldn't limit the accessory building from being
51 higher than the primary building. Cmr. Kleweno asked for clarity on Cmr. Katz's comments. Cmr. Katz

1 clarified and recited the current language contained in the draft. She summarized her thoughts on color from
2 the last meeting. She went onto clarify that she understands the administrative challenges with adding a color
3 regulation and that she does not want to support such a change. She said that she suggests eliminating the
4 height cap on accessory buildings with ADUs. Cmr. Kleweno said he agreed with this idea. Cmr. Lee said
5 that she appreciated the administrative constraints but wanted everyone to know that the accessory structure
6 should be compatible with the principal structure. She suggested having a height constraint of 25-feet unless
7 site conditions preclude development of an ADU. Chair Larson referred to a suggestion from Don and Jack
8 where pre-approved architectural designs could be permitted for an ADU structure while lowering costs for
9 applicants. She suggested adding that element into the Commissions' recommendation. Cmr. Lee said she
10 wants to allow for innovative designs, but keep with the character of the community.
11

12 Chair Larson asked for a consensus among the group and asked for a straw poll on the architectural feature
13 regulations such as design or color regulations. Cmr. Fudge asked for clarification on the request from Chair
14 Larson. All decided to discuss the issue further. Cmr. Saunders said that he agrees with what Cmr. Lee and
15 Katz said but wanted to discuss what the city must avoid. He asked Director Bennett about a potential
16 shipping container as an ADU. Director Bennett replied and said that the building code would be the
17 regulatory factor in that situation and said he can't imagine a situation where a container could meet the
18 regulations and not look like a house. Director Bennett said that architectural style is difficult to regulate. He
19 said that specific characteristics that are measurable in some ways are needed to regulate the envelope. He
20 indicated that the Commission should establish what is important to them in terms of characteristics for
21 regulating architectural features. Cmr. Saunders asked about a trailer if it could be considered an ADU.
22 Director Bennett replied and said a trailer cannot meet the building code if it has wheels. He said that the
23 ADUs must be subordinate and if there weren't so many trees and larger lots in LFP the visual impact of
24 ADUs could be more apparent. Chair Larson replied to Director Bennett and described situations in the
25 current discussion where floor area and height can exceed the primary structure, which is not a subordinate
26 situation. Cmr. Katz provided her perspective on subordinate structures. Cmr. Fudge said he agreed with
27 the statements from Cmr. Saunders. He said he isn't concerned with 1000 sf structures being subordinate
28 with the primary structure. He said he was concerned with bigger problems if more freedoms aren't given.
29 Cmr. Cranmer talked about a geo-dome type structure which would not meet the design requirements being
30 considered. Cmr. Lee said that she is comfortable just regulating the roof pitch and siding which would be
31 consistent with what the Commission is trying to do which is keep with the existing neighborhood character.
32 Director Bennett replied and said that roof pitch can be a big controlling factor. A discussion of how to
33 regulate the type of siding occurred and perhaps using siding material as a regulatory element.
34

35 Chair Larson said that she heard from the Commission that DADUs should have a recommended code
36 change for a similar roof pitch and siding material which would need to be consistent with the primary
37 structure if the height of the primary structure is to be exceeded. She asked for consensus on that potential
38 provision. Cmr. Lee said that the pitch would apply to all DADUs. Cmr. Lee clarified how she thought the
39 provision would be applied. Cmr. Kleweno said that he thought two different conversations were occurring.
40 He asked Director Bennett if the other jurisdiction's code language should apply to any structure. Director
41 Bennett replied and said that the policy dial would need to be refined and everyone should decide how far
42 that regulation should go, all structures or taller structures. Cmr. Gross asked if a broader regulation could be
43 used and let the designer interpret how it would apply. Chair Larson summarized her understanding of how
44 the Commission sits on this issue and asked for support for regulations on architectural limitations. The
45 Commission indicated that they did not want to see any of the qualifying regulations included in the
46 recommendation for DADU structures that would exceed the height of the primary structure. Cmr. Cranmer
47 asked Director Bennett about the example from Redmond. Director Bennett replied and indicated that he
48 couldn't confirm if the examples could meet the other codes, but the examples represented situations where
49 the code provisions were applied as he understood them.
50

1 Chair Larson summarized the position of the Commission and said that all but Cmrs. Kleweno and Cranmer
2 would not like to regulate DADUs through architectural features in anyway. She asked Cmrs. Kleweno and
3 Cranmer what their positions were.

4
5 Cmr. Kleweno said he is ok with keeping the language the way it is which is no regulation. Cmr. Cranmer
6 said she is nervous about not incorporating architectural regulations, but that she would support the overall
7 Commission's position of not regulating it. Cmr. Fudge said that he wants to see if this becomes a problem
8 in the future. He said future evaluation at this element should occur.

9
10 Chair Larson suggested talking about height. She asked the Commission if a DADU should be taller than 25
11 feet or if it should only be as tall as the primary structure. All of the Commissioners agreed with Chair
12 Larson that the last sentence in the height portion should be eliminated.

13
14 Chair Larson asked Director Bennett about a situation where an existing structure is 5 feet away from the side
15 yard lot line and posed the question about how far another structure would need to be from the opposite side
16 yard lot line. Director Bennett said that if there is an existing structure within 5 feet of the side yard lot line
17 another structure would need to be 10 feet away from the opposite side yard lot line. Chair Larson asked if
18 someone built an accessory building 5 feet of the rear lot line could it be converted to an ADU or could an
19 ADU be added to that structure since ADUs have different setbacks in the rear. Director Bennett replied
20 and said that the new portion would have to meet the setbacks required for ADUs, if they were building an
21 ADU. Chair Larson summarized her understanding of what Director Bennett explained.

22
23 Chair Larson asked for discussion on 18.50.060 item A; a portion of Jack's comments. She said that section
24 A as drafted can be discussed for changes.

25
26 Cmr. Fudge said that the terms floor area and lot coverage are confusing. He said that no single accessory
27 structure should be over 1500 square feet in floor area. Cmr. Saunders said that he would like a regulation
28 that limits the size of a structure and that 1500sf would be a good limitation. Cmr. Fudge said that 1500 sf is
29 the equivalent size of a three-car garage. Chair Larson provided her perspective on floor areas and how
30 square footage can accommodate designs. Cmr. Gross and Cmr. Katz agreed with Cmr. Fudge's idea to cap
31 sizes for structures at floor area. Cmr. Katz asked if there should be an and/or statement relative to lot
32 coverage and floor area. Chair Larson asked Director Bennett to clarify the difference between lot coverage
33 and floor area as it gets applied in the regulations. Director Bennett replied and explained the difference and
34 suggested using Cmr. Katz's suggestion of an "and" statement. He summarized his understanding of how the
35 Commission wants to limit floor area. Cmr. Katz agreed with Director Bennett's suggestion. Cmr. Fudge said
36 he wanted an area in the code to define lot coverage and a maximum amount of floor area for accessory
37 structures. Cmr. Katz seconded that idea and that it should be its own separate letter "B" within the section.
38 Chair Larson summarized her understanding of the suggested language and asked if there could be
39 unintended consequences of having such a limitation. Cmr. Fudge provided an explanation of how he would
40 apply the maximums. Director Bennett provided his perspective and indicated that the lot coverage would
41 limit the footprint to accessory structures. Chair Larson indicated that the recommendation of lot
42 coverage at 10% and combined floor area at 1500 square feet could bring consensus, and all agreed that it
43 should be recommended as such.

44
45 She asked for any areas of further discussion on code amendments.

46
47 Cmr. Saunders asked for discussion on the materials from Don Fiene and item (H) on household size should
48 be discussed. He talked about supporting the suggestions from Don Fiene and said it was a good idea. He
49 said that it could be modified to eliminate the square footage provisions. Cmr. Fudge clarified his
50 understanding of that proposal and referenced the current code provisions limiting the number of individuals
51 on each lot. Director Bennett clarified the definition of family and recited the current code definition of
52 family. He clarified how the definition of family addresses Mr. Fiene's comments and indicated the

1 Commission should think about adding a separate definition for family as applied to ADUs. Cmr. Saunders
2 thanked Director Bennett for his information. Chair Larson asked Director Bennett how the family
3 definition would be applied. Director Bennett replied and provided clarification on how the family definition
4 is applied and how ADUs are used to house relatives and not become boarding houses. Chair Larson asked
5 for consensus on the current draft of the section 18.50.050 (H). All commissioners, except Lee and Saunders,
6 indicated that they would like to keep the section as drafted. Cmr. Lee said she didn't realize the
7 overcrowding was a problem. Director Bennett replied and indicated that it isn't a problem that staff deals
8 with regularly. He said that it is mainly parking of excessive vehicles that gets reported or junk vehicles that
9 are prominent on properties. Chair Larson asked Cmrs. Saunders and Lee if the current definition of family
10 could be utilized, and Cmr. Lee said she is comfortable with Mr. Fiene's recommendation. Chair Larson
11 clarified that it deals with people related by blood. Director Bennett said that the adoption circumstance isn't
12 addressed in the current definition and Cmr. Katz agreed that a new definition could be created to
13 incorporate some of the adoption related circumstances. Discussion continued the content of the current
14 definition of family and how it would affect the code recommendations. Director Bennett said that the
15 Council may want to deal with this definition in the temporary shelter and supportive housing regulations. He
16 asked for Councilmember Bodi to remind the Council to address the issue and Councilmember Bodi agreed.
17 Chair Larson said that the definition refers to the existing code and that the Commission's job is to decide if
18 the definition is still working or leave it to Council. Cmr. Saunders said that it should be noted in the
19 memorandum to Council. Chair Larson asked if anyone is proposing to change section (H) and Cmr.
20 Saunders said he was not proposing to change that section. She asked for consensus from the Commission,
21 all agreed not to change the content.

22
23 Chair Larson asked if the Commission would like to present the changes to Council as discussed or have an
24 additional meeting. Director Bennett clarified what he had as changes. He said he noted deletion of the
25 material in line 13 and 14 on page 2 where in no case shall the accessory building exceed the height of the
26 primary building. He went onto summarize the next change and said adding new B in 060 regarding floor
27 areas being limited to 1500 square feet for all accessory buildings. He also said that floor area has its own
28 definition.

29
30 Cmr. Fudge summarized his understanding of floor area and accessory buildings. Director Bennett replied
31 and said talked about his understanding of what was presented and indicated that Cmr. Fudge's language
32 seemed to be more forgiving than what he thought he had previously heard. He said that he's hearing that in
33 no case shall any single building have 1500 square feet. Cmr. Fudge said that he agreed with Director
34 Bennett's interpretation of his suggestion. Chair Larson went through her understanding of how the
35 maximums would apply and provided some supporting calculations. She asked Director Bennett about how
36 the code could be applied and Director Bennett replied and indicated that 1500 square feet would be the limit
37 for any single building. Chair Larson asked Director Bennett how many accessory buildings can be placed on
38 any lot and Director Bennett replied and said that there isn't anything that is regulating the number of
39 accessory buildings on any lot, but that it would be limited by lot coverage. Cmr. Fudge provided an example
40 of a scenario where the floor area maximum could apply. The Commission discussed its idea of how the
41 maximum square footage rule is going to be applied and how it relates to potential lot coverage constraints.
42 Cmr. Fudge asked for the language to review it, and Cmr. Gross agreed and clarified his understanding of how
43 the rule would apply. Cmr. Katz said that any single structure would be limited to 1500 square feet. Cmr.
44 Fudge explained the current code requirements where 1000 sf of floor area and lot coverage are maximums.
45 He said that an additional 500sf would be allowed if a DADU is present. He said that 10% for accessory
46 structure as a maximum is only for lots under 10,000 sf.. Cmr. Saunders said that a 1500 sf update would be a
47 good first start. Cmr. Fudge clarified that the additional square footage only applies in the event of a dwelling
48 unit being added. Chair Larson summarized her understanding of the current amendments. Director Bennett
49 replied and confirmed his understanding of Chair Larson's direction where 1500 sf could only be applied to a
50 DADU, and accessory structures without dwelling units would be limited to 1000sf.

51

52

- Discuss and finalize draft Planning Commission memorandum to accompany recommendation to Council

Chair Larson suggested reviewing the content of the Council memo.

Cmr. Saunders said that he agrees with Cmr. Fudge's edited version of the memo and presented his suggested changes to the memo dealing with siding and the survey. He said that the survey was important but wasn't the only reason why they changed the complimentary appearance requirement. Chair Larson asked for input on rest of the memo and in the owner occupancy section specifically. Cmr. Katz provided her perspective on potential changes to Cmr. Fudge's version of the memo. She discussed her perspective on a more targeted method to address long term rentals and said that LFP could be a target for real estate investors who want to monetize homes in LFP and exploit short term rentals. Cmr. Katz suggested that the Council could consider ways to address the owner occupancy for only ADUs. She said that the current code doesn't have a requirement for owner occupancy of single-family homes but the fact that the provisions are included for ADUs could constitute housing discrimination because each are uses that are permitted in all residential zones. Cmr. Lee asked what could be suggested. Cmr. Katz said that she previously suggested that a resident that was lived within Lake Forest Park for at least 6 months out of the year could eliminate an outside investor from doing short term rentals. Chair Larson asked for support from the Council level in deciding this issue and moved the discussion on to the next issue that was edited by Cmr. Fudge, item 3. She asked for input on that item. There was none. She asked for support for the item within strikeout and Cmr. Fudge said he didn't strikeout the item but moved it. She asked for support of the strike on item two and all agreed. She asked for discussion on item four and there was none.

Chair Larson asked for support of item 5, all agreed to keep the amendment.

She asked for additions, and for Council to consider pre-approved designs or ADUs and if the Commission would want to add that as a provision. She asked for discussion at the Council level. Cmr. Saunders said that he would like to discuss code provisions and not include other things. Cmr. Kleweno talked about the need for equality being incorporated in the regulations changes and the memorandum to Council.

Councilmember Bodi thanked staff and the Commission of the work on this topic.

New Business

None.

Reports and Announcements

CMR. KATZ said that the next meeting will be her last meeting on the Planning Commission. She thanked all involved for their work. Chair Larson asked for updates on filling Steve Morris's commission seat. Director Bennet said that the Mayor should be approached about new positions.

Citizen Comments:

Don Fiene said that the Commission has gone in a positive direction as he sees it. He provided examples of sites where ADUs would fit great with an increased height. He said that short term rentals don't create diversity in housing in LFP. He said that pre-approved plans are an issue that can be taken up with the Council.

Jack Tonkin said that he is concerned with a 25-foot height limit which would cause a lot of neighborhood issues. He said that some areas don't allow for an increased height limit and that the 25 foot limit should be a function of the primary residence.

1
2 Cmr. Lee replied to Mr. Tonkin and said that setback requirements may mitigate his concerns.
3

4 **Agenda for Next Meeting:**
5 Similar to this agenda.
6

7
8 **Adjournment:**
9 Cmr. Kstz moved to adjourn the meeting, Cmr. Gross seconded, and the motion carried unanimously. The
10 meeting was adjourned at 9: 08 pm.
11

12 APPROVED:
13
14

15 *Madlyn Larson*
16 _____
17 _____
18 Maddy Larson, Chair