

City of Lake Forest Park - Planning Commission
Meeting Minutes: August 13, 2019
17425 Ballinger Way NE—Council Chambers

Planning Commissioners present: Vice Chair Maddy Larson, Jon Lebo, Richard Saunders, Steve Morris, Mark Withers

Staff and others present: Steve Bennett, Planning Director; Lauren Hoerr, Assistant Planner

Members of the Public: Mike Dee; Lori Bodi; Julian Anderson, Randi Sibonga, Kathy Comeau, Robert Sindelar

Planning Commissioners absent: Chair Joel Paisner, TJ Fudge, Ira Gross, Rachael Katz

Call to order: 7:04 PM

Approval of Agenda:

Mr. Saunders moved to approve the agenda. Mr. Morris seconded and it was unanimously approved.

Public Comments:

Lori Bodi

Ms. Bodi stated that she was pleased to see Alternative 2 and 3 put aside but remains concerned about 1 and 4 which still have 700+ residential units and a 300+ commuter garage. The majority of Council meetings seem to have reinforced the expectation that they were looking at 300-350 units potentially up to 700 with significant amenities. She thinks the EIS is a step in the right direction but out of scale with Council meeting take-aways and what is available on the site. After referencing a Mountlake Terrace housing project, she said that she questions the reasonableness of site and scale of the Merlone Geier 1200-unit proposal that was discussed at their open house. Even 1000 would be a 20% increase in the number of housing units. She commended the Planning Commissioners on their work and reminded them of how important their role is.

Kathy Comeau

Ms. Comeau asked if it is possible to require Merlone Geier to build the residential units as condos rather than apartments. Mr. Bennett stated that the City would not have control over that.

Mike Dee

Mr. Dee thanked City staff for having the agenda available for the long time prior to the meeting and for the News Flash announcing the FEIS availability and asked when the hard copy would be available. Mr. Bennett responded that the hard copy will be available later this week.

Approval of Minutes:

July 9th

Mr. Withers suggested pg 2 line 1, change "for distribute" to "to distribute". Mr. Morris moved to approve the minutes as amended. Mr. Saunders seconded and it was approved unanimously.

Meeting Dates:

Meeting Dates: The next meeting is scheduled for September 10th. Cmr. Morris indicated that he will not be able to attend.

Vice Chair Larson said Councilmembers French and Stanford expressed an interest in having a joint meeting September 16th, 17th, or 18th. Mr. Bennett can send out an email to poll for availability.

1
2 **Old Business:**

3 Implementation of Town Center Vision

4 *Review of FEIS*

5 Vice Chair Larson said the goal is to understand the FEIS and ask questions to prepare to have a
6 discussion with Council, noting the FEIS can be used as a tool to make future decisions. Mr.
7 Bennett agreed that getting Council's guidance is the next step on the range of amendments
8 they'd like to pursue based on the FEIS findings, noting this could range from some minor code
9 amendments to having design guidelines and more detailed code changes.

10
11 Cmr. Lebo said the FEIS is a tool to look at alternatives and their impacts as well as what
12 mitigation would be required. Council considers the FEIS as they develop the Town Center Plan
13 or code amendments. Vice Chair Larson asked whether or not the FEIS presents an either/or
14 scenario of choosing Alternatives 1 or 4. Mr. Bennett said Alternative 4 was developed to try to
15 address received public comments but that it is not a binary choice between Alternatives 1 and 4.

16
17 Mr. Bennett said Chapter 2 has graphics on what might occur under Alternative 1, looking at
18 where the units might be located. Vice Chair Larson asked Mr. Bennett to point out the other
19 requirements for Alternative 1. Mr. Bennett said this is not the detailed plan-level study that
20 shows exactly what would be required, the EIS only considers massing and an estimate showing
21 the work on how many units are located where.

22
23 Mr. Bennett went on to state that Alternative 4 assumes the multi-family phase would start first
24 and shows more open space, where the 2-acre threshold of open space is being met in a series of
25 spaces that are at least a half-acre in size. Cmr. Withers asked where parking would be for the
26 multifamily. Mr. Bennett responded that the parking recommendations are addressed in Chapter
27 3 and 4 of the FEIS and that each residential structure would probably have its own parking in
28 order to meet City regulations.

29
30 Cmr. Saunders asked if there were any plans to expand City Hall. Mr. Bennett responded that
31 there is interest in expanding City Hall in order to better engage with the public and provide
32 more space for police and some other departments that are filling the building to the brim at the
33 moment. He said this assumption is factored into Alternative 4.

34
35 Mr. Bennett continued with a summary of Chapter 3, which sets up the conditions in more detail
36 while Chapter 4 starts to go through mitigation requirements for Alternatives 1 and 4. Vice Chair
37 Larson asked if there were highlights on mitigation. Mr. Bennett noted the visual and shadow
38 impacts that the current stormwater regulations which would trigger requirements for better
39 filtration and other related improvements that would raise water quality.

40
41 Cmr. Saunders asked if there is an RCW definition of "significant, unavoidable, adverse impacts."
42 Mr. Bennett said there is likely not definition in the RCW, but it essentially means that the
43 impacts could not be mitigated through any actions. Cmr. Withers shared the definition of
44 "significant, unavoidable, adverse impacts" from the Ecology website. Vice Chair Larson asked if
45 there was any baseline data to measure whether we are truly mitigating and to measure whether it
46 is becoming worse from development. Mr. Bennett said that we have the same rules that other
47 jurisdictions do by adopting the King County Storm Water manuals and that the measures

1 required by these manuals is based on stormwater data that is collected at the County and State
2 level.

3
4 Cmr. Morris noted Town Center's current conditions do not meet certain standards, so
5 redevelopment in this case will bring the site up to much higher environmental standards along
6 with amenities that the community desires. Mr. Bennett agreed that there is no filtration for
7 stormwater coming off of the parking lot currently, and redevelopment would trigger
8 improvements.

9
10 Mr. Bennett noted that sections 4.3 and 4.4 analyze whether or not public services such as
11 schools, fire, and water can handle the density increases. LFP Water District will probably need
12 to enhance their potable water services to meet the demands of either alternative. Cmr. Saunders
13 asked who bears the cost of those improvements. Mr. Bennett responded that the developer
14 would have to bear the cost.

15
16 Cmr. Morris asked about traffic mitigation scenarios. Mr. Bennett said that section 4.5 looks at
17 transportation and parking. He said Alternative 4's City Hall expansion would not likely impact
18 parking needs because there would just be an increase in meeting space capacity not in staff
19 hiring. Vice Chair Larson asked how Table 4.5.1 shows 12,000 extra square feet in community
20 space and if it is really an amenity because if City Hall grows, it would be borne by taxpayer cost.
21 Mr. Bennett said the community space is an amenity no matter who bears the cost, noting that at
22 this point we don't know how it would all be paid for because we cannot extract everything from
23 the developer or the transit agency. Vice Chair Larson wants to have a better understanding of
24 economic impacts, how redevelopment will result in positive economic benefit and what costs
25 will need to be borne. She said this will be important for the decisions and recommendations the
26 Commission has to make. Mr. Bennett stated that this is an Environmental Impact Statement,
27 there is no decision made, it is only a summary of possible scenarios that could be implemented,
28 and that the appropriate stage to address those concerns would be the development review stage.

29
30 Cmr. Withers said part of the difficulty with the EIS process is that there are two binary
31 alternatives, and yet the evaluation is based off of certain assumptions. The alternatives show one
32 possible scenario with existing regulation and one possible scenario with new regulations, but
33 each type of regulation allows for a wide variety of scenarios. Cmr. Withers said Alternative 4 is
34 really a menu, we can pick any or all of the options shown in Alternative 4. Vice Chair Larson
35 said the EIS is based off a set of assumptions and it is important to remember that and at what
36 point do we start to look for more details when it gets to the application stage.

37
38 Cmr. Morris said that Table 4.5.2's total number of trips seems highly unrealistic. Mr. Bennett
39 understands the skepticism, but these are the models that transportation experts use, and include
40 the assumption that when you build residential units with good connections to transit, not all new
41 residents will be using a car. Cmr. Morris said the community is going to focus on this and the
42 assumptions should be examined so that related questions can be answered adequately. Mr.
43 Bennett said that any new development will need to have a separate traffic analysis study done.
44 Cmr. Lebo and Cmr. Withers agreed with Cmr. Morris that the numbers seem unrealistic.

45
46 Cmr. Saunders asked about the Level F Level of Services and if that would require mitigation.
47 Mr. Bennett said that the developer's separate traffic study would have to further look into this.
48 Vice Chair Larson said it will be important to understand how to use Table 4.5.3 to inform the

1 analysis of the code changes. Mr. Bennett said that the Table shows that certain intersections
2 work better than others and the developer's separate traffic study will need to show how they'll
3 alleviate certain impacts. Vice Chair Larson said that, even though we don't necessarily agree with
4 this section, we could still use this section to look at what mitigation actions should be required.
5

6 Cmr. Saunders asked about a mitigation section speaking about a permanent location for the
7 Third Place Commons and how this would be implemented. Mr. Bennett said the existing code
8 already has provisions that are intended to preserve interior open space like Third Place
9 Commons, but with code amendments, we could make them stronger. Cmr. Saunders said that
10 Merlone Geier is looking for a way to make the current situation with Third Place Commons
11 more economically viable for them. Vice Chair Larson raised concerns about how the space will
12 be financed and Mr. Bennett agreed it will be hard to predict how it will actually be implemented.
13

14 Mr. Bennett summarized Chapter 5, noting that the first section highlights 25-26 themes found
15 throughout comments and then the responses reference the themes. He said each comment has
16 an individual response, making the document 290 pages. Cmr. Saunders asked if EIS documents
17 typically respond to comments individually. Cmr. Lebo said that every comment is required to
18 have an individual response, but EIS documents either do it generally or more specifically.
19

20 Vice Chair Larson asked if Commissioners had items for discussion at the joint Council meeting.
21 Mr. Bennett encouraged Commissioners to direct those potential discussion items to
22 Councilmember French and the Deputy Mayor.
23

24 *Schedule for future Town Center Vision meetings and public engagement*

25 Vice Chair Larson noted that the September 12th meeting will likely be a public workshop at an
26 elementary school. After the September 12th meeting, the Vision document would be changed to reflect
27 public input and could be formally adopted at the later September Council meeting.
28

29 Vice Chair Larson said Commissioners should focus on using the joint meeting to craft the path forward
30 as the future schedule is being drafted but is not available yet. Two priorities for Commissioners in the
31 near future are making necessary surgical changes to the code relative to the garage and looking at
32 standards for the 522 corridor. There are not currently any standards in place for the 522 corridor, so if
33 none are implemented prior to Transit work, we will just have to accept what they do.
34

35 Cmr. Withers asked about limitations on what we can prescribe since 522 is WSDOT. Councilmember
36 French said Kenmore has standards that could be used as a starting point, but it would need modification
37 since their area along 522 is more commercial whereas we are more residential. Cmr. Lebo agreed it is a
38 good idea to look at Kenmore. Mr. Bennett noted that the City Engineer is looking at the Kenmore
39 standards and will develop recommendations.
40

41 Cmr. Saunders said the joint meeting with the Council will be an important conversation and an
42 opportunity to get more specific direction before doing more work on possible code changes. Cmr. Lebo
43 liked the idea of focusing on the garage and 522 as those are going to come up quickly in the near future.
44 Cmr. Saunders agreed and said that both entities would like to know what they are designing towards;
45 Sound Transit for budget planning and the community for general knowledge.
46

47 *Status of Merlone Geier redevelopment plans*

1 Mr. Bennett stated that no applications have been submitted related to the Town Center. Cmr. Morris
2 said the Merlone Geier meeting had several speakers including architects and design people. He was
3 impressed with their specific responses to community feedback and that they presented an appealing
4 picture of what a viable commercial center with amenities could look like. His main take away is our
5 responsibility to amend code to ensure developers provide the described amenities, and that modifying
6 the existing code along with design standards might be sufficient. Cmr. Saunders said the public may
7 have wanted more specifics at that presentation, but he understands that it is at a preliminary stage
8 without specific plans. He said people were not thrilled with possibly 1100 units being created in phases.
9

10 Vice Chair Larson said Merlone Geier was honest in that it was conceptual and they can't necessarily
11 commit to certain amenities as that would be negotiated. She said the community asked for specifics such
12 as condos versus apartments, affordability, and senior housing, but it will be difficult to prescribe these
13 into code. She noted the reality that Merlone Geier does not have to make any changes and they're
14 profiting just fine currently. Mr. Bennett noted that the Merlone Geier website includes the full question
15 and answer section.

16

17 *Town Center permit review process under existing regulations*

18 Mr. Bennett provided a handout with municipal code Chapter 18.42, and encouraged Commissioners to
19 look at the subsections 18.42.160 through 180 regarding the administration process for reviewing the
20 development application. He noted the process described in the current code may be impractical to
21 implement and does not reflect how cities operate in the present. Mr. Bennett said it will be useful to ask
22 if Council wants to amend this process. Cmr. Saunders said some citizens like that the Committee offers
23 a more back-and-forth creative process, but asked if there a hybrid solution.

24

25 Mr. Bennett suggested having more than one public input hearing. He said the applicant cannot be
26 treated unfairly but ideally the code would allow for a process with opportunities for responses to
27 concerns. He noted there will probably be a development agreement in the future process.

28

29 Cmr. Lebo asked about adding a Design Review Committee. Mr. Bennett said we could certainly include
30 this within the Design Guideline review process and it could include citizen input. Cmr. Saunders asked
31 if that would handle things like negotiating open space. Cmr. Lebo explained that typically, the applicant
32 presents their proposal and the committee can make comments so that the proposal is more aligned with
33 the intent of the design guidelines.

34

35 **New Business:** No new business.

36 **Reports and Announcements:** None from staff.

37

38 **Public Comments**

39 Robert Sindelar

40 Mr. Sindelar works as a Managing Partner at Third Place Books. He asked a series of questions which
41 Mr. Bennett answered, clarifying that Merlone Geier has yet to provide feedback on the FEIS as it was
42 just been made public last week. He said that nothing in the current code would prevent Merlone Geier
43 from applying to build the 1,100-unit concept. He said Sound Transit would be the one applying to build
44 the parking structure and they have the ability to condemn property if need be. The City has regulations
45 that will influence how this is built.

46

47 Mr. Sindelar said he appreciated the discussion on the complex nature of Merlone Geier's comments on
48 the commitment to preserving Third Place Commons versus recouping revenue. In terms of community

1 meetings, he suggests helping people understand the decision-making process and what stakeholders are
2 making decisions. The City is not using all of their opportunities to inform people of what is possible
3 versus what is not possible in terms of what the City can influence. He said that Third Place Books staff
4 get a lot of scared and misinformed citizens coming to the question desk with opinions and questions on
5 this process. He noted that with some of the Merlone Geier concepts, the chance that Third Place Books
6 would be able to live through that and maintain employees is very unlikely. Vice Chair Larson
7 encouraged him to share his comments with the Council.

8

9 Randi Sibonga

10 Ms. Sibonga said Merlone Geier is negotiating a Developer's Agreement in Shoreline right now, and she
11 is concerned with the difference between what they presented versus what is actually being built. She
12 does not see the consideration of the community in the agreement, as nearly every clause says it is
13 discretionary for Merlone Geier to do certain actions and there are not guarantees. She stated her
14 confusion with why Merlone Geier is suggesting 1,100 units but the FEIS discusses 700 units.

15

16 She noted the City's recent hiring of an attorney to negotiate development agreements with Merlone
17 Geier and Sound Transit. The attorney seems to be development-oriented and the hiring process had no
18 public involvement. The City is paying him \$518/hour and the City had to waive its right of conflict of
19 interests. There has been discussion about negotiating committee, which the Deputy Mayor and staff
20 were appointed to, and she wondered how this committee is related the design committee. She urged the
21 Commissioners to demand full disclosure of what is going on behind the scenes and asked for a
22 moratorium on any development agreement proposals.

23

24 Lori Bodi

25 Ms. Bodi said that at the open house, Merlone Geier said they'll use the EIS as a basis for development
26 and are not planning on doing additional studies, so it could be difficult to get more environmental
27 analysis unless it is required. She disliked their open space proposals and the 75 ft height assumption. She
28 agreed with Ms. Sibonga's comments on the Shoreline and Merlone Geier's Developer Agreement,
29 noting that it will be important to negotiate better during our process. We should not necessarily assume
30 that the current code's committee process is not workable, it may be able to more effectively negotiate.

31

32 She emphasized that the EIS is only scenarios, with not that many differences between Alternatives 1
33 and 4. The details will be implemented in terms of what gets translated into the code. Legally, we should
34 be very careful about changing current code because if we open it up we expose ourselves. She agreed
35 with previous discussion that the Commission should focus on the parking garage and 522.

36

37 Julian Andersen

38 Mr. Andersen said he appreciated tonight's quality of discussion and the work the Commission is doing.
39 He would have liked chapter 5 of the FEIS to have a table of contents or an index so he could quickly
40 find a specific response to a specific comment letter. He agreed with Ms. Sibonga's and Ms. Bodi's
41 concerns and noted paragraph B in the administration section of 18.42.160, which he interprets as saying
42 that the negotiation team should not be formed until a complete application has been submitted.

43

44 Cmr. Larson asked if Commissioners were familiar with the hiring situation and allowed Mr. Andersen to
45 provide his summary of actions related to the situation. Mr. Andersen said the situation bothers him as it
46 seems to be going around current code requirements. Vice Chair Larson explained her opinion of how
47 the motion occurred at a past meeting and the development of a contract with the attorney. Ms. Sibonga

1 provided input. Mr. Andersen said the process weakens the standing of the current code. He appreciated
2 Mr. Bennett's explanation of the weaknesses related to the current code.
3

4 **Mike Dee**

5 Mr. Dee noted the Merlone Geier website has the presentation. He explained his opinion on the hiring
6 process of the attorney and contract development through the COW meeting process. Mr. Dee read the
7 text of the minutes that explained the motion that approved the action.
8

9 Cmr. Lebo asked why the City would establish a negotiating team for Sound Transit if there was not a
10 complete application. Mr. Bennett said the agreement being discussed is not a Developer's Agreement
11 and is not regulated by code, it is just provides for some assurances about timeframe. Mr. Bennett said
12 they should talk to Council at the joint meeting as he was not as deeply involved in this discussion. He
13 noted that this committee is different than what is described in code section 18.42.160.
14

15 **Agenda for Next Meeting:** This was not discussed.
16

17 Cmr. Morris moved to adjourn. Cmr. Withers seconded the motion and it was unanimously approved.
18

19 **Adjournment:** 9:25pm
20 APPROVED:
21
22

Maddy Larson, Vice Chair