

City of Lake Forest Park - Planning Commission
Meeting Minutes: November 12, 2019
17425 Ballinger Way NE—EOC Room

Planning Commissioners present: Chair Joel Painsner; Vice Chair Maddy Larson, Richard Saunders, Ira Gross, Steve Morris, Mark Withers, Rachael Katz, Jon Lebo, T.J. Fudge

Staff and others present: Steve Bennett, Planning Director; Nick Holland, Senior Planner; Tom French, Councilmember; Kim Pratt, City Attorney

Members of the Public: Mike Dee; Jack Tonkin, Lori Bodi, Don Fiene, Robert Horsley, Sally Yamasaki, Connie Barnes, Byron Barnes, Kathy Leota (Sound Transit)

Planning Commissioners absent: none

Call to order: 7:03 PM

Approval of Agenda:

Mr. Gross moved to approve the agenda. Mr. Fudge seconded and the agenda was approved unanimously.

Public Comment:

Mike Dee said that people may not find the three documents that are posted on the town center section.

Lori Bodi said that she looked at the drawings and options for the parking garage. She said she wants to encourage another location for the structure other than town center. She added that she knows the merchants in town center are also concerned about the parking garage placement because she has talked to them. She said that she would like the Planning Commission to consider keeping the current development review process for projects within town center.

Jack Tonkin said he would like the Planning Commission to consider regulations for the accessory dwelling unit process and housing needs, although he realizes that there are many issues on the Commissions table. He said that ADUs can add density without large development. He offered to help the Commission and provide examples of what other cities are doing.

Chair Paisner noted that each Commissioner had received a letter from Jack Tonkin and he thanked Mr. Tonkin for the letter.

Cmr. Saunders suggested that the Commission update the public on the Commission's effort regarding the location of the parking garage. Cmr. Gross agreed that updating the public would be a good idea. Cmr. Larson provided an update on efforts the Planning Commission has made in encouraging the review of other locations to site the parking garage. She said that the Commission drafted a memo that asked the Council to consider an alternative location. Chair Paisner added that the Commission voted 4-3 to ask the Council to consider an alternative location for the parking garage. Cmr. Saunders clarified that the Commission made a motion to the Council with regard to an alternative location to the parking garage and that there were four votes for, and three abstentions.

Approval of Minutes:

Chair Paisner asked if anyone had any edits to the draft minutes. None were mentioned.

Chair Fischer asked if anyone had any edits to the draft minutes. None were mentioned. Cmr. Larson moved to approve the October 8, 2019 minutes, Cmr. Gross seconded, and the motion passed unanimously.

1 **Meeting Dates**

2 Next meeting is scheduled for November 18, 2019.

3 Director Bennett said that after November 18th, meetings in December are scheduled for the 3rd and the 17th.

5 **Old Business**

6 Implementation of Town Center Vision

7 Director Bennett introduced Kathy Leota, a Project Manager from Sound Transit and said that she
8 was present to answer any questions that the Commission might have.

9

10 Chair Paisner asked if any Commissioners felt the need to speak about any potential conflicts of interest. Jon
11 Lebo said that he is an employee of Sound Transit and that he will recuse himself from conversations about
12 the parking garage at this meeting and in future meetings. He left the table and took a seat in the audience.

13

14 Ms. Leota said that ST3 was approved via ballot measure and that the people in the north Lake Washington
15 area were organized and requested the rapid bus project be part of ST3. Cmr. Withers asked about who was
16 in favor of the project. Ms. Leota said she thought it was a grass roots effort. As Project Manager for the SR
17 522 rapid bus service project, she said she is working to implement a rapid and reliable service and that it will
18 operate every 10 minutes, picking up riders 7 days a week. She said that they are currently in the phase of
19 early design and environmental review and that they are currently at 10% design level. She explained what was
20 included at that design level and added that Bothell, Kenmore, and LFP all have planned for 300 stall parking
21 garages in their town center. She told the Commission that Sound Transit has met with all cities, so that they
22 can incorporate needed elements within each parking garage design. She asked if any Commissioners had
23 questions.

24

25 Chair Paisner asked Ms. Leota to clarify the schedule. Ms. Leota said that 2024 would be the date when
26 service starts. She said that Sound Transit is currently evaluating property acquisition strategies and that
27 acquisition could occur after the environmental review is finished. Cmr. Withers asked how Sound Transit is
28 avoiding an EIS. Ms. Leota said that the agency did not determine an EIS would be needed when they
29 evaluated the impacts using the SEPA process and that an expanded checklist would be used. Cmr. Saunders
30 asked how the passage of Initiative 976 would affect this project. Ms. Leota indicated she did not know. Cmr
31 Katz asked if the expanded SEPA checklist included a traffic analysis. Ms. Leota responded that traffic
32 studies would be performed at a later date, but not as a part of the SEPA process. Cmr. Saunders stated that
33 parking garage scale is an important issue for the community and asked for examples of where Sound Transit
34 had partnered with members of the community. Ms. Leota said she'd have to get back to him, but that public
35 involvement is solicited during design.

36

37 Chair Paisner asked about an alternative location for the parking garage and if it is too late to look for an
38 alternative location. Ms. Leota said she'll need to research his question. Chair Paisner stated that the garage is
39 too big for town center. Ms. Leota said that LFP does not have a lot of locations suitable for rapid transit
40 park and ride garages. Chair Paisner asked if Sound Transit is willing to listen to community feedback and if
41 they are willing to have the community join the Sound Transit process in citing the garage in alternative
42 location. Ms. Leota said that it would be a fairly big change and inconsistent from the direction to this point.
43 Cmr. Morris asked if Sound Transit is willing to co-develop the garage with the property owner. Ms. Leota
44 said that it has been done before. She stated that the current thinking is the dual path process where Sound
45 Transit would buy land and develop the structure alone and another, concurrent path is being developed with
46 an invitation to a third party to help develop the garage. Ms. Leota indicated that partnerships in this style are
47 difficult and often do not work but that she thought it stood a better chance of working in this case. She also
48 said that transit oriented development is becoming a positive development trend.

49

50 Cmr. Withers asked about the station and Ms. Leota said the plans are for a bus stop on both sides of 522.

51 Cmr. Withers asked if the parking garage is a mandatory element of the ST3 plan, and Ms. Leota responded
52 that an attorney would need to answer that question. Cmr. Fudge asked Ms. Leota where the 300 stall count

1 came from. Ms. Leota stated that timing has been a factor, but that public demand is generally driving the
2 stall count. She also said that scale for the site was a consideration. Cmr. Larson asked Ms. Leota about the
3 traffic levels on the intersections of the state highways. She also asked about the scope of the traffic study for
4 the project in terms of pedestrian safety. Ms. Leota stated that entrances and exits will be evaluated, along
5 with pedestrian safety. Cmr. Larson said that a garage on that scale would need substantial mitigation. She
6 asked if Sound Transit is exploring other sites for the garage. Ms. Leota said that a number of locations were
7 looked at, but that LFP is constrained with critical areas. She indicated that the SEPA process specifically
8 evaluates the location of the garage, and that town center is the only proposed location at this time. Cmr
9 Saunders asked Ms. Leota if segregated parking can occur within the garage. Ms. Leota answered that Sound
10 Transit isn't going to restrict parking within the garage. Cmr. Larson asked if the parking would be free. Ms.
11 Leota indicated that she did not have an answer to that, but that several scenarios are being explored so that
12 stalls can be available to travelers. Chair Paisner thanked Ms. Leota for coming.

13

14 Town Center Land Use and Design Review Process

15 Director Bennett said that the outline provided to each of the Commissioners would be a good starting point
16 and that he hoped Commissioners would provide feedback on the outline. Commissioner Lebo returned to
17 the table. Chair Paisner welcomed City Attorney Pratt and she briefly explained the draft regulations which
18 incorporate a design review board. She asked Commissioners if they had any questions. Cmr. Morris stated
19 that the current process has a committee that determines consistency with the codes and that he thought that
20 should be changed.

21

22 City Attorney Pratt said that a code should provide the applicant with criteria for approval. She emphasized
23 that the current code dictates a development agreement, but that those types of agreements are only
24 voluntary, and the City can't require a developer to execute a development agreement. She said that anything
25 left to negotiations within a development agreement may or may not be constructed because the development
26 agreement process cannot produce mandates. Director Bennett suggested that the Commission establish
27 what types of criteria are absolute requirements, and what criteria can be the subject of negotiations. Cmr.
28 Larson asked about the development agreement process and how incentive bonuses are provided. City
29 Attorney Pratt responded on how the process worked and said that a development agreement should not be
30 the mechanism for obtaining baseline features that the community wants. Chair Paisner said that a base level
31 should be provided for features that are important for the community. Cmr. Larson asked about the
32 structure of the current code and how it dictates that all features are open to negotiations. Director Bennett
33 explained how all of the criteria in the town center framework are subject to negotiation through the language
34 within LFPMC 18.42.

35

36 Director Bennett provided more detail about how the draft land use and design review process is intended to
37 work and there was discussion about the point in the development review process that an applicant would
38 submit for design review. He continued to explain the elements of the draft land use and design review
39 process and mentioned that public design review board meetings would occur prior to the board making a
40 recommendation and that a hearing examiner would make the final.

41 Chair Paisner asked about the details of the development agreement process. Director Bennett said that the
42 development agreement process would move parallel to a development application. Cmr. Lebo asked if a
43 development agreement is a part of the code, or, does the code have to allow it. City Attorney Pratt said she
44 would have to get back to him with an answer to his question. Cmr. Lebo said he was trying to understand
45 when a development agreement is possible. City Attorney Pratt responded that the elements of development
46 agreements must be consistent with the development regulations.

47

48 Discussion about various ways to apply development agreements occurred. Director Bennett read some of
49 the existing town center regulations and explained how an applicant can deviate from the town center
50 design framework. Cmr. Larson said that the community does not support some elements within the current
51 code. Chair Painser said that the information provided has been helpful to understand the current code. He
52 also indicated that he supports an application going before the Planning Commission for recommendation to

1 the City Council. Cmr. Katz stated that she likes the design review board aspect of the draft regulations, but
2 that there should be an additional step for the board to hold a public hearing. She asked if a development
3 agreement should be in place prior to a complete application. Director Bennett said that they should be filed
4 concurrently. Cmr. Lebo asked if the design review committee is a one-time review, or, if they get multiple
5 reviews of a potential project. City Attorney Pratt said that the process can be dictated in the code and that
6 there could be more than one review board meeting. Director Bennett asked if the Commission would like to be
7 a part of the development agreement process. Commissioners indicated that they would like to be
8 involved in that process. City Attorney Pratt offered to develop some revisions to the current draft
9 regulations to bring back to the Commission for consideration. She also described a scenario where general
10 language regarding development agreements could be adopted for any type of development agreement.
11

12 Cmr. Larson asked about who the members of the design board would be. There was discussion on whether
13 or not board members should be LFP residents. Commissioners were in favor of one member being from
14 outside of LFP. Chair Paisner asked if item three should be a policy statement explaining the intent of the
15 code provision. Cmr Morris asked if there should be a public hearing as a part of the design review process.
16 Cmr. Katz said that a hearing should be required. Cmr Withers asked if feedback would be provided to the
17 developer after the initial evaluation of the design. City Attorney Pratt responded that writing that into the
18 code might be overly prescriptive, but that process procedures could be included in the code. Various
19 Commission members provided feedback on the draft outline of proposed town center land use and design
20 review process. Cmr. Katz asked about the minor project process, and Director Bennett responded that it
21 would be an administrative process. Cmr. Morris asked about the threshold for major versus minor projects.
22 Director Bennett responded and said square footage is a typical way to establish a threshold. Cmr. Withers
23 asked about the distinction of a design review and a building permit. Director Bennett said that design review
24 typically only applies to exterior changes.
25

26 Chair Paisner said that there seems to be consensus on the issue and City Attorney Pratt offered to revise the
27 content of the draft regulations based on these discussions.
28

29 **New Business**

30

31 Chair Paisner asked about the timing on the moratorium. Director Bennett said that staff and consultants are
32 developing regulations and that within the next few meetings, an overall proposal with process and code
33 language could be presented to the Commission.
34

35 **2019-20 Work Plan**

36 Chair Paisner recommended that the work plan be discussed at the next meeting. All agreed.
37

38 **Reports and Announcements**

39 None.
40

41 **Public Comments**

42 Don Fiene said it was exciting to see the Planning Commission working as the body they are intended to. He
43 said that Councils are elected as representatives and that they can easily be sidetracked by regional issues, but
44 Planning Commissions should not sell the public short, and provide public hearings where appropriate.
45

46 Sally Yomosaki thanked the Commission for performing their duties. She said that there are several LFP
47 residents that are involved in the King County climate council and that LFP should have its own climate
48 policy and plan.
49

50 Robert Torsley said that the town center changes had been presented as a done deal, but that public
51 involvement has sparked additional interest in the issue. He said that it is an interesting legal question on
52 whether or not a garage is required in LFP.

1 Randi Sobonga said the design review committee should have someone with an environmental science
2 background. She said that she commends the Commission regarding the motion to cite the garage in an
3 alternative location. She said that decisions are clearly being made, but that there is a sense of urgency with
4 regard to alternative siting on the garage.

5
6 Mike Dee said that the LFP Council had a joint meeting with another city council but the Planning
7 Commission's motion was not brought up. He was confused about when the next Planning Commission
8 meeting would occur. Director Bennett said that the meeting is on the 18th. Mike Dee said that the meeting
9 is doubled booked with another public meeting. He said that documents should be easier to find on the
10 website. He said that design review works well and thanked the City for having a Sound Transit
11 representative here.

12
13 Dan Benson said he seconded the comments regarding environmental climate change and that he was in
14 favor of changing the location of the parking garage.

15
16 Chair Paisner asked if Merlone Geier would be coming to the meeting on the 18th and Director Bennett
17 confirmed that they would.

18
19 Cmr. Withers said that expertise for the design review committee should be a broad group of disciplines
20 including environmental science. All agreed that would be good to explore.

21
22 Cmr. Lebo acknowledged and thanked the community and commenters that had attended the meeting.

23
24 **Agenda for Next Meeting:** Similar to this meeting's agenda.

25
26 Cmr. Morris moved to adjourn the meeting, Cmr .Gross seconded, and motion passed unanimously

27
28 **Adjournment:** 9:01 pm

29
30 APPROVED (at 12/3/19 PC Special Meeting):

31
32
33 Joel Paisner, Cmr.