City of Lake Forest Park - Planning Commission
Special Meeting Minutes: February 19, 2020
17425 Ballinger Way NE—Council Chambers

Planning Commissioners present: Chair Joel Paisner, Vice Chair Maddy Larson, Richard Saunders, TJ Fudge (via telephone), Jon Lebo, Mark Withers, Ira Gross, Rachael Katz; Steve Morris, Mark Withers

Staff and others present: Tom French, Councilmember; Lori Bodi, Councilmember; Phillipa Kassover, Deputy Mayor; Steve Bennett, Planning Director; Nick Holland, Senior Planner; Christina Haworth, Otak,

Members of the Public: Mike Dee; Don Fiene, Sally Yamasaki, Hayley Nolan, Dan Benson, Connie Barnes, Randy Sibonga

Planning Commissioners absent: None

Call to order: 7:01 PM

Chair Paisner said that members of the community brought treats for the Planning Commissioners to recognize the Commission's hard work. Other Commissioners thanked them for the gesture.

Chair Paisner thanked Cmr. Larson for chairing the meetings he could not attend. Chair Paisner wanted to clarify that the City Council considered the motion from the Planning Commission regarding moving the proposed parking structure out of town center. He said that the Council did acknowledged the Commission's motion, but did not act on it. He also said that some of the Commissioners are not comfortable having a garage in town center, but there is an understanding that a code has to be in place for the possibility of potential garage structure.

Approval of Agenda:
Cmr. Gross moved to approve the agenda. Cmr. Lebo seconded the motion. The agenda was approved unanimously. Cmr. Larson said that a discussion on a message from the Commission to the Council regarding the parking structure regulations should be added to the agenda. Chair Paisner said that while the regulations may not be completely finalized, he thinks that the group can provide staff with enough direction to make a recommendation to the Council tonight.

Public Comment:
Mike Dee said that he appreciates having the agenda packet online and that the Commission has suggested to extend the moratorium. He said he is concerned that Merlone Geier's comments are not being recognized with the new draft regulations. He also appreciates the summary of the hearing comments being available.

Don Fiene thanked the Planning Commission and said that tonight could be a good time to make some decisions. He said that it is helpful sometimes to take a deep breath and think about why one lives in LFP when considering and making decisions. He said that when decision makers are deciding on items or issues, people that do not come to public meetings should be considered. He went onto to talk about the responsibility of public representation. He said the community is made up of a lot of volunteers. He said that the tree ordinance is the result of volunteers working to improve the community and that those volunteers are very connected with the community.

Sally Yamasaki thanked the Planning Commission for their work. She said that the Planning Commission made the material understandable and that it helps with asking questions. She said she understands why the garage regulations are being created, but would like to see regulations for other parts of the City in addition to the town center.

Cmr. Saunders thanked Chair Paisner for finding the record of the City Council response to the Planning Commission on the issue of the garage location.

Approval of Meeting Minutes

There were no meeting minutes to approve but it was noted that the summary of public comments from the 2-11-20 hearing were available for review.

Next Meeting

March 10, 2020 is the next regularly scheduled meeting (see discussion below regarding next meeting).

Report from City Council Liaison

Councilmember French said that at the Council's last meeting included discussion on extending the moratorium for town center at a future meeting. He said that the Council had very positive comments regarding the work the Planning Commission was doing. He thanked staff for providing the public comments from the hearing and indicated that the comments were constructive. He also said that he hopes the dialog with the public continues and mentioned that a bigger facility might be needed for future hearings. He also mentioned that the Council is discussing the next steps with regard to further code revisions. He offered to anyone with questions to email him.

Cmr. Saunders asked Councilmember French if there has been any updates from Sound Transit. Councilmember French said that they are negotiating with property owners whose properties are impacted by the ST3 project. He said that Sound Transit has had staffing changes, so the new people will need to come up to speed with the project. He said that information regarding the ST3 project and the City's involvement would most likely be communicated through the City Administrator's report.

Old Business

Implementation of Town Center Vision

Parking structure regulations

Chair Paisner suggested that the four topics listed on the agenda under old business and the Town Center Vision be discussed. Cmr. Lebo said he was recusing himself from discussion of the parking garage because he is an employee of Sound Transit. Cmr. Morris said that Sound Transit can put a garage in town center through claiming eminent domain. He said he does not favor trying to stop Sound Transit from putting a garage in town center and noted the advice of the City Attorney. He also said that the Commission should recommend regulations for a garage that will provide a community benefit. He went onto say that he does not favor a 60 foot height limit, and that a commercial ground level should be mandated and useful. Cmr. Larson said that she attended a Council work session and that it was stated that a 30-foot high garage with commercials space would be workable. She also said that some Councilmembers thought that parking for city vehicles is a public benefit.

Cmr. Gross said that a 30-foot height limit could accommodate all uses being considered. Chair Paisner asked for clarification regarding commercial uses and what the proposed requirements currently were in the draft regulations being considered. Cmr. Larson asked for Director Bennett to explain what Otak presented to the Council at the previous work session. Director Bennett said that he thought the main point of the information presented to the Council was to demonstrate that with more of the structure underground, the height could be reduced. He also noted that the residential height limit in the City is 30 feet and asked whether it was realistic for commercial structures in the town center to have the same height limit.

Cmr. Larson said that the draft design guidelines call for garage floors to be underground. Cmr. Katz responded that her understanding about the design guidelines are that they are suggestions using "should" and not mandates using "shall." She added that she favors more public benefit elements such as open space and architectural style rather than stiff height regulations. Cmr. Saunders said that height is a difficult issue. Cmr. Withers said he does not find 25 acres of asphalt parking meaningful, and that he favors height over expansive surface parking. He also said he would like to see the developer of the garage provide City parking if those stalls are displaced by the project and that a requirement for open space should be mandated. He emphasized that he doesn't care about how high the garage is. Cmr. Gross said that a garage that blends in with town center is desired, but does not favor commercial uses being mandated. Cmr. Fudge said there is a difference between a parking garage and a commuter parking garage, and also said that a garage equates to useful parking for town center businesses. He said that the 300 stall conversation should not be the driver of what the regulations will be adopted.

Chair Paisner said he wanted commercial space next to City Hall because it could end up being space for the City to use. He said he is comfortable going to 35 feet in height but would like to preserve the commercial space requirement of 60,000 square feet. Cmr. Morris said that commercial uses on the south side of the garage would make the building more inviting. He said that commercial space within the garage is a reasonable requirement. Cmr. Katz said she agreed with Cmr Morris. She also said that the commercial tenants could be more compatible with the farmer's market. Cmr. Larson said that she still believes that we should not be programming for 300 spaces because it may not accurately reflect the demand. She talked about previous direction from Council and future uses of the garage, when driving is less popular as a transit option. She said she was worried about the costs of the City operating a commercial space within the garage. She mentioned her doubts that the commercial space will serve in the way it is being conceived. She said that she is worried about the height over shadowing City Hall. She suggested three recommendations, to keep the height limited to 30 feet, eliminate the 30 foot protrusion, and add a requirement for a community space or parking for City vehicles.

Cmr. Saunders asked, if there is space for community uses or commercial use, how realistic is it that a tenant that benefits the public would use the space. Director Bennett said that the City needs a bigger space for public engagement, which was the concept regarding the space on the ground floor of the garage. He said that a conversation with Sound Transit should occur regarding the City using the ground floor of the garage. Cmr. Gross said that office space doesn't have much public benefit and that office use might not be the direction of what the public wants. Director Bennett clarified his statement and emphasized that the City's primary object for the space would be an adaptable, large space that could serve as a commons or meeting area.. Cmr. Gross asked for clarification on the commercial space square footage minimum. It was noted that the requirement would be 10,000 square feet, not 60,000 as previously mentioned. Cmr. Larson said that the space under the garage should not be considered as a substitute for the current commons area. Chair Paisner said in the interest of making forward progress he was going to summarize some of the issues discussed. One issue is the base height of the garage, another the amount of commercial space required which is proposed to be 10,000 square feet. He suggested taking a vote on each topic.

Chair Paisner asked for a motion on the base height as a final recommendation to the City Council. Cmr. Morris moved to amend the draft regulations to incorporate a 35-foot base height limit for a potential parking garage. Cmr. Katz seconded. Chair Paisner asked for discussion. Cmr. Saunders asked if this is connected in any way to the requirement for commercial space in the garage. Chair Paisner said that the issue of commercial space will be addressed later on as a separate vote. Cmr. Saunders said that the height and commercial space issues are interconnected. After some discussion, Cmr. Morris withdrew his motion on the height limit.

Chair Paisner said that he was looking for a motion in regard to the base commercial space requirement, but that as Chair he didn't feel comfortable making the motion himself. Cmr. Katz moved that, as part of the base requirements, the language regarding section 18.42.090 (K) of the draft regulations (mixed use requirements) be retained as currently drafted. Cmr. Morris seconded. Chair Paisner asked for discussion. Cmr. Larson asked about the height component and if the Commission would be voting on the issue. Chair Paisner clarified that the mixed use provision and the height provisions will be separate votes. Senior Planner Nick Holland recited the motion. Cmr. Saunders said that the discussions and feedback from the community indicated that important issues should be requirements. Cmr. Fudge said that commercial space really isn't Sound Transit's specialty and that the Commission should consider using Sound Transit to build something they can do well, such as building an overpass. He also expressed concern for how Sound Transit could function as a land owner leasing tenants within the commercial space. Cmr. Gross said that public comments received included concerns that commercial space makes the garage larger and the public wants the smallest garage possible. Chair Paisner call for a vote on the motion and it passed 5-3 (Lebo recused).

Cmr. Morris moved to change the base height maximum in the draft regulations from 30 to 35 feet, Cmr. Katz seconded. Chair Paisner asked for discussion. Chair Paisner indicated that the subject code section was 18.42.090 (A) (4). Cmr. Larson said that bonus height should be considered before a required base height. Cmr. Katz agreed and said that discussions on bonus height and benefits should occur. Cmr. Gross agreed with Cmr. Larson. Chair Paisner also agreed. Cmr. Withers reminded everyone about the residential maximum height of 30 feet and that a 5 foot height increase is minimal and insignificant when applied to this type of use and the general scale of town center. Cmr. Morris said that 35 foot limit sound reasonable. Cmr. Larson asked if height maximums would be a non-negotiable element and asked what elements of a project could be negotiated with a development agreement. She again asked if the base height requirement needed to be expressed in the code as a non-negotiable element. Chair Paisner asked Director Bennett to clarify the issue. Director Bennett responded that, as currently written, the base height could not be changed through a development agreement. He also pointed out that there are exceptions (18.42.090 (A) (6)) to the height limit that allow certain elements to be greater than the maximum. Cmr. Katz referenced the section of the draft regulations listingitems that cannot be changed through a development agreement.

Cmr. Larson asked to amend the motion on the table to include a 35 foot base height, 45 foot bonus height limit, and to include non-negotiable language for any height increase with a development agreement. Cmr. Morris asked for a vote on his original motion. Chair Paisner suggested to Cmr. Larson that she remove her last condition of her suggested amendment to Cmr. Morris' motion. He said the resulting amendment would be a vote on the 35 foot base height maximum and the 45 foot bonus height maximum. Cmr Morris indicated that he would accept that amendment to his original motion. Cmr. Larson said that without the language regarding what is non-negotiable, the limits are meaningless. Cmr. Katz acknowledged Cmr. Larson's concern and said that the bonus height maximum signifies the Commission's general tolerance on the height issue. She went onto say that she would not be comfortable seconding the motion with the third item from Cmr. Larson's proposed amendment to the original motion. Chair Paisner suggested that a vote occur on Cmr. Morris' original motion of amending the draft regulations to incorporate a height maximum for proposed parking structures of 35 feet. After Cmr. Fudge's connection was lost and reestablished, there was call for a vote on the motion. Motion carried 4-3 (one abstention, Lebo recused).

The Commission discussed bonus height and the development agreement requirements. Cmr. Katz suggested discussing the list of public benefits (page 15 of draft regulations). Chair Paisner directed the Commission's attention to the provision for City use parking stalls in parking garages. Cmr. Larson moved to require 50 stalls to be solely dedicated to City use as a base requirement (line 25 and

26 on page 15). Cmr. Gross seconded. Discussion ensued and and Cmr. Morris indicated that he thought 50 stalls seems excessive. Director Bennett said that is his understanding is 50 stalls is roughly the amount required to replace existing City parking. Cmr. Larson indicated that models presented said that a 30 foot high garage does fit 300 stalls. The question was called and the motion passed 7-1 (Lebo recused).

Chair Paisner said that he would like to see language that requires the garage to be solar ready. Cmr. Saunders asked about how the language for that element would be conveyed. Discussion ensued regarding connections and who gets the power generated. Ms. Haworth indicated that she could research some specific language to use for this requirement. Cmr. Gross spoke about how to install panels on the roof of the garage and how a solar system is engineered. Cmr. Katz said that she wants to explore how the power gets to the grid. Cmr. Morris supported the idea and said public comments were supportive of this as well. Chair Paisner moved to add that garages be solar ready as defined in the National Renewal Energy Laboratory and that the language be included as a base requirement and be deleted from the bonus section. Cmr. Withers seconded the motion. The Commissioners discussed the motion. Cmr. Saunders asked for clarification on how the language would be removed and where it would be replaced. Cmr. Painser withdrew his motion. Chair Paisner moved to include as a base requirement in the code that the Sound Transit parking garage be solar ready as described by the National Renewable Energy Laboratory citied by Cmr. Withers. Cmr. Saunders seconded. The question was called and the motion carried 6-1 (Fudge abstained, Lebo recused). Chair Paisner moved to remove the language that reads "or alternative carbon features". Cmr. Saunders seconded. The motion passed (6-1) (Fudge abstained, Lebo recused). Chair Paisner suggested eliminating, "carbon reducing features" language and all agreed. Chair Paisner made a motion that, under (4), bonus features, the language "carbon reducing features" be removed. Cmr. Saunders seconded. There was discussion regarding the implications of removing the language. The Commission voted and the motion passed 7-1 (Lebo recused).

Cmr. Katz discussed the issue of bonus height and cited some of the draft language. She summarized some of the action taken tonight and indicated that there is now one required public benefit and two options (crossing and solar project). She said that she realizes some concern with the fee in lieu language of the public benefit component, but she supports it because the City can control how the funds are used. She went onto discuss the pros and cons of each option and that she doesn't have a solution or suggestion. Cmr. Larson said she has concerns with the fee in lieu language. She suggested adding another required public benefit, such as civic space for meeting, and suggested that language be developed to determine the dollar value of the public benefit being proposed. Cmr. Saunders said that the Council should be involved in determining what the fees would be. Cmr. Morris said that bonus height was to be for a partnership with another developer for some public benefit, but said he sees it unlikely that bonus height will be used. Cmr. Painser agreed with Cmr. Morris' comment. Cmr. Withers clarified that these regulations apply to any freestanding parking garage, not just the Sound Transit garage and, for that reason, these issues may be worthy of discussion. Cmr. Larson and Cmr. Katz discussed where to put a potential amendment to the fee in lieu provision. Cmr. Katz suggested that a formula for determining what the fee will be should be identified. Cmr. Gross said that over time the fees will not be able to accommodate a future construction project costs. Chair Paisner suggested that resolution on the fee in lieu issue was not going to be reached and for staff to take meticulous notes of the conversations occurring so as to highlight this issue as something to forward to the City Council. Further discussion regarding fee in lieu provision and how valuation for improvements is determined should occur. The other Commissioners agreed.

Cmr. Fudge spoke about the provision in 18.42.090(L) (1) (b) and asked how the required percentage of public space is calculated. Ms. Haworth clarified that it is calculated based on the footprint of the structure and Cmr. Larson said that there is a provision for a 45,000 square foot footprint maximum

within the draft regulations. Cmr. Fudge asked if the public space square footage is based on footprint, then the developer would be driven to build at the maximum height because the amount of public space is the same, if the footprint area is the driver. Cmr. Fudge asked for further consideration on how the amount of public space can be determined and suggested the topic be tabled for later discussion.

Cmr. Larson suggested on a non-negotiable provision regarding the maximum for the bonus heights. Cmr. Katz said 60 foot heights are not desirable to most in the public, but that she is comfortable with increased heights if it means a garage that integrates better with town center and provides some public benefit. She moved to reduce the bonus height as currently drafted in draft LFPMC 18.42.090 (A) from 60 feet to 45 feet. Cmr. Saunders seconded. There was no discussion and the motion carried; 4-2 (2 abstentions, Lebo recused).

Chair Paisner acknowledged Cmr. Larson's concerns about non-negotiable language and said that he understands that code requirements cannot be altered via development agreement. Director Bennett asked Cmr. Larson if she would like to separate the base requirements from the bonus and differentiate between what can be achieved with the bonuses. Cmr. Larson said that a development agreement isn't triggered if the base requirements are being sought. Director Bennett clarified that a development agreement could be sought in that situation so separate provisions might be advisable. Chair Paisner agreed. Director Bennett asked Cmr. Larson if she wanted to cap the height for a potential garage at 45 feet. Cmr. Larson made a motion that language within draft section 18.42.170, the development agreement section, be amended to include language indicating that base requirements are non-negotiable. Cmr. Gross seconded, the Commission voted and the motion carried, 6-0 (2 abstentions, Lebo recused).

Cmr. Fudge talked about his understanding of the commercial space requirement in the garage and asked about the square footage needed. Cmr. Fudge also said that we should clarify the amount of commercial space that the Commission intends to recommend. Cmr. Morris said that the south façade of the garage was intended to be a commercial space. Cmr. Withers reminded all that these regulations will apply to any parking garage built in town center. Cmr. Gross cautioned not to regulate which façade where commercial space will be required. Director Bennett suggested making it an exception to the commercial space requirement. Chair Paisner agreed and there was consensus to add the exception.

Cmr. Larson moved to hold the bonus height at 45 feet for a parking structure as a non-negotiable item. Cmr. Gross seconded. Discussion occurred and Cmr. Fudge asked if items like solar panels would be included in the height calculation. Ms. Haworth responded that solar panels are included as exceptions from the height maximum. Cmr. Katz said she is not comfortable capping the height in this non-negotiable manner, because of the potential for good things to occur with some applications of height. She would prefer to leave it off the non-negotiable list. Cmr. Saunders said that he would like to see the full code update on the entire town center prior to voting on this, and that in the short term he would support a cap for the garage, but that other buildings in town center may be able to go higher. Cmr. Larson said that 60 feet heights are out of scale with town center. Cmr. Gross said that other uses are easier to regulate than garages and that 45 feet should be the maximum. Cmr. Morris said that the community does want a height limit on the garage. Chair Paisner said that flexibility is key in order to receive public benefit and more stalls. The Commission voted and the motion carried, 5-3 (Lebo recused).

<u>Provisions for project level requirement for traffic study and other special studies</u>

Director Bennett presented the draft code amendments regarding authority to request special studies. Chair Paisner said that he does not want staff discretion on the traffic study because is the most

important item. He suggested that the Commission specify which studies are required of a town center development. Cmr. Larson agreed that the code should state which studies are required. Director Bennett indicated that environmental studies can be require through the SEPA process. Cmr. Withers agreed, but also wanted to make specific studies mandatory as a component of an application. Cmr. Lebo asked if the non-project EIS issued for the town center could be used for a project and said that the traffic analysis within that EIS was not adequate for a specific town center project. Director Bennett suggested that there should be some staff discretion to determine the requirements based on a project's scale. Chair Paisner suggested that a project level SEPA be required for any specific development in town center. Cmr. Larson asked what would occur if a traffic study is flawed? Director Bennett explained peer review is used to determine the validity of any traffic study submitted. Director Bennett suggested some revisions to this section, which removes the administrative language and in its place puts a requirement for project-specific studies including traffic. All Commissioners said they were in favor of the mandatory traffic study.

Setback and buffer requirements

Cmr. Larson spoke about page 7, line 2 of the draft regulations which indicate setbacks from Lyon Creek. She said that the setback should be measured from the OHWM. Cmr. Fudge asked where the buffer figures came from and wondered if the Commission had ever discussed them. He asked why different setbacks are being considered for a parking structure. Chair Paisner responded that it is in the context of the parking structure regulations only and added that he has concerns about future adjacent property owner's privacy. Cmr. Larson emphasized that development adjacent to Lyon Creek should have increased buffers. Cmr. Fudge said that, with the setbacks proposed, any other future parking structure would be constrained. Director Bennett said that the setbacks are intended to create predictability regarding where a parking garage would go. Chair Paisner suggested that the group move on from this topic in the interest of time. Cmr. Fudge indicated that he did not want to be cut off from discussing the topic. Cmr. Fudge suggested that the setback from creeks should be reduced and that the setbacks should be the same for all uses. Cmr. Fudge moved that existing setback widths from property lines and critical areas be maintained for parking garages in town center. Cmr. Withers seconded. Cmr. Gross asked what the current setbacks in town center are and Director Bennett responded and said that they are currently 20 feet from any property line. The Commission voted and the motion failed 1-5 (2 abstentions).

Bicycle storage requirements and other bicycle related code

Cmr. Fudge asked if the City knew what the maximum peak ridership numbers are. Director Bennett said that it would likely be information covered with the application for a development. Cmr. Withers said he thought that Sound Transit provided some rider numbers. Cmr. Larson asked if there is a definition proposed for long and short-term rider parking. Ms. Haworth explained the difference in general terms. A discussion occurred on where bike parking facilities should be located and a revision to locate the bike parking on ground floor was recommended by Ms. Haworth.

Cmr. Larson discussed some typographical and grammatical revisions that need to be made to the draft regulations. Chair Paisner suggested that the recommendation to the Council on this issue should occur tonight. Cmr. Katz said that she would like to do a walk-through of the entire draft prior to recommending anything to the Council. Chair Paisner suggested compiling all of the recommendations and votes form the Commission to this point and making a recommendation to the Council tonight. Chair Paisner asked if there are any substantive changes that anyone would like brought forward. Cmr. Larson said she has revisions to suggest to the draft parking garage provisions. Cmr. Saunders suggested forwarding a draft of what they have at this point to the Council. Chair Paisner suggested preparing a memo with bullet points discussing all the motions on the parking structure provisions be forwarded to the Council. He urged the Commission to include a recommendation for the Council with the content of their discussions so that the Council may make

decisions with the information from the Commission. Cmr. Saunders said he would like to see whatever is sent to Council. Cmr. Katz agreed with Cmrs. Paisner and Saunders. Cmr. Gross said that bullet points may be confusing to the Council because they could be out of context without the rest of the language in the draft code.

Councilmember French said that the moratorium puts limits on the timeline. He said the garage code is very important. He suggested that the Commission send their recommendations as a draft. He said if the Commission had a meeting next week to finalize the draft, it could make it to Council in time for their deliberations.

Chair Paisner said he is in favor of a bullet point summary to the Council for guidance on their recommendations. A discussion on whether or not to meet the next week occurred, so that the Commission can go over last changes before sending onto Council. Chair Paisner asked if the Commission is comfortable with him assisting City staff to pull together a summary of what was worked on tonight. He is worried that further changes to the code will be re-litigated at future meetings.

It was agreed that the next meeting would be February 25th, 2020.

New Business
None.

Reports and Announcements
None.

Public Comment
Randy Sibonga said that it is apparent that the public process works and that public comments informed the Commission's decision making. She encourages the Commission to insist on public engagement. She said that public notice for the hearing did not reach a lot of people and that adequate notice should be provided for public hearings. She went onto say that access to a larger facility, with accurate information that is understandable, should be a priority. She said that the public comments showed that people distrust the government. She said the location of the garage in town center was only known by a few people. She said that some of our elected officials said that they would pursue an alternative location for the garage, if they were elected.

Mike Dee said he appreciates public comment at end and beginning. He said that the discussions tonight were not made known to the public. He said that he would like to see public comment before voting and that the meeting agenda is too generic. He said that programming for more than 300 cars is needed. He said that a draft code should be reviewed by the public prior to sending it to Council. He said that Planning Commission terms are ending and next Tuesday is the parks and recreation board meeting.

Chair Paisner said that this is a special meeting, but the agenda is as specific as it can be and that he is familiar with the difference between special and regular meetings. He said that timeframe dictates their progress.

Agenda for Next Meeting:
Similar to this meeting's.

Adjournment: Cmr. Withers moved to adjourn the meeting, Cmr. Saunders seconded, and all voted in favor and the meeting adjourned at 9:58 pm

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APPROVED:

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Joel Paisner, Vice Chair

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Joel Paisner, Vice Chair