

City of Lake Forest Park

Written Public Comments Received

January 21, 2021 Virtual Public Hearing

Virtual Public Hearing on Proposed Amendments to the Lake Forest Park Municipal Code (LFPMC) and Design Guidelines Pertaining to the Town Center Zone and Related Regulations in the LFPMC for Development Agreements, Off-street Parking, Screening and Landscaping, and Multifamily Tax Exemption

Submitted by	Date Submitted
Barb Sharkey (1 of 2 received on 1/21)	1/21/2021
Barb Sharkey (2 of 2 received on 1/21)	1/21/2021
Bob Davis (1 of 2 received on 1/18)	1/18/2021
Bob Davis (2 of 2 received on 1/18)	1/18/2021
Bob Davis	1/19/2021
Don Fiene	1/21/2021
Larry Goldman	1/21/2021
LFP Stewardship Foundation	1/22/2021
Maddy Larson	1/21/2021
Merlone-Geier Partners	1/14/2021
Patty Cornaby	1/21/2021
Sally Yamasaki	1/21/2021
Seattle King County REALTORS	1/20/2021
Sound Transit	1/22/2021

JoAnne Trudel

From: Barbara Sharkey <barbsharkey@comcast.net>
Sent: Thursday, January 21, 2021 7:44 AM
To: Evelyn Jahed
Subject: a simple chart for the hearing tonight?

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Dear Evelyn,

Would you please forward this email as soon as possible to the Director, Council, and Planning Commission? I wish I had thought of it sooner, but perhaps there is still time for someone to put a black marker on poster board! Thank you, Barb Sharkey

Good morning,

I am wondering if I could make a request for the hearing presentation tonight, if something like this is not already included.

I think I am correct that there are many issues, but basically 1) a change in process is being offered (Design Review Board/Council responsibilities) and then 2) all the code information.

Regarding the process, would it be possible for someone to create a very simple flow chart showing the current process side-by-side the new process, from top to bottom? Pick the least complicated project that will adequately illustrate the point, and then show where everyone fits on the vertical line: Director, Permitting, Council, Planning Commission, Design Review Board, Hearing Examiner, etc. I imagine a project might bounce back and forth a bit among these. (It wouldn't have to go into all the detail of what each person/group does.)

Even the simplest representation would be so helpful to those of us trying to understand the suggested changes.

Thank you,

Barb Sharkey

JoAnne Trudel

From: Barbara Sharkey <barbsharkey@comcast.net>
Sent: Thursday, January 21, 2021 8:33 PM
To: Evelyn Jahed
Subject: comment for hearing 1.21.21

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Dear Eveyln,
Could you please send this to the Council and staff? Thank you.

January 21. 2021

Good Evening,

I was intending to speak at the hearing, but for some reason I had two zoom meetings come up (with terrible delay/echo); I closed the one and thought I was "in" the other, but apparently not, even though I could hear and see all of you. I tried to go out and come in again, but same difficulty. Anyway:

My question was about the chance for public input if the Design Review Board takes over some of the responsibilities of the Council. Understandably, the Council probably does not want to forever be debating every minute detail of development in Lake Forest Park.

But if the Mayor hires the City Administrator, and the City Administrator hires the Planning Director, and then the Mayor also appoints the Design Review Board and the Planning Commission, it seems to me that the direction of decisions is heavily weighted by the mindset of the administration, rather than dispersed among the many opinions of an elected Council. So I was looking for where public input, whether directly, or through our elected council members, could come.

Thank you for the two flow charts. I couldn't quite absorb all of it in the short time. I did see three opportunities for public notifications in the newly proposed one...but does notification indicate opportunity for input that could actually create change?

Speaking for myself, while I don't have the knowledge to evaluate every detail of a developer's plan, there are still certain issues such as overall height, number of units and density, traffic impacts and environmental aspects about which I might want to voice an opinion.

As many of the speakers said, thank you so much for all your hard work and many, many hours you have been putting into this effort.

Barb Sharkey

JoAnne Trudel

From: Lorri Bodi <flbodi@gmail.com>
Sent: Tuesday, January 19, 2021 9:17 AM
To: Evelyn Jahed
Subject: Fwd: TOWN CENTER

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Comments on TC. Two continuations to follow.

Begin forwarded message:

From: B DAVIS <bob486141@gmail.com>
Date: January 18, 2021 at 11:07:37 PM HST
Subject: TOWN CENTER

MY HOUSE IS ON THE EAST SIDE OF 44TH AVE NE DIRECTLY UP AGAINST THE ALLEY BEHIND THE CENTER. SO WE HAVE SINGLE FAM RESIDENTIAL RIGHT UP AGAINST HEAVY COMMERCIAL ZONING. !!! YOU DON'T SEE ZONING LIKE THIS ANYWHERE IN THE COUNTY EVEN BEFORE THEY START MORE PROJECTS IN THE CENTER !!! OUR HALF BLOCK SHOULD AT LEAST BE 2 STORY (OR HIGHER) MULTI-UNIT. APTS OR NUSING HOME TYPE DEVELOPMENT WHICH WOULD PROVIDE SOME ALTERNATE CHOICES FROM SINGLE FAMILY AND MORE CUSTOMERS FOR THE CENTER. MY BROTHER HAS A RENTAL HOME IMMEDIATELY NEXT TO MINE. WE AND SOME OTHER NEIGHBORS HAVE BEEN TALKING TO THE CITY FOR 25 YRS WITH NO PROGRESS !!! ANYTIME THE CITY BRINGS IT UP RESIDENTS 5 OR 6 BLKS AWAY UP BALLINGER GO CRAZY AND BLOCK ANY PROPOSALS. OTHER THAN SINGLE FAMILY EVEN THOUGH IT WOULD NOT AFFECT THEM IN THE SLIGHTEST !!! SO NOW WE'RE LOOKING AT MULTI UNIT FAMILY OR MULTI STORY COMMERCIAL BEING BUILT RIGHT ACROSS THE THIRTY FT WIDE ALLEY WHICH AJOINS OUR PROPERTY !!!

BOB DAVIS

JoAnne Trudel

From: Lorri Bodi <flbodi@gmail.com>
Sent: Tuesday, January 19, 2021 12:46 PM
To: Evelyn Jahed
Subject: Fwd: TOWN CENTER (CONTINUED)

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Forwarding comments for the record.

Begin forwarded message:

From: B DAVIS <bob486141@gmail.com>
Date: January 18, 2021 at 11:49:21 PM HST
Subject: TOWN CENTER (CONTINUED)

LOIS, MYSELF AND MOST OF THE OTHER RESIDENTS ON OUR BLOCK CANNOT UNDERSTAND WHY THE CITY IS ALLOWING ANY RESIDENTIAL BUILDING IN THE TOWN CENTER !!! FOR STARTERS THE AREA IS NOT THAT LARGE !!! ON A BUSY WEEKEND THE PARKING LOT IS COMPLETELY FULL NOW. !!! WE JUST DON'T SEE THE ROOM FOR PARKING GARAGES AND THE ASSOCIATED DRIVEWAYS. THE SOUND TRANSIT GARAGE BY ITSELF WILL TAKE UP THE ENTIRE EAST END OF THE CENTER. 300 CARS !!! WHAT A MESS. !!! PLUS THEY TAKE OUT MY CHASE BANK BLDG AND MY DRS. OFFICE WHICH MEANS NOW I WILL HAVE TO DRIVE TO KENMORE TO VISIT CHASE. WHO KNOWS WHERE THE DRS. WILL WIND UP. PROBABLY AT NW HOSPITAL !!! PLUS I UNDERSTAND SOUND TRANSIT REFUSES TO HAVE A PUBLIC HEARING ON THEIR DEVELOPMENT PLANS. ???? WHY IS THE CITY ALLOWING THEM TO GET AWAY WITH THIS. ????

JoAnne Trudel

From: Lorri Bodi <flbodi@gmail.com>
Sent: Tuesday, January 19, 2021 9:53 AM
To: Evelyn Jahed
Subject: Fwd: TOWN CENTER (4)

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For the comment record.

Begin forwarded message:

From: B DAVIS <bob486141@gmail.com>
Date: January 19, 2021 at 12:11:49 AM HST
Subject: TOWN CENTER

TO SUMMARIZE NO ONE I HAVE TALKED TO THINKS ANY OF THIS IS A GREAT IDEA !!! MORE IMPORTANTLY NOBODY CAN SEE ANY BENEFITS FOR THE CURRENT RESIDENTS OF THE CITY. A LOT OF PEOPLE ARE WORRIED ABOUT THE HEIGHT LIMITS THEY ARE LOOKING AT FOR APT BUILDINGS. AT ONE TIME THEY WERE CONSIDERING 84 FT HEIGHT NEXT TO THE ALLEY BEHIND MY. PROPERTY WHICH ALL OF US THOUGHT WAS A CRAZY IDEA. I WAS AT A MEETING WITH REPRESENTATIVES OF THE CENTER OWNERS OVER A YEAR AGO AND ASKED THEM IF THEY PURCHASED THE CENTER WITH THE IDEA OF BUILDING RESIDENTIAL UNITS AND THEY SAID NO !!!! I ASKED IF THEY COULD SURVIVE WITH JUST COMMERCIAL DEVELOPMENT ON THE SITE AND THEY SAID YES. !!! SO WHY ARE WE GOING THROUGH ALL THIS. ?????? HAVEN'T MET ONE RESIDENT WHO IS IN FAVOR OF ANY OF THIS DEVELOPMENT. SO WHY IS THE CTY DOING THIS. ???? DOES THE CITY CARE ANYTHING ABOUT THE HOW THE. VOTERS. FEEL ABOUT THIS. ???? THANKS FOR YOUR TIME. BOB DAVIS.

Don Fiene
4014 NE 178th Street
Lake Forest Park, WA 98155

January 21, 2021

Mr. Steve Bennett, Planning Director
Evelyn Jahed, City Clerk

Re: Town Center Code Update—Public Hearing

Mr. Bennett

Please enter my comments into the record of this evenings Public Hearing.

Chapter 18.41 Design Review Board:

18.41.010 (B) Suggest changing the second sentence to read: The Board shall be comprised of five (5) persons whom reside in the city, 3 of which shall be property owners.

18.42.040 AMEND

18.42.040 (H)(3) This would result in Starbucks becoming a non-conforming use and would eliminate drive thru banking and prescription pick up from pharmacies. It also appears to restrict drive up pick up of food from current business such as Mod Pizza and the Grill. Is this really what the council intends?

18.42.095 (A)(3) and (A)(4) refer to a chapter 18.42.095 (A)(6) which does not appear to exist in these documents.

18.42.130 General criteria

18.42.130 (C)(3) This paragraph should add: the 20 foot buffer shall be measured from the ordinary high water mark of Lyon Creek to conform with Best Available Science and to chapter 18.42.130 (E)(2).

18.42.135 Affordable Housing

18.42.135 (D) Bonus units to Affordable Units Ratio. One additional unit (“bonus unit”) may be constructed for each affordable housing unit provided.

18.42.135 (F) Maximum height for structures containing affordable housing units may be increased by up to one story as long as the structure overall complies with all applicable building codes and fire protection requirements.

Questions/comments:

Does this chapter override Chapter 18.42.040 (A) by increasing the maximum dwelling units of 275 to a greater number? 18.42.135 (D) provides a 1 to1 relationship. Would this mean that a

developer who wants to maximize this option would be able to add 42 additional units ($275 \times 15\% = 42$) of which 21 units would be affordable for a total project number of dwelling units of 316 units ($275 + 42 = 316$)?

Does this chapter override Chapter 18.42.130 (D)(1) by increasing the maximum building height in the TC zone of 38 feet above existing grade? Assuming that it does and assuming the standard dwelling unit height is 10 feet would that mean that with affordable housing units the maximum building height would increase to 48 feet?

Would a developer be able, by adding the maximum number of allowable affordable units, be able to distribute those units to several different buildings thus gaining an additional story (height) in each of several buildings or would the developer be required to distribute the affordable units within the floors of one building including the bonus floor?

The draft of the Town Center Framework Design Guidelines (which is incomplete) on page 43 suggests an additional bonus height provision allowing building heights to increase to either 55 or 65 feet by providing (undefined as of this date) bonus levels 1 or 2.

If a developer wanted to maximize the affordable housing benefit and in **Chapter 4 Purpose of the Framework Design Guidelines, Bonus incentives, Mixed Use Bonus Level 2.** (building Height could increase to 65 feet). Would that mean maximum building height could increase from 38 feet, to as high as, 75 feet? ($65 + 10$ feet for affordable housing extra floor)?

18.42.140 Administration

18.42.140 (C)(1)(a) Construction of a freestanding parking structure as defined in chapter 18.08. This would be a Type 1 permit application in which the Design Review Board would study and discuss the application reviewing it against the standards set by Town Center Framework Design Guidelines Chapter 5.5 Freestanding Parking Structure Design (This chapter appears to be underdevelopment at this time). Conditions imposed by the Council in development of this chapter may prevent the Design Review Board from resolving issues with Sound Transit leading to a recommendation to the Hearing Examiner which she/he may decide against the Review Board's recommendation.

Thanks

Don Fiene

JoAnne Trudel

From: Larry Goldman <lawrencemgoldman@gmail.com>
Sent: Thursday, January 21, 2021 12:35 PM
To: Evelyn Jahed
Subject: Comments for tonight's town center public hearing

This message originated from outside the City of Lake Forest Park. STOP! LOOK! THINK before you click. Use caution when clicking links or attachments

To Whom It May Concern:

I would like to provide written comments supporting the proposed Town Center code changes. First I'd like to thank the council, planning commission, and staff for the many, many hours they've put into this. I think the code does an overall good job of modernizing the town center while also maintaining the character of Lake Forest Park. A few high-level comments on some topics in the code:

Density - 18.42.040A – I think 275 units is a good number that is small enough to avoid skyscrapers out of character for our city while also large enough to be attractive to a developer. And it seems in line with resident comments from previous public forums. Hopefully this would finally stop the scaremongering about supposed plans to build 1100 or 1500 units.

Affordable housing – 18.42.135 – I'm very happy the city is including this. Despite the pandemic, housing prices in our region are still rising faster than prospective homeowners can save up money. If anything, I'm a bit concerned that requiring 10% of units to be affordable is too low to have a major impact and there should be more like 20-25% affordable. And perhaps lowering the threshold from 80% AMI to 60% AMI.

Pedestrian safety – 18.42.095I / 18.58.080D - I'm happy this is a focus. Currently walking between the 522 bus stops / Burke-Gilman trail and city hall / town center shops can be ... exciting. Especially the areas around Starbucks and city hall that lack clear and direct pedestrian paths. If a primary purpose of town center will be to access the future Stride bus service and encourage walkability for residents, then pedestrian access will need to be substantially improved over the current status.

Solar Energy – 18.42.095B – I like that solar panels are required for the parking garage. Is it also possible for solar to be included as a requirement or incentive for residential / commercial projects as well? And might there be an opportunity for a community solar project on any of these buildings that could be shared among future residents at town center / interested LFP residents more broadly?

Ground floor use of parking garage 18.42.095L – It makes sense to me to have ground floor stores in the parking garage in order to capture pedestrian traffic entering and leaving the garage. I'm not sure why Sound Transit is so resistant to this. It would seem there's a market for people who want to grab coffee or a sandwich while they walk from their car to wait for their bus or train. But those amenities are missing from all of the current light rail stations, Northgate transit center, Kenmore park and ride, etc.

Marijuana – 18.42.040H-3 - In my mind, there's no reason to regulate alcohol and marijuana retail differently. If a grocery store can sell alcohol, and presumably a liquor store would be allowed, then it seems that a pot shop should also be allowed.

Again, thank you for all of the hard work you've put into this. I'm confident that the code you are proposing will significantly improve the quality of the town center.

Sincerely,
Lawrence Goldman
14643 36th Ct NE

JoAnne Trudel

From: kim.josund@gmail.com
Sent: Friday, January 22, 2021 4:05 PM
To: City Council
Cc: Evelyn Jahed
Subject: Stewardship Comments from yesterday
Attachments: LFPSF TC stmt for Jan 21 FINAL.pdf; Preferred Environmental Alternative TC Redevelopment.pdf

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Hello,

Please find attached the written comments which Julian referenced in his testimony during the Public Hearing last night. Our apologies, the email apparently did not go out prior to the meeting.

Kim Josund

Lake Forest Park Stewardship Foundation
www.lfpsf.org

TO: Lake Forest Park City Council
Planning Director Stephen Bennett

FR: Lake Forest Park Stewardship Foundation Board of Directors

RE: Public Comment Regarding Proposed Changes to LFP Municipal Code
Affecting the Town Center Area

We thank the Council members for your urgency and energy in bringing this long process closer to a conclusion. The preliminary draft Code published December 24, 2020 was a solid beginning. Of more value are the many Council discussions that have occurred since January 1, 2021.

We are encouraged by the direction of your informal conclusions and await publication of your revisions to the December drafts.

Based on our understanding of the Washington State Department of Commerce (“Commerce”) notice requirements for cities intending to adopt development regulation amendments, we presume that the City submitted the December 24 draft to Commerce in order to start the sixty-day period required before final action can be taken on land use actions of this significance. The following highlighted provisions of the RCW and the WAC outline public participation procedures required throughout this process and provide for an important available amendment process that need not reset the counting of the sixty-day period:

RCW [36.70A.140](#)

Comprehensive plans—Ensure public participation.

Each county and city that is required or chooses to plan under RCW [36.70A.040](#) shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments.

WAC 365-196-630

Submitting notice of intent to adopt to the state.

(1) State notification and comment.

(a) The act requires each county or city proposing adoption of an original comprehensive plan or development regulation, or amendment, under the act, must notify the department of its intent at least sixty days prior to final adoption. Counties and cities may request expedited review for changes to the development regulations pursuant to RCW [36.70A.106](#) (3)(b).

(b) State agencies, including the department, may provide comments on comprehensive plans, development regulations, and related amendments during the public review process.

(2) Notice to the department must include:

(a) A cover letter or cover page that includes an explanation of the proposed amendment, notification that the submittal is intended to begin the sixty-day review process, the planned date of adoption, and the sender's contact information; and

(b) A copy of the proposed amendment language. The drafted amendment text should be in a complete form, and it should clearly identify how the existing language will be modified. An example of acceptable form includes struck through and underlined text that indicates proposed deleted text and new text, respectively.

(c) If the proposed amendment changes during the legislative process, counties and cities may submit supplemental materials to the department without initiating a new sixty-day notice period. Counties and cities must identify any materials submitted to the department if they are supplemental to an earlier proposed amendment under a sixty-day review.

We urge you to incorporate such an amendment process into your formal schedule of meetings and deliberations so that Commerce has a complete and accurate version of the proposed amendments. The updated draft, along with a distillation of the 200+ page document, should then be broadly disseminated to the public to facilitate full review and informed comment by concerned citizens of LFP at a subsequent public hearing.

The document that is the subject of the hearing needs to be widely available for a minimum of two weeks (Planning Commission recommended 21 days) before the hearing. If timing requirements are greater than the current schedule allows, the Stewardship Foundation would support a one or two month extension of the current moratorium.

Because your development of the code amendments is continuing and your current working drafts are not available to us – and likely significantly divergent from the documents of December 24 -- we have not suggested any specific text changes here.

Our proposed environmental alternative, attached, remains for us a standard for judging the final proposal when it becomes known. We believe that much of your recent discussion supports several planks in our Preferred Environmental Alternative.

We do have a few specific topics of concern in reaction to the December 24 documents and your more recent discussions:

- 1) Housing density and building heights need iron-clad upper limits expressed in unambiguous terms. These two aspects of any new development are fundamental controls on the impacts of new development. Maximum density and maximum building height should be set in the MC and there should be no mechanism by which a development project can exceed either limit.
- 2) Only the Council, as our elected representatives, can be relied on to take actions based on the community effects of development projects in the Town Center Area. It is critical that every development proposal, larger than minor maintenance or adjustments of interior space use, require full Council review and affirmative action before it can proceed. Council deliberations and actions should not be limited.
- 3) We welcome the additional protection for the riparian zone of Lyon Creek. You have discussed that there will be established a creek buffer and also a building setback from the buffer. We

assume that the stream buffer protections of the critical area section of the LFPMC will be enforced on this Lyon Creek buffer and that buffer averaging will not be permitted. Please also be sure to delineate where buffer and setback measurements begin. There also needs to adequate code to address “grandfathered” existing pavement and buildings which intrude on these riparian zone protections. These nonconforming uses must be addressed. Perhaps a five-year period to correct their intrusions or, failing that, nonconforming uses to be condemned by the City.

- 4) The Stewardship Foundation urges you to ensure that the public amenity of a vegetated, publicly accessible open space will be part of any significant development project and if a project is phased, that this amenity be part of the first phase.
- 5) Current best management practices for storm water management and landscaping to meet the City’s tree canopy goals should be utilized.

The development of your code amendments has entailed a long, costly, and time-consuming effort by the Council, City staff, and consultants. The importance of the character and function of the Town Center Area, as our only “downtown center,” cannot be understated. The ecological importance must also be recognized, protected and enhanced. We applaud all the efforts and commend the dedication of all involved in this process.

BOARD OF DIRECTORS

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Lake Forest Park Town Center: *The Preferred Environmental Alternative* Adopted May 20, 2019

We are dedicated to protecting and enhancing the environmental health of Lake Forest Park. As advocates for the well-being of the community and stewards of the natural environment, we advance this Preferred Environmental Alternative to underpin new development standards for the Town Center area with fundamental environmental values.

The actions of our local government must be undertaken with transparency and integrity and must value and support the natural environment of Lake Forest Park and its human community. Any actions taken to further develop our Town Center area must be guided by the comprehensive citizen-driven vision statements created from 2005 to 2018. **None of the alternatives outlined in the 2019 Town Center Draft Environmental Impact Statement present viable options for environmental health and quality of life in Lake Forest Park, nor do they adequately reflect the vision of many thoughtful citizens created over the course of thirteen years.**

As plans and guidelines for the development of the Town Center area are considered, we urge all elected leaders, the Planning Commission, city administrator, city planning director, and others with influence to advance and adopt plans and code changes consistent with the following aspirations and limitations:

1. **LIMITS ON BUILDING HEIGHTS** – Limit the total height of buildings to the maximum of 40 feet (or 50 feet for buildings with pitched roofs in the south portion of the site), well below the current height of the surrounding tree canopy.
2. **LIMITS ON DWELLING UNITS** - Limit the residential buildings at Town Center to include no more than 350 residential units. Lock in this limit on Town Center density so that future consideration of any higher limit will require robust public process and not be allowed by conditional use permits nor administrative decision.
3. **BLENDED EDGES** - Blend development in with the surrounding neighborhood character and scale. Upper stories of multi-story buildings should be stepped back in profile. Ensure that all outward facing buildings have window and balcony placements that do not compromise the privacy of single family residential neighbors.

4. **GREEN BUILDINGS - Require new construction to be certified green buildings and require environmentally-sound standards for remodeling.** Require design elements with architecture and landscaping that enhance quality of life and contact with nature (e.g., walls that generate electricity, roof and vertical wall gardens, the capture and treatment of surface water runoff before it contaminates our streams, sustainable development and operating standards).
5. **OPEN SPACES - Enhance our green infrastructure with natural life support systems for a living landscape.** Town Center should have significant green space with native species, large trees, and connections to other green spaces in the City. **Require public open spaces totaling at least 20% of the total area of the five property planning area, roughly 4 acres.** Public open space excludes roadways, parking areas, semi-private areas, buffers. Public space should be realized as a few large, pedestrian gathering areas, with native trees and other plants, with seating and drinking water available. **Interior public space should be required at least as large as the area now managed as Third Place Commons, roughly 10,000 square feet.**
6. **CREEK PROTECTIONS - Require any significant development in the Town Center area to enhance and protect the riparian corridor of Lyon Creek which lies within and along the Town Center area.** Improvements in fish passage have been achieved and are continuing. The riparian corridor needs impervious surfaces removed, native plants introduced and supported, and needs all surface water discharge to be clean and controlled in velocity and quantity. Imagine the joys of someday seeing returning salmon spawn in our creeks!
7. **LAKE ACCESS - Provide greater and safer public access to Lake Washington from Town Center.**
8. **PEDESTRIAN CENTERED RETAIL AREAS - Redesign commercial areas to meet needs at a human scale.** Imagine a pedestrian plaza, a wide promenade with shops, outside dining—spaces designed more for people than cars, that encourage us to linger, talk, and shop in and next to green spaces. **Enhance low-carbon modes for coming to the Town Center,** including walking, biking, buses, and electrical vehicles. To support a pedestrian oriented character of the Town Center, **require internal roadway designs that prevent any drive through routes** from one side of the Town Center area to another.
9. **FOREST CANOPY -** Ensure that within the Town Center area a tree canopy coverage of at least 20% will be achieved within 20 years of the planting of the trees. Trees should be those native to the area, including conifers able to become large monuments to this City's forested character. Require property owner to nurture every planted tree and to replace any that do not survive.
10. **SENSE OF PLACE -** Lake Forest Park is still an oasis of natural spaces within a sprawling, rapidly urbanizing region. Its center should reflect the values its citizens place on living in harmony with Nature. Those who use Town Center (and especially those who will live or work there) will appreciate it now and for many centuries to come.

January 21, 2021

Written Comments Regarding:

Lake Forest Park City Council Special Meeting

Virtual Public Hearing on Proposed Amendments to the Lake Forest Park Municipal Code (LFPMC) and Design Guidelines Pertaining to the Town Center Zone and Related Regulations in the LFPMC for Development Agreements, Off-street Parking, Screening and Landscaping, and Multifamily Tax Exemption

To LFP City Council:

Thank you for the enormous amount of work you have engaged in to bring discussions for changes to our LFPCM and related code to an imminent end.

In reviewing the draft documents that are the subject of this hearing and considering your many hours of work on this draft since it was published, I'd like to offer the following comments, concerns and recommendations.

Chapter 18.42 Town Center

1. 18.42.040.A (Limitations on Use)
 - a. Allowing the developer to increase the number of units by 130%+ should result in more public benefit. One idea is to up the open space requirement under 18.42.130.C.B.1 from the top end of ½ acre to ¾ of an acre by making ¼ acre per the three density bands you outlined.
 - b. Does this section, limiting the number of residential units through a development agreement (DA) to 275, serve the same purpose as 18.42.170? In this case, it should appear in 18.42.170, too.
 - c. Also, would the number of assisted housing units or hotel rooms be in addition to the limit on residential units? This should be clarified particularly since the definition for this doesn't necessarily include support services. (Definition in 18.08.107 says, "...may include support service...")
 - d. Does this mean that this mixed use required in the base code and, per 18.42.170, couldn't be negotiated away in a DA? Hopefully the answer is yes and in keeping with our purpose statement for this code, that can be one way we ensure we get some commercial investment in the property at any stage unlike what is happening at Shoreline Place/Sears. There really isn't much else incentivizing commercial investment in this code.
2. 18.42.040.D (Limitations on Use)
 - a. How does this section related to the proposed 65-75% impervious surface terms in section 18.42.130.F?
3. 18.42.040.H.3 (Limitations on Use)
 - a. I strongly support this, these limits on use.
4. 18.42.095.A.1.B (Freestanding Parking Structures)
 - a. Option B is preferable as a base level from which further negotiations can take place if the public benefit warrants.
5. 18.42.095.A.2.B (Freestanding Parking Structures)

- a. It seems like information that details requirements for a traffic study and pedestrian safety are needed. And, are there additional terms needed to ensure safety (pedestrian and vehicular) at the entrances and exits?
6. 18.42.095.A.3 (Freestanding Parking Structures)
 - a. Regarding height, the options you have listed do not expressly note that one corner doesn't apply to all corners of a proposed garage. What stops ST from building a garage that is only 35' above grade at the top of a sloped site but far taller on the downhill side of the slope? Why not keep the Planning Commission's recommendations of 35' from the lowest grade of the build site? Alternatives to this could be part of a DA with ST while still keeping the maximum height as 45'.
7. 18.42.095.A.3 (Freestanding Parking Structures)
 - a. 45' from where?
 - b. A plaza in exchange for an extra level, 10' of height seems paltry. Why not ask for parking spaces that the city and/or residents don't have to pay for after hours or weekends?
8. 18.42.095.F.1 (Freestanding Parking Structures)
 - a. Option B seems favorable, however, it could be helpful to find some way to designate these would not be stalls that would have fees associated with them. When ST presented their work they did foreshadow the parking in the garage is likely to be fee based if not when it first opens then not too long after.
9. 18.42.095.G.1.a (Freestanding Parking Structures)
 - a. I recommend this should be a higher percentage or include a factor that accounts for growth. Projections today could change dramatically once this facility is up and running. When you consider that those who live too far from TC to walk are likely to simply drive to the 185th or 145th station. That makes more sense than fighting traffic to obtain a parking space in TC only to grab the BRT and have to transfer to pick up the 145th train. This is also congruent with our focus of trying to reduce vehicle oriented traffic. So, by extension, bike parking could be more valuable for many residents.
10. 18.42.095.I.5.a (Freestanding Parking Structures)
 - a. Why is entrapment only addressed for the first floor? Shouldn't this be a requirement for all floors?
11. 18.42.095.I.5.a (Freestanding Parking Structures)
 - a. Shouldn't this sentence include pedestrians?
12. 18.42.095.I.5.a (Freestanding Parking Structures)
 - a. I am in favor of Option A. Activating this area is in keeping with the goals for TC and provides a pedestrian focus that connects TC with LFP Town Hall.
13. 18.42.130.C.B.1 (General Criteria)
 - a. Regarding the Open Space provision. Why do we double and triple the benefit for the land owner in terms of adding more units and not do the same for our open space? I would recommend we require additional open space at 10k sf for each step up in units as outlined in Table 18.42.130-1.
 - b. Also, are sidewalks and landscaping counted as part of this open space? That detail needs to be added.
14. 18.42.130.C.B.2 (General Criteria)
 - a. I am not in favor of allowing the open space that is the subject of the previous section (18.42.130.C.B.1) to be included here.
 - b. I am in support of the minimum of 200 SF of common open space per unit.
15. 18.42.130.C.B.4 (General Criteria)

- a. I am in favor of requiring all required open space in the phase 1 build.
- 16. 18.42.130.D (General Criteria)
 - a. I applaud holding height at 38 feet for non-DA projects.
 - b. What is the maximum height that can be built with bonus provisions? I recommend fixing the max height, through bonus incentives, of 50 feet or ~4 stories (3:1)
 - c. Regarding struck Lines 36-38 I am opposed to striking this line of our existing code regarding new buildings not have an unreasonable potential to negatively impact use and benefit of natural light within TC or adjoining areas. This is not being a good neighbor.
- 17. 18.42.130.E.2 (General Criteria)
 - a. Does this conflict with our Critical Areas Ordinance?
- 18. 18.42.130.E.3 (General Criteria)
 - a. Why would we require a larger setback, more than double, here than we do of neighbors to the property? Seems unneighborly.
- 19. 18.42.130.F (General Criteria)
 - a. What provisions will guide a phased development? At what point does the site have to be in compliance if it is out of compliance now? Like the open space provision, in phase 1?
 - b. Regarding F.2, is this requirement for 5' of additional buffer for the whole creek or just the portion adjacent to the development or phase being built?
- 20. 18.42.135.D&E (Affordable Housing)
 - a. Is this suggesting that 15% (~41) more housing units than 275 could be built if the same number of affordable units were built? A total of 316 units? **I am not in favor of this.** There is already a tax exemption incentive. And, if the developer reneges on renting these to qualifying families there is a provision to collect the taxes but not one to recapture this benefit.
- 21. 18.42.135.F (Affordable Housing)
 - a. I am not in favor of allowing an extra floor level as an incentive here unless there is a cap of 50 feet in section 18.42.170.B. Besides, there is already a tax exemption incentive. And, if the developer reneges on renting these to qualifying families there is a provision to collect the taxes but not one to recapture this benefit.
- 22. 18.42.140 (Design Guidelines)
 - a. I am following your conversations and will offer comments on your next draft.
- 23. 18.42.160.C.4 (Administration)
 - a. Stormwater and water quality seem important enough to be a required study and not at the discretion of staff.
- 24. 18.42.160.C.8 (Administration)
 - a. I applaud public notice provisions to include mailings and 21 day window. I couldn't discern if that is that between all stages/for all hearings though I hope it is.
- 25. 18.42.160.C.10 (Administration)
 - a. I would like to recommend the notice of this hearing be sent to all in the city as detailed in the previous section C.8.
- 26. 18.42.170 (Development Agreement)
 - a. In B.1 You reference parking structure location and massing but I do not see anywhere where location is dictated.
 - b. In section 18.42.040.A you note max. residential units but that should be stated here, too.

- c. I would strongly urge you to include height, density, and maximum impervious surfaces in this section.
- 27. 18.72.020 and (Development Agreements-Terms and Conditions)
 - a. The characterization of the Director and any designee of the Mayor to “negotiate” a DA makes the body of work seem as if it will – in some way – have the endorsement of the Director and Mayor prior to all of the steps the DA will move through after hand-off from the Director to the PC and CC, including the Public Hearings. Can this be modified to better characterize this part of the process? Is this work a full negotiation or is processing a proposal for the items detailed in A.1-15?
- 28. 18.72.030 and (Development Agreements-Public Hearing)
 - a. Related to the above, section A could say, “...this chapter has been met and submits the same for consideration, a public....” To me, this would honor the fact that the community (directly and through both the PC and CC) have an opportunity to weigh in prior to any staff member “recommending” a DA for consideration. This, hopefully, can keep staff, the community and the council moving together as one through the whole process rather than potentially dividing before any of the public vetting has a chance to take place.

Live Public Comment

First, thank you for the extraordinary volume of work you have done to bring us to this point in the process. Generally, I think the drafts are in a good place, however, it is evident there is still work to do. To that end, I will email you a more detailed listing of feedback and concerns. Items in that feedback that are at the top of my priority list include:

1. First, Open Space: I like that you are requiring the open space in Phase 1. I am assuming you mean the number of units outlined in an overall site plan but that could be made more clear. I would also like to request that you increase the public benefit requirement from 1/8 to ¼ acre for each step up you outline. If the developer is able to double their benefit there is no reason the community overall shouldn't benefit in similar measure. This would also be well aligned with our community values and chip away at the deficit we already have in our community that was detailed in the parks board report we looked at a year or so ago.
2. Non-negotiables: You have outlined bonus provisions across several sections of the code. Given the STRONG public sentiment about height, density, impervious surfaces I would request you include these three items in section 18.42.170 (Development Agreement) of the code. I would also ask that you reinstate the non-negotiables the Planning Commission recommended for the parking garage. I strongly believe this will make any redevelopment a more positive experience for our community, the property owner, the staff and the council.
3. I couldn't find where we are requiring a site plan for any redevelopment in TC which makes me wonder if the property owner could simply build 100 units at time and by-pass public benefit provisions somehow? I am also concerned there are not enough parameters that govern a phased approach to redevelopment proposals for TC. The section regarding impervious surface maximums is of particular note.
4. And last, I have asked several folks about the financial implications of redevelopment. How will that affect our city budget one way or the other and how do we plan for this? It is a little tough to understand what the implications are to our budget for having the ST garage and rapid growth of our population. Will that require more staff? Services? Other expenses?

And, thank you for forecasting another public hearing in February!

Many thanks,
Maddy Larson
2847 NE 178th Street
Lake Forest Park, WA 98155

January 14, 2021

Mr. Steve Bennett, Planning and Building Director
City of Lake Forest Park
17425 Ballinger Way NE
Lake Forest Park, WA 98155

RE: Town Center Code Update – Merlone Geir Partners’ Comments on Draft City Code –
Council 1/7 & 1/9 Special Work Session Drafts

Dear Steve:

Merlone Geir Partners (“MGP”) has provided many comments in the past urging the Planning Commission and City Council to avoid placing overly restrictive provisions in the Lake Forest Park Municipal Code (“Code”) as it relates to our property. We recognize the extensive effort that has gone into the preparation of these code changes, but continue to believe that the City has either chosen to ignore our comments calling for a balanced set of development standards for the Town Center, or has knowingly adopted a position that is fundamentally at odds with our ownership interests. With these latest proposed code amendments, your goal of achieving a set of reasonable development standards to guide potential redevelopment of the Town Center is becoming even more remote.

Following are our comments related to the “Draft Town Center Code –Track Changes” document posted for the City Council’s January 7 & 9, 2021 meeting of the Special Council Committee of the Whole. Again, we urge you to take our feedback into consideration. MGP will not invest further in the Town Center process unless and until there is some reasonable attention paid to the viewpoint of the property owner and what constitutes a reasonable balance between land use regulation, design, environmental protection, community amenities along with the market based realities of property ownership and redevelopment.

Significant Areas of Concern:

- Prohibition on Residential-only Structures/Maximum Density Limit

Proposed Code: *A. Residential uses are not permitted as separate projects; they must be developed in combination with commercial or nonresidential uses as part of a design review permit under LFPMC 18.42.160. Residential uses may not be developed at a density of greater than seven dwelling units per acre,*

unless the increase in density is included in a development agreement. The maximum density that may be included in a development agreement is 275 dwelling units for all of Town Center.

It is unclear to us why the City would adopt a blanket prohibition on residential-only structures at a site that is targeted not only for affordable housing, but also transit-oriented development. In our view, a mixture of residential-only development, commercial, and mixed-use development creates the aesthetic character and economic stimulus necessary for a vibrant town center.

A limit on density of 7 DU/Acre, as a matter of right, is unworkable in any Town Center residential redevelopment scenario.

As we have stated on numerous occasions, a maximum density of 275 units, as a matter of right, is also a non-starter as far as stimulating potential mixed use or single-purpose residential redevelopment at the Town Center. In a scenario where the maximum residential density of 275 units applies across the Town Center site, we will simply focus, instead, on re-leasing our property for the foreseeable future. If the intent is to force us into a Development Agreement, we simply will not pursue such a path given the significant difference between 275 and what would likely need to occur (400 units or more) to justify the significant costs and loss of existing leasable area.

- **Maximum Size of Retail – 35,000 sq. ft. Limit**

We cannot support a 35,000 sq. ft. limit on retail space. Most grocery stores require more than 40,000 sq. ft. footprints. Another potential conflict could be medical office. These anchor tenants and revenue generating opportunities are what allow other amenities desired by the City and the public to be implemented. The proposal to disallow any structure greater than 35,000 sq. ft., absent a development agreement, creates a significant hurdle and poses added risk to a prospective anchor tenant seeking to locate at the Town Center.

- **Maximum Structure Height**

Proposed Code: *Town Center Height. 1. The maximum building height limit in the TC zone is 38 feet above existing grade, measured from the lowest point of the existing grade. Existing grade means the elevation of the existing ground surface prior to proposed grading, excavation, or fill. 2. Maximum building height is inclusive of the height of parapet walls and similar features, unless associated with a rooftop use. 3. Maximum building height is exclusive of the following if approved as part of a Major TC Design Review application: a. Public viewing platforms and covered public use spaces on the structure rooftop, including required guardrails. b. Public art elements on the rooftop or along the sides of the building that otherwise are in compliance with the Town Center 32 F*

A 38' height limit effectively allows for no more than 2/1 one mixed use buildings given the market for ground floor retail. Coupled with the inclusion of such features as parapet walls, or similar features of any height, a 38' height limit will not permit viable 3/1 mixed use buildings. What's more, as was pointed out in Jae Hill's spot on presentation recently to the Council, ground floor retail is typically a loss-leader in mixed-use projects with the rents rarely being enough to justify the cost of construction.

- **New Town Center “Land Coverage” Limitations**

Proposed Code: Land Coverage. 1. The maximum impervious surface area shall be no more than 65 percent of the total lot area. 2. Modification for Improvements to Lyon Creek Stream Buffer. a. Maximum impervious surface area may be increased when additional landscaping exceeding the minimum requirements set forth in LFPMC 11 18.42.130(A)(3) is provided along Lyon Creek. The maximum impervious surface area may be increased by two and one-half (2.5) percent for each additional five (5) feet of Stream landscape buffer provided with the project. To qualify for this increase, provided landscape buffer must meet the requirements for Stream landscaping set forth in LFPMC 18.62.080(D). b. When soft-surface walking paths within the additional buffer area set forth in subsection (a) of this section are provided, the maximum impervious surface area may be increased by an additional five (5) percent. The planting standards set forth in LFPMC 18.62.080(D) may be modified by the City Arborist if necessary to accommodate the soft-surface walking path. c. In no case shall the maximum impervious surface area exceed 75 percent of the total lot area.

This new standard is a profound departure from existing Code limits applicable to buildings only. Simply put, a maximum impervious surface limit of 65% for the Town Center is infeasible. The proposed Code already imposes significant setbacks from residentially-zoned areas, significant setbacks for parking garages and critical area setbacks for Lyon Creek. The resulting developable footprint, coupled with an overreaching limit on residential density cannot result in a viable site plan.

As mentioned previously, you received an excellent presentation from Jae Hill earlier this month and chose to ignore the key points of his message:

- New multifamily projects currently cost more than \$500 per sq. ft. to construct making it difficult to achieve feasibility even without onerous public benefits being required.
- Lumber has increased in cost more than 80% in the past 12 months.
- Most jurisdictions stay away from “mandatory” affordability to avoid a taking of private property.
- The 12 year MFTE program with 20% of the units set aside at 80% AMI is the market standard...and he could have added...when the underlying zoning already allows 5 over 2 construction to begin with which is not what you are offering in LFP.

The facts that are shared from professionals such as Jae, the data that resulted from your Non-Project SEPA, the best practices of other cities with similar underlying assumptions as LFP – these should be the basis for the creation of your code rather than arbitrary wishful thinking.

While we have other concerns related to affordable housing at 50% AMI, open space requirements, requiring a DA for projects over 3 acres, displaced parking language ignoring existing lease obligations, and overly low bar for triggering design review and a Development Agreement.

To date we have invested considerable time and resources, provided input at countless meetings and provided thoughtful, cooperative feedback. For that effort to be met with the code you are producing is disappointing to say the least. Unless a change of direction occurs to bring your code more in line with market standards, informed by objective, non-biased data and based on realistic assumptions, I fear this will be another document that sits on the shelf of the City for many years to come.

Respectfully,



James Gwilliam,
Vice President, Development
Merlone Geier Partners

cc: Jeff Johnson, Mayor
Philip Hill, City Manager
Catherine Stanford, Deputy Mayor
Tom French, Councilmember
Phillippa Kassover, Councilmember
Mark Phillips, Councilmember
Semra Riddle, Councilmember
John Wright, Councilmember
John Resha, Councilmember

JoAnne Trudel

From: Lorri Bodi
Sent: Thursday, January 21, 2021 5:49 PM
To: Evelyn Jahed
Subject: Fw: Town Center Code/Planning

From: Patty Cornaby <pcornaby@comcast.net>
Sent: Thursday, January 21, 2021 4:05:06 PM
To: Lorri Bodi; Mark Phillips; Semra Riddle; John Resha; tom french; Phillippa M. Kassover; John Wright
Subject: Town Center Code/Planning

This message originated from outside the City of Lake Forest Park. STOP! LOOK! THINK before you click. Use caution when clicking links or attachments

Council Members,

This is a comment regarding the Town Center Process. I have not seen any mention of public access to drinking water in the code for the TC. Forgive me if i have missed it, it is a very large document to absorb.

Mall Developers DO NOT include public drinking fountains or public water bottle filling stations anymore without insistence by city government. Their thought process is of course, we will sell more bottled water if we do not provide free water to our tenants or customers to our businesses. Shopping malls even 'super malls' no longer include public access to drinking water. People are forced to buy bottled water or drinks from vendors. If we in LFP truly want to embrace less plastic and to participate in reduction of pollution to our community we would also insist on providing drinking water by way of bottle filling station either in the parking garage or somewhere in the designated area of the TC space or both. Currently there is one fountain available in the inside mall area (to be removed at mall reconstruction) and one available in the current health club which cannot be considered public because it is limited to use by members. I have spoken to a current businesses in the TC who would love now to have water bottle stations but the mall management seems not interested. Public water stations should be considered in public spaces, inside municipal areas and the parking garage.

Please insist in code that there will be a bottle filling station, all major universities now have them available in food areas and all over campus. These places of education aim is to eliminate unnecessary waste and plastics. Even our local schools including our elementary schools have installed fountains with bottle fillers. Let's truly embrace the new paradigm. Filling stations truly make a difference in waste. If LFP does not insist in code it will not happen. Thank you.

Patty Cornaby
18105 33rd AVE NE
LFP

JoAnne Trudel

From: Sally Yamasaki <sally.yamasaki@gmail.com>
Sent: Thursday, January 21, 2021 4:54 PM
To: City Council; Jeff Johnson
Cc: Phillip Hill
Subject: Fireplace for the future

This message originated from outside the City of Lake Forest Park. STOP! LOOK! THINK before you click. Use caution when clicking links or attachments

Dear Mayor Jeff and Council members (cc-Phil Hill),

It was brought to my attention that you are in the process of deciding some exciting gathering spots in our future Towncenter.

The idea of a fireplace as they have at the Kenmore Hanger is lovely, but the idea of not leading the way in reducing greenhouse gases by having a gas fireplace is disheartening. Electric is a clean form of “fuel” as we get electricity from Seattle City Light. In the not too far future, I imagine we as a city will be able to generate our own electricity through solar panels rendering the cost of operating the fire free and carbon neutral.

In addition to the reasons above, is that as representatives of our city, it would be nice if you could lead the way for education in our community. Next to the electric fireplace you can post information as to the climate reason you made this choice. This in turn will then allow our community to begin to educate themselves and begin to make climate forward choices in their lives at home.

We have to start somewhere in changing our behavior if we want to reach King County's goal of carbon reduction of 50% by 2030. This is one simple way you can do this and at the same time work for the future of generations to come.

Please note below, a few articles about how cities that are already starting to transition out of natural gas. These are but a few articles. There are a lot more cities than this that have already changed, and since we are now back in the *Paris Climate Agreement with the other nations of the world, we are sure to see many more climate actions to clean fuel to come in the near future. (<https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>)

Thank you,

Sally Yamasaki and Dan Benson
17868 40th Ave NE
LFP

***PARIS AGREEMENT

(<https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>)

* Aritcles: Cities banning natural gas in new developement

1.Cities are banning natural gas in new homes, citing climate change - CBS News

<https://www.cbsnews.com/news/cities-are-banning-natural-gas-in-new-homes-because-of-climate-change/>

2. Mayor Durkan Announces Ban on Fossil Fuels for Heating in New Construction to Further Electrify Buildings Using Clean Energy

<https://durkan.seattle.gov/2020/12/mayor-durkan-announces-ban-on-fossil-fuels-for-heating-in-new-construction-to-further-electrify-buildings-using-clean-energy/>

2. Portland Bans New Fossil Fuel Infrastructure in Stand Against Climate Change: Using zoning ordinance, the Oregon city shuts the door to new projects and forbids expansion of existing facilities. December 15, 2016

<https://insideclimatenews.org/news/15122016/portland-oregon-ban-fossil-fuels-oil-and-gas-pipelines-coal-global-warming/>

3. Berkeley Became First US City to Ban Natural Gas. Here's What that may mean for the future.

<https://www.theguardian.com/environment/2019/jul/23/berkeley-natural-gas-ban-environment>

From the article: "The reasons behind the decision are multifold. Energy use in buildings accounts for about 25% of greenhouse gas emissions in California. If the state is to meet its goal of 100% zero-carbon energy by 2045, the gas will have to go."

"We don't want to have low-income communities the only ones left paying for the natural gas – these are already folks who pay a disproportionate amount of their income for energy and we don't want to make it worse," said Bartholomy."

4. San Francisco Becomes the Latest City to Ban Natural Gas in New Buildings, Citing Climate Effects - Inside Climate News

<https://insideclimatenews.org/news/13112020/san-francisco-natural-gas-ban/>

JoAnne Trudel

From: Randy Bannecker <Randy@Bannecker.com>
Sent: Wednesday, January 20, 2021 4:26 PM
To: Jeff Johnson; City Council
Subject: Public Hearing on Proposed Amendments --- Town Center Zone and Related Regulations

This message originated from outside the City of Lake Forest Park. STOP! LOOK! THINK before you click. Use caution when clicking links or attachments

Dear Mayor Johnson and Members of the Lake Forest Park City Council:

I am writing on behalf of the Seattle King County REALTORS.

Thank you for the opportunity to comment in the Public Hearing on Proposed Amendments to the Lake Forest Park Municipal Code and Design Guidelines Pertaining to the Town Center Zone and Related Regulations.

First, we wish to applaud your work on the Town Center Zone. It is exciting to see the package come together.

Second, we wish to direct our comments to the two affordable housing strategies contemplated in the draft:

- 1) We ask that you tread carefully regarding the creation of mandatory affordable housing requirements.
- 2) We strongly encourage the creation of a multi-family residential property tax exemption program (MFTE).

As you know, the lack of housing supply relative to demand in our region has reached crisis proportions and forced home prices to new highs. High prices have locked many people out of the housing market and/or forced them to travel farther from their job, in search of a home they can afford to buy or rent. This trend is unacceptable. Not only does it erode an individual's quality of life, but it also places added burden on our already clogged regional transportation system.

We believe the new section *18.42.135 – Affordable Housing* requires careful consideration. We signal caution because requiring the developer to provide affordable housing ultimately passes the cost burden of the affordable/subsidized unit onto the buyer or renter of the market-rate unit. Accordingly, the market-rate units are made more expensive and less accessible as a result of the affordable housing requirement.

An added risk is the cost of the inclusionary requirement could make a project too expensive if the cost of finished units exceeds what the market is willing to bear. In this case, projects would be delayed or shelved which would compromise both the city's development vision and its ability to meet demand for housing as prices increase.

The added density you would offer contingent on the provision of affordable units is needed outright. The added supply will offer natural price relief, though admittedly not deep subsidy.

We believe MFTE is a better tool for the creation of affordable housing. It provides financial incentive for the private sector to create income-qualified/affordable housing without the risk of transferring the cost burden to the market-rate units.

For every property tax dollar the City elects to forgo over the 12-year or 8-year tax exemption duration, the investor experiences a savings of approximately eight dollars on its property taxes. This provides the trade-off necessary to allow for 20% of the units to be sold or rented to low and moderate-income households.

If you agree and choose an MFTE program without a mandatory affordable housing requirement as contemplated in 18.42.135, we recommend adding an 8-year MFTE option along with the 12-year option. The 8-year MFTE would require a lesser number of affordable units and perhaps a higher percentage of area median income (AMI). For instance, the 12-year MFTE would require 20% affordable units to household earning no more than 50% AMI and the 8-year MFTE would require 10% affordable units to household earning no more than 80%. This approach would yield a desirable mix of affordable and market-rate units.

Thank you and best of luck as you complete the plan.

Sincerely,

Randy Bannecker



January 22, 2021

Phillip Hill
City Administrator
City of Lake Forest Park
17425 Ballinger Way NE
Lake Forest Park, WA 98155

Subject: Additional public comments on proposed town center code updates and garage architectural guidelines

Dear Mr. Hill:

We sincerely appreciate the City's continuing work on development of the bus rapid transit (BRT) project along SR 522 in Lake Forest Park, including the park-and-ride garage at the Town Center. As we noted in our prior letter, Sound Transit is supportive of the City's desire for a sustainable, community-focused project. However, after reviewing the latest draft code update (dated 12/24/20), Sound Transit remains concerned that the proposed code updates will hinder the advancement of the Project, instead of facilitating it. **We renew our request that the City delay action on the town center code update to allow Sound Transit and the City to further collaborate on approaches for the development of the garage, as envisioned in the February 2020 Partnering Agreement between the City and Sound Transit. We further request that the City leave the comment period for the code updates open until February 5, 2021 so that Sound Transit and others may have an opportunity to submit additional comments based on ongoing discussions of this matter.**

After the Sound Transit Board determines realignment related updates to the project schedule in July 2021, we will be able to provide a better indication to the City regarding our garage design schedule and permitting timeline, so we can identify a path forward for development of the garage. Additional background on the project is provided in our letter dated November 19, 2020, which is attached to this letter for reference. The following, more detailed comments are intended to supplement our November letter, based on our additional concerns about the 12/24/20 draft of the proposed code updates.

Additional Comments on 12/24/20 Proposed Code Updates

As you consider our request to delay code updates, please consider the following additional comments on the 12/24/20 draft of the proposed code updates. We believe the Project would benefit from continued City and Sound Transit staff collaboration to address these concerns before the proposed updates move forward:

- Section 18.42.020. The draft code language no longer includes a general reference to essential public facilities (EPFs) as permitted outright in this zone, although freestanding parking structures are still permitted. By removing

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CHIEF EXECUTIVE OFFICER

Peter M. Rogoff

acknowledgement of EPFs as a permitted use, there could be other project elements affected, such as the BRT station. We suggest a reinstatement of language related to EPFs.

- Section 18.42.095.B. The “Solar Ready” language, which initially required readiness, now provides that “[f]reestanding parking structures shall be constructed with a rooftop solar photovoltaic (PV) or similar Solar Energy System.” We recommend use of the word “should” rather than “shall.” While Sound Transit is committed to the development of more sustainable infrastructure, we believe it would be preferable to work together as the design of the garage develops to prioritize what may be the most effective strategies.
- Section 18.42.095.E.3. This new subsection on parking structures would require a baseline of two motorcycle spaces in all freestanding parking structures containing 20 vehicles, plus one additional motorcycle parking space for each 25 parking spaces and fraction thereof within the structure. The 300 space parking garage included in the ST3 plan does not specify how many of those 300 spaces should be designed for motorcycles. These requirements would indicate 13 to 14 of those 300 stalls designed for motorcycles. Sound Transit’s garage design guidelines indicate that motorcycle stalls shall be located in areas that would otherwise not be useable for parking by single occupant vehicles. It is unclear if we would be able to find the required number of motorcycle spaces within the interstitial spaces in the garage.
- Section 18.42.095.F. Additional parking beyond the 300 spaces included in the project is outside our scope and would require partner funding from the City.
- Section 18.42.095.L. With respect to active public uses within the garage, we recommend they be included as optional. Sound Transit is restricted to using funds only for transit related purposes.
- Section 18.42.095 N. The proposed update indicates green infrastructure is a requirement, located in the Design Guidelines. While Sound Transit seeks to develop more sustainable infrastructure, we believe it would be preferable to work together as the design of the garage develops to prioritize what may be the most effective strategies, rather than requiring them before a specific design is advanced.
- 18.42.130.C. Substantial proposed landscaping and public open space requirements have been added, with LID standards “mandatory . . . unless technically infeasible [or] relaxed . . . when supported by recommendations provided by a . . . qualified professional.” A ten foot landscape buffer around our footprint is likely to restrict the amount of space we have left for the garage, including our ability to include an internal ramp, particularly if it is in addition to a covered walk around the perimeter. Note that during typical project development we would normally evaluate the feasibility of LID.
- 18.42.130.D-E. The height limitations are still not entirely clear with 38 feet indicated here, and 35 feet in another location (Base Height Options A and B).
- 18.42.130.F. The 65 percent minimum impervious surface requirement will limit the footprint of the garage structure, and would likely require that land currently used primarily for surface parking be converted to open or landscaped space. This would likely pose additional design challenges for the Project, including the displacement of additional parking spaces on this site. This is another project design issue that should be reviewed for feasibility and discussed collaboratively by Sound Transit and City staff.
- 18.42.160.C. Our concerns remain regarding the approval processes available to permit the garage. We have requested more information from the City about how the City’s contemplated review and approval process would work for the Development Agreement option, as well as the separate Town Center review process. We would like to understand, and discuss the steps and general timing of the City’s contemplated review process for each.
- 18.42.180. This provision contains bonding requirements. We note that Sound Transit is generally exempted from city bonding requirements per RCW 35.21.470.

- 18.58.080. This section is assumed to apply only to surface parking lots rather than parking garages. However, we would like to confirm this understanding with City staff.
- 18.62.030. Similar to the landscape buffer above, the landscaping perimeter to a depth of 6 feet is likely to restrict the amount of space available for the construction of a garage. This is another design issue that would need to be reviewed for feasibility, and collaboratively addressed with the City during the course of design.

Without modifications to the proposed code updates, they could hinder or preclude the development of the transit parking garage as contemplated in the ST3 Plan. In the interest of avoiding any such unintended consequences, Sound Transit would welcome an opportunity to discuss this proposal further with City staff and leadership. Should you have any questions, please don't hesitate to contact me at (206) 903-7413.

Sincerely,

Bernard van de Kamp

Bernard van de Kamp
HCT Corridor Development Director
Planning, Environment, and Project Development

cc: Paul Cornish (Bus Rapid Transit Director, ST)
Kathy Leotta (BRT Senior Project Manager, ST)
Mary Nicholl (BRT Senior Land Use Permit Administrator, ST)
ST Document Control

Attachment: Letter from Sound Transit to Phil Hill dated 11/19/20.