

Development Commission
7-6-16

**CITY OF ISSAQUAH
DEVELOPMENT COMMISSION
MINUTES
July 6, 2016**

City Hall South
Council Chambers

135 E. Sunset Way
Issaquah, WA 98027

COMMISSIONERS PRESENT

Randy Harrison, Chair
Robert Bakh, Alt.
Michael Brennan
TJ Ginthner, Alt.
Ray Leong
Mel Morgan, Jr.
Kevin Price
Richard Sowa
Carl Swedberg, Alt.

STAFF PRESENT

Amy Tarce, Senior Planner
Christopher Wright, Project Oversight Manager

APPLICANTS/OTHERS PRESENT

DJ Loveridge, Thick Brick LLC

CALL TO ORDER

HARRISON, Chair, called the meeting to order at 7:00 PM. He explained the items on tonight's agenda and how the meeting will proceed, including the opportunity for public comment.

APPROVAL OF MINUTES

MOVED BY MORGAN, SECONDED BY BRENNAN that minutes of the Development Commission meeting on June 8, 2016 be approved as presented. MOTION CARRIED UNANIMOUSLY.

DEVELOPMENT COMMISSION PURVIEW

Christopher Wright made staff's presentation. He said tonight's agenda item on the Development Commission's purview is a continuation of recent training efforts for the Development Commission, particularly because new members have recently joined the Commission. He explained the City's permit types and review criteria, and the review process the Development Commission uses to approve those permits. Using an overhead chart, he gave more details about the City's processes for reviewing and approving Site Development Permits (SDP), Master Site Plan Permits, and Development Agreements. He continued with a flow chart of how applications for a SDP go through the process from introduction by the applicant to a decision. He also explained the specific steps in the process in which the Development Commission is involved. Wright said all the standards, City codes, and regulations that the Development Commission needs to apply in its decision-making are available on the City's Web site.

HARRISON asked that copies of the "Land Use Review Process" slide be sent to each Development Commission member for future reference.

MORGAN asked how the Community Conference for SDP applications that was used in the past differs from the current practice. Wright explained that two public hearings are held for SDP applications. The level of detail available in the plans is the major difference in the two meetings, with the first of the public hearings intended to raise questions and concerns similar to what took place at the Community Conference.

PRICE asked where the review process being held tonight for the Sunset 7 Apartments fits into the items on the flow chart. Wright showed it on the flow chart.

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Amy Tarce continued staff's presentation on the quasi-judicial nature of the decisions the Development Commission makes. She gave the definition of quasi-judicial and explained the roles and responsibilities of the Development Commission, including following both procedural due process and substantive due process. She displayed the six questions each Commissioner is asked to consider in entering into a quasi-judicial approval process, including tonight's agenda item on the Sunset 7 Apartments. She asked if anyone would need to answer "yes" to any of the questions in making a decision on the project, and no one indicated they did. She continued with a discussion of ex-parte contacts, and asked whether anyone has had any ex-parte communication on the Sunset 7 project. No member indicated they had ex-parte communications.

HARRISON asked whether a Commissioner who is approached by a resident about a project under deliberation, but does not discuss it in depth or exchange detailed information about it, needs to excuse themselves from a decision at the Development Commission level. He gave examples and said he has been approached by members of the public about projects being developed around the City, but the discussions have been on a philosophical level, such as a general opinion on the development. Wright said that type of conversation should be reported to the Commission so that everyone has the same level of information if it included specific information about the project. GINTHNER said it is hard to run into a resident nowadays who doesn't have an opinion on, say, traffic in the City; that's a reality of living in Issaquah right now. HARRISON agreed, and clarified that the conversations to which he is referring aren't specific details about a plan or project, but rather are more general in nature. Tarce said the ex parte communications requirements for Commissioners would apply to specific comments on specific projects, not general comments about development in the City.

PUBLIC HEARING: SUNSET 7 APARTMENTS—SDP 16-00004

Site Development Permit 16-00004, requesting approval for redevelopment of an existing residential lot into a 7-unit, 4-story multi-family apartment located at 355 East Sunset Way.

Staff Presentation

Tarce made staff's presentation. She submitted recently received comments from a resident via e-mail as Exhibit 1, and provided a copy to each Commissioner. She explained that her presentation would cover existing conditions; compliance with the Comprehensive Plan; and compliance with development standards, including zoning and multi-family development criteria. She noted that this project was presented to the Development Commission for a Community Conference on November 15, 2015, and said many of tonight's comments will address issues raised at that meeting.

She continued with a diagram of the site plan and landscaping plan; the vicinity map and zoning districts related to the project site; a diagram and photos of existing land uses and site conditions; a review of the information presented at the Community Conference, including the key principles used to guide review of the application; and the applicable development standards. She gave more details about the Administration's required condition to the applicant's request for an Administration Adjustment of Height Standards, which would be to require additional articulation on the building corner to soften the scale of the building and give a more pedestrian-friendly appearance. She continued with the required frontage improvements on East Sunset Way and how this project would meet the requirements, including the bike-pedestrian plan in the Comprehensive Plan Transportation Element. She noted that the separated bike lane is in development at this time. She also noted that East Sunset Way may be added to the November ballot measure for transportation project funding, with a decision expected on whether or not it will be included to be made by City Council on July 18.

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SOWA asked for more details about the project frontage and future improvements on East Sunset Way. Tarce said the Council has asked staff to come up with a preliminary concept for improvements on East Sunset Way, but it is in the very early stages. She continued with an explanation of the fee required in Condition 10 of the Sunset 7 Apartments application in lieu of making street frontage improvements because plans for East Sunset Way improvements are not yet finalized.

She continued her comments about how this project meets the City's multi-family development standards for site access and circulation; building modulation and roofing modulation; paving; private or common usable outdoor space; and screening, as outlined in the Staff Report. She explained the Administration's reasons for requiring condition 2 on alley repaving (page 14 of 25) and conditions 3, 4, and 6 related to screening (pages 18 of 25).

Tarce concluded her presentation by saying that, together with the conditions noted in the staff report, including all the exhibits and attachments, the Administration recommends approval of SDP 16-00004 for the Sunset 7 Apartments.

GINTHNER noted if the City votes for the East Sunset Way road improvements, the fees collected from this project will go into a fund for frontage and street improvements, and will not necessarily be used for improvements at the project site. Tarce replied that is correct, and described the three pots of money that the fees will go into and how they could be used. GINTNER asked if the ballot to approve street improvements doesn't pass, would there have to be further discussions with the developer on frontage improvements. Tarce said the fee-in-lieu would be sufficient and the developer could move forward with their project.

BAKH asked about whether a sidewalk will be built in front of the project given that it appears a plan for East Sunset Way street improvements is several years away. Tarce said a sidewalk exists there now, as well as a shoulder, but they do not meet the City's current standards and would be addressed as part of making improvements to East Sunset Way.

LEONG asked how much would the fee be. Tarce replied the fee is based on the design, and the actual details and fee amount will be determined during the project's construction permit phase.

LEONG asked for clarification of the workshop referred to in the plans. Tarce said a workshop is included as a possible amenity, although the actual amenity, which would be for residents, is under discussion and yet to be defined. LEONG asked whether the workshop would be available for the public. Tarce replied no, it would be for residents only. LEONG asked for clarification of the bicycle parking arrangement. Tarce explained that the bike rack identified in the plan can be moved, and the eventual placement can be worked out with the applicant. LEONG asked about garbage pick-up in the alley. Tarce showed a photo of an adjacent property with an alcove where waste collection bins are placed, and said we have asked the applicant to do something similar with a pad on which the bins would sit. BAKH asked how do the trash cans get outside. Tarce replied that would be the responsibility of the apartment tenants. MORGAN asked whether adding a pad would mean the project would exceed the required pervious/impervious ratio of 50 percent pervious. Tarce said the pad could be made of something like wood chips, which would be considered pervious.

LEONG asked about the windows shown on depictions of the southwest stairwell. Tarce said those are intended as egress in case of fire. LEONG asked for clarification of the second and third floor building plan drawings on A-3.2. The windows do not seem to be present on the stairwells in those

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drawings, he noted. DJ Loveridge, Thick Brick LLC, replied the windows are there; the cut line on the diagram does not allow them to be displayed.

HARRISON asked for confirmation that the red color will be an accent color to be used on the garage screens. Tarce replied that is correct, it will be used on the metal grates of the garage. Loveridge added the grates will be power-coated with red as an accent color. HARRISON asked will they be visible from the East Sunset Way side. Tarce replied yes, you will be able to see the two in front from Sunset. PRICE asked whether any details are available for the architectural grills referenced in condition 3 (“The garage openings shall be provided with decorative grills...”). Tarce replied that level of detail is not available at this point in the process.

PRICE asked whether landscaping lighting is addressed in the conditions or the plans submitted to date. Tarce replied in a small project such as this, landscaping lighting is usually reviewed during the construction permit phase. She added that lighting is not required in the lighting regulations in the City’s land use code, and applies only when the applicant chooses to use exterior lighting.

PUBLIC COMMENT

HARRISON opened the meeting for public comment at 8:05 PM.

Denise Coghlan, 295 East Sunset Way, said she lives just ten feet or so from the Sunset 7 Apartments project, and is speaking tonight as a member of the public, a resident of Issaquah, and a renter. She expressed concerns with the speed that decisions have been made on this project and with the notification process the City uses, which does not specifically target renters. She gave a synopsis of her personal situation from the perspective of a renter, and how the lack of notification about the project has affected her. She said her landlord did not notify her as a tenant about the project and so she didn’t learn about it until the notice of construction sign went up. She explained how the dust and noise from the project would negatively affect her, particularly her health. She also expressed concern that construction could take place on Saturdays as well as Monday through Friday, as has happened on other projects elsewhere around the City. She asked the Commission to rethink how the City approves projects that will create noise and health concerns for residents.

Joanne VanDeurzen, Issaquah resident, described her experience with noise when she lived in West Seattle and pile driving took place several miles away six days a week. She also described her experience living in the Sound End where residents were not informed about zoning, tree removal, additional traffic, and so on. She said the public needs to be informed about construction projects such as the Sunset 7 Apartments, and said she wants Issaquah to remain Issaquah and not look like Bellevue. She expressed concern that the proposed project does not include adequate handicapped parking, and noted that two handicapped stalls are required under ADA requirements. She also expressed concern about the need for overflow parking, noting that a three-bedroom apartment is likely to need three or even four parking spaces, not two. She expressed concern about the shadow effect of taller buildings like the Sunset 7 Apartments, noise from construction, additional traffic, the choice to build in Issaquah rather than Bellevue, and lost views from Gilman Blvd.

Hearing no additional requests to speak, HARRISON closed public comment at 8:20 PM.

Commissioner Discussion

HARRISON asked staff to clarify when notification of this application became available to the public via direct mail, on the City’s Web site, notices published in the newspaper, and so on. Tarce gave the information, noting that it is included on page 2 of 25 of the Staff Report, and added a site

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sign was also installed. BRENNAN asked whether notification of the Community Conference on this project held last November also took place. Tarce replied yes.

MORGAN asked for clarification about the comment made during Public Comment about the adequacy of handicapped parking stalls. Tarce said her understanding is that only one handicapped stall is required for this project, but she will double-check with the Building Department. She said ADA parking requirements are included as part of the building permit level of review, so ADA compliance is not fully addressed in the Staff Report.

BRENNAN asked for details about the process used by the City to notify the public about the review process for projects such as Sunset 7 Apartments. Tarce and Wright gave information about notification, including both the overall legal requirements and the specific notification process the City uses. HARRISON clarified that realtors and landlords are not required to forward notification to renters or tenants. Wright replied there is no City requirement to do so. MORGAN suggested adding “especially renters...” to the notification letter to property owners asking them to extend this information to interested parties; Wright replied that language is already included in the notification letter to property owners. Tarce read from the actual code that pertains to notification.

BRENNAN asked what is required to receive permission to perform construction work on Saturdays. Tarce explained the process. Wright said there is an ordinance before the Council right now regarding off-hours construction, so it is a topic that is under discussion right now. HARRISON asked how often is a Saturday construction permit granted; is it unusual or fairly typical, and is there any way to quantify that, he asked. Wright replied Issaquah is more restrictive than other cities with regard to allowing Saturday construction work. He said this topic was discussed at the Land and Shore Committee last night.

Review of Criteria Checklist

HARRISON asked staff to explain the objective of using the design standards checklist for this project (Attachment 1). Wright gave the explanation. HARRISON read the intent for each standard, noting that approval means approval with the conditions staff has proposed. The Commission reviewed the checklist in Attachment 1 and indicated “approval” to all applicable items.

Commission Decision

MOVED BY MORGAN, SECONDED BY BRENNAN that the Development Commission approve the Site Development Permit for Sunset 7 Apartments, SDP 16-00004, with plans, architectural drawings, and technical studies submitted on April 21, 2016, the Staff Report dated July 6, 2016, with Attachments 1 through 7, Exhibit 1, and the staff recommended conditions of approval, including the elimination of the second paragraph of condition 10. MOTION CARRIED BY THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT.

MOVED BY MORGAN, SECONDED BY BAKH, that the Development Commission direct the Development Services Department to prepare Findings of Fact and conclusions for review and approval by the Development Commission Chair, affirming the Development Commission’s decision to approve the Site Development Permit for Sunset 7 Apartments, SDP 16-00004, based on plans, architectural drawings, and technical studies submitted on April 21, 2016, the Staff Report dated July 6, 2016, with Attachments 1 through 7, Exhibit 1, and conditions of approval as adopted by the Development Commission on July 6, 2016. The staff analysis and conclusions in the Staff Report shall serve as the Findings of Fact. MOTION CARRIED BY THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT.

ELECTION OF OFFICERS

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HARRISON expressed his appreciation and thanks to staff and fellow Commissioners for their support during his term as Chair of the Development Commission, and said it has been his honor to serve the City and Commission as Chair. He asked that nominations for Chair and Vice Chair for the upcoming term be opened at this time.

MOVED BY HARRISON, SECONDED BY GINTHNER that SOWA be nominated as Chair of the Development Commission for the upcoming term.

MOVED BY LEONG, SECONDED BY GINTHNER that nominations for Chair be closed. MOTION CARRIED UNANIMOUSLY.

The motion to name SOWA as Chair of the Development Commission for the upcoming term CARRIED BY THE UNANIMOUS VOTE of all Commissioners present.

HARRISON asked for nominations for Vice Chair of the Development Commission at this time.

MOVED BY BRENNAN, SECONDED BY HARRISON that MORGAN be nominated as Vice Chair of the Development Commission for the upcoming term.

MOVED BY GINTHNER, SECONDED BY LEONG, that nominations for Vice Chair be closed. MOTION CARRIED UNANIMOUSLY.

The motion to name MORGAN as Vice Chair of the Development Commission for the upcoming term CARRIED BY THE UNANIMOUS VOTE of all Commissioners present.

BRENNAN thanked HARRISON for his service as Chair, noting that his tenure has included chairing some tough meetings. He has done a masterful job of leading the Commission through the decision making process skillfully and professionally, he said. MORGAN agreed, and said HARRISON has been a great advocate for both the Commission and the City during his tenure as Chair. LEONG said he has appreciated HARRISON's insight into approaching problems from an "outside the box" perspective, as well as his leadership and skills in conducting Commission meetings.

OTHER BUSINESS/ANNOUNCEMENTS/ADJOURNMENT

With no further business to conduct, HARRISON adjourned the meeting at 8:56 PM.

Respectfully submitted,

Susan Lowe
Recording Secretary

(Note: Alternate Members participated in, but did not vote on, decisions at tonight's meeting as there was a quorum of Regular Members present.)