

**CITY OF ISSAQUAH**  
**Development Commission**

6:30 PM  
February 6, 2019

**MINUTES**

Council Chambers  
135 E. Sunset Way

*These minutes are provided as a written record pursuant to IMC18.03.100(C).  
A video recording of the meeting and a full transcript of the proceedings also exist.*

**COMMISSION AND ADMINISTRATIVE PERSONNEL PRESENT**

*Commissioners Present:*

Richard Sowa, Chair  
Mel Morgan, Vice Chair  
Michael Brennan  
Kevin Price

Richard Sanford

*Commissioners Not Present (Excused):*

Randolph Harrison  
Jasmina Mihova  
Mark Rigos, Alternate  
Ryan Roeter, Alternate  
Nischitha Venkatesh, Alternate

*Administration/Staff:*

Keith Niven, Econ. & Dev. SrCs. Dir.  
Lucy Sloman, Land Development Mgr.

*Others Present:*

Jeffrey Dunbar, City Attorney's Office  
Tia Heim, Shelter Holdings  
Zachary Lell, City Attorney's Office  
Ray Liaw, Van Ness Feldman, LLP  
Jackie Quarré, Foster Pepper PLLC  
Patrick Schneider, Foster Pepper PLLC

**CALL TO ORDER**

SOWA called the meeting to order at 6:30 PM.

**PUBLIC HEARING(S) - Continued from 2/5/19**

- a) **Issaquah Highlands Retail (High Street Collection) Site Development Permit, (Q)\***  
Application No. SDP18-00001; PRJ17-00027

**Issaquah Highlands Medical Office Administrative Site Development Permit, (Q)\***  
Application No. ASDP18-00007; PRJ17-00023

**Issaquah Highlands Self-Storage Administrative Site Development Permit, (Q)\***  
Application No. ASDP18-00006; PRJ17-00028

- ~~Preliminary Matters~~ [completed]
- ~~Staff Presentation/Witnesses~~ [completed]
- Applicant Presentation/Witnesses
- Public Testimony
- Rebuttal Witnesses
- Discussion/Decision

Heim resumed her presentation in response to questions from Quarré, after Quarré confirmed that Heim remains under oath. Quarré referred to Heim's meeting notes from October 24, 2017 and asked Heim to describe the discussion that took place at that meeting, including references to ARC (Architectural Review Committee) at the Highlands. Quarré referred to Exhibit S-31, a letter dated October 25, 2017 addressed to James Haney, City Attorney, from Patrick Mullaney, Foster Pepper, asking for an interpretation on vesting. Quarré referred to Heim's meeting notes from October 26, 2017, a collaborative meeting on the office/fitness application on Block C.

Quarré introduced new Exhibit S-57, an email string between Heim and Sloman, specifically an email from Sloman on October 27, 2017, and Heim's response on October 30, 2017. Quarré referred to Exhibit C-6 in the record, a memo dated November 16, 2017 from Niven/Sloman to the City Council and/or Land and Shore Committee. Quarré introduced new Exhibit S-58, a memo from Niven/Sloman to Council's Land and Shore Committee referencing multiple attachments, including a vesting white paper (Exhibit C-6). Quarré referred to page 7 of Exhibit S-58, which speaks to vesting and references Exhibit C-6.

Quarré referred to Exhibit S-9, a checklist of Commercial and Multi-Family Building Permit Submittal Requirements; and introduced new Exhibit S-59, Non-Residential and Multi-Family Construction Permit Submittal Requirements, dated December 16, 2016. Quarré continued her questions of Heim based on Heim's meeting notes from November 6, 2017, including the participants, purpose, and discussion at that meeting.

Quarré introduced new Exhibit S-60, an email from Tom Goetz, Port Blakely, to Heim and Mullaney. Quarré referred to Exhibit S-33 in the record, a letter from Mullaney to Niven on November 9, 2017 regarding the Grand Ridge Development Mitigation.

Quarré introduced new Exhibit S-61, divided into sub-parts (S-61.A and S-61.B, graphics related to the site plan for Block C; S-61.C, a title commitment showing ownership of the property; S-61.D, a Pre-Application Meeting Requirements checklist; S-61.E, a memo with facts about the proposal for the office on Block C, specifically solid waste service; S-61.F, a brief project description; S-61.G, a land use permit application for the preliminary land use application for the office building on Block C, Lot 6; S-61.H, the main packet of the submittal of the preliminary application for Block C; S-61.I, a more complete project narrative; S-61.J, a transmittal letter from Collins Woerman for the submittal; and S-61.K, an email from Jean Lin, City Planner, to David Holmes, Shelter consultant, transmitting the City's comments on the pre-application materials, dated January 16, 2018.

Quarré referred to Exhibits S-34 and S-35 in the record, an email (S-34) from Mullaney to Niven and an attachment letter (S-35) seeking clarification from the City, dated November 15, 2017. Quarré referred to Heim's meeting notes from a follow-up meeting on November 21, 2017. Quarré referred to Exhibit C-4 in the record, an email string of communications from Heim to City staff and internal to City staff, beginning on November 21, 2017, exchanged after the meeting.

SOWA called for a ten-minute break about 7:30 PM. The meeting resumed about 7:40 PM.

Quarré introduced new Exhibit S-62, the medical office building ASDP submittal, divided into sub-parts (S-62.A, the bulk of the project information, graphics, views, etc; S-62.B, an update to the title commitment; S-62.C, a letter from the Issaquah Highlands Architectural Review Committee approving Shelter's application; S-62.D, affidavit of ownership and agent authority; and S-62.E, solid waste collection and standards form. Heim confirmed that documents included in this site development permit submittal in addition to those in Exhibit S-62 also exist.

Quarré introduced new Exhibit S-63, divided into sub-parts (S-63.A, a site plan of proposed retail on Blocks A, B, and a portion of C; S-63.B, a title commitment submitted with the SDP application; S-63.C, letter from Issaquah Highlands Architectural Review Committee approving the application; S-63.D, a geotechnical report for the property prepared by Terra Associates; S-64.E, the affidavit of ownership and agent authority; S-64.F, a solid waste collection and standards form; S-63.G, memo from Transpo Group addressing Blocks A, B, and the north half

of C; S-63.H, a City form for SDP applications; S-63.I, a land use permit application form for the SDP for the retail project; S-63.J, the bulk of the information used in the application submitted for the 11 buildings in the retail proposal; S-63.K, project and design criteria narrative; S-63.L, SEPA statement; S-63.M, preliminary stormwater report for Blocks A, B, and C north; S-63.N, SDP submittal requirements checklist, with notes; and S-63.O, form generated from MyBuildingPermit.com, the City's online permit submittal program.

Quarré continued her questioning of Heim about her recollections about the retail project pre-application submittal meetings. Quarré referred to Exhibit C-16 in the record, an "insufficiency letter" received by Shelter from the City indicating that the application was insufficient. Heim described the receipt of similar letters for all three application submittals and described the comments the letters contained.

Quarré referred to Exhibit S-32 in the record, a letter from Mullaney to the City Council dated December 4, 2017, regarding vesting. Quarré introduced new Exhibit S-64, the supplemental submittal made by Shelter to its plat application on December 12, 2017. Quarré referred to Exhibit S-3 in the record, the notice of application the City issued on the plat application, issued jointly with an adjacent application from Polygon, dated December 27, 2017.

Quarré introduced new Exhibit S-65, an internal City email distributed among the City's planning staff. She referred to Heim's meeting notes from December 12, 2017 and asked Heim to describe the meeting participants and purpose of the meeting.

Quarré introduced new Exhibit S-66, divided into sub-parts (S-66.A, the retail site plan; S-66.B, an affidavit of ownership and agent authority; S-66.C, solid waste review and collection standards information; S-66.D, land use permit application for the SDP for the retail application; S-66.E, a letter from MG2, Architectural Consultants, to Sloman responding to her comments in the insufficiency letter; S-66.F, the bulk of the application package submittal; S-66.G, the project narrative; and S-66.H, the SDP submittal requirements checklist, annotated. Quarré referred to Exhibit C-18 and C-19, in the record, and Heim spoke at length about the contents of those exhibits and Shelter's response.

SOWA called for a ten-minute break about 8:40 PM. The meeting resumed about 8:50 PM.

Quarré introduced new Exhibit S-67, resubmittal materials for the medical office building project prepared by Shelter, divided into sub-parts (S-67.A, a title commitment; S-67.B, ARC approval letter; S-67.C, affidavit of ownership and agent authority; S-67.D, geotechnical report; S-67.E, preliminary stormwater report; S-67.F, solid waste collection and standards form; S-67.G, project narrative for the medical office ASDP; S-67.H, the land use permit application form for the SDP for the medical office building; S-67.I, Transpo Group memo regarding Block D medical office building; S-67.J, public notice site plan for the medical office building; S-67.K, the SEPA determination; S-67.L, SDP submittal requirement checklist; S-67.M, the medical office building ASDP resubmittal dated January 16, 2018; S-67.N, an existing conditions sheet in the medical office building resubmittal; S-67.O, January 17, 2018 response to the ASDP insufficiency letter, including a printout from Shelter's entry in the City's online MyBuildingPermit.com program that attempts to identify the location of specific documents; S-67.P, a January 17, 2018 ASDP submittal response letter to Sloman from Collins Woerman; S-67.Q, a January 17, 2018 letter to Jean Lin, City Senior Planner, containing responses to pre-application ASDP comments; and S-67.R, a transmittal memo to Christopher Wright, City staff, from David Holmes dated January 17, 2018.

Quarré introduced new Exhibit S-68, resubmittal materials for the retail project, divided into sub-parts (S-68.A, a site plan for the retail SDP; S-68.B, a letter dated January 16, 2018 to Sloman responding to one of the City's insufficiency letters; and S-68.C, containing the bulk of the retail SDP submittal. Quarré referred to Exhibit S-6 prepared by the City in the record, which Heim described. Quarré referred to Heim's meeting notes from a January 17, 2018 meeting, which Heim also described.

Quarré introduced new Exhibit S-69, documents relating to the self-storage proposal pre-application, divided into sub-parts (S-69.A, a cover letter from Jackson I Main Architecture, Consultants, to the submittal; S-69.B, the main submittal for the self-storage pre-application; S-69.C, the land use application form for the self-storage project; and S-69.D, the land use permit application form for the preliminary land use application for the storage facility. Quarré referred to Exhibit C-20 in the record, a January 26, 2017 insufficiency letter from the City to Shelter on Shelter's retail proposal, which references a letter agreement ultimately signed on or around March 16, 2018 acknowledging that Shelter's applications were complete.

Quarré introduced new Exhibit S-70, a letter dated January 31, 2018 from Heim to Sloman, copied to Niven, Haney, and Mullaney, pertaining to the issue of Shelter's completed SDP application. Quarré returned her questioning of Heim to the insufficiency letters discussed earlier (Exhibit C-21). Quarré introduced new Exhibit S-71, a February 2, 2018 letter from Heim to the City/Sloman regarding a request for a dispute resolution meeting on the medical office project.

Quarré referred to Heim's meeting notes for a dispute resolution meeting held on February 6, 2018 and asked Heim to describe her recollection of the participants, purpose, and discussion at the meeting. Quarré referred to Heim's meeting notes for an open, public community meeting on February 7, 2018 held at Blakely Hall and asked Heim to describe her recollection of the participants, purpose, and discussion at the meeting.

Quarré referred to Exhibit C-22 and C-23 in the record, insufficiency letters dated February 9, 2018 from the City to Heim, the contents of which Heim described. Quarré referred to Heim's meeting notes from a February 15, 2018 meeting on the replacement regulations at the invitation of Mayor Mary Lou Pauly, and asked Heim to describe her recollection of the participants, purpose, and discussion at the meeting.

## **ADJOURNMENT**

SOWA continued the public hearing until March 5, 2019 and March 6, 2019 at 6:30 PM in the Council Chambers, and adjourned the meeting at 10:00 PM.

Respectfully submitted,

Susan Lowe  
Recording Secretary

## **EXHIBITS**

*Please contact City staff Carla Zabriskie at 425-837-3100 for exhibits related to these permits.*