CITY OF ISSAQUAH
Development Commission
SPECIAL MEETING

6:30 PM Virtual Meeting
November 17, 2021 **MINUTES**

COMMISSION AND ADMINISTRATIVE PERSONNEL PRESENT

Alternate Meeting Format: On March 6, 2020 the Mayor declared a civil emergency due to the outbreak of novel coronavirus (COVID-19). On March 24, 2020 the Governor issued Proclamation 20-28 relating to the COVID-19 emergency and open public meetings. The proclamation has been extended. Due to these factors, the meeting was held using a remote meeting platform.

Commissioners Present:
Michael Brennan, Chair
Kevin Price, Vice Chair
Richard Sanford
Richard Sowa
Patty Dillon
Brooke Shore
Arthur Schulte
Mel Morgan, Alternate

Members Not Present:
Jon Ikeda, Alternate (Excused)

Administration/Staff Present:
Lucy Sloman, Land Planning Manager
Holly Keeton, Senior Planner

Applicant Team Present:
Carl Shorett, Development Director, AvalonBay Communities
Derek Bottles, Vice President, Avalon Bay Communities
Scott Crosby, Ankrom Architects
Megan Kim, Ankrom Architects
Scott Brainard, Ecologist, Wetland Resources, Inc.
Christina Merten, Ecology

CALL TO ORDER

BRENNAN, Chair, called the meeting to order at 6:35 PM. He gave some guidelines for participating in tonight's remote-platform Environmental Meeting/Community Conference. He gave a quick overview of tonight's agenda and how the meeting will proceed.

APPROVAL OF MINUTES

a) BRENNAN asked for corrections or objections to the minutes of October 20, 2021, and there were none. Minutes are approved.

AGENDA ITEMS

a) **Neighborhood Meeting and Community Conference: AvalonBay Mixed Use Project, (I)**
Permit Numbers: PRJ21-00007, NM21-00006, COM21-00002
Address: 1040 12th Ave NW
Parcel Number: 3629300020
Description: AvalonBay Communities is proposing to construct a 7-story mixed-use community containing approximately 385 apartments, 17,500 SF of commercial space, and 600 stalls of below-grade parking. The development will include affordable housing with a publicly accessible courtyard.
Presented by:
Holly Keeton, Senior Planner
Derek Bottles, Vice President, AvalonBay Communities

BRENNAN said MORGAN has asked to make a brief statement before this agenda item proceeds. MORGAN said his company is the asset manager for the Maple Street Office Building, located about a half-block north of the Avalon property. He said he didn't feel this would pose any problems for him in terms of his fairness on reviewing this project. BRENNAN asked for any objections to MORGAN's continuing in the Commission's discussion and deliberation of this item, and there were none.

Staff Presentation

Keeton made staff's presentation, which included a brief overview of the project to date; the intent of the Neighborhood Meeting and purpose of a Community Conference; an aerial view of the site at the intersection of Newport Way and 12th NW (1040 12th NW); some site context and a project overview; and the proposal to redevelop the site to include about 385 apartment units and 17,500 square feet of commercial space.

She continued with information for the Neighborhood Meeting portion of the meeting, focusing on critical areas on and adjacent to the site, including a map of the wetlands and stream. She gave a summary of the application process to date, noting that the applicant has not submitted a final application to date. She listed some of the general development standards to be applied in the initial review (listed in the agenda on page 176 of 191), noting that the applicant has applied for a density bonus. She continued with an initial project review, including proposed access; circulation facilities; design; elevation views of the building facades; and an illustration of the preliminary landscaping plan.

Applicant Presentation

Derek Bottles, AvalonBay Communities, introduced other members of the applicant team present (Carl Shorett, AvalonBay; Scott Crosby and Megan Kim, Ankrom Architects, Scott Brainard, Wetland Resources, Inc., and others). He gave some background information on AvalonBay; AvalonBay's commitment to environmental and sustainability goals; sample local projects that AvalonBay has undertaken; and benefits and improvements for the community of the proposed mixed-use project.

He continued with additional information about the site characteristics; a current circulation map, showing proximity to the transit center; the block diagram, including how pedestrians will access the site; and additional information about the site.

Megan Kim, Architect, continued the applicant's presentation, including a description of the two proposed buildings and courtyard area. Scott Crosby, Architect, showed depictions of the proposed design from various perspectives. Kim presented proposed exterior materials. She described the six departures the applicant is seeking from the City's development standards.

Public Comments/Questions

Tim Kimble spoke about the need for environmentally sensitive developers who can achieve the City's and the developer's goals. He asked for clarification of the boundary lines surrounding the wetlands/tree canopy on the south side of the site, specifically how they were determined; how will the wetlands be protected during construction; what is the plan for water runoff from driveways and imperious surfaces; how much of the existing tree canopy will be retained; what are the plans for water retention during periods of heavy rainfall; and what types of commercial uses are being considered for this mixed-use project. He said the design appears to have very little vertical character, and does not appear to blend in well with the vision for Issaquah.

Scott Brainard addressed the wetlands questions. The wetland boundary was determined by doing a GIS analysis, looking at various maps, and conducting an in-person investigation of the

site. He said the wetland is about 200 feet to the east of the property, so physical buffering isn't necessary, although all best management practices will be implemented to provide water quality treatment and address impacts. Bottles addressed questions about runoff, explaining how catch basins will be used, how runoff water will be treated during construction, and how flow control measures, still in development, will be implemented. He said the site has about 24,000 square feet of tree canopy; the proposal will retain about 22,000-23,000 of that canopy. He explained other plans for improving the quality of the tree canopy on the site. He gave examples of the kinds of commercial uses (restaurants, daycare, cafes, shops, fitness facilities) that are anticipated. He said design of the façade is still being refined and thanked Mr. Kimble for his comments.

Connie Marsh addressed how water has flowed through the site over time, and the effects of water flow onto this specific site. She said she doesn't agree with characterizing the water on this property as a ditch; it will be a water body regulated by the State Department of Fish and Wildlife. It is a natural water body that flows into a tributary and an enormous wetland. Using the stormwater requirements the City now has will not be enough for this project over time. She continued with her thoughts about potential problems with water and flooding on this project site, and gave some suggestions for changes in the plans that would address the problems. She noted that residents of the building will likely contribute waste from their pets, which will be carried from the water down into the wetland.

Bottles addressed the pet waste issue and how the applicant team is addressing stormwater on the site. He said the team is also open to meeting individually with Ms. Marsh about her concerns.

David Kappler spoke in favor of the proposed covered and contained parking, and noted the challenges presented by water table issues and circulation underneath the buildings. He said these exterior views of the design have improved since the initial, introductory views, but they still need work. He continued his biggest concern is drainage, specifically the stream on the south edge of the property. He gave some background about requirements there for the previous use of the property. He described the watershed adjacent to the property, and said there's a significant amount of water there to be drained. He gave his perspective on the applicant's project in Newcastle. He concluded the critical issues here are the water table and protecting the large amount of water that will flow through this site into an important tributary and wetland.

Bottles responded the applicant team plans to do additional water quality treatment beyond what is required by City code.

Geraldine Carey described her experience with flooding in this area over time, and said the potential for heavy flooding is a reality. She said this is the first seven-story building to go into central Issaquah, and asked how emergency responders, particularly fire, will be able to respond to such a tall building.

Sloman responded with details about emergency response planning, including fire, for this building by Eastside Fire & Rescue, who considers and prepares for how to cover emergencies during project planning. She noted other buildings in the City are as tall or taller than this proposed building.

Mary Lynch spoke about the importance of preserving the wildlife corridor in that part of the City. She described her past experiences with flooding at the intersection of Squak and Newport Way, including in the last several years, particularly when snowmelt occurs with heavy rains.

She said she would also like to see use of solar power and window screens; sound protection should be part of environmental protection. Also, given temperature increases due to climate change, air conditioning should be installed for all residences.

Bottles responded air conditioning and solar generation on the roof are part of the project plan.

Connie Marsh addressed design issues of the building. She said the entrance for pedestrians off of 12th is interesting---it seems to drops people off into nowhere. No one can get across the street or into Tibbetts Valley Park from there, and it doesn't seem like a great connection. She said she'd like to see a straight connection and more attention to the hotel interface. She described the experience of using 12th, especially for pedestrians, and said work needs to be done to make it engaging for the public. She said there needs to be emphasis that this is a public space, and gave examples of better examples of inviting buildings. She said she's not a fan of the building design, and thinks it needs a lot of work. She said her other concerns are lighting that isn't too bright, drainage and reuse of rooftop water, and access to Tibbetts Valley Park.

Sloman noted a question was received earlier about bike facilities. Bottles replied we are not at that level of design, but the plan will definitely have bike storage.

Commission Comments/Questions
DILLON asked where storage will be located to meet flow control standards. Bottles replied there is adequate space in the garage for tanks and detention, as well as flood control facilities on the rooftops and planters around the site and in the plaza. So a combination of facilities will be used.

SHORE asked what will be kept along Newport Way on the south side; what features will be retained. Bottles replied a gravel trail from the 1987 plan will be removed, and the trail moved further away from the stormwater conveyance. That will leave pedestrian access there as part of the through-block connection. He continued with details about what invasive vegetation will be removed and the evergreen vegetation that will replace it. SHORE asked will the stream alignment stay the same, specifically habitat features. Bottles replied yes; our consultants will look to see whether anything there should be replaced or enhanced. SHORE asked why the "tributary-to-a-tributary" configuration was constructed in the first place. Keeton replied from minutes of Development Commission meetings from the 1980s, it appears that it was considered a stream that should be preserved for its habitat qualities.

SCHULTE asked for clarification of proposed circulation on the south side of Newport Way, including plans for an existing bike path there, and whether resident access points exist on the northeast as well as the northwest edges of the site. Bottles explained where access will exist on the site for pedestrians, vehicles, and bicycles, including on Newport Way. SCHULTE said it would be helpful in future presentations to see a site section through that street that bisects the courtyard, which is important to creating the pedestrian experience there. He gave suggestions for enhancing the area. Bottles also explained how retail spaces will be able to be accessed by pedestrians. SCHULTE asked will service vehicle access occur to the north drive lane only, or the south lane as well. Bottles replied the south lane is strictly for fire service vehicle access. He explained access to the east end of the building, and plans to make the Interface between the hotel and the Avalon buildings pleasant for residents.

SANFORD asked is there an entrance to the garage close to the Newport intersection. Bottles replied no, that is a fire lane only. SANFORD asked where would deliveries take place for residents. Bottles replied that will be included in the next iteration of the design, and gave some

details about the delivery storage and loading areas that will be included in the plan to avoid delivery parking on 12th.

PRICE said the approach to the southwest corner seems like a missed opportunity to engage and activate that corner. He said from the perspective of retailers, or traveling east on Newport, the strong character on 12th doesn't change at the corner. He continued a site directly adjacent to a park is an uncommon occurrence, and asked shouldn't that corner be more deliberately addressed. Bottles agreed, and said we can show plans to use some landscaping there to address that concern, especially for the plaza spill-out area. PRICE asked for clarification of whether there will be retail at that corner. Bottles replied yes. PRICE said he would encourage the applicant team to think more about that corner, especially for those who only drive by and not walk through the mid-block passage.

DILLON asked will under-building parking also account for parking for the retail space. Bottles replied the goal is to provide a good level of short-term parking for retail by making it front and center, at the same grade as the passage into the plaza area. He said more details about parking will be included in the complete application. Carl Shorett displayed a diagram of proposed parking facilities.

MORGAN asked can the City explain what is planned for Newport Way in the near- to mid-term future. Keeton replied the City hasn't done a full review yet, but Newport is a portion of the Mountains to Sound Greenway trail, so some design elements will have to comply with the Master Mobility Plan and the MTSG trail plan. MORGAN asked is all of that outside this parcel, in the right of way on Newport. Keeton replied yes.

MORGAN said he agrees with PRICE that the view of the project from the southwest corner will be the most prominent, and that more could and should be done with that corner, especially at the roof level. On the west elevation view, he said, the south and northwest corners look fairly plain and more needs to be done. He said he also agrees that the issue of rooftop modulation is important; something more needs to be done there, maybe adding sloped portions or additions to the rooftop, which would address comments we have heard about the Atlas Apartments being very boxy structures. Bottles made a note of the comments. MORGAN added the proposed departures from CIDS requirements all sound like reasonable departures.

SHORE asked for clarification of being able to turn into the parking area from southbound 12th, and whether the existing turn-lane on 12th would be eliminated. Bottles replied yes, we can provide more information about proposed changes to 12th Ave. in our application submittal. SHORE asked is it possible to have access in both directions to 12th, not just northbound. Bottles replied we are working with City staff on that now; it is possible that it might be a right-turn only.

BRENNAN gave comments about potential natural light and shadowing issues in an internal courtyard in a seven-story building, and asked about plans to make the courtyard inviting, particularly in low-sun periods of the year. Bottles replied we are looking at the through-block connectors to help bring in light, plus we have used setbacks to improve light into the courtyard. He explained we have studied the light and shadowing issue; we are aware the courtyard configuration poses light and shadow challenges and are looking at what we can do to address those issues.

BRENNAN said he also agrees with earlier comments about the corner condition at 12th and Newport being an opportunity to make a statement there. He continued the view of the building appears long and bulky in the plan, and suggested considering modulation and using creative

approaches to the building. He referred to the disagreement about the ditch/drainage along Newport Way and how it will be resolved. What is the Commission's involvement in that issue, he asked. Keeton replied the applicant needs to provide additional reports to the City that address the City's code requirements, which will be peer reviewed, then we will go forward. We anticipate additional back-and-forth discussions, she added. Christina Merten replied the City is in conversations with the Department of Fish and Wildlife about this issue as well.

PRICE said he generally approves of the palette but encourages the applicant to keep pushing in that direction. We want high-quality materials that are reflective of the community, and are natural or have the appearance of being natural. He said high-quality door fronts are a key ingredient for that pedestrian and commercial environment. He expressed reservations about windows that are black on the street level and then go to white on the upper level, and asked the applicant to take another look and think about the building needing to be harmonious.

SCHULTE echoed earlier comments about the southwest corner. He said achieving robust commercial activity there is likely to be a struggle, and activating that corner to promote and attract customers is critical to the success of this mixed-use building. He said there are opportunities for additional modulation, and encouraged the applicant team to push even further toward sustainability, including providing as much electric vehicle parking as possible. He added he can support the six departures from CIDS that the applicant has requested.

SHORE asked what is the process for peer review of the stream/ditch issue. Keeton replied if there are questions about characteristics of the site, the applicant has to provide a report that shows alignment with IMC 18.10, which would be peer reviewed by the City's peer reviewer, Herrera.

Keeton concluded with next steps in the application review process.

b) **Neighborhood Meeting Materials**

In agenda packet.

c)) **Community Conference Meeting Materials**

In agenda packet.

d) **Feedback on Proposed Changes to Commission's Role in Title 18 Update, (D)**
Presented by:
Lucy Sloman, Land Planning Manager

Sloman made staff's presentation on the Commission's role with land use permits. She explained the existing role of the Commission in the review process, and described a proposed change to the Commission's role. BRENNAN said the Commission is being asked to provide feedback to the Planning Policy Commission (PPC) for its discussion of this item at tomorrow's PPC meeting.

Public Comments

Connie Marsh said she is unsure how well Commissioners' voices will be heard if they are not the decision makers, as is being proposed. She expressed uncertainty about why the change to decisions made only by the Hearing Examiner for Level 3 and 5 is being proposed.

Mary Lynch said she supports Ms. Marsh's comments. She said the Commission has helped improve proposed projects in the past. Given the high turnover of City staff, and staff who don't live in the City, she said she isn't sure that good decisions that take the public's point of view

into consideration will be made under the proposal. Having decisions go to the Hearing Examiner means there's not much point in making public comment.

Commissioner Discussion

PRICE said the proposal streamlines the process, and provides consistency as staff explained during the presentation, but it nullifies the purpose and usefulness of the Commission. SOWA supported PRICE's comments, and said with the change, it's hard to see that the Commission as a body would function much differently than hearing from the public.

SANFORD asked can there only be one open record hearing for a Site Development Permit. Sloman replied yes. He continued is the proposal to have that hearing be before the Hearing Examiner. Sloman replied yes. SANFORD said it appears the Commission would then be developing conditions without any input from the public. He continued staff's presentation gave one reason for the change as reducing risk. He asked how would risk be reduced by removing the decision making from the Commission to the Hearing Examiner. Sloman and Dhaliwal responded. Dhaliwal gave some background on the purpose of considering changing how the Commission weighs in on projects under review, specifically balancing getting Commissioners' input while also meeting legal requirements.

SOWA said he feels the Commission has done a good job of following the code, and doesn't think many mistakes have been made. He said he doesn't think a change is needed. MORGAN agreed. He said he thinks the Commission is not a technical board and not the right body to be making decisions about ditches, streams, and so on, and should be more of a design review board. He gave his reasons why he thinks review of building design by the Commission is a better option than by a Hearing Examiner.

SHORE asked have other cities made similar changes from decision making by a commission to a Hearing Examiner. Sloman replied yes, it is a common practice. Dhaliwal added many cities have design review boards, and gave examples of how other cities assign decision making on permits. SHORE asked are Hearing Examiners involved earlier in the process, or at the end. Dhaliwal replied generally at the end.

BRENNAN said he understands wanting to reduce risk and review time, but also feels that early engagement is where the Commission adds value. The Commission acts as the voice of the citizenry, he continued, because our deliberations are not driven just by code but also by what we hear from the citizens and residents who will live with the results. He said to his knowledge, the Commission has been the subject of appeals but has never been sued. He spoke in favor of the quasi-judicial role the Commission has held in the past, and said he would advocate for the Commission's influence on projects because of the positive impacts he feels the Commission has had.

PRICE said while he can see both sides of the proposal, in his experience the public does not have much influence over a design review board. SCHULTE said he could agree with other's comments. As someone who has made presentations to design boards, he continued, there tends to be little community involvement.

BRENNAN added the Development Commission's effectiveness also tends to depend on who sits on the Commission. He said he has been impressed over the years with the thoughtful input Commissioners have added to the review process, and losing it would be detrimental. SOWA agreed, and noted both speakers during public comment said Commission involvement has resulted in better projects for the City.

After additional discussion, MORGAN and BRENNAN agreed to attend the PPC meeting tomorrow night (November 18) and restate comments made during tonight's discussion.

STAFF REPORT

a) **Council Update**
Presented by:
Lucy Sloman, Land Planning Manager

Sloman noted Council passed conforming amendments and approved the sign code last Monday.

OTHER BUSINESS / ANNOUNCEMENTS

a) Upcoming Schedule. In agenda packet. Sloman noted staff anticipates a permit in late December or early January 2022 for the Brown Bear Car Wash, and in February 2022 for Providence Heights. No additional Development Commission meetings are scheduled for 2021.

ADJOURNMENT

With no further business to conduct, BRENNAN adjourned the meeting at 9:40 PM.

Respectfully submitted,

Susan Lowe
Recording Secretary