MINUTES

DEVELOPMENT COMMISSION
7:00 p.m. Wednesday, February 2, 2022

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.

---

1. Call to Order

The meeting was called to order at 7:03 p.m. by Chair Brennan.

Development Commissioners Present:

Chair Brennan, Vice-Chair Price, Commissioners Dillon, Ikeda (Alternate), Morgan (Alternate), Sanford, and Sowa

Absence: Commissioners Shore (Excused) and Schulte (Excused)

Staff Present: Valerie Porter, Associate Planner, CP&D
Lucy Sloman, Current Planning Manager

2. Approval of Minutes

a) Chair Brennan asked if there were any comments or changes to the February 5, 2020 minutes and there were none. The minutes were approved.

b) Chair Brennan asked if there were any comments or changes to the February 10, 2020 minutes and there were none. The minutes were approved.

c) Chair Brennan asked if there were any comments or changes to the February 12, 2020 minutes and there were none. The minutes were approved.

d) Chair Brennan asked if there were any comments or changes to the January 20, 2022 minutes and there were none. The minutes were approved.

e) Chair Brennan asked if there were any comments or changes to the October 28, 2021 minutes and there were none. The minutes were approved.

Public Comments (General)

- There were no written comments or requests to speak.

3. Public Hearing

a) Site Development Permit for Brown Bear Car Wash – Quasi-judicial, (A) *(00:07)*
Presented by Valerie Porter, Associate Planner, CP&D

Sloman presented the Appearance of Public Fairness Disclosures. Slide one regarding partiality was read and all Commissioners were polled. COMMISSIONER PRICE stated that a written comment received was by Rachel Wright (spouse) serving on the Issaquah Arts Commission, but that there has been no dialogue regarding the application. COMMISSIONER MORGAN stated having an annual membership to Brown Bear Car Wash. The remaining Commissioners replied *no* to all questions.

Part two was read, all Commissioners were polled, and all answered *yes*.

Sloman asked if anyone in attendance wished to challenge the participation of any Commissioners and there were none.

CHAIR BRENNAN opened the Public Hearing (00:14).

Porter gave the staff presentation. The site is located at 55 Northwest Gilman Boulevard. The parcel was relocated from the Central Issaquah to Issaquah sub-area in 2018, and the Issaquah Municipal code must now be considered. Project details were described. The project site and adjacent right-of-way are currently contaminated with high levels of petroleum and Betadine. A SEPA review was conducted, and no appeals were received. The applicant proposed a two-phase clean up process, the first phase having begun in summer 2019 consisting of removing all above ground structures and underground storage tanks. The second phase will consist of the installation of remediation equipment with the construction of the car wash. The applicant is working with the Washington State Pollution Liability Insurance Agency (PLIA) and city staff to ensure compliance with State environmental regulations. An Environmental Indemnification Agreement is not yet in place and if a decision to approve is made, administration asks that the notice of decision not be issued until the agreement is in place. Staff recommended approval with conditions outlined in the staff report and an outdoor lighting standard condition in the presentation.

CHAIR BRENNAN opened Commissioner Questions (00:24).

COMMISSIONER MORGAN asked if design criteria elements should be met. Porter replied that the project was reviewed against the design criteria checklist and are part of the Commission review.

COMMISSIONER SANFORD asked for clarification that Architecture and Urban Design criteria for Central Issaquah is not to be considered as the project has been moved outside the area, and Porter replied correct, the Central Issaquah Architecture and Urban Design standards do not apply.

COMMISSIONER IKEDA asked when Environmental Indemnification occurs. Porter replied that the agreement absolves the city of any responsibility regarding contamination. Monitoring of equipment will occur after installation. COMMISSIONER IKEDA asked for further clarification. Porter replied that an environmental review had been done because the site is contaminated. As part of the review, reports were submitted to staff regarding the extent of contamination. Staff determined that the impact to the environment could be mitigated with conditions. The applicant proposes the remediation equipment to be installed during construction. Monitoring will be in cooperation with PLIA and will take several years.

COMMISSIONER SANFORD asked if second containment measures suggested in the staff report are required. Porter replied that the condition had been placed in the staff report by engineers but to the understanding of Porter, second containment is regarding the contamination of hazardous materials. The detail of how hazardous materials would be stored had not been presented but would be reviewed during the construction review process. The hazardous list is required, but what the applicant will propose, in example, type of soap, is unknown at this time. COMMISSIONER SANFORD asked for clarification that stormwater, impermeable pads, and Best Management Practices are required and not guidance. Porter replied yes, and that the list referred to was the Hazardous Material Construction Inventory List. COMMISSIONER SANFORD stated that circulation data had been collected from the Sammamish Brown Bear Car Wash over a three-day period, being used for projection data for the Issaquah project. COMMISSIONER SANFORD asked if the intersection would remain Level of Service D and why Sammamish was chosen as comparable. Porter replied that the applicant would provide more information during the applicant presentation, but that the Issaquah location will not have gas services as Sammamish does not. Levels of Service are being reviewed.

COMMISSIONER DILLON asked if there is a responsibility for the new site owner to clean the site of what was previously identified as contaminated, in addition to mitigating own impacts. Porter replied that the site has been contaminated for several years. The new property owner has removed underground storage tanks, structures and some contaminated soil, COMMISSIONER DILLON asked for clarification that the new property owner does take on clean-up responsibility for pre-existing contamination and Porter replied yes. COMMISSIONER DILLON asked if the applicant needs to make changes to the stormwater plan found to be non-compliant with standards and requirements. Porter replied yes, that the applicant is required to come into compliance. Staff believes the project is feasible but cannot be approved as currently proposed.

COMMISSIONER MORGAN asked if the staff review included scale, durability, and design components in the staff report. Porter replied that the building design is simple, but all were considered in the review. COMMISSIONER MORGAN stated that while there is a requirement to avoid blank walls at ground level, the building has a large blank wall on the east side. Porter replied that the project is still in a feasibility stage and any blank walls, signage, or stormwater, in example, will be required to come into compliance prior to construction. COMMISSIONER MORGAN asked if a condition could be added to an approval, and Sloman replied that conditions are appropriate if there are components of the Design Criteria Checklist which need to be further addressed, to assure that the expectation is clear moving forward.

(00:40) Nick Wecker *with* Barghausen Consulting Engineers introduced Lance Odermat *with* Brown Bear and Breeyn Greer *with* Aspect and gave the applicant Power Point presentation.

COMMISSIONER SANFORD asked for clarification regarding circulation entering and exiting at surrounding streets. Wecker replied that the driveway shown on 1st Avenue Northwest is an escape for vehicles in line if needed and an attendant would open access. Actual access is proposed from the alleys on the north and east sides of the site only. A driveway on 1st Place Northwest is being reviewed. Spillover is not anticipated, and an attendant can cone off the south side if needed if queuing expands during peak business. Nearly 50% of traffic generated for car washes are pass-by traffic and not a destination. COMMISSIONER SANFORD asked if the alley being referred to is 1st Place Northwest and Wecker replied yes, the city engineering department has labeled both the east and north sides as alleyways. COMMISSIONER SANFORD asked for clarification that 1st Avenue Northwest is where a car would exit from the line before entering the car wash, and Wecker replied yes, that the escape driveway exit would only be utilize in urgent situations. COMMISSIONER SANFORD asked if cars would head east on Gilman and turn into the location onto 1st place northwest, not continuing on 1st Avenue Northwest. Wecker replied yes. COMMISSIONER SANFORD asked if signage was planned to ensure cars are directed to the alley. Wecker replied that directional signage can be included in the sign package to denote the entrance. COMMISSIONER SANFORD asked if, because most of the car wash traffic is pass-by, that most activity would be during the highest traffic times. Wecker replied yes, during weekdays before and after work and a mix on weekends.

VICE-CHAIR PRICE stated that several letters had been received from members of the Issaquah Arts Commission, most pointing out that the site is in the Creative District. VICE-CHAIR PRICE asked if additional measures could be taken such as the bronze bear statues in front, or a public commissioned artwork on the wall that faces Gilman. Wecker replied not having been aware of the Creative District status, but that public comments were sent by Porter. The applicant would work with staff on the best location of the bronze bear statue.

COMMISSIONER MORGAN asked for the preliminary site plan to be displayed and asked if a rectangular building was the AVSVE enclosure and Wecker replied correct. COMMISSIONER MORGAN asked for more information on the structure. Wecker replied that the building would be similar to a city approved trash enclosure with gate access to equipment. Approval

from PLIA is still needed to generate elevations and screening details. COMMISSIONER MORGAN asked if the structure is open air or covered. Greer replied that the preliminary configuration close to the property line would be a noise enclosure rated by the size of the blower. Any exterior can be designed as approved by the city, typically what would be applicable to a dumpster enclosure. COMMISSIONER MORGAN asked if fans would be blowing at all times and Greer replied generally yes, that some have been built that only run during business hours, but city noise ordinances are considered for 24-hour operation. COMMISSIONER MORGAN asked if the structure would be open air so that air can blow out, and Greer replied that there would be venting in the soundproofing enclosure. COMMISSIONER MORGAN asked if something could be placed on top such as the bear sculpture and Greer replied theoretically, if the sculpture could fit with the vent. COMMISSIONER MORGAN asked if the car wash could be turned 45 degrees to be parallel with 1st Avenue Northwest for better access and exit. Wecker replied that a 13-foot setback plus a 10-foot landscape buffer must be maintained, dictating the location. An angle can be considered to increase site distance. COMMISSIONER MORGAN asked if there could be dedicated entrance and exit driveways and Wecker replied that direction, signage, and striping will be considered. COMMISSIONER MORGAN stated that a natural response is to drive into the right side of the entrance. COMMISSIONER MORGAN stated agreement with VICE-CHAIR PRICE regarding bronze bears and artwork or a mural along the blank wall which should be a condition.

COMMISSIONER IKEDA asked if Soil and Paper Extraction (SPE) pressurizes the sub-grade. Greer explained the process and replied yes. COMMISSIONER IKEDA asked if exhaust is monitored for hydrocarbons and Greer replied yes, systems are visited monthly and running annual emission spreadsheets are kept ensuring compliance with local air standards. COMMISSIONER IKEDA asked what would occur if the standard is exceeded, and Greer replied that affluent cleaning systems could then be designed. There were low levels of residual contamination following the excavation in 2019. COMMISSIONER IKEDA asked if PFAS had been tested for, and Greer replied no, the contaminant is not a concern at the site.

VICE-CHAIR PRICE asked to hear how the vacuuming process would play into the busy queuing sequence, and how the vacuum units will be screened from the street. Wecker replied that the vacuums are coin operated and other sites experience limited traffic to them. The drive-aisle is extra wide for two-way traffic for maneuvering space to stalls. Vacuum use is typically after the car wash. Ground cover and shrubs are the only screen between vacuums and the alley where there is no requirement. VICE-CHAIR PRICE stated that although designated an alley, the face of the facility is located there, and screening should be considered on some level. Wecker replied that the suggestions would be developed.

COMMISSIONER MORGAN stated seeing a clock on the Poulsbo Brown Bear Car Wash tower and asked if a clock could be considered in Issaquah. Odermat replied that a clock would look good and stated being in favor.

(01:17) CHAIR BRENNAN opened Public Comment and stated that three written comments via email had been received after the staff report had been published.

- Rachel Wright stated appreciating that written comments from Arts Commission members have been read, and that meeting design standards and creating a more pedestrian friendly Arts District are important. More planters and bicycle space around the specific development are needed.

CHAIR BRENNAN asked the applicant if there were a rebuttal or response to Wright. Wecker stated that an answer was not the purview of the applicant. CHAIR BRENNAN asked staff for any rebuttal or response to Wright. Porter replied that the parcel had been located within the Central Issaquah sub-area and streets are reviewed by the Development Commission, but because the sub-area boundary changed placing the project outside of the Central Issaquah, the project now must comply with the street standards in the new boundary. Street standards are approved by the Public Works department. CHAIR BRENNAN asked if the process were still under consideration and Porter replied no, a decision was made two years ago; that sidewalk width reduction and landscape modifications were approved. Sloman stated that the Brown Bear sculpture would be considered a sign, part of the sign package and not a separate art element.

CHAIR BRENNAN asked if there were any further questions for the applicant and there were none. CHAIR BRENNAN stated that because the meeting was a quasi-judicial matter no additional testimony could be made and Commissioners were now limited to questions to staff only. The Public Hearing was closed (01:25).

CHAIR BRENNAN asked for any further comments.

COMMISSIONER MORGAN asked for other opinions regarding creating a condition for the blank east wall, for either changes or for the addition of artwork. COMMISSIONER DILLON replied liking the idea of artwork without affecting function, tying in with other city artistic expressions. VICE-CHAIR PRICE stated agreement for a condition and that the corner is a gateway; art wraps could also be an option for vacuum machines. CHAIR BRENNAN stated agreement for a condition for the blank wall, an opportunity for something unique. The Arts Commission, community members and staff can provide feedback, but the decision is for the Development Commission. Sloman inserted an excerpt in the meeting chat from the Design Checklist regarding blank walls.

VICE-CHAIR PRICE asked if there would be any reason that the bear sculpture would not be allowed in sign code. Porter replied that because a large bear sculpture would be considered advertising. Sloman replied that the code referenced was 18.11, the definition of sign.

COMMISSIONER SANFORD asked if Level of Service D will still be met at the intersection, taking into consideration that Central Issaquah has been designated for the most density in the future. A condition should be added regarding circulation in the facility, both in approach and within.

COMMISSIONER MORGAN stated agreement regarding volume and circulation within the site. COMMISSIONER MORGAN asked if the bear sculpture on Southeast 56th Street was considered a sign and approved as such. Sloman replied that there had been significant debate at the time and the sculpture was evaluated under a different code. New sign code has changed the definition of sign; non-verbal symbols are considered in the same way as words.

COMMISSIONER DILLON stated that the business will add a fair amount of traffic and that the comment from COMMISSIONER SANFORD regarding traffic should be reviewed.

- (01:37) VICE-CHAIR PRICE indicated a desire to make a MOTION but experienced audio issues. MOTION by COMMISSIONER MORGAN to approve the Site Development Permit for Brown Bear Car Wash, File No. SDP19- 00003, as described and evaluated in the Staff Report dated January 26, 2022 with attachments one through 24, subject to the conditions therein and as amended at this meeting, and contingent on the applicant recording an Environmental Indemnification Agreement with King County no later than March 2, 2022 unless an extension has been granted by the city or the application will be denied. MOTION seconded by COMMISSIONER SOWA. CHAIR BRENNAN opened Commissioner Discussion on the MOTION.

COMMISSIONER SANFORD asked to make an AMENDMENT to add a condition to the MOTION; the applicant must prepare a traffic circulation plan that addresses entry to the site from Gilman Boulevard by using 1st Place Northwest as well as circulation within the site to prevent wrong way traffic. The plan must include all anticipated traffic striping and signage. AMENDMENT seconded by COMMISSIONER MORGAN. There were no questions or comments. The AMENDMENT passed unanimously in a roll-call vote.

COMMISSIONER MORGAN asked to make an AMENDMENT to add a condition to the MOTION; the applicant shall work with staff to make changes to the east building wall to meet the design criteria checklist requirement to avoid blank walls, including the possibility of adding artwork. AMENDMENT seconded by COMMISSIONER DILLON. There were no questions or comments. The AMENDMENT passed unanimously in a roll-call vote.

CHAIR BRENNAN asked if there were any additional discussion on the MOTION as AMENDED.

COMMISSIONER DILLON asked for clarification that stormwater standards would be required regardless of any condition of acceptance, and Porter replied correct.

- The MOTION passed unanimously in a roll-call vote.

- (01:48) MOTION by COMMISSIONER MORGAN to direct the Community Planning and Development Department to prepare findings of fact and conclusions for review and approval by the Development Commission Chair affirming the decision of the Development Commission to approve the Brown Bear Car Wash project, File No. SDP19-00003, subject to the conditions listed in the staff report dated January 26,

2022 with attachments one through 24 and as amended at this meeting, contingent on the timely recording by the applicant of the required Environmental Indemnification Agreement. MOTION seconded by COMMISSIONER SANFORD. The MOTION passed unanimously in a roll-call vote.

CHAIR BRENNAN thanked the applicant team and staff for great presentations.

6. Reports

a) Council Update (01:50)

Presented by Lucy Sloman, Current Planning Manager

Sloman stated that a joint Development Commission and Planning Policy Commission meeting regarding gap analysis and update memos for Title 18 on parking and circulation will be held on February 10, 2022.

The first drafts on two Natural Environment topics, amendments to the Shoreline Master Program and a draft of outdoor lighting code, are available on the Planning Policy Commission website.

An Open House will be held next week to answer questions from the public.

Dhaliwal will meet monthly with Council to provide updates on Title 18.

A meeting for the Providence Heights site development permit and Master Site Plan (MSP) will occur in March 2022 and a Public Hearing notice will be issued shortly. The Development Commission will be given two weeks to review materials.

7. Adjournment

With no further business to conduct, CHAIR BRENNNAN adjourned the meeting at 8:56 p.m.

Respectfully submitted,

Carolyn Garza, LLC
Recording Secretary