

**City of Lake Forest Park
Planning Commission Special Meeting
17425 Ballinger Way NE—Council Chambers
Wednesday, February 19, 2020
PROPOSED MEETING AGENDA**

- 1. Call Meeting to Order—7:00 p.m.**
 - 2. Approval of Agenda**
 - 3. Public Comment**
 - 4. Approval of Meeting Minutes**
 - 5. Meeting Dates**
 - Next meeting regular meeting is scheduled for March 10, 2020
 - 6. Report from City Council Liaison**
 - 7. Old Business**
 - Implementation of Town Center Vision
 - Parking structure regulations
 - Overall height and discussion of public benefit options
 - Provisions for project level requirement for traffic study and other special studies
 - Setback and buffer requirements
 - Bicycle storage requirements and other bicycle related code
 - Other areas for discussion
 - Design review and development agreement review processes
 - Current Town Center code review
 - 8. New Business**
 - 9. Reports and Announcements**
 - 10. Public Comment**
 - 11. Agenda for Next Meeting**
 - 12. Adjournment**
-

2020 Work Plan Summary

- Town Center Vision (policy framework) and land use code updates
- Shoreline Master Program Update
- Title 18 Planning and Land Use Regulation General Update
 - Sign Code
 - Wireless Communication
- Subdivision Design Standards

- The Lake Forest Park Planning Commission provides recommendations to the Mayor and City Council for changes and updates to the Comprehensive Plan, zoning code, and land use policies.
- As citizen representatives, commissioners recommend programs and policies according to the needs and values of the community.
- The Planning Commission is required by law, and governed by state statute and city ordinance.



Memorandum

To: Steve Bennett, Planning Director

From: Nick Holland, Senior Planner

Date: February 18, 2020

Re: February 11, 2020 Planning Commission Public Hearing and Regular Meeting –
Summary of Public Comments

In response to your request, I have created the following summary of the public comments that were received during the Planning Commission Meeting and Public Hearing on February 11, 2020.

Public Hearing

Vice Chair Larson opened the public hearing regarding the proposed zoning code amendments related to parking structures in the Town Center zone.

Jeff Altman

Mr. Altman said he has been an LFP resident of 44 years, and a former of the transportation committee member. He said the City has been blessed with excellent bus service, but it is hard to get there if you live up in the hills. He said he is in support of a parking garage, but feels that it needs to be architecturally attractive. He said he is also in support of the design review board.

Stephen Plush

Mr. Plush presented comments from Don Fiene. He said that there are several gaps that must be addressed prior to the expiration of the current moratorium. He said he does not support the types of decisions the draft amendments indicate would be made by staff.

Richard Bender

Mr. Bender said he had questions regarding the moratorium and what impact it would have.

Dave Lange

Mr. Lange said that he was currently living in Kenmore. He said the Sound Transit garage needs to handle a commuter load and warned that if rail comes down SR522 as planned, there could be as many as additional 200 additional cars stalls identified as a result of what Sound Transit is doing. He said that if you run BRT, it results in a 300 car garage, and if you run rail it would result in a 500 car garage. He said that we should be worried about the errand and event parking up against what is currently being used in the upper and lower lots. He said that any future use of the commercial area should include room for people coming to use those amenities. He said he believes that the standard building for town center should be two commercial stories, and three residential stories. He went onto say that the transit oriented development parking should be under a maximum area of 60,000 square feet, and while that would create smaller store fronts, the area should be able to accommodate for spaces like food courts and commons areas. He said that a commercial focus should be maintained for town center so that the residents living there can utilize those types of amenities.

Ken Tank:

Mr. Tank's said his concerns have been addressed by the other comments presented.

Julian Anderson:

Mr. Anderson said he is speaking for the Lake Forest Park Stewardship Foundation and provided a written statement to the Commission. He said the code amendments are incomplete and that the amendments fail to deliver the Town Center Vision. He said the Planning Commission needs additional time to build new code amendments and that he is in support of extending the moratorium. He said he would like to see the 700 residential units removed from the draft amendments and that he would like all of the language regarding the administrative processes removed. He also said he would like to see the proposed 60 feet height maximum for a parking structure reduced and that there be no option for in lieu fees. He thanked the Planning Commission.

Gail Gross:

She thanked the Planning Commission for having the hearing. She said that the small city center makes LFP unique. She said that the town center is not a good location for a parking garage and that she is afraid that the community center will change to a transit center.

Maris Abelson:

She said she would like to see water table testing in the Town Center to determine how high buildings can go. She said it is not about development, but about a special place. She said that code changes should be for the needs of the people.

Gary Bass:

Mr. Bass said that he seconds what previous speakers have said.

Sally Yamasaki

Ms. Yamasaki thanked the Planning Commission and said that it is good to have the Commission teaching the citizens about these topics. She also echoes others statements and that she would like the garage placed elsewhere. She indicated she would like to see 30 feet maximum for a garage height and that she believes that LFP has about 100 commuters, regularly so she is wondering why such a big garage is being proposed. She said that these decisions will shape the future of our City and that she hopes that the moratorium is extended if needed. She said that she is not a transit or building person, but that she likes the community, but doesn't understand the code, but is starting to learn things. She said she is in favor of simple language and education for the citizens. She also indicated she is interested in all different points of view, the views of City staff, the property owner, Sound Transit, and the Community. She mentioned that the mayor of LFP has agreed to be a part of the K4C which is the King County citizens for climate control and hopes that the elements of the garage include solar, so that we can move in a direction that helps the climate crisis.

Dan Benson

Mr. Benson echoes others statements, particularly the Stewardship Foundation statements. He wonders if a garage has to be in town center. He said that he supports the model presented. He also supports staff decision making. He asked who would run the parking garage and if fees will be charged.

Larry Goldman

Mr. Goldman said he is an LFP resident. He said likes the mixed use concept and underground parking much like the U-village that he visits frequently. He said, depending on the water table in town center, he would favor underground construction because it would mean less floors above ground. He said he has serious concern about the garage location and the process to change it. He mentioned that for the past three years, the location has always been in the town center because that's what people voted on in ST3, it's what has been in the City open houses and the Sound Transit open houses, as well as what has been studied. He said if the garage's location is going to suddenly change, there should be a compelling reason. He stated that he would like to see environmental studies, cost analysis, and justification for any proposal to change the garage location, so that he can be informed as to the reasons for the change. He mentioned that the town center garage location makes sense for those living in horizon view, but that if the southern gateway location were to be selected, it may make more sense to drive in to work instead of riding the bus line.

Joe Brogan

Mr. Brogan said he represents the property owner, Merlone Geier and continues to be engaged in all aspects of Town Center planning. He indicated he has presented written comments in addition to those provided here and that he does not see any discussion or modification of the drafted regulations which incorporate his comments. He said the property owner has no role in the parking garage. Merlone Geier is not the

proponent, developer, owner, or designer. He stated that Sound Transit as those roles. He mentioned that the proposed regulations pertain to any parking structure, and that the property owner does not propose to build a parking garage. He said he has proposed some changes to the phasing language and the development agreement language in his written comments.

Rob Graves

Mr. Graves stated he is concerned about town center development and asks that the garage be reviewed in conjunction with potential residential units. He said a lot of people are concerned about the town center, and wants the Planning Commission to think about what will happen to our lovely city while recommending actions.

Mark Vanderveen

Mr. Vanderveen said he is involved in commercial and multi-family real estate and that he is a land developer. He has spent 2 years trying to get permit for his development in Seattle. He said a 30-foot height maximum with incentives to 60 feet in height is excessive. He said that any proposed public benefit would need to be defined. He mentioned tree canopy coverage goals for residential lots and suggested town center have the same type of regulation.

Robyn Adkinson

She said she does not want parking garage in LFP. She stated she is concerned about traffic in rush hour and that the water table is very high, historically. She also said she does not want 700 residential units in town center.

Ann Udalo

Ms. Udalo thanked the Planning Commission. She stated she is also in favor of having parking structure at Town Center and she said her neighbors are too. She stated she would like a place to park when she rides the bus. She mentioned that she is a consultant in hydro-geology and that a high water table does not determine how high a building can be. She also said that she supports retail, but not 60 foot heights.

Sara Reyvor

Ms. Reyvor said she takes public transit to work every day. She would like to thank the Commission for prioritizing pedestrian access with the regulations. She stated that she does not support structures over 30 feet, and questions the town center location for a garage. She mentioned that the 40 foot height came out of nowhere. She said she wonders about the incentives and why they aren't requirements. She also said that she does not want LFP to be transit hub.

Melissa Robinson:

Ms. Robinson thanked Cmr. Gross for the model. She said she thinks that a parking structure in Town Center is a good idea and likes the emphasis on Northwest architecture. She said the most important things are nature, environmental sustainability, pedestrian facilities, and pro-community features. She also said that her children are watching and that development needs to favor sustainability.

Jim Stoetzer

Mr. Stoetzer thanked the Planning Commission and said they need more time to make decisions and favors extending the moratorium. He pointed out that the Windermere office building was a good example of Northwest architecture. He said he also would be providing written comments.

Ned Lawson:

Mr. Lawson thanked the Planning Commission for having the public hearing. He said he is requesting that the Planning Commission advise City Council to extend the moratorium. He also asked that a credible traffic study be conducted with a mitigation plan for garage which he does not support garage at town center. He said he is in support of a 30 foot height limit, if the garage has to be in Town Center. He said he is not in favor of abandoning the current design review process.

Peter Ecklick:

Mr. Ecklick stated that he is a land use attorney. He offered kudos to the Planning Commission. He said that City staff should have provided more background information on the issues in the form of a staff memo. He said he supports a moratorium extension and does not support a design review board format that allows

members from outside the City. He said the design review process produces final designs without public comment. He said that the EIS was rushed out and that impacts were not properly studied. He insisted that the Planning Commission should ask the Council to communicate to Sound Transit an alternative location to the parking garage. He asked why 700 units in the code and said that the format of the public hearing was flawed since it was only on a portion of the code changes that the Commission was working on. He also said that he does not feel that the public was provided complete information.

Vice Chair Larson stated that the Commission sent a memo to the Council asking that they work with other cities to find an alternative locations for a parking garage.

Bill Leon

Mr. Leon said that when Mayor Johnson came into office he abolished many commissions. He said he does not support the Mayor appointing the design review board and said that the community is not being heard. He also recommended extending a moratorium.

Ben Moore

Mr. Moore thanked the Planning Commission for the opportunity to speak. He said this process has changed the relationship between citizens and government. His first message is please recommend to extend moratorium and second; show respect for the past decision that have been made in 2005 and 2006. He said the history has not been recognized. He asked who was in charge.

Robert Horsely

Mr. Horsley said that the Planning Commission is not wasting time, but is in favor of extending the moratorium.

Mike Dee

Mr. Dee thanked the Planning Commission and staff for adding chairs and having materials available prior to meeting. He said he is in favor of extending a moratorium and would like additional outreach to public. He also thanked Joe Brogan.

Lisa Steinbrook

Ms. Steinbrook said that she is afraid that LFP will become more like Seattle and there is too much traffic. She said that she is an advocate of the parking structure but that small is beautiful.

Public Comment (start of PC meeting)

Jim Stoetzer:

Mr. Stoetzer said he has learned that the Commission asked the Council to review alternate sites for a parking structure and would like to confirm if an answer was received.

Vice Chair Larson confirmed that a memo was sent on the subject. She said that an official response was not received. Vice Chair Larson read an excerpt of a document reflecting Council's guidance on topics the Commission should explore. Vice Chair Larson asked about how the public could access the memo sent to the Council. Director Bennett and then clarified that it was a motion sent to the Council. Jim Stoetzer said he would like some information specifically from the City about the alternative site issue. Councilmember French said that he presented the Commission's motion on an alternative garage location to the City Administrator who communicated it to the Council.

Jim Stoetzer asked why the Commission didn't receive an answer from the Council on that issue.

Vice Chair Larson indicated that this discussion should end and that public comment should continue. She offered to be accessible to Mr. Stoetzer should he wish to speak further.

Jean Robbins

Ms Robbins thanked Mr. Stoetzer for bringing that issue up and said she would favors alternative locations for the parking garage. She said she is concerned about the shape and facades of the garage. She offered suggestions on how to design the parking garage, which came from the vision statement.

Mike Dee:

Mr. Dee thanked the Commission for the length of the hearing. He said that there was an opportunity to suggest an agenda item regarding the parking garage location at a previous joint meeting with the other city councils.

Silos Strolcy:

Mr. Strolcy said that there are no sidewalks in town, especially on the hills.

Vice Chair Larson replied to Mr. Strolcy's comments and encouraged him to look into the City's Safe Streets initiative.

Public Comments (End of PC meeting)

Robert Horsley:

Mr. Horsley thanked the Planning Commission for the motion on extension of the moratorium. He said that the 700 unit language should be removed.

Julian Anderson:

Mr. Anderson thanked all involved in the meeting. He said he would like to reflect on the meeting style and asked the group about how they are making decisions. Vice Chair Larson asked him what he was talking about. Mr. Anderson said that the meeting style and the way it is conducted leads to confusion and he recommends consensus and decisions on issues be recorded as a formal statement.

Mike Dee: Mr. Dee thanked the Commission for the motion on the moratorium.

1 **Town Center Regulations Update**
2 **Planning Commission Working Draft**

3 *(highlighted text reflects changes made in response to Planning Commission*
4 *guidance at the January 27, 2020 meeting)*
5

6
7 **Chapter 2.41**

8 **Design Review Board**

9 **2.41.010 Design Review Board**

10 A. The Lake Forest Park Design Review Board is hereby created. The Board shall be advisory
11 and have the responsibility of working with the Planning Department Director (Director) and
12 making recommendations to the Hearing Examiner concerning applications filed under Chapter
13 18.42 LFPMC.

14 B. The Board shall be comprised of members with experience in architecture, landscape
15 architecture, environmental science, urban planning, or urban design. The Board shall be
16 comprised of five (5) persons, the majority of whom reside in or own property in the city. The
17 Mayor may appoint up to two members who do not reside in or own property in the city but have
18 the required training or experience. Members shall serve without compensation but may be
19 reimbursed for reasonable expenses pursuant to city policies.

20 C. Member appointments, removal, and terms shall be the same as for members of the Planning
21 Commission in Chapter [2.22](#) LFPMC.

22 D. The Board shall elect from its members a chair, who shall preside at all meetings, and a vice-
23 chair. The majority of the Board shall constitute a quorum, and a majority vote of those present
24 shall be necessary for any action.

25 E. The Board shall determine its schedule in conjunction with the Director. All meetings shall be
26 subject to the Open Public Meetings Act.

27
28 **Chapter 18.08**

29 **Definitions**

30 [NEW OR AMENDED DEFINITIONS]

31 **18.08.035 Active ground floor uses.**

1 “Active ground floor uses” means a use that promotes an active pedestrian environment on the
2 ground floor of a mixed use, commercial, office, ~~or~~ residential building or freestanding parking
3 structure, and includes retail establishments, restaurants, catering, arts and craft studios, brew
4 pubs, salons, day spas, health clubs and exercise studios, professional services offices, medical
5 and dental offices, and other uses determined to be substantially similar by the Director or
6 through development agreement proposals.

8 **18.08.105 Artisanal/craft production and retail.**

9 “Artisanal/craft production and retail” means small-scale on-site production and/or assembly of
10 arts, crafts, foods, beverages, or other type of product involving the use of small-scale equipment
11 and/or hand tools and involving limited outdoor storage of materials, equipment, or products
12 when such storage is decoratively treated or otherwise integrated into the building or site design.

13 **18.08.107 Assisted housing.**

14 “Assisted housing” means housing in a building consisting of two or more dwelling units or
15 sleeping units, restricted to occupancy by at least one senior citizen per unit, which may include
16 support services such as food preparation and dining areas, group activity areas, medical
17 supervision, and similar.

18 **18.08.131 Automobile-oriented retail sales of food and commodities.**

19 “Automobile-oriented retail sales of food and commodities” means businesses that are oriented
20 to automobiles (drive-throughs, drive-ins) as well as businesses that are primarily for the purpose
21 of sales, service, or repair of automobiles such as parts shops, auto body shops, oil change shops,
22 garages, gasoline/fuel stations, and similar uses.

23 **18.08.235 Community solar project.**

24 “Community solar project” means a solar facility shared by multiple community subscribers who
25 receive credit on their electricity bill for their share of the power produced.

26 **18.08.265 Cultural, entertainment, and/or recreational facility.**

27 “Cultural, entertainment, and/or recreational facility” means a facility providing cultural,
28 entertainment, and/or recreational services, including but not limited to: theaters, performing arts
29 centers, museums, play facilities, dance studios, health clubs and physical fitness facilities,
30 however, it shall not be interpreted to include adult use establishments as defined in 18.08.050 of
31 this chapter.

32 **18.08.270 Day care.**

33 “Day care,” “family day care,” and “adult day care” means a facility used for providing the
34 regularly scheduled on-premises care of children or adults for less than a 24-hour period. A Type

I day care facility is a facility providing care for 12 or fewer children or adults. A Type II day care is a facility providing care for more than 12 children or adults.

18.08.324 Framework.

“Framework,” including “Town Center Framework Design Guidelines,” means the set of recommendations and requirements entitled “Town Center Design Guidelines Framework” adopted by the Lake Forest Park City Council pursuant to [ORDINANCE OR RESOLUTION NUMBER], including amendments and addenda thereto.

18.08.325 Freestanding parking structure.

“Freestanding parking structure” means a standalone building or structure of multiple levels used primarily for parking vehicles. A freestanding parking structure may include parking on the upper (rooftop) level.

18.08.351 Hotels and temporary lodging.

“Hotels and temporary lodging” means a facility providing lodging and related services for a charge, typically for a period of one (1) month or less, and includes inns, residence or extended-stay hotels, and bed and breakfasts.

18.08.565 Public market.

“Public market” means an indoor or outdoor market consisting of two or more independent vendors, with each vendor operating independently from other vendors, for the purpose of selling farm-grown or home-grown produce, food prepared off-site or on-site, artisanal or craft products including alcoholic beverages, flowers, plants, or other similar perishable goods and/or new wares, used goods, or merchandise.

18.08.599 Retail sales and services.

“Retail sales and services” means a commercial use or enterprise providing goods, food, commodities, and/or services directly to the consumer, whose goods are available for immediate purchase and removal from the premises by the purchaser and/or whose services do not meet the definition of “professional offices.”

18.08.600 Retirement home.

~~“Retirement home” means a building or group of buildings designed for the occupancy of three or more families, living semi-independently from each other, and containing only sleeping units with common kitchen, dining, and recreation facilities; provided, a retirement home may contain one or more dwelling units for resident staff only.~~

18.08.642 Town Center Design Review, Major

1 A Major Town Center Design Review project means construction, alteration, or repair of a
2 building in the Town Center zone, subject to design review under Chapter 18.42 LFPMC which
3 does any of the following:

- 4 1. Increases or decrease gross floor area by 1,000 or more square feet, or
- 5 2. Increases or decreases gross floor area by fifty (50) percent or more, or
- 6 3. Involves construction of a new building.

7 **18.08.643 Town Center Design Review, Minor**

8 A Minor Town Center Design Review project means construction, alteration, or repair of a
9 project in the Town Center zone, subject to design review under Chapter 18.42 LFPMC and
10 which includes less than 1000 of square feet and is not otherwise a Major Town Center Design
11 Review project.

14 **Chapter 18.42**

15 **Town Center**

16 **18.42.010 Purpose.**

17 **18.42.020 Permitted uses**

18 A. The following uses are permitted in the TC zone, subject to the general provisions as set
19 forth in this title, except where modified by this chapter:

- 20 1. Accessory uses – on-site.
- 21 2. Artisanal/craft production and retail subject to 18.42.022(A).
- 22 3. Assisted housing facilities.
- 23 4. Business offices and uses rendering professional, personal, and instructional
24 services subject to 18.42.022(B).
- 25 5. Cultural, entertainment, and recreational facilities.
- 26 6. Day care facilities – Type I and Type II subject to 18.42.022(C).
- 27 7. Essential public facilities.
- 28 8. Freestanding parking structures subject to 18.42.090.
- 29 9. Government buildings and uses.
- 30 10. Hotels and temporary lodging.
- 31 11. Instructional institution.
- 32 12. Micro-mobility programs including bicycle sharing and scooter sharing and
33 related infrastructure.
- 34 13. Multiple-family dwelling units.
- 35 14. Public markets/farmers markets.
- 36 15. Public utilities.
- 37 16. Retail sales and services subject to 18.42.022(D).

1
2 B. Uses not listed. Uses not listed above may be authorized through a development
3 agreement.

4 **18.42.022 Limitations on use.**

5 A. Artisanal/craft production and retail.

- 6 1. Artisanal/craft production and retail establishments shall be open to the public and
7 shall include a retail/eating/drinking/tasting component that occupies a minimum
8 of 10 percent of floor area as defined in LFPMP 18.08.320.
9 2. Artisanal/craft production and retail establishments shall provide street frontage at
10 sidewalk level, a well-marked and visible entrance at sidewalk level, or similar
11 prominent pedestrian access.
12 3. All production, processing, and distribution activities shall be conducted within an
13 enclosed building.
14 4. Outdoor storage of materials, equipment, products, or similar items incidental to
15 the production and sale of artisanal or craft goods is prohibited except when the
16 storage meets the following conditions:
17 i. Outdoor storage of materials, products, or similar items incidental to the
18 production of artisanal or craft goods shall be fully-enclosed and shall be
19 designed in a decorative, aesthetically attractive manner and integrated
20 into the site or building design in a way that contributes to the pedestrian
21 experience and Town Center character.
22 ii. Outdoor storage of equipment used in manufacturing artisanal or craft
23 goods is not allowed.
24 5. Applicable state licenses or permits are required for the operation of an
25 artisanal/craft production and retail establishment.
26 6. The following annual production limits apply to artisanal or craft production of
27 alcoholic beverages:
28 i. 100,000 gallons per year for a distillery;
29 ii. 15,000 barrels per year for a brewery or cidery;
30 iii. 5,000 cases per year for a winery.

31
32 B. Business offices and uses rendering professional, personal, and instructional services.

- 33 1. On-site vehicle or tool rentals and similar uses are prohibited.
34

35 C. Day care facilities – Type 1 and Type 2.

- 36 1. A City of Lake Forest Park business license is required pursuant to LFPMP
37 5.02.030.
38 2. Day care facilities shall comply with all building, fire safety, and health codes.
39

40 D. Retail sales and services and other nonresidential uses.

- 41 1. Commercial or other nonresidential uses shall be separated from residential uses
42 by soundproof materials or suitable architectural features to reduce noise impacts
43 on the residential portion of the building.

- 1 2. Individual commercial or nonresidential uses shall contain no greater than
2 ~~60,000~~50,000 square feet of gross floor area per use. The following exceptions
3 apply:
4 i. Freestanding parking structures meeting requirements in LFPMC
5 18.42.090.
6 ii. Government buildings and uses.
7 iii. Other uses may exceed the size limitations when authorized by a
8 development agreement.
9
- 10 3. The following uses are not permitted as a retail, commercial, or other
11 nonresidential use in the TC zone: automobile-oriented retail sales of food and
12 commodities, auto service stations, sale of gasoline or other fuels, and car washes,
13 repair or sale of heavy equipment, boats, tires and motor vehicles, marijuana retail
14 outlets, sale of alcohol for on-premises consumption except in a restaurant or
15 artisanal/craft production and retail space with appropriate licensing from the
16 State of Washington.
17

18 **18.42.025 Conditional uses.** Conditional uses are not allowed in Town Center zone

19 **18.42.030 Building height.**

20 **18.42.040 Setbacks.**

21 **18.42.050 Residential Density.** The total number of residential units in the Town Center zone
22 shall not exceed 700.

23 **18.42.060 Open Space.**

24 **18.42.070 Signs.**

25 **18.42.080 Parking.**

26 **18.42.090 Freestanding parking structures.**

27 The following freestanding parking structure design standards apply in addition to or, as
28 specified below, supersede applicable parking requirements set forth in LFPMC 18.58:

29 A. Parking structure location and massing.

- 30 1. Setbacks. The following setback requirements apply to freestanding parking
31 structures:
32 a. Freestanding parking structures shall be set back a minimum of 150 feet
33 from adjacent residential-zoned property. The setback shall be measured
34 from the adjacent boundary of all residential-zoned property. Refer to
35 distance “A” in Figure 18.42.090-1.

- b. Freestanding parking structures shall be set back a minimum of 100 feet from Lyon Creek. The setback shall be measured from the centerline of Lyon Creek. Refer to distance “B” in Figure 18.42.090-1.
- c. Freestanding parking structures shall be set back a minimum of 50 feet from Ballinger Way (State Route 104) north of the midpoint of the driveway into Town Center. The setback shall be measured from the edge of the right-of-way. Refer to distance “C” in Figure 18.42.090-1.
- d. In all other places, freestanding parking structures shall be set back a minimum of 20 feet from the property line. The setback shall be measured from the edge of the right-of-way. Refer to distance “D” in Figure 18.42.090-1.

Figure 18.42.090-1. Minimum setbacks for freestanding parking structures.

Forest Park City Hall. Pedestrian weather protection on the first level is exempt from this requirement.

3. Footprint. The footprint or total area of the first level of the structure shall not exceed ~~52,500~~45,000 square feet. The maximum overall dimensions of the parking structure shall not exceed 350 feet in length and 150 feet in width. The maximum footprint and dimensions shall be inclusive of all architectural details, overhangs, decorative elements, and similar features.

~~Public benefits provided pursuant to LFP MC 18.42.090(L) can exceed the maximum footprint and dimension provisions set forth shall be a Major Town Center Design Review project subject to processing under section LFP MC 18.42.110(A) (2) and (6).~~

4. Base height. Freestanding parking structures are limited to ~~40~~30 feet in height inclusive of the height of parapet walls, guardrails, and similar features. Exemptions are allowed pursuant to LFP MC 18.42.090(A)(~~5~~6). Height shall be measured from the lowest point of the existing grade.

5. Bonus height. When public benefits are provided pursuant to LFP MC 18.42.090(~~K~~L), the height of a freestanding parking structure shall be limited to 60 feet in height. Exemptions are allowed pursuant to LFP MC 18.42.090(A)(~~5~~6).

6. The following features may exceed the ~~exceptions to~~ base height provisions and bonus height provisions if approved as ~~shall be~~ a Major Town Center Design Review project subject to processing under section LFP MC 18.42.110(A) and ~~may be approved~~ by the Hearing Examiner:

- a. Architecturally designed stairway and elevator towers and penthouses that are designed as attractive signature elements of the parking structure.
- b. Community solar project structural elements that comply with the requirements set forth in LFP MC 18.42.090(L)(1).
- c. Public viewing platforms and covered public use spaces on the structure rooftop which comply with the requirements set forth in LFP MC 18.42.090(L)(1).
- d. Public art elements on the rooftop or along the sides of the building that otherwise are in compliance with the design guidelines for parking structures.

- B. Pedestrian access. The minimum width of pedestrian access ways surrounding the freestanding parking structure shall be eight feet. Weather protection at least eight feet deep must be provided along all facades except at required vehicle or bicycle entries and exits.

C. Parking decks. The rooftop parking deck shall not exceed a slope of two percent (2%).

D. Parking structure ramps.

1. Parking structure ramps for internal circulation must be located on the interior of the parking structure. Exterior parking structure ramps are prohibited.
2. Parking structure ramps that include on-ramp parking shall have a slope no greater than 6.67 percent (6.67%).

E. Parking stall dimensions and layout.

1. Parking stalls are limited to no less than eight feet and nine inches in width. The parking width dimension is shown in Figure 18.42.090-2, below, and is symbolized with a “W.”
2. Parking stall dimensions and layout in freestanding parking structures shall comply with the criteria in Table 18.42.090-1 below. These criteria shall take precedence over and supersede any conflicting provision of LFPMC 18.58.050. Parking layout dimensions are shown in Figure 18.42.090-2, below.

Table 18.42.090-1: Parking stall dimensions and layout

Parking Angle	Stall Width Projection (Figure symbol WP)	Module Width ¹ (Figure symbol MW)	Vehicle Projection (Figure symbol VP)	Aisle Width (Figure symbol AW)
45°	12'-4"	48'-10"	17'-7"	13'-8"
50°	11'-5"	50'-7"	18'-2"	14'-3"
55°	10'-8"	52'-0"	18'-8"	14'-8"
60°	10'-1"	53'-6"	19'-0"	15'-6"
65°	9'-8"	54'-9"	19'-2"	16'-5"
70°	9'-4"	56'-0"	19'-3"	17'-6"
75°	9'-1"	57'-0"	19'-1"	18'-10"
90°	8'-9"	61'-0"	18'-0"	25'-0"

¹Wall to wall, double-loaded aisle

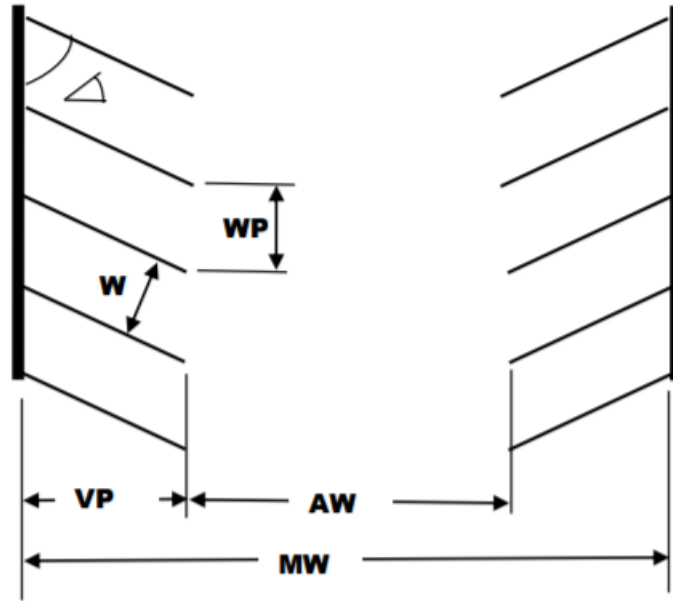


Figure 18.42.090-2. Parking layout dimensions

F. Bicycle parking and circulation.

1. Long-term bicycle parking.

- a. Long-term bicycle parking spaces in freestanding parking garages intended to support high-capacity transit must be provided at a minimum of five percent (5%) of projected AM peak period daily ridership of the high-capacity transit service. Long-term bicycle parking spaces for all other structured parking must be provided at a minimum of one space per 40 automobile parking spaces.
- b. Long-term bicycle parking must be provided in the form of permanently-anchored bicycle lockers or limited-access bicycle cages and must be labeled as bicycle parking.
- c. Long-term bicycle parking must provide bicycles with full weather protection and theft protection.
- d. Ground-level long-term bicycle parking must accommodate tandem bicycles, recumbent bicycles, folding bicycles, cargo bicycles, bicycles with trailers, family bicycles, and other non-standard bicycle designs.

2. Short-term bicycle parking.

- a. Short-term bicycle parking spaces in freestanding parking garages intended to support high-capacity transit must be provided at a minimum

1 of two percent (2%) of projected AM peak period daily ridership of the
2 high-capacity transit service. Short-term bicycle parking spaces in all
3 other freestanding parking garages must be provided at a minimum of one
4 space per 20 automobile parking spaces.

5 b.Short-term bicycle parking must be provided in the form of permanently-
6 anchored racks or corrals. Racks or corrals must provide two points of
7 support for the bicycle frame, must be intuitive to use, and must
8 accommodate a standard U-lock.

9 c.Short-term bicycle parking must be organized to accommodate a standard
10 bicycle dimension of two feet in width by six feet in length.

11 3. Bicycle parking location and access.

12 a.All long-term bicycle parking shall be located inside the freestanding
13 parking structure except long-term bicycle parking can be located outside
14 or on the top level of the freestanding parking structure under adequate
15 weather protection.

16 b.Short-term bicycle parking can be located inside the freestanding parking
17 structure and along the sidewalk adjacent to the freestanding parking
18 structure.

19 c.Bicycle parking may be provided in one or more areas. Bicycle parking is
20 encouraged to be located entirely on the ground floor. Bicycle parking
21 located on upper stories must be placed adjacent to an elevator capable of
22 accommodating non-standard bicycles.

23 d.Bicycle entry/exit must be clearly identified and separately signed and/or
24 marked from automobile traffic.

25 e.Bicycle parking area(s) must be accessed from a logical well-lit path of
26 travel from the bicycle entry/exit.

27 f. Directional signage from the bicycle entry/exit to bicycle parking area(s)
28 must be provided.

29 4. Bicycle maintenance/repair stations. One bicycle maintenance/repair station must
30 be provided in each long-term bicycle parking area.

31 G. Elevator towers and stairwells.

- 32 1. External elevator towers and stairwells, including penthouses, must be open to
33 public view through the use of architecturally designed glazing and/or other
34 transparent features.

2. Ground floor stairwell areas beneath stairs must be fenced. Alternative methods for securing such spaces may be authorized by the Director or as part of a development agreement.
3. Height of stair and elevator towers and penthouses is regulated pursuant to LFPMC 18.42.090(A)(5).

H. Pedestrian safety requirements and integration into Town Center.

1. Pedestrian pathways within facilities shall be clearly marked and signed to protect pedestrians from moving traffic.
2. Sidewalks shall be provided along all facades of the freestanding parking structure at a minimum of eight feet wide pursuant to LFPMC 18.42.090(B)(2)(a).
 - a. This requirement can be modified as part of a development agreement when the applicant demonstrates that the sidewalk widths are infeasible. If modified pursuant to this section, the sidewalks shall be the maximum width feasible.
3. Pedestrian pathways within the structure shall be established through striping, signage, and/or other markings. Pedestrian pathways shall be established between pedestrian entries and exits from the freestanding parking garage and existing or planned sidewalks and pedestrian pathways. At a minimum, the following shall be provided:
 - a. Crosswalks shall be provided at the intersection of any internal access roadways and/or public roadways affected by the freestanding parking structure.
 - b. Crosswalks shall be provided across vehicular and bicycle entries and exits.
 - c. If pedestrians are likely to walk through a parking lot, a pedestrian pathway and/or signage shall be provided.
4. A strong pedestrian connection, such as an artistically painted pathway, unique paving pattern ~~in the form of an artistic pedestrian pathway~~ or similar treatment, must be provided between the freestanding parking structure and all nearby existing sidewalks.

I. Lighting.

1. Lighting must be provided in accordance with Table 18.42.090-2:

1

Table 18.42.090-2. Parking structure lighting standards.

Area		Minimum Horizontal Illuminance on Floor (Footcandles)	Minimum Vertical Illuminance at Five Feet (Footcandles)	Maximum to Minimum Uniformity Ratio
General Parking & Pedestrian Areas		2	1	4:1
Ramps and Corners	Days	2	1	4:1
	Nights	1	0.5	
Entrance Areas	Days	50	25	4:1
	Nights	1	0.5	
Stairways		7 average		

2

3

4

2. Lighting shall be downshielded or otherwise designed and configured to prevent spillover onto neighboring properties and public right-of-way.

5

6

3. The design shall incorporate smart lighting technologies to maximize energy conservation.

7

J. Signage and wayfinding.

1. Regulatory and pavement markings shall comply with the Manual on Uniform Traffic Control Devices (MUTCD).
2. Signage shall clearly direct drivers to vehicular entries by the most efficient route possible.

K. Mixed use.

1. Freestanding parking structures shall include space for commercial, public, or other active [ground floor uses](#) and pedestrian-oriented uses. The commercial, public, or active use space shall meet the following requirements:
 - a. Commercial, public, or other active use space provided pursuant to this section shall have a minimum depth of 60 feet. Such commercial, public, or other active use space shall be integrated into the freestanding parking structure.
 - b. The minimum amount of space provided shall be 10,000 square feet.
 - c. The following requirements apply to commercial, public, or other active use spaces integrated into freestanding parking structures located within 50 feet of Lake Forest Park City Hall:
 - i. The structure, including the commercial, public, or other active use space must comply with façade alignment requirements set forth in LFPMC 18.42.090(A)(2).
 - ii. The façade parallel or substantially parallel to the front façade of Lake Forest Park City Hall shall include commercial, public, or other active use space along the entire façade at the ground level, except at pedestrian entrances and exits. The frontage shall not be interrupted by a vehicular entrance.
 - d. Commercial, public, or other active use space provided in excess of the minimum required by subsection (b), above can be consolidated into a single façade and can span multiple floors.
 - e. Parking structure ground floors and spaces built out as commercial, public, or other active uses shall include fire suppressing sprinkler systems at the time of construction even if not required by the Building and Fire Codes, as adopted by the City.

L. Public benefits. Public benefits must be provided to qualify for use of the bonus height provision and/or additional protrusion beyond the City Hall façade set forth in LFPMC

1 18.42.090(A)(2) and (6). Use of the bonus height and/or additional protrusion beyond the
2 City Hall façade shall be a Major Town Center Design Review project subject to
3 processing under LFPMC 18.42.110(A) and may be approved by the Hearing Examiner.
4 To receive approval, the public benefit identified in subsection (1) must be satisfied and
5 at least one additional public benefit from subsections (2) through (5) must also be
6 satisfied.

7 1. Public and/or community space(s) meeting the following requirements:

8 a. Public and/or community space(s) shall include at least three of the
9 following elements: a plaza, viewing platforms, a community room/
10 meeting space, a rooftop terrace, a community garden, a walking trail,
11 public art, or similar features/spaces. One or a combination of multiple
12 public and/or community space(s) shall satisfy this requirement.

13 b. The minimum area of public and/or community space(s) provided
14 must be equivalent to 10 percent (10%) of the footprint of the structure
15 exclusive of eaves, weather protection, or similar façade protrusions.

16 c. Public and/or community space(s) must be provided within,
17 adjacent to, or at the rooftop of the structure unless otherwise authorized
18 through the Major Town Center Design Review process.

19 d. If public and/or community space(s) is/are incorporated into the
20 freestanding parking structure, such spaces must be publicly accessible at
21 all times and wayfinding signage must be provided directing members of
22 the public to the space(s).

23 2. Construction of a grade-separated pedestrian and bicycle crossing between the
24 Town Center site and the Burke Gilman Trail.

25 3. Provision of at least 50 parking spaces for City and [non-transit](#) public use within
26 the structure, including space for use by Lake Forest Park Police.

27 [4.](#) Community solar project or alternative carbon-reducing features subject to
28 approval through a development agreement.

29 [M.](#) In-lieu fees. A financial contribution can be provided in lieu of design and
30 construction of the required public benefits [set forth in LFPMC 18.42.090\(L\)](#). The
31 in-lieu fee shall be negotiated through a development agreement and shall be
32 proportional to the public benefits identified above. The in-lieu fee shall be used by
33 the City to provide one of the public benefits identified.

34 **18.42.100 Town center design guidelines – Adopted**

1 A. The guidelines contained [in](#) the 2020 Town Center Framework Design Guidelines, dated
2 _____, 2020, are adopted as design guidelines applicable to all applications filed for proposed
3 development in the Town Center zone and incorporated by reference herein.

4 **18.42.110 Administration**

5 A. Major Town Center Design Review.

6 1. A Major Town Center (“TC”) Design Review project shall be classified as a Type I
7 permit application and shall be subject to the applicable processing [and notice](#) requirements of
8 Chapter 16.26 LFPMC.

9 2. Before applying for Major TC Design Review, the applicant shall attend a pre-
10 application conference with the Planning Department Director or designee (“Director”). The
11 conference will be scheduled by the Planning Department (“Department”) to occur within 30
12 days of written request by the applicant. The applicant shall submit a complete application for
13 Major TC Design Review within six (6) months following the conference otherwise a new
14 conference will be required prior to application. The purpose of this conference is to discuss how
15 the design guidelines pertain to the proposed development. [The applicant shall also address](#)
16 [whether a development agreement will be sought under Chapter 18.72 LFPMC for the project, or](#)
17 [the terms of any applicable development agreement previously executed with the City for the](#)
18 [project.](#)

19 3. The applicant must make application for Major TC Design Review on forms provided
20 by the Department. An application for Major TC Design Review may be submitted prior to
21 submission of an underlying project permit application for development on the same property;
22 however, a complete underlying project permit application shall not be processed without a
23 complete Major TC Design Review application. Consolidation of permit types for a project shall
24 be done per Chapter 16.26 LFPMC.

25 4. Upon receipt of a complete application for Major TC Design Review, the Director
26 shall review the application, analyze same for compliance with Chapter 18.42 LFPMC, and route
27 the application and a staff report to the Design Review Board.

28 5. After receipt of the staff report, the Design Review Board shall meet with the Director
29 and the applicant to evaluate the Major TC Design Review application for compliance with the
30 applicable criteria. [This meeting may be continued by the Director or the Design Review Board](#)
31 [for the purposes of clarifying issues, or obtaining additional information, facts, or documentary](#)
32 [evidence.](#)

33 6. The Design Review Board shall hold a public meeting regarding the application. At
34 the public meeting, the applicant shall have an opportunity to make a presentation and the public
35 shall be allowed to comment. [At the applicant’s expense, n](#)~~o~~ Notice of the public meeting shall be
36 provided at least 21 days prior to the public meeting as follows:

1 (i). Emailed or sent regular United States Parcel Service (USPS) mail to the applicant
2 and members of the public who have submitted written comments [regarding the application](#);

3 (ii). Sent regular USPS mail to owners of [all tax parcels in the city](#) ~~real property within a~~
4 ~~500 [or 1000] foot radius of the proposed project's boundaries~~; and

5 (iii). Published in the City's website on its News Flash page, the Notices-and-
6 Announcements page, and the City's calendar as these website pages are amended or replaced by
7 the City with similar electronic notification methods; [and](#)

8 [\(iv\). Posted on a social media ~~website~~ account hosted by the City.](#)

9 7. After the public meeting, the Design Review Board shall deliberate and provide a
10 written recommendation to the Hearing Examiner that may include approval, conditional
11 approval, or denial of the application. Because the Design Review Board provides only a
12 recommendation, there are no appeals of the Board's recommendation.

13 8. The Department shall submit the staff report and the Design Review Board's
14 recommendation to the Hearing Examiner for consideration during the open record pre-decision
15 hearing on the Type I permit.

16 B. Minor Town Center Design Review.

17 1. A Minor Town Center ("TC") Design Review project shall be classified as a Type III
18 permit application and shall be subject to the applicable processing requirements of Chapter
19 16.26 LFPMP. Provided, however, that a Notice of Application with a 14 day public comment
20 period shall be provided as described in LFPMP 16.26.040(E). The applicant must make
21 application for Minor TC Design Review on forms provided by the Department.

22 2. Upon receipt of a complete application for Minor TC Design Review, the Director
23 shall review the application, analyze same for compliance with Chapter 18.42 LFPMP, and issue
24 a final decision pursuant to section 16.26.180 LFPMP.

25 C. General - Town Center Design Review

26 1. In the event questions arise regarding permit type, the Director shall make the final
27 determination on whether an application is processed as a Type I or a Type III permit.

28 2. For a site that has been issued a TC Design Review final decision, subsequent permits
29 shall be issued only for development that complies with the final decision.

30 3. Approval of a TC Design Review permit shall not provide the applicant with vested
31 rights for the proposed project. Subsequent permits shall be subject to the applicable codes and
32 regulations in effect at the time a complete application for those permits is filed, unless provided
33 otherwise in a Development Agreement as provided in Chapter 18.72 LFPMP.

34 4. An approved TC Design Review permit without a phasing plan shall be null and void
35 if the applicant fails to file a complete building permit application(s) for all buildings, and have

all valid building permits issued within the time periods specified in the final decision by the hearing examiner (Type I) or the Director (Type III).

5. An approved TC Design Review with a phasing plan shall be null and void if the applicant fails to meet the conditions and time schedules specified in the final decision's phasing plan.

D. Minor Adjustments.

1. The Director shall have the authority to approve a minor adjustment to Major and Minor TC Design Review final decisions if all the following criteria are met:

(i) the adjustment does not change the Town Center Design Review Project from a Minor TC Design Review to a Major TC Design Review, and

(ii) the adjustment does not increase floor area by more than 10% or 1000 square feet, whichever is smaller, and

(iv) the adjustment does not change the general location or number of approved vehicular access points; and

(v) the adjustment does not decrease the amount or location of approved open space; and

(vi) the adjustment does not increase height of buildings as approved; and

(vii) the adjustment represents an equivalent or superior design solution to what would otherwise be achieved by rigidly applying specific requirements in the final decision.

2. An application for a minor adjustment shall be a Type III permit application and shall be subject to the applicable processing requirements of Chapter 16.26 LFPMC. Modifications that exceed one or more of the limitations stated in subsection 1. above shall require a new TC Design Review application for the entire site. The new application shall be reviewed according to the laws and rules in effect at the time of application.

18.42.120 Bonding.

Unless otherwise provided elsewhere in the LFPMC, the applicant shall be required to bond for all improvements that are subject to review under this chapter.

A. Before a permit is issued, the applicant shall deposit with the city clerk a surety bond in such reasonable amount as set by the Hearing Examiner (Type I) or set by the Director (Type III). The required surety bond must be:

1. With good and sufficient surety [rated A or better](#);

2. By a surety company authorized to transact business in the state;

3. Satisfactory to the city attorney in form and substance; and

1 4. In an amount sufficient to guarantee that all required improvements and mitigation
2 measures will be completed in a manner that complies with conditions of approval.

3 B. Posting of a bond or other security shall not discharge the obligation of an applicant or
4 violator to complete required mitigation, monitoring or restoration. The requirement of a bond or
5 other security is not intended and shall not be construed to relieve an applicant of any obligation
6 imposed under this chapter.

7
8 **18.42.170 Development Agreement use in Town Center.**

9 A. The applicant and the city may enter into a development agreement as provided in Chapter
10 18.72 LFPMC incorporating the Town Center Framework Design Guidelines and other
11 provisions not inconsistent with the Town Center Framework Design Guidelines or other
12 provision of this code.

13 B. The development agreement shall not include provisions that modify the following town
14 center design guidelines:

15 1.

16 2.

17 3.

18 **Chapter 18.72**

19 **Development Agreements**

20 **18.72.010 Authorized.**

21 A. The city may enter into a development agreement with a person having ownership or control
22 of real property within its jurisdiction. The city may enter into a development agreement for real
23 property outside its boundaries as part of a proposed annexation or a service agreement. A
24 development agreement must set forth the development standards and other provisions that shall
25 apply to and govern and vest the development, use, and mitigation of the development of the real
26 property for the duration specified in the agreement.

27 B. Pursuant to RCW [36.70B.170](#) through [36.70B.210](#), as amended, a person or entity having
28 ownership or control of real property within the city may file an application for a development
29 agreement with the Planning and Building Department (“Department”), and pay the filing fee
30 established by city council resolution.

31 **18.72.020 Terms and Conditions.**

1 A. The Director of the Planning Department (“Director”), and such designee as may be
2 appointed for this purpose by the Mayor, is authorized, but not required, to negotiate acceptable
3 terms and conditions of the proposed development agreement with due regard for the following
4 criteria:

- 5 1. The development agreement conforms to the existing comprehensive plan policies.
- 6 2. The terms of the development agreement are generally consistent with the development
7 regulations of the city then in effect.
- 8 3. Appropriate elements such as permitted uses, residential densities, and nonresidential
9 densities and intensities or structure sizes are adequately provided.
- 10 4. Appropriate provisions are made for the amount and payment of fees agreed to in
11 accordance with any applicable provisions of state law, any reimbursement provisions,
12 other financial contributions by the property owner, inspection fees, or dedications.
- 13 5. Adequate mitigation measures, development conditions, and mitigation requirements
14 under Chapter 43.21C RCW are provided, including monitoring and adjustment of
15 measures and conditions to ensure mitigation is effective.
- 16 6. Adequate and appropriate design standards such as maximum heights, setbacks, drainage
17 and water quality requirements, landscaping, and other development features are provided.
- 18 7. If applicable, targets and requirements regarding affordable housing are addressed.
- 19 8. Provisions are sufficient to assure requirements of parks and preservation of open space.
- 20 9. Interim uses and phasing of development and construction are appropriately provided.
21 The agreement shall clearly state the conditions under which an interim use shall be
22 converted to a permanent use within a stated time period and the penalties for
23 noncompliance if the interim use is not converted to the permanent use in the stated period
24 of time.
- 25 10. Where a phased development agreement is proposed, a site plan shall be provided and
26 shall clearly show the proposed phasing.
- 27 11. Clearly document that any departures from the standards of the code that are requested
28 by the applicant are, in the judgment of the city, offset by providing a benefit to the city of
29 equal or greater value relative to the departure requested. In no case shall a departure from
30 the code be granted if no benefit to the city is proposed in turn by the applicant.
- 31 12. Provisions for maintenance and operations, including landscape maintenance.
- 32 13. A build-out or vesting period for applicable standards is provided.

1 14. Provisions for resolving disputes, review procedures, and standards for implementing
2 decisions.

3 15. If appropriate, and if the applicant is to fund or provide public facilities, the
4 development agreement should contain appropriate provisions for reimbursement over time
5 to the applicant.

6 **18.72.030 Public hearing, recommendation, decision.**

7 A. When the Director determines that a development agreement addressing the criteria in this
8 chapter has been negotiated and recommends the same for consideration, a public hearing
9 pursuant to RCW 36.70B.200 shall be held by the planning commission.

10 1. At the public hearing, the applicant shall have an opportunity to make a presentation,
11 city representatives shall have an opportunity to make a presentation, and members of the public
12 shall be allowed to present and comment. This hearing may be continued for the purposes of
13 clarifying issues, or obtaining additional information, facts, or documentary evidence.

14 2. At the applicant's expense, nNotice of the public hearing shall be provided at least 21
15 days prior to the public hearing as follows:

16 (i). Emailed or sent regular United States Parcel Service (USPS) mail to the applicant and
17 members of the public who have submitted written comments;

18 (ii). Sent regular USPS mail to owners of all tax parcels within the city ~~real property~~
19 ~~within a 500 [or 1000] foot radius of the proposed project's boundaries; and~~

20 (iii). Published in the City's website on its News Flash page, as amended or replaced by
21 other similar electronic notification methods; and

22 (iv). Posted on a social media ~~website~~ account hosted by the City.

23 3. The planning commission may continue the hearing for the purpose of clarifying
24 issues, or obtaining additional information, facts, or documentary evidence. After deliberation,
25 the planning commission shall make a recommendation on the development agreement to the
26 city council.

27 B. The development agreement shall be subject to review and approval by the city council based
28 on the record of the planning commission and on any subsequent public hearing the city council
29 may hold. Any public hearing by the city council will be subject to the same notice provisions in
30 A.2 above. If a public hearing is held, the city council may continue the hearing for the purpose
31 of clarifying issues, or obtaining additional information, facts, or documentary evidence.

32 C. The decision of the city council shall be final immediately upon adoption of a resolution
33 authorizing or rejecting the development agreement.
34

1 D. Following approval of a development agreement by the city council, and execution of the
2 same, the development agreement shall be recorded with the King County recorder, at the
3 applicant's expense.

4
5 E. Because a development agreement is not necessary to any given project or use of real property
6 under the existing comprehensive plan and development regulations in effect at the time of
7 making application, approval of a development agreement is wholly discretionary and any action
8 taken by the city council is legislative only, and not quasi-judicial.

9
10 F. During the term of an approved development agreement, the agreement is binding on the
11 parties and their successors, and any permit or approval issued by the city after execution of the
12 development agreement must be consistent with the development agreement.

13
14 G. Pursuant to RCW 36.70B.020, development agreements are not land use applications and are
15 not subject to processing deadlines in Chapter 16.26 LFPMP.

16
17 **18.72.040 Amendments to development agreements.**

18 A. The city will process and decide upon an application for an amendment to an existing
19 development agreement as if it were an application for a new development agreement in the
20 manner set forth above, unless it is deemed a minor modification as set forth in subsection B. of
21 this section.

22 B. The Director may approve minor modifications to an existing development agreement.
23 Criteria for approving minor modifications include but are not limited to the following:

- 24 a. Shall conform to the terms of the development agreement;
- 25 b. Shall not reduce landscaping, buffering, or open space areas;
- 26 c. Shall not reduce setback requirements;
- 27 d. Shall not result in an increase in height of any structure;
- 28 e. Shall not result in a change in ingress or egress; and
- 29 f. Shall not increase any adverse impacts or undesirable effects;

30 **18.72.050 Consistency and flexibility.**

31 A development agreement shall be consistent with applicable development regulations; provided,
32 a development agreement may allow development standards different from those otherwise
33 imposed under the Lake Forest Park Municipal Code in order to provide flexibility to achieve
34 public benefits, respond to changing community needs, or encourage modifications that provide
35 the functional equivalent or adequately achieve the purposes of otherwise applicable city
36 standards. Any development standards approved pursuant to a development agreement that differ

1 from those in the LFPMC shall not require any further zoning reclassification, variance from city
2 standards or other city approval apart from development agreement approval. The development
3 standards as approved through a development agreement shall apply to and govern the
4 development and implementation of each covered site in lieu of any conflicting or different
5 standards or requirements elsewhere in the LFPMC. Subsequently adopted standards that differ
6 from those of a development agreement adopted by the city as provided in this chapter shall
7 apply to the covered development project only where necessary to address imminent public
8 health and safety hazards or where the development agreement specifies a time period or phase
9 after which certain identified standards can be modified. Determination of the appropriate
10 standards for future phases which are not fully defined during the initial approval process may be
11 postponed. Building permit applications shall be subject to the building codes in effect when the
12 permit is applied for.

13 **18.72.060 Exercise of city police power and contract authority.**

14 As provided in RCW 36.70B.170(4), the execution of a development agreement is a proper
15 exercise of the city's police power and contract authority. Accordingly, a development
16 agreement may obligate a party to fund or provide services, infrastructure, or other facilities. A
17 development agreement shall reserve authority to impose new or different regulations to the
18 extent required by a serious threat to public health and safety.

19 **18.72.070 Form.**

20 Development agreements shall be consistent with RCW 36.70B.170 through 36.70B.210.



Memorandum

To: Planning Commission
From: Steve Bennett, Planning Director
Date: February 18, 2020
Re: Amendments to the Jan. 27, 2020 draft of Town Center Regulations Update requested by Planning Commission at February 11, 2020 Meeting
Attachment: Jan. 27, 2020 draft of Town Center Regulations Update

The Commission did not review all of the changes made to the January 27th draft of Town Center Regulations Update at the February 11th meeting. So it seem appropriate to continue review of that draft at the February 19th meeting with the addition of the following two items that the Commission gave direction to amend on the 11th.

1. The Commission decided to make the following change to subsection 18.42.050 (Residential Density):

18.42.050 Residential Density. The total number of residential units in the Town Center zone shall not exceed ~~700~~ ____.

2. The Commission requested that provisions be added to insure that the City had the authority to require a traffic or other study evaluating potential impacts of major project (including a freestanding parking structure) in the Town Center. This proposal would create the following new paragraph 3 in subsection A of Ch. 18.42.110 Administration:

18.42.110 Administration

A. Major Town Center Design Review.

1. A Major Town Center (“TC”) Design Review project shall be classified as a Type I permit application and shall be subject to the applicable processing and notice requirements of Chapter 16.26 LFPMC.

...

3. An applicant for a development proposal determined by the planning director to be subject to Major Town Center Design Review shall submit studies or reports that, in the judgment of the planning director, adequately evaluate the proposal and all probable impacts associated with it. The planning director may require the applicant to submit studies addressing types of potential impacts including but not limited to: geotechnical, traffic, parking, critical areas, trees, and stormwater design (including water quality analysis).

...