

TOWN CENTER CHAPTER—CODE AMENDMENTS

DRAFT FOR DISCUSSION—OCTOBER 9, 2018; WITH NEW NOTES FOR JUNE 11, 2019 MEETING



Lake Forest Park Municipal Code, Town Center Chapter 18.XX

SUMMARY OF DRAFT CODE CHANGES BY SECTION:

18.08.XXX	Definitions	Several new definitions are suggested for Chapter 18.08
Old Chapter/ Section #s 18.42.010	Purpose	Replaced with new draft purpose (more detailed with inclusion of transit-oriented development reference and other expanded language. Revised per discussion on 9/25/18—see next page).
18.42.020 18.42.030 18.42.040 18.42.050	Permitted uses – Commercial and nonresidential. Permitted uses – Primary and accessory residential. Limitations on use. Conditional uses.	New draft Uses section; restructured “uses” provisions with table of use categories; revised per discussions on 9/11/18 and 9/25/18. Conditional use permit revised; large scale “big box” commercial footprints removed.
XX.XX.XXX	Affordable housing.	Added draft provisions; see draft incentives included in section. The EIS will study this element. June 2019: Include in draft per COW discussion. Discuss specific of provisions
XX.XX.XXX	Multifamily tax exemption program.	Added draft provisions; incentive for implementing affordable housing. The EIS will study incentives such as MFTE. June 2019: Include in draft per COW discussion.
18.42.060	Building height.	More detailed provisions suggested. See revisions per discussion on 9/25/18. The EIS will study this element. June 2019: in discussion four levels above ground as base height (3/1) and five levels (4/1) above ground as bonus with amenities provided; note June 3, 2019 MGP letter.
18.42.070	Setbacks and edge conditions.	Revised based on discussion 9/25/18 to create a more specific setback around the perimeter of the site including adjacent to Lyon Creek. The EIS will study this element. June 2019: proposed setback approach discussed in COW meeting; review with PC and translate into Code.
18.42.080	Land coverage. NOW OPEN SPACE.	Draft open space provisions included based on discussions 9/25/18. The EIS will study this element. June 2019: taking a “plan” approach that sets an overall goal of 2 acres of internal open space total and four locations of potential targets for open space with performance objectives of each space; no space less than .5 acres.
18.42.090	Screening and landscaping.	Will be addressed in the Town Center Design and Development Standards and Guidelines document.
18.42.100	Signs.	Will be addressed in the Town Center Design and Development Standards and Guidelines document.
18.42.110	Parking.	See draft section based on transit-oriented development and shared parking potential at site; further discussions with property owners on this will be important in directing final language in code; also refer to reduced parking incentives with affordable housing provisions. EIS WILL STUDY. June 2019: discuss general approach under consideration for residential parking ratio required. We are hearing from multiple sources that 1.5/unit is too high. Commercial/office parking ratio of 4 spaces per 1,000 GSF may be fine; discussing provision of parking analysis/management plan with each phase of development; could show justification for reduced parking through analysis, shared parking plan, and parking management.

ADDITIONAL NOTES AND CONSIDERATIONS

CHAPTER 18.42 ORGANIZATIONAL STRUCTURE:

- Chapter will be renumbered and reorganized to include new sections and subsections as needed in final draft version.
- Anticipating repeal of Chapter 18.42 and replacing with a ~~new~~ REVISED chapter (a “track changes” approach would be too confusing). Chapter 18.49?

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18.42.120	Site plan review required – Exceptions.	Now integrated into Town Center Design and Development Standards and Guidelines procedures; more work needed.
18.42.130	Site plan review – Criteria.	
18.42.140	Town center framework design guidelines – Adopted –	Will reference new document “Town Center Design Standards and Guidelines” – some provisions will be mandatory (shall/required), some will be flexible (should/encouraged). This work is in process – see outline in this draft. The EIS will study design character/aesthetics. See separate document as work in process.
18.42.150	Rules of interpretation. Town center framework design guidelines – Application – Effect.	
18.42.160	Administration.	Combined into a new draft procedures section.
18.42.170	Development agreement.	June 2019: Process for approvals needs some additional work over next few weeks; building in developer agreement process that was reviewed with COW in earlier meetings. Will be c Combined into new draft procedures section. Consider ability to confirm development program/incentives/amenities, etc. through Development Agreement vesting process.
18.42.180	Design departure.	NEED TO REVISE; Retained; may need to revise with new procedures section.
18.42.190	Bonds or other financial security.	Retained; discuss if changes are needed.

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Recommended Additions and Amendments to LFPMC 18.08 Definitions.

18.08.035 Active ground floor uses.

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

Affordable housing definitions—see new draft sections on affordable housing and multifamily tax exemption program; definitions there likely will need to be encompassed into 18.08

“Affordable housing” and “affordable unit” mean a dwelling unit(s) reserved for occupancy by eligible households and having monthly housing expenses to the occupant no greater than 30 percent of a given monthly household income, adjusted for household size

18.08.105 Artisanal/craft production and retail.

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

18.08.107 Assisted housing.

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

18.08.131 Automobile-oriented retail sales of food and commodities.

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

18.08.265 Cultural, entertainment, and/or recreational facility.

“Cultural, entertainment, and/or recreational facility” means a facility providing cultural, entertainment, and/or recreational services, including but not limited to: theaters, performing arts centers, museums, play facilities, dance studios, health clubs and physical fitness facilities.

18.08.270 Day care.

“Day care,” “family day care,” and “adult day care” mean a facility used for providing the regularly scheduled on-premises care of children or adults for less than a 24-hour period. A Type I day care facility is a ~~single-family residence used for the~~ 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.

ADDITIONAL NOTES AND CONSIDERATIONS

18.08.035: Added definition for active ground floor uses; could be further modified with review

18.08.105: Covers any small-scale production, including alcohol industries, art, candles, woodworking, roasters, or any other crafts industry uses.

18.08.107: Assisted housing added to replace retirement home and incorporate other potential senior citizen assisted living facilities

18.08.265: Revised and expanded definition to include entertainment and recreational uses.

18.08.270: Modified to allow day care facilities in the TC zone (not in single family dwellings).

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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.

18.08.355 Housing expense. <goes with affordable housing>

“Housing expense” means, in the case of renter-occupied housing, rent, tenant-paid utilities, one parking space, and other tenant expenses required for the dwelling unit; and in the case of owner-occupied housing, mortgage, mortgage insurance, property taxes, property insurance, and homeowner’s dues.

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 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.

[REPEALED]

18.08.669 Vacation rental dwelling.

“Vacation rental dwelling” means the use of a dwelling unit by any person or group of persons who occupies or is entitled to occupy a dwelling unit or guest room for a charge and for a period of no more than 30 calendar days.

18.08.XXX Town Center VISION/the VISION.

Adopted <pending> goals and policies for the Town Center representing the perspectives and comments from the community and stakeholders gathered through extensive public engagement activities in 2018. The VISION has integrated with the Town Center Plan, a subarea plan that will be incorporated into the City of Lake Forest Park Comprehensive Plan in the next update.

ADDITIONAL NOTES AND CONSIDERATIONS

18.08.351: Opportunity to consider Airbnb, VRBO, or other non-hotel/motel types of lodging.

18.08.565: May need to refine this definition to tailor to LFP’s market (and preferences for how market should be composed/operated).

18.08.599: Added definition to clarify inclusion of sales of goods/commodities and services (nail salon etc.)

18.08.600: Removed definition to avoid confusion with “assisted housing.”

18.08.699: Added definition. Separate from “Hotels and temporary lodging” so different regulations can apply to each.

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18.XX.010 Purpose.

The Lake Forest Park Town Center is envisioned as the heart of the community. As this VISION is realized, the Town Center will become a place where people live, work, shop, access transit, socialize and gather as a community on a daily basis. The purpose of the Town Center development regulations is to:

- A. Guide development consistent with the goals and policies for the Town Center set forth in *The VISION* and the Lake Forest Park Comprehensive Plan;
- B. Encourage a mix of well-designed multifamily residential, commercial, civic, and recreation and open space areas, as well as other amenities to achieve a transit-oriented development pattern that prioritizes the pedestrian experience;
- C. With redevelopment over time, the mixed use Town Center will address the needs of the community by providing new opportunities to live and work near high capacity transit (bus rapid transit in SR 522) and regional multi-modal transportation networks including SR-522, SR-104, and the Burke-Gilman Trail, and will offer the opportunities for multi-modal access to the shopping, services, and establishments at Town Center;
- D. Enable imaginative site and building design that will encourage pedestrian access to residences, employment opportunities, goods, and services, at the Town Center and to/from surrounding neighborhoods; and
- E. Provide for adequate public facilities and services in conjunction with development.

18.XX.020 Town Center land uses table.

A. Uses listed in Table 18.XX.020 are subject to the following:

- a. Uses listed with a “P” are permitted outright, subject to applicable development regulations;
- b. Uses listed with a “C” are conditional uses and are permitted subject to a conditional use permit and applicable development regulations;
- c. Uses listed with an “L” are limited uses and are permitted subject to applicable regulations in LFPMC 18.XX.040 and other applicable development regulations;
- d. Uses listed with an “X” are prohibited;
- e. Uses not listed in the table are prohibited, except as may be allowed by LFPMC 18.XX.030 or 18.XX.040.

B. Table 18.XX.020 establishes those uses which are permitted, those uses subject to specific development standards, those uses requiring special approval, and those uses which are prohibited within each zoning district.

ADDITIONAL NOTES AND CONSIDERATIONS

Revised Purpose statement based on discussion 9/25/18.
Incorporates reference to the VISION as well as transit oriented development.

Uses Table Considerations

- Taking the approach of showing uses in a “Uses Table” helps to clarify uses and related requirements.
- Uses table is a space-saving technique to list more uses and clarify what uses are permitted outright, subject to conditional use permit, limited and subject to other procedures, or prohibited.

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Table 18.XX.020: Town Center Land Uses Table

<SECOND DRAFT LEFT IN ALPHABETICAL BUT COULD BE ORGANIZED BY P, L, C, and X>

Uses	TC Zone
Residential Uses	
Accessory dwelling units	X
Accessory use or accessory buildings – on-site	P
Accessory use or accessory buildings – off-site	X
Assisted housing facilities	P
Dwellings, single-family	X
Dwellings, multifamily	P
Hotels and temporary lodging	C
Vacation rental dwelling	L
Commercial and Nonresidential Uses	
Artisanal/craft production and retail	L
Automobile, boat, and trailer sales	X
Automobile rental	X
Automobile service station	X
Automobile-oriented sales of food and commodities	X
Cultural, entertainment, and recreational facilities	P
Day care facilities – Type I	L
Day care facilities – Type II	C
Instructional institution	L
Retail and commercial sales and services	L
Professional offices, including medical and dental	L<need to add limitations>
Public markets/farmers markets	L <P?>
Public and Institutional Uses	
Essential public facilities	C
Government buildings and uses	P
Public utilities	P
Other public service uses that are compatible with the purpose and intent of the TC zone	C
Parking structures or parking lots for commuter park-and-ride purposes	C
Bike stations/bike sharing programs	P

- b. The director shall consider the scale, visual impacts, traffic generation, relationship to surrounding uses, and other factors which influence and/or define the nature of the use in making a determination.
- c. If the director determines the proposed use is similar to a use in Table 18.XX.020, the proposed use shall be allowed subject to the same requirements as the use in Table 18.42.020 it is found to be similar to.

ADDITIONAL NOTES AND CONSIDERATIONS

Use Table Revisions based on 9/11/2018 and 9/25/2018 Discussions:

- Minor revisions – replaced “retirement home” with “assisted housing facilities,” added “vacation rental dwelling,” simplified commercial and nonresidential uses.
- Need to determine where to include requirement for minimum unit square footage (avoiding micro unit housing/very small units, which we assume would be the preference).
- Based on previous discussions 9/11/2018 and 9/25/2018, it was determined that commercial/retail space above 60,000 square feet would not be permissible (either through CUP, limited, or outright); need to confirm this direction.

- C. A proposed use not listed in Table 18.XX.020 may be allowed if the director determines the proposed use is similar to a use listed in Table 18.XX.020:
- a. A request for a determination of similar use shall be submitted to the city in writing. The determination of similar use shall be processed as a Ministerial Administrative Decision pursuant to the review procedures set forth in LFPMC 16.26.030(E)(3), 16.26.035, and 16.26.040.

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18.XX.030 Accessory uses.

- A. Accessory uses listed in Table 18.XX.020 and elsewhere in this chapter are allowed consistent with LFPMC 18.XX.020 and Table 18.XX.020.
- B. Accessory uses not listed in Table 18.XX.020 or elsewhere in this chapter may be allowed provided the director determines the accessory use is customary and incidental to the principal use.
- C. Except where expressly provided for otherwise in Table 18.XX.020, accessory uses shall be permitted the same as the principal use. The director may waive this for an accessory use established after the time the principal use is established involving a “C” from the table if:
 1. The principal use complies with the permit requirement in Table 18.XX.020;
 2. The accessory use is within the scope and intent of the original permit as determined by the director; and
 3. The addition of the accessory use will not result in the use of the land as a whole to have a detrimental effect on neighboring properties and streets due to noise, lighting, off-site traffic generation, and similar negative impacts.
- D. There is no limit on the number of accessory uses that may be associated with a principal use, subject to other limitations in the Lake Forest Park Municipal Code.
- E. Accessory uses involving marijuana production, sale, or use as defined in LFPMC 18.08 are prohibited notwithstanding a state license or other recognition pursuant to RCW Title 69.

18.XX.040 Limited uses.

- A. Artisanal/craft production and retail. Artisanal/craft production and retail establishments are allowed as limited uses subject to the following provisions:
 1. Artisanal/craft production and retail establishments shall be open to the public and shall include a retail/eating/drinking/tasting component that occupies a minimum of 10 percent of usable space.
 2. Artisanal/craft production and retail establishments shall provide street frontage at sidewalk level, a well-marked and visible entrance at sidewalk level, or similar prominent pedestrian access.
 3. All production, processing, and distribution activities shall be conducted within an enclosed building.
 4. Outdoor storage of materials, equipment, products, or similar items incidental to the production and sale of artisanal or craft goods is prohibited except when the storage meets the following conditions:
 - i. Outdoor storage of materials, products, or similar items incidental to the production of artisanal or craft goods shall be fully-enclosed and shall be designed in a decorative, aesthetically attractive manner and integrated into the site or building design in a way that contributes to the pedestrian experience and Town Center character.
 - ii. Outdoor storage of equipment used in manufacturing artisanal or craft goods is not allowed.
 5. Applicable state licenses or permits are required for the operation of an artisanal/craft production and retail establishment.
 6. The following annual production limits apply to artisanal or craft production of alcoholic beverages:
 - i. 100,000 gallons per year for a distillery;
 - ii. 15,000 barrels per year for a brewery or cidery;
 - iii. 5,000 cases per year for a winery.
- B. Day care facilities – Type I. Day care facilities are allowed as limited uses subject to the following provisions:
 1. A city business license is required pursuant to LFPMC 5.02.030;
 2. Day care facilities shall comply with all building, fire safety, and health codes;
 3. Day care activities shall not be conducted before 5:00 a.m. or after 9:00 p.m. when located in a private family residence;
 4. No child day care facility shall be located in a private family residence unless the portion of the residence to which the children have access is separate from the usual living quarters of the family or is used exclusively for the children during the hours the facility is in operation.

ADDITIONAL NOTES AND CONSIDERATIONS

- Revised 18.XX.040 4. to allow outdoor storage that is decorative or otherwise integrated into the building or site design.
- Regarding day care facilities, do we need to regulate for 12 or fewer people? Greater than 12 is a CUP.

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- C. Retail, commercial and nonresidential uses. Instructional institutions, retail sales and services uses, professional offices, and uses determined to be similar pursuant to LFPMC 18.XX.020(C) are allowed as limited uses subject to the following provisions:
1. Commercial and nonresidential uses in a mixed-use building shall occupy the floor(s) below the residential portion in order to enhance the quiet and privacy for the residents above;
 2. Commercial and nonresidential uses shall be separated from residential uses by soundproof materials or suitable architectural features to reduce noise impacts on the residential portion of the building.
 3. Individual commercial or nonresidential uses shall contain no greater than 60,000 square feet per use;
 4. All businesses, services, repair, processing, storage, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
 - i. Off-street parking or loading;
 - ii. Storage and sale of goods in connection with an established use under the provisions of a temporary use permit or special event; and
 - iii. Merchandise displays which are located in the TC zone where proper provision has been made for screening and safe pedestrian and vehicular passage.
 5. Drive-thru windows are prohibited.
- D. Public markets. <NOT SURE IF THIS PROVISION IS NEEDED; IF NOT THEN PUBLIC MARKETS WOULD BE PERMITTED OUTRIGHT AND NOT LIMITED>
Public markets are allowed as limited uses subject to the following provisions:
1. Public markets and/or their vendors shall accept forms of payment by participants of federal, state, or local food assistance programs, including but not limited to the Food Stamps/Supplemental Nutrition Assistance Program; the Women, Infants, and Children (WIC) Farmers' Market Nutrition Program; and the Senior Farmers' Market Nutrition Program. Such forms of payment include but are not limited to coupons, vouchers, and Electronic Benefit Transfer (EBT) cards
- E. Vacation rental dwelling. <NOT SURE OF NEED SINCE IT WOULD BE SEVERAL YEARS UNTIL HOUSING IS AVAILABLE ON SITE>
1. A city business license is required pursuant to LFPMC 5.02.030;
 2. The vacation rental dwelling must be permanently occupied by the property owner. The property owner may rent the vacation rental dwelling for no more than 90 days per year. No rental period shall exceed 30 consecutive days.
 3. No outdoor advertising signs related to the vacation rental dwelling shall be allowed on the site.
 4. Maximum occupancy of the rental shall be based on the International Building Code standards. The property owner shall be responsible for ensuring that the dwelling unit is in conformance with its maximum occupancy.
 5. A renter may not use the short-term rental for a purpose not incidental to its use for lodging or sleeping purposes. This restriction includes using the rental for a wedding, banquet, reception, bachelor or bachelorette party, fundraiser, sponsored event, or any similar group activity.
 6. There shall be no demand for parking beyond that which is normal to a residential area and no unusual or excessive traffic to and from the premises.
 7. A sign shall be posted conspicuously inside the vacation rental dwelling summarizing guidelines and restrictions applicable to the short-term rental use, including:
 - i. Information on maximum occupancy;
 - ii. Applicable noise and use restrictions;
 - iii. Location of off-street parking;
 - iv. Direction that trash shall not be stored within the public view, except within property containers for the purpose of collection, and provision of the trash collection schedule;
 - v. Contact information for the property owner;

ADDITIONAL NOTES AND CONSIDERATIONS

- See question about public markets – permit outright or allow as limited use with compliance of payment provisions?
- Not sure about the need for vacation rental provisions (AirBnB, VRBO) at this time; could add in the future, as there could be a need for greater regulation at that time.

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- vi. Evacuation routes; and
- vii. The renter’s responsibility not to trespass on private property or to create disturbances.

18.XX.050 Conditional uses.

Conditional uses for the TC zone are those identified in Table 18.XX.020. Conditional uses shall be permitted and developed in accordance with Chapter 18.54 LFPMP.

- A. Hotels and temporary lodging.
- B. Day care facilities – Type II.
- C. Essential public facilities.
- D. Parking structures and parking lots ~~for commuter park-and-ride purposes.~~
- E. Other public service uses that are compatible with the purpose and intent of the TC zone.

ADDITIONAL NOTES AND CONSIDERATIONS

- Need to further discuss appropriate conditional uses.
- For those listed (if retained), we would need to add development regulations/standards as there are none in the current code in 18.54 (except for day care).
- CUP for essential public facilities could be a way to address ST facilities with a greater level of precision.

REGARDING USES SECTION: THERE IS STILL WORK TO BE DONE BASED ON THE NEXT ROUND OF COMMENTS; FOR EXAMPLE THERE MAY BE A NEED FOR SOME LIMITATIONS ON PROFESSIONAL OFFICE – MAXIMUM SF, ETC. TO BE ADDED.

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XX.XX.XXX Affordable Housing

XX.XX.XXX Purpose

There is limited land area within the City zoned and available for multi-family residential development and there is a need in the metropolitan region for expanded housing choices, including affordable housing. This chapter sets forth minimum housing requirements provides development incentives in exchange for the public benefit of providing affordable housing units at Town Center.

This section offers dimensional standard flexibility and density and economic incentives to encourage construction of affordable housing units in at Town Center.

Also refer to XX.XX.XXX Multifamily Tax Exemption provisions. <Some of the content in this section could be combined/integrated with the MFTE section.>

XX.XX.XXX Affordable Housing Minimum Requirement

1. Minimum Requirement. All developments creating four (4) or more new dwelling units at Town Center shall provide at least 10 percent of the units as affordable housing units to either owners at or below 80 percent of King County median income or renters at or below 50 percent of King County median income. (Eligibility for the Multifamily Tax Exemption program under XX.XX.XXX requires the provision of 20 percent of units as affordable in compliance with RCW 84.14.)
2. Rounding. In all zones, the number of affordable housing units required is determined by rounding up to the next whole number of units if the fraction of the whole number is at least 0.66.

XX.XX.XXX Basic Affordable Housing Incentives

1. Approval Process. The City will use the underlying permit process applicable to Town Center development applications to review and decide upon an application utilizing the affordable housing incentives identified in this section.
2. Bonus Opportunities
 - a. Height Bonus. Additional building height may be granted in exchange for affordable housing, as reflected in XX.XX.XXX.
 - b. Development Capacity Bonus. Additional residential development capacity may be granted in exchange for affordable housing as reflected in XX.XX.XXX. <Still in analysis.>
 - c. Bonus Units to Affordable Units Ratio. Two (2) additional units ("bonus units") may be constructed for each affordable housing unit provided. See XX.XX.XXX for example calculations.
 - d. Maximum Unit Bonuses. The maximum number of bonus units achieved through a basic affordable housing incentive shall be 25 percent of the number of units allowed.
3. Alternative Affordability Levels. An applicant may propose affordability levels different from those defined in XX.XX.XXX for the affordable housing units based on development of a housing needs analysis applicable to local Lake Forest Park demographics and characteristics. <NEEDS FURTHER CONSIDERATION/ANALYSIS; MAY BE BEST TO JUST HAVE CLEAR REQUIREMENTS AND STICK WITH THEM>
4. Dimensional Standards Modification. To the extent necessary to accommodate the bonus units allowed under subsection X.X.X of this section on site, the following requirements of this chapter may be modified through the procedures outlined in this subsection. These modifications may not be used to accommodate the units resulting from the base density calculation.

ADDITIONAL NOTES AND CONSIDERATIONS

These are new sections patterned after provisions from other communities in the region (Kirkland, Bellevue, Issaquah, Bellingham, etc.) and adapted for LFP Town Center.

We need to determine the best organizational structure, such as keeping these within the Town Center chapter and perhaps combining as one section. Once we have a sense of that direction, we can further clean up redundancies. Definitions likely should be added to 18.08, rather than having separate listed here (under MFTE section).

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ADDITIONAL NOTES AND CONSIDERATIONS

- a. Parking Requirement. The required parking may be reduced to 1.0 space per affordable housing unit. No additional guest parking is required for affordable housing units. If parking is reduced through this provision, the owner of the affordable housing unit shall sign a covenant, in a form acceptable to the City Attorney, restricting the occupants of each affordable housing unit to a maximum of one (1) automobile.
- b. Structure Height. Maximum height for structures containing affordable housing units may be increased by up to one story as long as the structure overall complies with all applicable building code and fire protection requirements.

<POSSIBLE ADD: Maximum structure height may not be modified through this provision for any portion of a structure that abuts low density zone.>
- c. Required Setbacks. Structures containing affordable housing units may encroach up to five (5) feet into any required property line setback area except that in no case shall a remaining required setback be less than 15 feet. This exception does not apply to setbacks along Lyon Creek.
- d. Common Recreational Space. Common recreational open space per unit, when required, may be reduced by 50 square feet per affordable housing unit. <NOT SURE THIS PROVISION WOULD BE ADVISABLE; SHOULD BE STUDIED IN EIS.>
- 5. Impact Fee and Permit Fee Calculation <POSSIBLE CONSIDERATION OF DISCOUNTED OR EXEMPTED FEES for affordable housing projects or portions there of; NEEDS FURTHER CONSIDERATION/ANALYSIS>
- 6. Multifamily Tax Exemption. A property providing affordable housing units may be eligible for a multifamily tax exemption as established in XX.XX.XXX.

XX.XX.XXX Additional Affordable Housing Incentives

- 1. Approval Process for Additional Affordable Housing Incentives – An applicant may request that the City grant affordable housing incentives in addition to or in place of the basic affordable housing incentives described in XX.XX.XXX due to specific site conditions. Such a request shall be reviewed and decided upon as outlined below.
- 2. Density Bonus – An applicant may propose more than two (2) bonus units for every affordable housing unit or a density bonus exceeding 25 percent of the number of units allowed in the underlying zone of the subject property. However, in no event may a project receive a bonus that would result in a number of bonus units that exceeds 50 percent of the number of units allowed based on the underlying zone of the subject property. Such a request shall be reviewed and decided upon by the Planning Director. The decision of the Planning Director in approving or denying a modification under this subsection may be appealed using the appeal provision, as applicable, of Process I <CONFIRM>.
- 3. Dimensional Standards Modification – An applicant may request further modification from the dimensional standards listed in XX.XX.XXX and the modifications allowed in XX.XX.XXX. Approval of any further modification of the dimensional standards will be based on the applicant’s demonstration that the subject property cannot reasonably achieve the permitted density, including the bonus units. Such a request shall be reviewed and decided upon by the Planning Director. The decision of the Planning Director in approving or denying a modification under this subsection may be appealed using the appeal provision, as applicable, of Process I <CONFIRM>.

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4. Criteria for Approving Additional Affordable Housing Incentives – The City may approve one (1) or more of the additional affordable housing incentives listed in XX.XX.XXX of this section, in addition to or in place of the basic affordable housing incentives, if one (1) or more of the following requirements are met:
- a. The additional incentive is necessary to provide sufficient economic incentive to the applicant to offset the cost of providing the affordable housing units.
 - b. The additional incentive is necessary to reasonably achieve the permitted density, including the bonus units.
 - c. The additional incentive is necessary to achieve a greater number of affordable housing units than the affordable housing requirements would prescribe or a greater level of affordability than is defined by the term affordable housing unit.

<THIS ALL NEEDS TO BE STUDIED IN THE EIS TO UNDERSTAND POTENTIAL REDEVELOPMENT SCENARIOS AND RELATED CAPACITIES.>

In making its decision on additional incentives, the City will consider the value of any property tax exemptions available to the project from the City as established in XX.XX.XXX, as well as other fee waivers or reductions as applicable <IF APPLICABLE>.

XX.XX.XXX Additional specific provisions for affordable housing

1. Approval of Affordable Housing Units – Prior to the issuance of any permit(s), the City shall review and approve the location and unit mix of the affordable housing units consistent with the following standards:
- a. The affordable housing units shall be intermingled with all other dwelling units in the development.
 - b. The type of ownership of the affordable housing units shall be the same as the type of ownership for the rest of the housing units in the development. <??? - c. The affordable housing units shall consist of a range of number of bedrooms that are comparable to units in the overall development.
 - d. The size of the affordable housing units, if smaller than the other units with the same number of bedrooms in the development, must be approved by the Planning Director. In no case shall the affordable housing units be more than 10 percent smaller than the comparable dwelling units in the development, based on number of bedrooms, or less than 500 square feet for a 1-bedroom unit, 700 square feet for a 2-bedroom unit, or 900 square feet for a 3-bedroom unit, whichever is less.
 - e. The affordable housing units shall be available for occupancy in a time frame comparable to the availability of the rest of the dwelling units in the development.
 - f. The exterior design of the affordable housing units must be compatible and comparable with the rest of the dwelling units in the development.
 - g. The interior finish and quality of construction of the affordable housing units shall at a minimum be comparable to entry level rental or ownership housing in the City of Lake Forest Park.
2. Affordability Agreement. Prior to issuing a certificate of occupancy, an agreement in a form acceptable to the City Attorney that addresses price restrictions, homebuyer or tenant qualifications, long-term affordability, and any other applicable topics of the affordable housing units shall be recorded with King County Recorder’s Office. This agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant.

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3. Length of Time of Affordable Housing Status. Affordable housing units that are provided under this section shall remain as affordable housing for a minimum of 50 years from the date of initial owner occupancy for ownership affordable housing units and for the life of the project for rental affordable housing units. At the sole discretion of the director, the City may approve a shorter affordability time period for owner-occupied affordable housing of not less than thirty (30) years, in order to meet federal financial underwriting guidelines.

XX.XX.XXX Regulatory Monitoring/Evaluation

At least every three (3) years, the City Planning and Building Department shall submit a report that tracks the use of these regulations to the Planning Commission and City Council.

Note About Alternative Compliance Provisions

<Some jurisdictions have adopted alternative compliance provisions, such as fee in lieu of providing affordable housing or provision of off-site alternative compliance. Given the limited opportunities for affordable housing in Lake Forest Park, we have not included such provisions. The community has expressed a strong interest in housing affordability at Town Center, and as such, including a minimum requirement in the code and then further incentivizing additional levels of affordable housing would support this interest.>

X.XX.XXX Multifamily Tax Exemption

<SEPARATE CODE CHAPTER OR INTEGRATED INTO TOWN CENTER CHAPTER? IF INTEGRATED, MANY OF THE DEFINITIONS AND PROVISIONS HERE COULD BE COMBINED WITH THE PREVIOUS SECTION TO REDUCE DUPLICATION AND FOR BETTER CLARITY OF PROVISIONS>

XX.XX.XXX Definitions.

- A. “Affordable housing” means:
1. For an owner-occupied dwelling unit, housing reserved for occupancy by eligible households and affordable to households whose household annual income does not exceed 80 percent of the King County median household income, adjusted for household size, as determined by the United States Department of Housing and Urban Development (HUD), and where no more than thirty percent of the monthly household income is paid for monthly housing expenses (mortgage and mortgage insurance, property taxes, property insurance and homeowner’s dues).
 2. For a renter-occupied dwelling unit, housing reserved for occupancy by eligible households and affordable to households whose household annual income does not exceed fifty (50) percent of the King County median household income, adjusted for household size, as determined by HUD, and where no more than thirty percent of the monthly household income is paid for monthly housing expenses (rent and an appropriate utility allowance). In the event that HUD no longer publishes median income figures for King County, the City may use or determine another method to determine the King County median income, adjusted for household size.
- B. “Affordable rent” means that the annual rent plus tenant paid utilities and other required expenses for the unit does not exceed 30 percent of the percentage of the applicable median income adjusted for household size designated for qualifying affordable units.
- C. “Affordable unit” means a dwelling unit that is reserved for occupancy by owners or renters and sold or rented at an affordable price to an eligible household.
- D. “Assessor” means the King County assessor.

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- E. “Director” means the director of the City’s community development department, or any other City office, department or agency that shall succeed to its functions with respect to this chapter, or the director’s designee.
- F. “Eligible household” means a household (one or more adults and their dependents) who, as set forth in the regulatory agreement referenced in XX.XXX.XXX, certify that their household annual income does not exceed the applicable percent of the King County median income as determined by the United States Department of Housing and Urban Development (HUD); and who certify that they meet all qualifications for eligibility, including, if applicable, any requirements for recertification on income eligibility.
- G. “Household” means a single person, family, or unrelated persons and their dependents living together.
- H. “Household annual income” means the aggregate annual income of all persons over 18 years of age residing within the same household for a period of at least four months.
- I. “King County median income” means the median income for the Seattle-Bellevue, WA HUD Metro FMR Area as most recently determined by the Secretary of Housing and Urban Development (the “Secretary”) under Section 8(f)(3) of the United States Housing Act of 1937, as amended, or if programs under Section 8(f)(3) are terminated, median income determined under the method used by the Secretary immediately prior to termination.
<CONFIRM>
- J. “Multifamily housing” or “multiple-unit housing” means a building or townhouse project having four or more dwelling units designated for permanent residential occupancy resulting from new construction or rehabilitation or conversion of vacant, underutilized, or substandard buildings.
- K. “Owner” means the owner of the real property on which the project proposed for tax exemption is located, and its successors and assigns. If tax exemption is requested or authorized for 12 years pursuant to this chapter, “owner” also means a nonprofit corporation that will own or owns the affordable housing units.
- L. “Permanent residential occupancy” means the multifamily or multiple-unit housing that provides either rental or owner occupancy for a period of at least one month and excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.
- M. “Residential targeted area” or “targeted residential area” means the Lake Forest Park Town Center, a designated subarea within the City of Lake Forest Park, designated by the city council as lacking currently sufficient, available, desirable, and convenient residential housing to meet the needs of the public.

<CONSOLIDATE/CLEAN UP DEFINITIONS IN FINAL DRAFT>

XX.XX.XXX Targeted Residential Area Designation

- <Criteria per RCW 84.14.040: Following a public hearing, the city council may, in its sole discretion, designate one or more targeted residential areas. Each designated area must meet the following criteria, as determined by the city council:>
- A. Lake Forest Park Town Center is the targeted area, found to be in conformity with RCW [84.14.040](#) and so designated by city council. The targeted area is shown in Exhibit X.
 - B. The targeted area currently lacks sufficient available, desirable and convenient residential housing, including affordable housing, to meet the needs of the public who would likely live in the urban center if affordable, desirable, attractive, and livable homes/situations were available.

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- C. Provision of additional housing incentives in the targeted area will assist in achieving the following purposes:
- 1. Encourage increased residential opportunities within the targeted area; and
 - 2. Stimulate the construction of new multifamily housing.

<Other considerations: The city council may, by ordinance, amend or rescind the designation of a targeted residential area at any time pursuant to the same procedure as set forth in this chapter for original designation.>

XX.XX.XXX Tax Exemptions for Multifamily Housing in Targeted Residential Areas.

- A. Intent. <Could also be Purpose at Beginning> Limited exemptions from ad valorem property taxation for multifamily housing at the Lake Forest Park Town Center targeted residential area are intended to:
- 1. Provide economic incentives enabling increased residential housing choices and opportunities, including affordable housing, at the Lake Forest Park Town Center, a compact, identifiable district containing several business establishments, adequate public facilities, and a mixture of uses and activities, where residents may obtain a variety of products and services, including proximity to shopping, groceries, civic buildings and uses, and existing transit access and proposed access to high capacity transit (SR 522 bus rapid transit);
 - 2. Stimulate new construction and redevelopment and increase the supply of new multifamily housing to expand housing choices, including affordable housing;
 - 3. Assist in directing future growth to urban centers with existing available infrastructure thereby reducing development pressure on neighborhoods lacking infrastructure capacities; and
 - 4. Achieve development densities that are conducive to transit use and supportive of transit at the Lake Forest Park Town Center, leveraging the region’s investment in high capacity transit and accomplishing regional planning goals and policies as well as the provisions of the Washington State Growth Management Act, Revised Code of Washington (RCW) Chapter 36.70A.
- B. Duration of Exemption.
- 1. The value of new multifamily housing construction improvements qualifying under this chapter shall be exempt from ad valorem property taxation for 12 years following the calendar year of issuance of the final certificate as provided in RCW 84.14.020(1) as follows:
 - a. A minimum of 20 percent of all units in the project shall be affordable units with affordable rents and rented to tenants whose household annual income is as follows:

Twenty percent of the units are affordable units to owners at or below 80 percent of King County median income.

-or-

Twenty percent of the units are affordable units to renters with affordable rents at or below 50 percent of King County median income.

-or-

The combination of owner-occupied units at or below 80 percent of King County median income and renter-occupied units at or below 50 percent of King County median income is a minimum of 20 percent.

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- C. Limits on Exemption. The exemption does not apply to the value of land or to the value of nonhousing related improvements not qualifying under this chapter, nor does the exemption apply to increases in assessed valuation of land and nonqualifying improvements or to increases made by lawful order of the King County board of equalization, Washington State Department of Revenue, State Board of Tax Appeals, or King County, to a class of property throughout the county or a specific area of the county to achieve uniformity of assessment or appraisal as required by law. In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to submission of the completed application required under this chapter.
- D. Project Eligibility. A proposed project must meet the following requirements to be considered for a property tax exemption:
1. Location. The project must be located within a targeted residential area, as designated in LFP MC XX.XX.XXX.
 2. Size. The project must include at least four units of multifamily housing within a residential structure or as part of a mixed-use development. A minimum of four new units must be constructed or at least four additional multifamily units must be added to existing occupied multifamily housing. Existing multifamily housing that has been vacant for 12 months or more does not have to provide additional units so long as the project provides at least four units of new, converted, or rehabilitated multifamily housing.
 3. Permanent Residential Housing. At least 50 percent of the space designated for multifamily housing must be provided for permanent residential occupancy, as defined in LFP MC XX.XX.XXX.
 4. The project must have a minimum of 15 percent of the housing units with two or more bedrooms <Bellevue>.
 5. The mix and configuration of housing units (e.g., studio, one-bedroom, two-bedroom, etc.) used to meet the requirement for affordable units at each level of affordability shall be substantially proportional to the mix and configuration of the total housing units in the project unless otherwise approved by the director. The affordable units will be constructed of similar quality and similar finishes as the other units in the project. <Bellevue>
<REMINDER - ADD code language that discourages/disallows micro units or very small units.>
 6. If the percentage of affordable units in the project required is a fraction, then the number of required affordable units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.66. <Kirkland>
 7. Affordable units will be reserved for occupancy by eligible households who certify that their household annual income does not exceed the applicable percent of the King County median income; and who certify that they meet all qualifications for eligibility, including any requirements for recertification on income eligibility as set forth in the MFTE covenant referenced in XX.XXX.XXX.
 8. When the project contains more than one building, all of the affordable units required may not be located in the same building.
 9. Proposed Completion Date. New construction multi-unit housing improvements must be scheduled to be completed within three years from the date of approval of the application.
 10. Compliance with Applicable Standards and Guidelines. The project shall be designed to comply with the Lake Forest Park Comprehensive Plan, the provisions of the Chapter XX.XX of the Planning and Land Use Regulations in the Lake Forest Park Municipal Code, including the Town Center Design and Development Standards and Guidelines (XX.XX.XXX), applicable building code requirements, and any other applicable regulations in effect at the time the application is approved.

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- E. Application Procedures. A property owner who wishes to propose a project for a tax exemption shall complete the following procedures:
1. File with the City of Lake Forest Park Planning and Building Department the required application along with any required fees. An additional fee, as determined by council resolution, may be required to cover the King County assessor's administrative costs <CONFIRM>. If the application shall result in a denial by the City, the City will retain that portion of the fee attributable to its own administrative costs and refund the balance to the applicant.
 2. A complete application shall include:
 - a. A completed City of Lake Forest Park application form setting forth the project's eligibility for the exemption;
 - b. Preliminary floor and site plans and elevations of the proposed project and narrative or other description of the scope of work to be performed;
 - c. A statement acknowledging the potential tax liability when the project ceases to be eligible under this chapter; and
 - d. Verification by oath or affirmation of the information submitted.
- F. Application Review and Issuance of Conditional Certificate. The director may certify as eligible an application which is determined to comply with the requirements of this chapter. A decision to approve or deny an application shall be made within 90 days of receipt of a complete application.
1. Approval. If an application is conditionally approved, the applicant shall enter into a contract with the city regarding the terms and conditions of the project. The director shall issue a conditional certificate of acceptance of tax exemption. The conditional certificate expires three years from the date of approval unless an extension is granted as provided in this chapter.
 2. Denial. The director shall state in writing the reasons for denial and shall send notice to the applicant at the applicant's last known address within 10 days of the denial. An applicant may appeal a denial to the city council within 30 days of receipt of notice. On appeal, the director's decision will be upheld unless the applicant can show that there is no substantial evidence on the record to support the director's decision. The city council's decision on appeal will be final.
- G. Extension of Conditional Certificate. The conditional certificate may be extended by the director for a period not to exceed 24 consecutive months. The applicant must submit a written request stating the grounds for the extension, accompanied by any processing fee as determined by council resolution. No conditional certificate shall be eligible for more than one such extension. An extension may be granted if the director determines that:
1. The anticipated failure to complete construction or rehabilitation within the required time period is due to circumstances beyond the control of the owner;
 2. The owner has been acting and could reasonably be expected to continue to act in good faith and with due diligence;
 3. The project will comply with the city's comprehensive plan, building, housing, and zoning codes, and any other applicable regulations in effect at the time the extension of the conditional certificate is granted; and
 4. All the conditions of the original contract between the applicant and the city will be satisfied upon completion of the project.
- H. Application for Final Certificate. Upon completion of the improvements agreed upon in the contract between the applicant and the city and upon issuance of a temporary or permanent certificate of occupancy, the applicant may request a final certificate of tax exemption. The applicant must file with the City's Planning and Building Department the following:
1. A statement of expenditures made with respect to each multifamily housing unit and the total expenditures made with respect to the entire property;
 2. A description of the completed work with evidence of final city inspection of all work completed and a statement of qualification for the exemption;
 3. A statement that the work was completed within the required three-year period or any authorized extension; and
 4. If applicable, a statement that the project meets the affordable housing requirements as described in (XX.XX.XXX)

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Within 30 days of receipt of all materials required for a final certificate, the director shall determine which specific improvements, and the affordability of the units, satisfy the requirements of this chapter.

I. Issuance of Final Certificate. If the director determines that the project has been completed in accordance with the contract between the applicant and the city and has been completed within the authorized time period, the city shall, within 10 days, file a final certificate of tax exemption with the King County assessor.

J. Denial and Appeal. The director shall notify the applicant in writing that a final certificate will not be filed if the director determines that:

- a. The improvements were not completed within the authorized time period;
- b. The improvements were not completed in accordance with the contract between the applicant and the city;
- c. If applicable, the affordable housing requirements as described in this section were not met; or
- d. The owner's property is otherwise not qualified under this chapter.

Within 14 days of receipt of the director's denial of a final certificate, the applicant may file an appeal with the hearing examiner, as provided in (XX.XX.XXX). The applicant may appeal the hearing examiner's decision to King County Superior Court, if the appeal is filed within 30 days, or as otherwise required by law, of receiving notice of that decision.

K. Annual Compliance Review. Within 30 days after the first anniversary of the date of filing the final certificate of tax exemption and each year thereafter, for the tax exemption period, the property owner shall file a notarized declaration with the director indicating the following:

1. A statement of occupancy and vacancy of the multifamily units during the previous year;
2. A certification that the property continues to be in compliance with the contract with the city, including any affordable housing requirements;
3. A description of any subsequent improvements or changes to the property; and
4. A report on affordable housing requirements, if applicable, including:
 - a. The total monthly rent or total sale amount of each unit produced;
 - b. The income of each renter household at the time of initial occupancy and the income of each initial purchaser of owner-occupied units at the time of purchase for each of the units receiving a tax exemption; and
 - c. Any additional information requested by the city in regards to the units receiving a tax exemption.

City staff shall have the right to conduct on-site verification of the declaration. Failure to submit the annual declaration may result in the tax exemption being canceled.

L. The city shall report annually by December 31st of each year to the Washington State Department of Commerce. The report must include the following information:

1. The number of tax exemption certificates granted;
2. The total number and type of units produced or to be produced;
3. The number and type of units produced or to be produced meeting affordable housing requirements;
4. The actual development cost of each unit produced;
5. The total monthly rent or total sale amount of each unit produced;

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- 6. The income of each renter household at the time of initial occupancy and the income of each initial purchaser of owner-occupied units at the time of purchase for each of the units receiving a tax exemption and a summary of these figures for the city; and
 - 7. The value of the tax exemption for each project receiving a tax exemption and the total value of tax exemptions granted.
- M. Cancellation of Tax Exemption. If the director determines the owner is not complying with the terms of the contract, the tax exemption will be canceled. This cancellation may occur in conjunction with the annual review or at any other time when noncompliance has been determined. If the owner intends to convert the multifamily housing to another use, the owner must notify the director and the King County assessor within 60 days of the change in use.
- 1. Effect of Cancellation. If a tax exemption is canceled due to a change in use or other noncompliance, the King County assessor may impose an additional tax on the property, together with interest and penalty, and a priority lien may be placed on the land, pursuant to state legislative provisions.
 - 2. Notice and Appeal. Upon determining that a tax exemption is to be canceled, the director shall notify the property owner by certified mail. The property owner may appeal the determination by filing a notice of appeal with the hearing examiner within 30 days, specifying the factual and legal basis for the appeal. An aggrieved party may appeal the hearing examiner’s decision to the King County superior court, if the appeal is filed within 30 days, or as otherwise required by law, of receiving notice of cancellation.
- N. Conflict of Provisions. If any provision of this chapter is in legal conflict with the provisions of RCW Chapter 84.14, the provisions of RCW Chapter 84.14 shall apply as if set forth in this chapter.

NOTE DEFINITION OF URBAN CENTER/LFP TC ELIGIBILITY TO IMPLEMENT MFTE

- "Urban center" means a compact identifiable district where urban residents may obtain a variety of products and services. An urban center must contain:
- Several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies;
 - Adequate public facilities including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and
 - A mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both, use.

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18.XX.XXX Building height and form.

A. The maximum building height limit in the TC zone shall not exceed ~~75~~ feet to the highest occupied floor level (measured from the midpoint of grade at the center of the building to the finish floor level of the entrance way of highest occupied floor) and ~~85~~ feet to the base roof line.

<OR: The maximum building height limit in the TC zone is not to exceed ~~65~~ feet to the highest occupied floor level (measured from midpoint of grade at the center of the building to the finish floor level of the entrance way of highest occupied floor) and ~~75~~ feet to the base roof line. An additional floor level or additional square footage may be added with the provision of amenities <let’s discuss how best to structure this quantitatively...>....>

June 2019: Most recent discussions call for four levels above ground as base height with an additional level (five levels above ground) with the provision of additional amenities. This needs further discussion and vetting with the Planning Commission. I don’t know that we need to set specific height limits as long as we are regulating the number of floors above ground. Let’s discuss. AMENITIES THAT MAY BE INTRODUCED TO ALLOW ADDITIONAL HEIGHT:

- Partnership-driven approach to provide a permanent home for Third Place Commons.
- Design that creates a permanent location for the Farmers Market and other events/festivals (could be a town square space, woonerf/festival street, etc.)
- Daylighting of Lyon Creek.
- Provision of an outdoor civic plaza space adjacent to City Hall.
- Publicly accessible rooftop spaces and amenities (public viewing decks for example).
- OTHER ITEMS...LET’S DISCUSS.

Exceptions:

1. Where buildings are located in a portion of Town Center that abuts single family residential use, the portion of building above 20 feet in height <or 35 feet?> measured at midpoint of grade in the center of the building shall step back a minimum of 60 feet from the property line <or other dimension/under study>. Refer to 18.XX.XXX, Town Center Design and Development Standards and Guidelines, for building modulation, façade, and other architectural design provisions. June 2019: further discussion needed.

B. Flat roof lines are not desirable. See Town Center Design and Development Standards and Guidelines. Roof lines shall be articulated vertically to break up the building mass. An additional maximum 15 above the base roof line height of __ is allowed for this purpose. <include reference to peaked/gabled roof lines either in Code or in Design and Development Standards and Guidelines document>

C. All roof mounted appurtenances including but not limited to heating, ventilation, and air conditioning units and mechanical equipment shall be shielded and architecturally screened from view from on-site parking areas, adjacent public streets and adjacent residentially zoned property. The screening material must be compatible with and integrated into the architectural design of the structure.

ADDITIONAL NOTES AND CONSIDERATIONS

ADDITIONAL CONSIDERATIONS RELATED TO BUILDING

- Building height and form will be a specific element evaluated in the Town Center Plan EIS.
- The EIS also will analyze incentives and bonuses related to height and density. These provisions will be finalized prior to plan and code amendments adoption.
- If bonus height and/or density are offered, base height would be ~~65~~ feet to highest occupied floor level and ~~75~~ feet to base roof line.

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18.XX.XXX Setbacks and edge conditions.

Requirements pertaining to setbacks and edge conditions in the TC zone are as follows.

- ~~A. No setback for buildings and structures shall be required from the right-of-way along SR 522/NE Bothell Way with the exception that where Lyon Creek is located adjacent to the right-of-way, the provisions of 18.XX.XXX(E) shall apply.~~
- ~~B. Along the SR 104/NE Ballinger Way right-of-way, the minimum setback for buildings and structures shall be 20 feet, with the exception that residential appurtenances such as stoops and stairways, entrance alcoves, balconies, patios, gardens, and other features determined appropriate in the site development plan and/or development agreement may be located within the setback area. When such features provide access to residential units or active uses, they shall be connected directly to the sidewalk and/or shared use path in the public right-of-way.~~
- ~~C. Along the west boundary of Town Center, adjacent to single family residential zoning, the first 20 feet in height from midpoint of grade of buildings and structures shall be set back a minimum of 20 feet set back from the property line provided existing trees are preserved to the maximum extent feasible and the landscaping provisions of the Town Center Design and Development Standards and Guidelines are met. Building and structure heights above 20 feet <or 35 feet?> in height from midpoint of grade shall be set back a minimum of 60 feet <or other dimension under study> from the property line. Refer to 18.XX.XXX, Town Center Design and Development Standards and Guidelines, for building modulation, façade, and other architectural design provisions.~~
- ~~D. Along the west boundary of Town Center, where Lyon Creek exists, the provisions of 18.XX.XXX(E) shall apply.~~
- A. A twenty- (20-) foot setback for buildings and paving is required along all perimeter property lines of Town Center (see Exhibit), except where Lyon Creek is situated, the wider setback in Section B. below will apply to those areas (along the western Town Center boundary and along the SR 522 right-of-way).
- ~~B.E.~~ For areas along Lyon Creek within the Town Center limits, ~~the provisions of LFP MC 16.16.230(C) shall apply and buildings and paving setbacks shall be no closer than fifty 50) feet to the centerline of the creek. to the creek than the existing footprint of existing buildings and structures (inclusive of paved areas). However, an increased setback of ___ feet from the centerline of the creek is highly desirable and may be provided as part of the open space provisions in 18.XX.XXX, and open space incentives may be applied with the provision of additional setback area along the creek.~~
- C.F. Existing trees and landscaping shall be preserved within setback areas to the maximum extent feasible or shall be replaced with landscaping in accordance with the provisions of the Town Center Design and Development Standards and Guidelines. <CROSS CHECK TREE PRESERVATION REQUIREMENTS>
- D.G. In addition, the following elements may be located within setback areas: pedestrian and bicycle circulation features such as shared use paths, sidewalks, and/or boardwalks, paved surfaces for emergency access/fire protection, building services and deliveries, or other multi-modal circulation and access, recreational features, and screening elements. In areas along Lyon Creek, these features may be located no closer than ___ feet to the centerline of the creek. The use of permeable pavement is strongly encouraged in open space and setback areas and areas along Lyon Creek (in support of stormwater management low impact development regulations).
- E.H. No internal setbacks are required for Town Center zoned properties within the ~~Setbacks between properties within the internal~~ limits of the Town Center boundary ~~shall be reviewed administratively based on site development plan and/or development agreement proposals.~~

ADDITIONAL NOTES AND CONSIDERATIONS

SETBACKS AND EDGE CONDITIONS

- Will be further studied in the EIS; these provisions are draft.
- C. The 20-foot setback is consistent with required yard setbacks in the current code.
- C. The 60-foot setback for greater than 20' <or 35'>" height would place upper, more visible levels of buildings at the same approximate distance as under current conditions, screened through existing mature trees.
- The property owner may prefer alternative provisions. As with all sections of this draft code chapter, this section is still in review and may change prior to adoption.

NOTE: The purpose of the 20-foot setback along the west property boundary is to provide the same requirement as currently exists in the Code adjacent to the single family residential area. Provision of a wider setback of 60 feet (or other dimension) could be encouraged through incentives. The dimension can be determined through further analysis and discussions.

LFP MC 16.16.230(C): Structural modification of, addition to, or replacement of an existing legally constructed structure, constructed on or before the effective date of the ordinance codified in this chapter as long as the structure is enlarged not more than the lesser of 10 percent or 250 square feet than its footprint as of the effective date of the ordinance codified in this chapter, and that no portion of the modification or replacement is located closer to the critical area; provided, that restoration of structures damaged by fire, flood, or act of nature must be initiated within one year of the date of such damage, as evidenced by the issuance of a valid building permit, and diligently pursued to completion.

<This is interpreted to include paved surfaces and assumes that the existing footprint of Town Center may be retained with the same proximity to the creek under future redevelopment. The existing footprint of development is grandfathered.>

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18.XX.XXX Public open space/amenity space requirements.

A. Purpose and Intent. This section identifies the types of amenity space and open space allowed to satisfy the requirements of the Town Center zone, and provides design standards for each type to ensure that proposed development is consistent with the city of Lake Forest Park’s goals for both character and quality of the buildings and spaces to be constructed on private property within the Town Center area.

B. Public open space/amenity space is designed to provide residents and visitors of all ages with a variety of outdoor activity space. Although the character of these amenity spaces will differ, they form the places that encourage residents and visitors to spend time in the company of others or to enjoy time in an outdoor setting.

STILL IN DEVELOPMENT: Phrasing of two acre internal public open space requirement (see page 1).
~~All new development shall provide public open space/amenity space equal to at least ____ percent of the total square footage of the proposed development project. Additional amenity space above the ____ percent base requirement is incentivized through bonus height and bonus density/units provisions in LFPMC XX.XX.XXX.~~

Qualifying open space shall be unobstructed and open to the air and fully open and accessible to the public during business hours. The goal for the overall open space in the Town Center zone is to create a unified, harmonious, and aesthetically pleasing environment that also integrates sustainable concepts and solutions that restore natural functions and processes. In addition to public open space/amenity space, the Town Center zone shall incorporate private open space and amenities, as described in the regulations for each building/use type.

<THIS WILL BE RESTRUCTURED TO REPRESENT THE PERFORMANCE OBJECTIVES FOR EACH AREA OF TARGETED OPEN SPACE.> Required and bonus open space/amenity space must be provided in one or more of the following forms:

- 1. Lawns: an open space, available for unstructured recreation. A lawn may be spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees and shall provide a minimum of 60 percent planted pervious surface area (such as a turf, groundcover, soil or mulch).
- 2. Plazas: an open space, available for civic purposes and commercial activities. A plaza shall be spatially defined primarily by building facades, with **strong connections to interior uses**. Its landscape shall consist primarily of hardscape, which may include a mix of pervious and impervious paved surfaces. Plazas shall be located between buildings and at the intersection of important streets. Plazas shall provide a minimum of 20 percent planted area (such as a rain garden, bioswale, turf, groundcover, soil or mulch). The remaining balance may be any paved surface with a maximum 30 percent impervious paved surface.
- 3. Squares: an open space available for unstructured recreation or civic purposes. A square is spatially defined by building facades with strong connections to interior uses. Its landscape shall consist of paths, lawns and trees with a minimum of 20 percent planted area (such as a rain garden, bioswale, turf, groundcover, soil or mulch). The remaining balance may be any paved surface with a maximum 30 percent impervious paved surface.
- 4. Trees are strongly encouraged in all areas.

OTHER POTENTIAL PROVISIONS:

Sidewalks. Although not counting toward required amenity space, the purpose of sidewalks is to provide safe, convenient, and pleasant pedestrian circulation along all streets, access to shopfronts and businesses, and to improve the character and identity of commercial and residential areas consistent with the city of Lake Forest Park vision. New development meeting the standards of this chapter may be allowed to use a portion of the sidewalk area within the public right-of-way for outdoor seating, temporary displays, or other uses consistent with city code standards.

ADDITIONAL NOTES AND CONSIDERATIONS

OPEN SPACE AND AMENITY SPACE REQUIREMENTS
Very much still a work in progress. THIS WILL BE STUDIED IN THE EIS TO DETERMINE WHAT IS FEASIBLE SPATIALLY WITH VARIOUS FORMS OF REDEVELOPMENT.

For this reason, references to square footage requirements or percentage requirements are not yet included. Planning Commissioner suggestions/guidance are welcome.

- IMPORTANT OBSERVATION:** Current adopted provisions (2005 Framework Design Guidelines for Town Center) call for:
- (1) Enhance Lyon Creek adjacent to Bothell Way as a character contributing element at Town Center;
 - (2) Provide approximately 15,000 sf of contiguous flexible open space, approximately 7,500 of which is flexible interior space (a Third Place concept);
 - (3) Provide numerous seating opportunities along pedestrian grid; and
 - (4) Provide “eyes on” design of surrounding structures to public realm.

Our initial assessment of (1) and (2) above is that this level of provision may not sufficiently meet the goals and policies of the Town Center VISION. The EIS will study the level of varying levels of treatment to lead to a preferred option, including potential ways to incentivize the provision of additional treatments.

In general – the provisions here should focus on the AMOUNT of space required and the general desired use of that space (public vs. private; active vs. passive) and other general configuration considerations.

The Town Center Design and Development Standards and Guidelines will include a more detailed level of detail that guides the quality of the design of these spaces.

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TREE CANOPY PROVISION WILL GO HERE. Trees. <CONSIDER THE NEED FOR TREE PROVISIONS SPECIFIC TO TOWN CENTER; COMPARE TO OTHER CITY PROVISIONS> Preservation of existing trees and the location and selection of all new tree planting will express visual connectivity to the forested setting of the surrounding neighborhoods. <May be challenging to interpret.> Species selection will be in character with the local and regional environment, and comprised of an appropriate mix of evergreen and deciduous trees. Trees will be used to define the landscape character of open space and amenity space areas, identify entry points, and reinforce the legibility of the district by defining major and minor thoroughfares for pedestrians, bicycles and vehicles.

- a. All new development shall preserve existing trees wherever feasible.
- b. All new development shall plant new trees in accordance with this chapter.

Trees not included in amenity space or open space areas are not counted toward meeting overall amenity space or open space requirements. For example, individual trees planted along walkways or driveways may count toward meeting the green factor requirements but are not counted as open space.

Storm Water Management. Storm water runoff from sidewalks should be conveyed to planted parkways or landscaped rain gardens. Overflow from parkways and runoff from the roadways should be directed into bioswales and/or pervious paving in curbside parking areas, located along the street edges where it can infiltrate into the ground. Perforated curbs through which street storm water runoff can flow to open vegetated swales may also be provided, wherever feasible. Storm water features such as bioswales or planted rain gardens may count toward required open space only if they are entirely landscaped.

ALSO MAY CONSIDER TABLE APPROACH TO SPATIAL REQUIREMENTS:

Public open space is required as specified below in the Town Center Zone and shall be built by developers as phase redevelopment occurs.

18.XX.XXX Provision of Open Space		
Building Use	Public Open Space Requirements	Private Open Space Requirements
A. Retail		
B. Civic & Cultural		
C. Office		
D. Lodging		
E. Residential:	__ sqft/DU	__ sqft/DU
<u>E.5. Home Occupation</u>		

EXAMPLE TABLE FOR
DISCUSSION /
CONSIDERATION

1. Public Open Space. <RESTRUCTURING>

- A. The minimum width of public open space shall be 20 feet.
- B. Where the total required public open space is 3,000 square feet or less, after subtracting area for new streets, the public open space shall be one continuous parcel of land. Public open space may be bisected by other open areas, such as a driveway, as long as the combined area can be experienced as a contiguous space. Where the required public open space totals more than 3,000 square feet, the area may be divided into several usable parcels on the site; provided, that at least one parcel is a minimum of 2,000 square feet in size and all other parcels are at least 1,000 square feet in size with a minimum width of 15 feet.
- C. All public open spaces shall be publicly accessible and connected to public sidewalks. They shall abut public rights-of-way on at least one side and shall be open to the public 24 hours a day.

ADDITIONAL NOTES AND CONSIDERATIONS

NOTE:
We could add reference to certain amenities as part of open space requirements (benches, recycling/trash receptacle, bike racks, water features, etc.) – HOWEVER this may be best addressed in the Town Center Design and Development Standards and Guidelines.

We could have two separate subsections as shown here – one focused on public space and one focused on private space. Each type could have a specific definition and list of examples.

Public open space requirement might be a __ percentage of the overall square footage of proposed development and a minimum size of __ SF.

Private open space requirement might be a __percentage of the overall square footage of proposed development and a minimum size of __ SF.

Draft language here is adapted from Downtown Bothell requirements, as well as the Open Space, Public Amenities, and Green Factors Standards from Edmonds, WA, which emphasizes public amenities and open space based on the size of the redevelopment project.

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- D. Public open spaces need to be publicly owned and maintained.
 - E. All public open spaces shall be visible from surrounding streets and avoid masses of shrubs around edges.
2. Private Outdoor Space.
- A. Private outdoor space shall be provided in the form of yards, balconies, or patios whose primary access is from the dwelling served.
 - B. The minimum dimensions for private outdoor space in any single direction shall be four feet if provided as part of a porch or balcony, and eight feet if provided as a deck, yard, terrace, or patio.

18.XX.XXX Screening and landscaping.

All redevelopment <definition needed for redevelopment> in the TC zone must have adequate screening and landscaping, subject to the Town Center Design and Development Standards and Guidelines and the regulations of Chapter 18.XX LFPMC. (Ord. 773 § 3, 1999) In the case of a conflict between Chapter 18.XX LFPMC and the Town Center Design and Development Standards and Guidelines, the regulations of the Town Center Design and Development Standards and Guidelines shall prevail.

18.XX.XXX Signs.

Signs are limited to those provided for in Chapter [18.52](#) LFPMC. (Ord. 773 § 3, 1999) <CONSIDERING THE NEED FOR MORE SPECIFIC DESIGN GUIDANCE FOR SIGNING WHICH WOULD BE PROVIDED IN THE TOWN CENTER DESIGN AND DEVELOPMENT STANDARDS AND GUIDELINES. NOT SURE YET. WOULD LIKE PLANNING COMMISSION INPUT ON THIS>

18.XX.XXX Parking.

- A. All new construction, expansion of an existing use, or change of use shall be subject to the provisions of this section.
- B. Unspecified parking standards. If a parking requirement for a land use is not specified, the director shall establish the minimum requirement based on a study of the nearest comparable parking demand. In the study, the applicant shall provide sufficient information to demonstrate that the parking demand for a specific land use will be satisfied. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analyses, unless an equally qualified professional is authorized by the director.
- C. Off-street parking facilities shall contain at least the minimum but no more than the maximum number of stalls by land use set forth in Table 18.XX.XXX. Off-street parking ratios shall be based on the usable or net square footage of floor area exclusive of non-occupiable areas. Non-occupiable areas include but are not limited to building maintenance areas, storage areas, closets, stairs, elevators, hallways, and restrooms. If the formula for determining the number of off-street parking stalls results in a fraction, the number of off-street parking stalls shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

ADDITIONAL NOTES AND CONSIDERATIONS

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Table 18.XX.XXX Parking Minimum and Maximum Requirements <DISCUSS RATIOS....1.5 to 1 Studied in FEIS>

Use	Unit of Measure	Minimum Parking Stall Requirements	Maximum Parking Stall Requirements
Residential			
0-1 bedrooms	Per dwelling unit	0.75	1.0
2+ bedrooms	Per dwelling unit	0.75	2.0
Senior housing	Per dwelling unit	0.25	1.0
Commercial and Nonresidential			
Artisanal/craft production and retail	Per 400 square feet of retail/ eating/ drinking/ tasting space	2.0	4.0
Cultural, entertainment, and recreational facilities	Per 500 square feet	1.0	
Retail sales and services except restaurants	Per 1,000 square feet	2.5	4.5
Retail sales and services, restaurants	Per 1,000 square feet	3.0	4.0
Professional offices	Per 1,000 square feet	2.0	4.0
Instructional institution	Per 500 square feet	1.0	1.0
Other	As determined by parking study		
Public and Institutional			
Any Public and Institutional use	As determined by parking study		

- D. Unspecified uses. The director shall establish the minimum number of parking spaces required and may establish the maximum number of parking spaces allowed for any use not specified in Table18. XX.XXX. The director may consider but is not limited to the following in establishing parking requirements for an unspecified use:
1. Documentation provided by the applicant regarding actual parking demand for the proposed use; or
 2. Evidence in available planning and technical studies related to the proposed use; or
 3. Required parking for the proposed use as determined by other comparable jurisdictions.
- E. Exceptions. <?>

ADDITIONAL NOTES AND CONSIDERATIONS

PARKING IS ALSO A WORK IN PROCESS...BUT THOUGHT WE WOULD INCLUDE SOME IDEAS FROM BEL-RED – ANOTHER SUBURBAN PLACE THAT IS TRANFORMING TO TRANSIT-ORIENTED DEVELOPMENT AS WELL AS WOODINVILLE – ANOTHER TRANSFORMING PLACE.

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F. Shared parking and parking reductions.

1. Parking in mixed-use and multiple-tenant projects. In mixed-use (commercial, residential, office) projects and multiple-tenant projects containing at least three land uses per Table 18.XX.XXX and containing a minimum of 30,000 square feet of gross floor area, the minimum required parking may be determined using the following formula:
 - a. Primary use, i.e., that with the largest proportion of total floor area within the development, requires 100 percent of the minimum vehicle parking required for that use;
 - b. Secondary use, i.e., that with the second largest proportion of total floor area within the development, requires 85 percent of the minimum vehicle parking required for that use;
 - c. Tertiary use, i.e., that with the third largest proportion of total floor area within the development, requires 75 percent of the minimum vehicle parking required for that use;
 - d. All other uses require 65 percent of the minimum vehicle parking required for that use.
 - e. The following uses in mixed-use or multi-tenant projects do not qualify for a reduction and shall be calculated at 100 percent of the minimum vehicle parking required:
 - i. Restaurants;
 - ii. Artisanal/craft production and retail; and
 - iii. Residential uses.
2. Shared parking facilities. The amount of off-street parking may be reduced by an amount determined by the director when shared parking facilities for two or more uses are proposed, provided:
 - a. The total parking area exceeds 5,000 square feet;
 - b. The parking areas are designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities, if all facilities are connected with improved pedestrian facilities and no building or use involved is more than 800 feet from the furthest shared facility;
 - c. The amount of reduction shall not exceed 10 percent for each use, unless:
 - i. The normal hours of operation for each use are separated by at least one hour; or
 - ii. A parking demand study is prepared by a professional traffic engineer documenting that the hours of actual parking demand for the proposed uses will not conflict and that uses will be served by adequate parking if shared parking reduction are authorized;
 - iii. The director will determine the amount of reduction, provided that the total number of parking stalls in the common parking facility is not less than the minimum required stalls for any single use.
 - d. A covenant, written contract, or agreement for shared parking between the cooperating property owners is approved by the director. The agreement shall include a site plan showing the stalls that are part of this agreement. The agreement must be recorded with King County as a deed restriction on the title to all applicable parties and cannot be modified or revoked without the authorization of the director; and
 - e. If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the director or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter.

ADDITIONAL NOTES AND CONSIDERATIONS

These provisions are based on City of Woodinville code provisions for downtown area.

Need to confirm these thresholds and the provision of a parking ratio table.

Do we want to prohibit reduction for any uses? If so consider those listed here as potential.

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3. Parking study. An applicant may request up to a 50 percent reduction of the minimum number of parking stalls through a parking demand study. The study shall be prepared by a professional traffic engineer and approved by the director. At a minimum, the study shall contain the following information:
- a. Parking utilization data collected from the site or similar sites that show the parking counts during peak days and times
 - b. Hours of operation and number of employees or customers;
 - c. Parking generation rates as determined by the Institute of Traffic Engineers (ITE) or other professional parking manual;
 - d. Details of any on-site parking management programs or transit incentives;
 - e. Access to transit, bike routes, or other methods of transportation and utilization rates of these alternatives; and
 - f. A calculation of parking generation for all uses for average and peak hours based on data from subsections (3)(a) through (e) of this section.
4. Additional parking reduction with frequent transit service. The director may reduce the number of required off-street parking stalls when one or more scheduled transit routes provide service to the Town Center. The amount of <additional> reduction per uses shall be up to a maximum <additional> reduction as follows:
- a. ____ percent for retail sales and services and instructional institution uses, up to a maximum of 30 percent;
 - b. ____ percent for cultural, entertainment, and recreational facilities uses, up to a maximum of 20 percent;
 - c. ____percent for office/employment use, up to a maximum of __ percent; and
 - d. ____percent for residential use, up to a maximum of ____ percent.
- G. Bicycle parking.
1. In any development required to provide six or more vehicle parking stalls, bicycle parking shall be provided as follows:

Table 18.XX.XXX Bicycle Parking Requirements		
Use	Unit of Measure	Bicycle Parking
Residential		
0+ bedrooms	Per dwelling unit	0.2
Commercial and Nonresidential		
Cultural, entertainment, and recreational facilities	Per 2,000 square feet	0.5
Retail sales and services	Per 2,000 square feet	1.0
Professional offices	Per 1,000 square feet	0.2
Instructional institution	Per 2,000 square feet	0.5
Other	Per 20,000 square feet	1.0
Public and Institutional		
Public and Institutional	Per 20,000 square feet	1.0

ADDITIONAL NOTES AND CONSIDERATIONS

Given proposed BRT and park and ride structure at site, we believe it may be justified to award additional parking quantity reductions and we are still studying this and will be analyzing this in the EIS.

The provision of bicycle parking would support creation of a more bicycle friendly Town Center, as well as bicycle access to/from Town Center and bicycle access to transit.

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ADDITIONAL NOTES AND CONSIDERATIONS

The provision of bicycle parking would support creation of a more bicycle friendly Town Center, as well as bicycle access to/from Town Center and bicycle access to transit.

- 2. Design. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified and shall be designed to allow either a bicycle frame or wheels to be locked to a structure permanently attached to the pavement.
- 3. Enclosed bicycle parking. Enclosed or locker-type parking facilities <required? Encouraged?> for all residential uses at a rate of one stall per two units, unless garages are provided for each unit.
- 4. Location. Bicycle parking facilities shall be located within 100 feet of the primary pedestrian building entrance and located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.
- 5. Additional Bicycle Parking Required. The director may require additional stalls when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following uses:
 - a. Public open space/amenity space areas;
 - b. Library;
 - c. Cultural, entertainment, and recreational facilities and events spaces; and
 - d. Retail businesses/shopping areas
 - e. Near entrances to office/employment buildings
 - f. Near entrances to residential buildings/complexes.

H. Loading space requirements.

- 1. Every nonresidential building, excluding self-service storage facilities, shall provide loading spaces in accordance with the table below:

Table 18.XX.XXX Loading Space Requirements

Gross Floor Area	Required Loading Spaces
10,000 – 40,000	1
40,001 – 60,000	2

- 2. Each loading space required by this section shall be a minimum of 10 feet wide, 30 feet long, and have an unobstructed vertical clearance of 14 feet six inches. Loading spaces shall be located so that trucks do not obstruct pedestrian or vehicle traffic movement or project into any right-of-way or internal access roadways. All loading space areas shall be separated from required parking areas and shall be designated as truck loading spaces.
- 3. Any loading space located within 100 feet of areas zoned for residential use shall be screened and operated as necessary to reduce noise and visual impacts. Noise mitigation measures may include architectural, structural, or dense landscaping barriers, beams, walls, or restrictions on the hours of operation.

I. Transit and carpool/vanpool provisions

- 1. All professional office and institutional land uses shall be required to reserve one parking stall of every 20 required stalls for carpool/vanpool parking as follows:
 - a. The parking stalls shall be located closer to the primary employee entrance than any other employee parking except handicapped;
 - b. Reserved areas shall have markings and signs indicating that the stall is reserved; and

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- c. Parking in reserved areas shall be limited to vanpools and carpools established through ride share programs by public agencies and to vehicles meeting minimum rideshare qualifications set by the employer.
 2. All uses which are located on an existing transit route and are required under the computation for required off-street parking stalls to provide more than 100 parking stalls may be required to provide transit shelters, bus turnout lanes or other transit improvements as a condition of permit approval.
- J. Electric vehicle charging stations. Electric Vehicle Charging Station Stalls. Where provided, electric vehicle charging stations shall be subject to the following provisions.
 1. Minimum Parking Requirements. An electric vehicle charging station stall may be included in the calculation for minimum required parking stalls that are required pursuant to other provisions of code.
 2. Location and Design Criteria. The provision of electric vehicle parking will vary based on the design and use of the primary parking lot. Where provided, parking for electric vehicle charging purposes is required to include the following:
 - a. Signage. Each charging station stall shall be posted with signage indicating the stall is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced.
 - b. Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.
 - c. Accessibility. Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment shall be located so as not to interfere with accessibility requirements of WAC 51-50-005.
 - d. Lighting. Where charging station equipment is installed, adequate site lighting shall exist, unless charging is for daytime use only
 - e. Notification. Information shall be provided on the charging station identifying voltage and amperage levels and any time of use, fees, or safety information.
 3. Accessible Electric Vehicle Charging Stations. Where electric vehicle charging stations are provided in parking lots or parking garages, accessible electric vehicle charging stations shall be provided at same rate required by Washington State regulations for barrier-free facilities.
 4. Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons.

ADDITIONAL NOTES AND CONSIDERATIONS

WE MAY NOT NEED THESE EV PROVISIONS OR THEY CAN BE INCORPORATED INTO THE TOWN CENTER DESIGN AND DEVELOPMENT STANDARDS AND GUIDELINES

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LEFTOVER TEXT RELATED TO PARKING PROVISIONS

~~All parking in the town center shall be provided in accordance with the provisions of Chapter 18.58 LFPMC. (Ord. 773 § 3, 1999)~~

- A. Provide a maximum parking ratio of one parking stall for every ____ square feet of commercial space <researching; gather input from property owners; C and D below may show that a lower parking supply is sufficient.>
- B. Provide a maximum parking ratio of 1.25 <1?> parking stall for every dwelling unit. <researching; gather input from property owners; C and D below may show that a lower parking supply is sufficient.>
- C. If the total number of parking spaces required results in a fraction, the next highest number shall be provided (rounding up).
- D. The applicant may apply for parking reduction based on conditions related to shared parking, joint use agreements, or other special conditions to be analyzed by a parking study of demand and occupancy. The director may allow a parking reduction if justified by the parking occupancy analysis prepared by a professional transportation planner/engineer with special qualifications in parking analysis.
- E. The total number of required parking spaces may be justified in part by use of excess parking spaces if provided as part of contiguous development and demonstrated through a parking demand and occupancy study. <LFPMC 18.45.120 (B)>
- F. The applicant shall submit to the city traffic and parking impact analysis identifying the increases in traffic and off-site parking demand. The analysis shall be prepared by a professional transportation planner/engineer with special qualifications in parking analysis. The applicant shall be responsible for implementing both on-site and off-site mitigation measures that the director determines necessary to prevent significant adverse impacts to transportation systems and the surrounding area. Specifically, necessary mitigation measures, such as on-site and off-site traffic calming measures must be taken to prevent cut-through traffic and additional parking demand on streets in the surrounding area.
- G. Refer to the Town Center Design Standards and Guidelines for specific parking design provisions. In the case of any conflicts with other LFPMC sections and the Town Center Design Standards and Guidelines, the regulations of the Town Center Design Standards and Guidelines shall prevail.

ADDITIONAL NOTES AND CONSIDERATIONS

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18.42.120 Site plan review required – Exceptions. <INTEGRATE WITH OTHER SECTIONS?>

Except for wireless communications proposed in accordance with Chapter [18.68](#) LFPMC, all new development and/or significant exterior modifications of existing development within the TC zone shall require a site plan review according to criteria and procedures of LFPMC [18.42.130](#), unless the applicant chooses to proceed under the optional town center framework design guidelines process established by LFPMC [18.42.140](#) through [18.42.180](#). (Ord. 944 § 1, 2006; Ord. 773 § 3, 1999)

18.XX.130 Site plan review – Criteria. <INTEGRATE WITH OTHER SECTIONS?>

Site plan review shall be processed as a Type II decision under Chapter [16.26](#) LFPMC; provided, that the city planning commission shall replace the hearing examiner and perform the responsibilities required of that official by LFPMC [16.26.140](#) and [16.26.150](#). Proposed development applications shall comply with the Code provisions herein as well as the Town Center Design and Development Standards and Guidelines, including but not limited to the following criteria. Compliance shall be demonstrated in the site plan review materials submitted with the application as part of the site plan review process, which may or may not support a specific development agreement process.

A. Building Facade Articulation. Projects within the TC zone shall provide building facade articulation with the use of windows, entries, balconies, and/or bays on facades. The following standards shall apply to the articulation:

1. Windows shall be frequent and coordinate with the articulation of entries, bays and balconies;
2. Display windows must line facades facing public streets and sidewalks, with no more than 10 feet of blank non-window wall space for every 25 feet of store front;
3. All window frames shall provide a reveal with the exterior finish (i.e., not flush);
4. Reflective glass curtain walls are prohibited;
5. Facades shall not consist of an undifferentiated blank wall when facing a public street or pedestrian connected walkway.

B. Entries. To ensure development in the TC zone is easily visible and accessible to pedestrian and vehicular traffic, the following guidelines shall apply:

1. Primary entries shall be located adjacent to a public street or pedestrian walkway and must be visible from that street or walkway;
2. Entries shall be sheltered with an overhang or portico with a depth of at least four feet.

C. Landscaping.

1. A landscape plan that provides for extensive landscaping of large parking areas or other open areas which can be seen from the street or other pedestrian-oriented areas.
2. A landscaped buffer shall be provided between projects in the TC zone and any abutting RS or RM zoned properties. A combination of landscaping and screening may be used to buffer visual and audible impacts.
3. Landscaped areas shall consist of a combination and variety of deciduous and evergreen vegetation. Native plant species are encouraged.

ADDITIONAL NOTES AND CONSIDERATIONS

THESE SECTIONS STILL NEED SOME INTEGRATION; WE WILL CONTINUE TO WORK ON THIS BUT WOULD LIKE PLANNING COMMISSION GUIDANCE/THOUGHTS ON 10/23/2018.

For example “Site Plan Review” could be potentially encompassed within the procedures now provided for compliance Town Center Design and Development Standards and Guidelines. We have left them in here for reference during review.

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- D. Buildings. The size, shape, texture, and color of buildings may be reviewed to ensure that the purpose and proposed character of the TC zone is preserved.
- E. Pedestrian Amenities. Projects in the TC zone are encouraged to incorporate pedestrian amenities into the design and layout of interior and exterior spaces. Pedestrian amenities may include, but are not limited to, benches and low walls or planters at sitting height, alcoves or other small meeting areas, water features and art, covered walkways, and clear pedestrian connections.
- F. Urban Form and Urban Design.
1. The proposed urban form and design features are in keeping with and serve to implement the goals and policies of the VISION for Town Center and the Lake Forest Park Comprehensive Plan.
 2. Proposed building height and form allows opportunities for visual connectivity across the site, areas of natural light within the town center, and open space consistent with the provisions herein.
 3. The proposal preserves and enhances views from the town center, including existing as well as potential views of features such as Lake Washington and Mount Rainier.
 4. The proposal enhances Town Center character by increasing the number of trees and extent of landscaping across the site, preserving and enhancing the landscaped perimeter of the site and in proximity to Lyon Creek, and complements the forested neighborhoods surrounding Town Center.
 5. The proposal demonstrates how urban form and urban design provides an overall benefit to the community through enhancement of public places, social gathering spaces, environmental resources, and other amenities, furthering and supporting the goals and the policies of the VISION for Town Center and the Lake Forest Park Comprehensive Plan.

18.XX.XXX Town Center Design and Development Standards and Guidelines – Adopted – Rules of interpretation.

A. The provisions of the Town Center Design Standards and Guidelines document, dated _____, are incorporated by reference herein and shall be applicable to all development applications within the Town Center boundary and subject to the Town Center (TC) zone.

18.XX.XXX Town Center Design and Development Standards and Guidelines – Applicability.

- A. All new construction within the Town Center (TC) zone shall be subject to all provisions of the Town Center Design and Development Standards and Guidelines.
- B. Alteration of any structure within the Town Center (TC) zone that affects the exterior appearance of a building shall be subject to design review under the Town Center Design and Development Standards and Guidelines and is subject to provisions of the Town Center Design Guidelines according to the following thresholds:
1. If 50 percent or more of a building or structure subject to design review is altered within a period of three consecutive years, the structure shall be subject to applicable requirements of the Town Center Design and Development Standards and Guidelines that do not involve repositioning the building or reconfiguring site development. The Director or designee shall determine which provisions are applicable.

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- 2. If less than 50 percent of a building or structure subject to design review is altered within a period of three consecutive years, only the proposed improvements are required to meet the requirements of the Town Center Design and Development Standards and Guidelines and shall not lead to further nonconformance with the Town Center Design and Development Standards and Guidelines.

18.XX.XXX Town Center Design and Development Standards and Guidelines – Interpretation.

- A. Where there is a conflict between the Town Center Design and Development Standards and Guidelines and any other City plans, policies, or regulations, the Town Center Design and Development Standards and Guidelines shall take precedence over and supersede any conflicting standard, guideline, or regulation.
- B. The Town Center Design and Development Standards and Guidelines are applied in accordance with the following interpretation guidance:
 - 1. Guidelines that use words such as “shall,” “must,” “is/are required,” or “is/are prohibited” are required actions.
 - 2. Guidelines that use words such as “should” or “is/are recommended” are recommended actions are strongly encouraged and may applied with some flexibility. Development projects must comply with these recommended actions unless the proposal complies with the intent of the recommended actions in some other manner. Compliance is evaluated by the Director or designee.
 - 3. Some standards and guidelines are presented as a “toolbox,” and proposed development may select any of the options.
 - 4. For guideline(s) without quantifiable standards, the applicant must demonstrate in writing how the project meets the intent of the guideline(s).

18.XX.XXX Town Center Design and Development Standards and Guidelines – Design review procedures.

- A. The provisions of this chapter and the Town Center Design and Development Standards and Guidelines shall be administered via a commercial site development permit (CSDP) issued pursuant to Chapter 18.48 LFPMC, as follows:
 - 1. If the proposal meets the applicability criterion in LFPMC 18.XX.030(A), the code administrator shall make a recommendation on the CSDP as provided in LFPMC 16.26.080, Type I applications – Code administrator’s recommendation, and the procedures for a hearing examiner decision stated in LFPMC 16.26.090 through 16.26.110 shall apply.
 - 2. If the proposal meets the applicability criteria in LFPMC 18.XX.030(B)(1) or (2), the CSDP shall be decided by the code administrator as a Type III administrative decision under LFPMC 16.26.030(C), 16.26.180, and 16.26.190.
- B. Applicants shall have opportunity to discuss and formally review proposed designs throughout the design process, including pre-application, project permit review, and final construction design review.
- C. Where the Director is provided with administrative flexibility under this code and within the Town Center Design and Development Standards and Guidelines, he/she shall develop a written record of such consultation.
- D. No project approval shall be granted, no building permit shall be issued, and no construction shall begin until the Director or designee has completed design review and determined that the application is consistent with the Town Center Design and Development Standards and Guidelines, has issued a design decision or notice of decision, and all appeal periods have expired.

18.XX.XXX Town Center Design and Development Standards and Guidelines – Amendment of approved design.

Amendments to approved designs are as follows:

- A. Minor revisions consistent with the scope of work and intent of the design guidelines may be approved by the director as a ministerial administrative decision consistent with LFPMC 16.26.030 and 16.26.040.
- B. All other revisions shall be processed as follows:
 - 1. The City issues notice consistent with a notice of application set forth in LFPMC 16.26.040, including sending notice to all previous parties of record of the original commercial site development permit (CSDP);

ADDITIONAL NOTES AND CONSIDERATIONS

- Should we change the name “Commercial Site Development Permit (CSDP)” to “Mixed Use or Commercial Site Development Permit (MU/CSDP)”?
- Design review procedures: architectural/landscape architectural consultants could be retained on an on-call basis to support staff with review in lieu of appointing a DRB or allocating responsibility to other entity in the City.

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2. If no written objections to the revision are received during the public comment period, the Director may decide the revision as a Type III decision;
3. If written objections to the revision are received during the public comment period, the revision shall be processed as a Type I decision, except a new notice of application is not required.

18.XX.XXX Development agreements.

- A. Authority. The city may consider, and enter into, a development agreement with an entity or individual having ownership or control of real property within the city limits. Nothing in this section requires the city to enter into a development agreement. This section authorizes the use of development agreements in the Town Center consistent with RCW 36.70B.170 through RCW 36.70B.210.
- B. General provisions. Development agreements shall comply with the following general provisions:
 1. The development agreement shall be consistent with the applicable policies and goals of the City of Lake Forest Park Comprehensive Plan and the Town Center *Vision* document.
 2. The development agreement shall be consistent with applicable development regulations except as provided in subsection C of this section.
 3. Any approved development standards that differ from those set forth in the code shall not require any further rezone, variance, from city standards, or other city approval apart from development agreement approval. The development standards as approved through a development agreement shall apply to and govern the development and implementation of each covered property in lieu of any conflicting or different standards or requirements elsewhere in the Lake Forest Park Municipal Code.
 4. Any development standards adopted subsequent to the adopted development agreement shall apply to the covered property only where necessary to address imminent public health and safety hazards or where the development agreement specifies a time period or phase after which certain identified standards can be modified.
 5. Projects subject to a development agreement are required to obtain approval for all applicable project permits unless otherwise expressly provided for in the approved development agreement.
- C. Deviations from development standards. Deviation from development standards shall only be allowed as provided below:
 1. A proponent shall demonstrate consistency with the following requirements:
 - a. The project will provide public amenities above that required by the existing zoning standards and Town Center Design Guidelines, including but not limited to parks, plazas, and/or pedestrian connections; and
 - b. The project will result in a superior design solution compared to what would otherwise be achieved by applying the specific requirements of the Town Center Design Guidelines; and
 - c. The proposed deviation(s) to zoning development standards and/or Town Center Design Guidelines will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.
 2. A development agreement shall not authorize deviations from the allowable uses in the Town Center zone.
 3. A development agreement shall not authorize deviations from dimensional standards unless approved by a majority plus one of the city council after a minimum of two public hearings on the development agreement.
 4. In no case shall a development agreement authorize deviations from the following development standards:
 - a. A development agreement shall not authorize deviations from requirements of LFPMP Title 15, Buildings and Construction. Building permits shall be subject to applicable building codes in effect when a complete building permit application is submitted.
 - b. A development agreement shall not authorize deviations from requirements of LFPMP Title 16, Environmental Protection.

ADDITIONAL NOTES AND CONSIDERATIONS

Merlone Geier has provided the following information/insights related to Development Agreement provisions:

Development agreement procedures – potentially as an earlier activity with City Council, prior to a Hearing Examiner approval process.

- The procedures for consideration and adoption of Development Agreements typically track the following and can occur concurrently with or in advance of the Hearing Examiner process:
- Development agreements typically accompany and are processed in conjunction with the underlying project permit application, approval or annexation request.
- Council Approval. The city council shall approve development agreements, or amendments thereto, by ordinance after a public hearing.
- The execution of a development agreement is an exercise of city police power and contract authority. The city may consider, and enter into, a development agreement with a person having ownership or control of real property within the city limits. The city may consider a development agreement for real property outside of the city limits but within the urban growth area (“UGA,” as defined in RCW [36.70A.030](#)(15), or as designated by the county pursuant to RCW [36.70A.110](#)) as part of a proposed annexation or a service agreement.
- A development agreement shall be consistent with applicable development regulations adopted by the city under Chapter [36.70A](#) RCW.
- Mandatory Provisions: The development agreement must include the following:
 1. The development standards (by code reference) and other provisions that shall apply to and govern and vest the development, use and mitigation of the development of real property for the duration of the agreement

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D. Contents of a Development Agreement. As applicable, the development agreement shall specify the following:

1. Project components which define and detail the permitted uses, residential densities, nonresidential densities and intensities or building sizes;
2. The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;
3. Mitigation measures, development conditions, and other requirements of Chapter 43.21C RCW;
4. Design standards such as architectural treatment, maximum heights, setbacks, landscaping, drainage and water quality requirements, and other development features;
5. Provisions for affordable housing, if applicable;
6. Provision of parks and common open space;
7. Phasing;
8. A build-out or vesting period for applicable standards; and
9. Any other appropriate development requirement or procedure which is based upon a city policy, rule, regulation, or standard.

E. As provided in RCW 36.70B.170, the development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

F. Enforcement. Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement. The agreement may not be subject to an amendment to a zoning ordinance or development standard or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. The permit approval issued by the city after the execution of the agreement must be consistent with the development agreement.

G. Processing procedure. Development agreements shall be reviewed and processed as follows:

1. If the final decision on the underlying project permit application is made by the hearing examiner, the hearing examiner shall consider both the project permit application and the proposed development agreement together during the public hearing. The hearing examiner shall make a recommendation to the city council on the development agreement and the final decision on the underlying commercial site development permit shall be held in abeyance until the city council considers the proposed development agreement in a public hearing. If the city council approves the development agreement, the council shall, by resolution or ordinance, authorize the mayor to execute the development agreement on behalf of the city. Once the development agreement has been executed, the hearing examiner may then issue a final decision on the underlying project permit application. Nothing in this section obligates the hearing examiner to forward a recommendation to the city council for further consideration if the hearing examiner denies the underlying project permit application.
2. If the final decision on the underlying project permit application is made by the code administrator, then city staff shall consider both the project permit application and the proposed development agreement together. The code administrator shall make a recommendation to the city council on the development agreement, and the code administrator's decision on the underlying project permit application shall be held in abeyance until the city council considers the proposed development agreement in a public hearing. If the city council approves the development agreement, the council shall, by resolution or ordinance, authorize the mayor to execute the development agreement on behalf of the city. Once the development agreement has been executed, the code administrator may then issue a final decision on the underlying project permit application. Nothing in this section obligates the code administrator to forward a recommendation to the city council for further consideration if the code administrator denies the underlying project permit application.

ADDITIONAL NOTES AND CONSIDERATIONS

Merlone Geier has provided the following information/insights related to Development Agreement provisions (continued):

2. Project components which define and detail the permitted uses, residential densities, nonresidential densities and intensities, building sizes, or nonresidential floor area with associated allowances for flexibility/allocation of uses as agreed upon by the parties;
 3. Location of buffers, landscaping or open space;
 4. The amount of or method for calculating any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;
 5. Mitigation measures, development conditions and other requirements of Chapter [43.21C](#) RCW;
 6. Design standards (by code reference) such as architectural treatment, maximum heights, setbacks, landscaping, drainage and water quality requirements and other development features;
 7. Provisions for affordable housing;
 8. Parks and common open space preservation;
 9. Review procedures and standards for implementing decisions;
 10. A build-out or vesting period for application standards and the development program;
 11. Any other appropriate development requirement or procedure which is based upon a city policy, rule, regulation or standard;
 12. Phasing; and
 13. Protection of the integrity of adjacent established neighborhoods and cultural resources.
- The development agreement typically reserves authority to impose new or different regulations to the extent required by a serious threat to the public health or safety.

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3. If a final decision on an underlying project permit application has been previously made by the hearing examiner or code administrator and the application was approved, the code administrator shall make a recommendation to the city council on the development agreement. A public hearing shall be held on the development agreement and, if approved, the council shall authorize the mayor, in a resolution or ordinance, to execute the development agreement on behalf of the city.
- H. Public notice. All public meetings and public hearings on a development agreement shall be noticed as follows:
1. Not less than 10 days prior to the public hearing date, a notice of the public hearing shall be sent to property owners within 300 feet of the property subject to the development agreement and to others who have submitted comments and/or requested notice.
 2. Notice of the public hearing shall be posted in conspicuous location(s) on the property subject to the development agreement not less than 10 days prior to the hearing date.
 3. Notice of the public hearing shall be published in a newspaper of general circulation within the city boundaries.
 4. The content of the notices shall include the items listed in LPMC 16.26.040(D)(1)(b), except that the date of application and of the notice of complete application are not required.
 5. All costs associated with the public notice shall be borne by the proponent of the development agreement.
- I. No deadline for final decision, form of agreement, term, recordation.
1. No deadline for final decision. Development agreements are not “project permit applications” as defined in RCW 36.70B.020. There is therefore no deadline for processing a development agreement. If an applicant requests that the city execute a development agreement as part of its approval of a project permit application, the applicant must agree to sign a written waiver of the deadline for issuance of a final decision on the underlying project permit application so that the development agreement may be processed.
 2. Form of agreement. No development agreement shall be presented to the decision-making body unless in a form approved by the city attorney. Every development agreement shall be signed by the property owner and all other parties with a substantial beneficial interest in the property that is the subject of the development agreement prior to any public hearing held for the purpose of authorizing execution of the development agreement.
 3. Term.
 - a. Development agreements may be approved for a maximum period of 20 years.
 - b. In determining the appropriate term for a development agreement, the city council should consider the type, size, location of development, and proposed phasing.
 - c. If extensions are authorized in a development agreement, an applicant must request the extension at least 60 days prior to the expiration of the development agreement. For development agreements associated with project permit applications, the planning director may grant an extension for up to five years if the applicant can satisfactorily show that at least 50 percent of the project has been constructed. All other requests for extensions shall be reviewed by the city council, unless another process is expressly provided for in the development agreement. In no case shall an extension be granted which would allow a development agreement to exceed 20 years.
 4. Recordation. A development agreement shall be recorded against the property, in the real property records of the King County Recorder’s Office. During the term of the development agreement, the agreement is binding on the parties and their successors.

ADDITIONAL NOTES AND CONSIDERATIONS

Merlone Geier has provided the following information/insights related to Development Agreement provisions (continued):

- The development agreement typically reserves authority to impose new or different regulations to the extent required by a serious threat to the public health or safety.
- Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the specified build-out period. The agreement may not be subject to a new or an amendment to a zoning ordinance or development standard adopted after the effective date of the agreement, unless otherwise provided in the agreement. Any permit or approval issued by the city after the execution of the agreement must be consistent with the development agreement.
- Form. All development agreements shall be in the form approved by the city attorney’s office. The city attorney shall approve all development agreements prior to consideration by the city council.
- Recordation. Development agreements shall be recorded with the real property records of the county in which the property is located at the cost of the applicant. During the term of the development agreement, the agreement is binding on the parties and their successors in interest.
- Appeal. If the development agreement relates to a project permit application, the provisions of Chapter [36.70C](#) RCW (LUPA) shall apply to any appeal of the decision on the development agreement.

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18.XX.180 Design departure.

A. An applicant may propose an alternative project design that does not strictly comply with the Town Center Design Standards and Guidelines, but is consistent with the intent of the Design Standards and Guidelines. Such a proposal shall be processed as provided in LFPMC [18.42.160](#). In evaluating the project, the city council shall determine whether the alternative design provides equivalent or superior results when compared with strict compliance with applicable guidelines according to one or more of the following criteria:

1. The alternate enhances multiple uses in the Town Center;
2. The alternate enhances the pedestrian scale of the Town Center;
3. The alternate enhances the perimeter of the Town Center; or
4. The alternate enhances the environmental quality of the Town Center.

B. The city council may also review, as provided in LFPMC [18.42.160](#), an alternative project design on the basis of physical constraints of the project site, provided the alternate provides equivalent or superior results when compared with strict compliance with applicable guidelines according to the foregoing criteria.

C. An approved alternate design shall be implemented by a development agreement as provided for in LFPMC [18.42.170](#) that shall include the reasons for concluding that alternative design provides equivalent or superior results when compared with strict compliance with applicable guidelines. (Ord. 944 § 2, 2006)

18.XX.XXX Bonds or other financial security.

The city may require a bond or other financial security to ensure compliance with any aspect of a permit or approval under this chapter. (Ord. 944 § 2, 2006)

ALSO FOR REFERENCE, FROM SOUTHERN GATEWAY CHAPTER; BUT SUGGEST REVIEW OF ALL PROCEDURES:

18.46.150 Administration.

The provisions of this chapter and the [southern gateway – corridor and transition zones design guidelines](#) shall be administered via a commercial site development permit (CSDP) issued pursuant to Chapter [18.48](#) LFPMC, as follows:

A. If the proposed development is: (1) less than 30,000 square feet in total building footprint, and (2) less than 45,000 square feet in total property area, and (3) involves only one building, and (4) does not involve phased development (over more than two years), the CSDP shall be decided upon by the code administrator as a Type III administrative decision under LFPMC [16.26.030](#)(C), [16.26.180](#) and [16.26.190](#).

B. If the project is: (1) more than 30,000 square feet in total building footprint, or (2) more than 45,000 square feet in total property area, or (3) involves more than one building, or (4) involves phased development (over more than two years), the code administrator shall make a recommendation on the CSDP as provided in LFPMC [16.26.080](#), Type I applications – Code administrator’s recommendation, and the procedures for a hearing examiner decision stated in LFPMC [16.26.090](#) through [16.26.110](#) shall apply. (Ord. 1057 § 2, 2013)

ADDITIONAL NOTES AND CONSIDERATIONS

DESIGN DEPARTURE

- Remove or retain? Allows flexibility in interpretation of Design and Development Standards and Guidelines; but this could allow too much interpretation and may affect implementing solutions that are consistent with the Town Center VISION.

BONDS OR OTHER FINANCIAL SECURITY

- Likely should retain this provision.

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TOWN CENTER DESIGN STANDARDS AND GUIDELINES DOCUMENT—ANTICIPATED OUTLINE OF CONTENTS

- A. Administrative**
 - A1 Purpose
 - A2 Administrative Procedures
 - A3 Applicability
- B. Site Planning and Design**
 - B1 Relationship to Street Frontages
 - B2 General Pedestrian Circulation
 - B3 Vehicular Access and Circulation
 - B4 Surface Parking Design
 - B5 Service Areas with Mechanical Equipment
 - B6 Stormwater Facility Planning and Low Impact Development Best Practices
 - B7 Multi-Family Open Space
 - B8 Non-Residential Open Space
 - B9 Site Planning for Security
 - B10 Considerations Related to Views and Solar Access
 - B11 Site and Parking Area Landscaping
 - B12 Fencing, Site Walls, and Screening
 - B13 Site Lighting
 - B14 Signing and Wayfinding
- Pedestrian and Bicycle Access, Amenities and Gathering Places**
 - C1 Internal Pedestrian Paths and Circulation
 - C2 Visual Connectivity
 - C3 Pedestrian-Friendly Design Best Practices
 - C4 Bicycle-Friendly Design Best Practices
 - C5 Pedestrian and Bicycle Access through Parking Areas
- A. Access to Transit and Transit-Oriented Development Best Practices**
 - D1 Connectivity between Commuter Parking Areas and Transit Stations/Stops
 - D2 Transit-Oriented Design Best Practices

ADDITIONAL NOTES AND CONSIDERATIONS

TOWN CENTER DESIGN STANDARDS AND GUIDELINES OUTLINE
PATTERNED AFTER SOUTHERN GATEWAY CORRIDOR AND
TRANSITION ZONE DESIGN GUIDELINES

OTHER ELEMENTS:

LOW IMPACT DEVELOPMENT/SUSTAINABLE SITE PRACTICES

- Include best practices language in Town Center Design and Development Standards and Guidelines.
- If Lake Forest Park has NPDES Phase II responsibilities, integrate appropriate LID provisions (common and preferred method of development) into the Code chapter for Town Center.

LYON CREEK

- Incentivize additional buffer width and stream corridor enhancements; encourage development that highlights the creek corridor as an amenity/important natural feature of the site

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- B. Parking Areas (see F. for Parking Structures)**
- C. Architecture and Building Design**
 - F1 Town Center Character and Architectural Design Quality
 - F2 Human Scale Elements
 - F3 Architectural Scale
 - F4 Pedestrian-Oriented Facades and Weather Protection
 - F5 Building Corners
 - F6 Building Design Details
 - F7 Exterior Materials and Finishes
 - F8 Blank Walls
 - F9 Rooftop Features/Appurtenances <SCREENING>
 - F10 Building Entrances
 - F11 Parking Structures
- D. Community Cultural Expression and Integration of Public Art**

ADDITIONAL NOTES AND CONSIDERATIONS