

# Chapter 2.41

## Design Review Board

### 3 2.41.010 Design Review Board

4 A. The Lake Forest Park Design Review Board is hereby created. The Board shall be advisory  
5 and have the responsibility of working with the Planning and Building Director and making  
6 recommendations to the Hearing Examiner concerning applications filed under Chapter 18.42  
7 LFFPMC.

8 B. The Board shall be comprised of members with experience in architecture, landscape  
9 architecture, environmental science, urban planning, or urban design. The Board shall be  
10 comprised of three (3) to five (5) persons, the majority of whom reside in or own property in the  
11 city. The Mayor may appoint up to one [two] member(s) who does not reside in or own property  
12 in the city, but has required training or experience. Members shall serve without compensation  
13 but may be reimbursed for reasonable expenses pursuant to city policies.

14 C. Member appointments, removal, and terms shall be the same as for members of the planning  
15 Board in Chapter [2.22 LPMC](#).

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

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

## Chapter 18.08

### Definitions

## 25 18.08.642 Town Center Design Review, Major

26 A Major Town Center Design Review project means construction, alteration, repair, or  
27 enlargement of a project in the Town Center zone, subject to design review under Chapter 18.42  
28 LFPMC and which increases gross floor area by 1,000 or more square feet, or increases gross  
29 floor area by fifty (50) percent or more, or is construction of a new building.

## 30 18.08.643 Town Center Design Review, Minor

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

## Chapter 18.42

## Town Center

## 18.42.010 Purpose.

## **18.42.020 Permitted uses.**

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

## 18.42.030 Building height.

## 10 18.42.040 Setbacks.

## 11 18.42.050 Land coverage.

## 12 18.42.060 Screening and landscaping.

13 18.42.070 Signs.

## 14 18.42.080 Parking.

## 15 18.42.090 Freestanding parking structures guidelines.

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

A. The guidelines contained in the 2020 Town Center Framework Design Guidelines, dated \_\_\_\_\_, 2020, are adopted as design guidelines applicable to all applications filed for proposed development in the Town Center zone and incorporated by reference herein.

## 18.42.110 Administration

## 22 A. Major Town Center Design Review.

23           1. A Major Town Center (“TC”) Design Review project shall be classified as a Type I  
24        permit application and shall be subject to the applicable processing requirements of Chapter  
25        16.26 LFPMC.

26           2. Before applying for Major TC Design Review, the applicant shall attend a pre-  
27 application conference with the Planning and Building Department Director or designee  
28 ("Director"). The conference will be scheduled by the Planning and Building Department  
29 ("Department") to occur within 30 days of written request by the applicant. The applicant shall  
30 submit a complete application for Major TC Design Review within six (6) months following the

1 conference, or a new conference will be required prior to application. The purpose of this  
2 conference is to discuss how the design guidelines pertain to the proposed development;

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

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

12 5.. After receipt of the staff report, the Design Review Board shall meet with the Director  
13 and the applicant to evaluate the Major TC Design Review application for compliance with the  
14 applicable criteria. The Design Review Board shall hold a public meeting regarding the  
15 application after the Department mails written notice 14 days prior to the public meeting to the  
16 applicant, members of the public who have submitted written comments, and owners within 300  
17 feet of the project. At the public meeting, the applicant shall have an opportunity to make a  
18 presentation and the public shall be allowed to comment. After the public meeting, the Design  
19 Review Board shall deliberate and provide a written recommendation to the Hearing Examiner  
20 that may include approval, conditional approval, or denial of the application. Because the  
21 Design Review Board provides only a recommendation, there are no appeals of the Board's  
22 recommendation.

23 6. The Department shall submit the staff report and the Design Review Board's  
24 recommendation to the Hearing Examiner for consideration during the open record pre-decision  
25 hearing on the Type I permit.

26 B. Minor Town Center Design Review.

27 1. A Minor Town Center ("TC") Design Review project shall be classified as a Type III  
28 permit application and shall be subject to the applicable processing requirements of Chapter  
29 16.26 LFPMC. The applicant must make application for Minor TC Design Review on forms  
30 provided by the Planning and Building Department ("Department").

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

34 C. General - Town Center Design Review

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

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

3           2. Approval of a TC Design Review permit shall not provide the applicant with vested  
4 rights. Subsequent permits shall be subject to the applicable codes and regulations in effect at the  
5 time of application for those permits,

6           3. An approved TC Design Review permit without a phasing plan shall be null and void  
7 if the applicant fails to file a complete building permit application(s) for all buildings, and have  
8 all valid building permits issued, within the time periods specified in the final decision by the  
9 hearing examiner (Type I) or the Director (Type III).

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

13          D. Minor Adjustments.

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

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

18           (ii) the adjustment does not increase floor area by more than 10%, and

19           (iii) the adjustment does not delete approved architecture; and

20           (iv) the adjustment does not change the general location or number of access points  
21 proposed; and

22           (v) the adjustment does not decrease the amount of open space proposed; and

23           (vi) the adjustment does not increase height of structures is proposed; and

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

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

31          **18.42.170 Development Agreement.**

1       A. The applicant and the city may enter into a development agreement as provided in Chapter  
2       18.72 LFPMC incorporating the town center framework design guidelines and other provisions  
3       not inconsistent with the town center design guidelines or other provision of this code.

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

6           1.

7           2.

8           3.

## Chapter 18.72

### Development Agreements

#### **18.72.010 Authorized.**

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

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

#### **18.72.020 Terms and Conditions.**

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

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

1    **18.72.030 Public hearing, recommendation, decision.**

2    A. When the Director determines that a development agreement addressing the criteria in this  
3    chapter has been negotiated and recommends the same for consideration, a duly noticed public  
4    hearing pursuant to RCW 36.70B.200 shall be held by the planning commission. The planning  
5    commission may continue the hearing for the purpose of clarifying issues, or obtaining additional  
6    information, facts, or documentary evidence. After deliberation, the planning commission shall  
7    make a recommendation on the development agreement to the city council.

8    B. The development agreement shall be subject to review and approval by the city council based  
9    on the record of the planning commission and on any subsequent public hearing the city council  
10   may hold. The city council may also continue the hearing for the purpose of clarifying issues, or  
11   obtaining additional information, facts, or documentary evidence.

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

14   D. Following approval of a development agreement by the council, and execution of the same,  
15   the development agreement shall be recorded with the King County recorder, at the applicant's  
16   expense.

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

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

24   **18.72.040 Amendments to development agreements.**

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

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

- 31     a. Shall conform to the terms of the development agreement;
- 32     b. Shall not reduce landscaping, buffering, or open space areas;
- 33     c. Shall not reduce setback requirements;
- 34     d. Shall not result in an increase in height of any structure;

- e. Shall not result in a change in ingress or egress; and
- f. Shall not increase any adverse impacts or undesirable effects;

## 18.72.050 Consistency and flexibility.

4 A development agreement shall be consistent with applicable development regulations; provided,  
5 a development agreement may allow development standards different from those otherwise  
6 imposed under the Lake Forest Park Municipal Code in order to provide flexibility to achieve  
7 public benefits, respond to changing community needs, or encourage modifications that provide  
8 the functional equivalent or adequately achieve the purposes of otherwise applicable city  
9 standards. Any development standards approved pursuant to a development agreement that differ  
10 from those in the LFPMC shall not require any further zoning reclassification, variance from city  
11 standards or other city approval apart from development agreement approval. The development  
12 standards as approved through a development agreement shall apply to and govern the  
13 development and implementation of each covered site in lieu of any conflicting or different  
14 standards or requirements elsewhere in the LFPMC. Subsequently adopted standards that differ  
15 from those of a development agreement adopted by the city as provided in this chapter shall  
16 apply to the covered development project only where necessary to address imminent public  
17 health and safety hazards or where the development agreement specifies a time period or phase  
18 after which certain identified standards can be modified. Determination of the appropriate  
19 standards for future phases which are not fully defined during the initial approval process may be  
20 postponed. Building permit applications shall be subject to the building codes in effect when the  
21 permit is applied for.

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

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

18.72.070 Form.

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