

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~~Department Director
6 (Director) and making recommendations to the Hearing Examiner concerning applications filed
7 under Chapter 18.42 LFPMC.

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) or to five (5) persons, the majority of whom reside in or own property in
11 the city. The Mayor may appoint up to ~~one~~ two member(s) who does not reside in or own
12 property in the city but has required training or experience. Members shall serve without
13 compensation 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 ~~Planning Board~~ Commission 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

[NEW OR AMENDED DEFINITIONS]

26 18.08.035 Active ground floor uses.

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

1 **18.08.105 Artisanal/craft production and retail.**

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

7 **18.08.107 Assisted housing.**

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

12 **18.08.131 Automobile-oriented retail sales of food and commodities.**

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

17 **18.08.235 Community solar project.**

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

20 **18.08.265 Cultural, entertainment, and/or recreational facility.**

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

24 **18.08.270 Day care. ((NOTE: This is a revision to the existing definition.))**

25 “Day care,” “family day care,” and “adult day care” means a facility used for providing the
26 regularly scheduled on-premises care of children or adults for less than a 24-hour period. A Type
27 I day care facility is a ~~single-family residence~~ ~~facility used for the~~ ~~of~~ facility providing care for
28 12 or fewer children or adults. A Type II day care is a facility providing care for more than 12
29 children or adults.

30 **18.08.XXX Framework. ((NOTE: Update if document title changes.))**

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

35 **18.08.325 Freestanding parking structure.**

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

4 **18.08.351 Hotels and temporary lodging.**

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

8 **18.08.565 Public market.**

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

14 **18.08.599 Retail sales and services.**

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

19 **18.08.600 Retirement home.**

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

24 **18.08.642 Town Center Design Review, Major**

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

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

31 **18.08.643 Town Center Design Review, Minor**

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

Chapter 18.42

Town Center

18.42.010 Purpose.

18.42.020 Permitted uses

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

1. Accessory uses – on-site.
2. Artisanal/craft production and retail subject to 18.42.035.X.
3. Assisted housing facilities.
4. Business offices and uses rendering professional, personal, and instructional services subject to 18.42.035.X.
5. Cultural, entertainment, and recreational facilities.
6. Day care facilities – Type I and Type II subject to 18.42.035.X.
7. Essential public facilities.
8. Freestanding parking structures subject to 18.42.XXX.
9. Government buildings and uses.
10. Hotels and temporary lodging.
11. Instructional institution.
12. Micro-mobility programs including bicycle sharing and scooter sharing and related infrastructure.
13. Multiple-family dwelling units.
14. Public markets/farmers markets.
15. Public utilities.
16. Retail sales and services subject to 18.42.035.X

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

1 **18.42.022 Limitations on use.**

2 A. Artisanal/craft production and retail.

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

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

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

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

- 33 1. A City of Lake Forest Park business license is required pursuant to LFPSC
34 5.02.030.
- 35 2. Day care facilities shall comply with all building, fire safety, and health codes.

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

- 38 1. Commercial or other nonresidential uses shall be separated from residential uses
39 by soundproof materials or suitable architectural features to reduce noise impacts
40 on the residential portion of the building.
- 41 2. Individual commercial or nonresidential uses shall contain no greater than 60,000
42 square feet of gross floor area per use. The following exceptions apply:
 - 43 i. Freestanding parking structures meeting requirements in LFPSC
44 18.42.XXX.
 - 45 ii. Government buildings and uses.

- iii. Other uses may exceed the size limitations when authorized by a development agreement.
- 3. The following uses are not permitted as a retail, commercial, or other nonresidential use in the TC zone: automobile-oriented retail sales of food and commodities, auto service stations, sale of gasoline or other fuels, and car washes, repair or sale of heavy equipment, boats, tires and motor vehicles, sale of alcohol for on-premises consumption except in a restaurant or artisanal/craft production and retail space with appropriate licensing from the State of Washington.

10 **18.42.025 Conditional uses.** Conditional uses are not allowed in Town Center zone

11 18.42.030 Building height.

12 18.42.040 Setbacks.

13 **18.42.050 Residential Density.** The total number of residential units in the Town Center zone
14 shall not exceed 700.

15 Conditional uses and associated development standards, if any, for the TC zone are those
16 identified in Chapter [18.54](#) LFPMC, including permitted uses exceeding 60,000 square feet, but
17 not more than 100,000 square feet, and drive-through window services.

18 18.42.060 Open Space.

19 18.42.070 Signs.

20 18.42.080 Parking.

21 18.42.090 Freestanding parking structures.

22 The following freestanding parking structure design standards apply in addition to or, as
23 specified below, supersede applicable parking requirements set forth in LFPMC 18.42.110 and
24 LFPMC 18.58:

A. Parking structure location and massing.

26 1. Freestanding parking structures located within 50 feet of Lake Forest Park City
27 Hall shall be designed and located in accordance with the following provisions.

28 a. Pedestrian weather protection on the first level is exempt from this
29 requirement.

1 c. When commercial or other active use space conforming with the
2 requirements set forth in LFPMC 18.42.XXX(K)(1) is integrated into
3 upper levels of the freestanding parking structure, the parking structure
4 may protrude up to 30 feet south of the southern (front) façade of Lake
5 Forest Park City Hall.

6 2. Freestanding parking structures shall not be located within 50 feet of Lyon Creek.

7 3. Base height. Freestanding parking structures are limited to 40 feet in height
8 inclusive of the height of parapet walls, guardrails, and similar features.
9 Exemptions are allowed pursuant to LFPMC 18.42.XXX(A)(5).

10 4. Bonus height. When public benefits are provided pursuant to LFPMC
11 18.42.XXX(K), the height of a freestanding parking structure shall be limited to
12 60 feet in height. Exemptions are allowed pursuant to LFPMC 18.42.XXX(A)(5).

13 5. The Director can allow the following exceptions to base height provisions and
14 bonus height provisions:

15 a. Architecturally designed stairway and elevator towers and
16 penthouses that are designed as attractive signature elements of the
17 parking structure. Such elements must be approved by the design review
18 board.

19 b. Community solar project structural elements that comply with the
20 requirements set forth in LFPMC 18.42.XXX(L)(1).

21 c. Public viewing platforms and covered public use spaces on the
22 structure rooftop which comply with the requirements set forth in LFPMC
23 18.42.XXX(L)(X).

24 d. Public art elements on the rooftop or along the sides of the building
25 that otherwise are in compliance with the design guidelines for parking
26 structures.

27 B. Pedestrian access and views of parking structure.

28 1. Facades facing public rights-of-way or private internal access roads shall comply
29 with the Town Center Framework Design Guidelines except at required vehicle or
30 bicycle entries and exits.

31 2. Facades of freestanding parking structures must be designed to maximize
32 pedestrian access and minimize views into the interior of the parking structure.

33 a. The minimum width of pedestrian access ways surrounding the
34 structure shall be eight feet and wider where possible, particularly along
35 the frontage that may align with or be parallel to the City Hall frontage.

b. Weather protection at least eight feet wide must be provided along applicable facades except at required vehicle or bicycle entries and exits.

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

D. Parking structure ramps.

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

E. Parking stall dimensions and layout.

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

Table XX: Parking Stall Dimensions and Layout

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

¹Wall to wall, double-loaded aisle

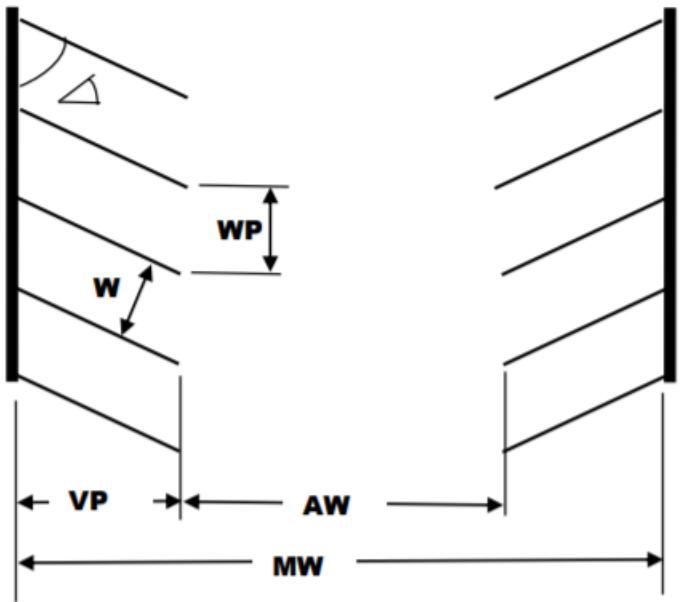


Figure XX: Parking Layout Dimensions

F. Bicycle parking and circulation.

1. Long-term bicycle parking.

- 5 a. Long-term bicycle parking spaces in freestanding parking garages
6 intended to support high-capacity transit must be provided at a minimum
7 of five percent (5%) of projected AM peak period daily ridership of the
8 high-capacity transit service. Long-term bicycle parking spaces for all
9 other structured parking must be provided at a minimum of one space per
10 40 automobile parking spaces.
- 11 b. Long-term bicycle parking must be provided in the form of
12 permanently-anchored bicycle lockers or limited-access bicycle cages and
13 must be labeled as bicycle parking.
- 14 c. Long-term bicycle parking must provide bicycles with full weather
15 protection and theft protection.
- 16 d. Ground-level long-term bicycle parking must accommodate
17 tandem bicycles, recumbent bicycles, folding bicycles, cargo bicycles,
18 bicycles with trailers, family bicycles, and other non-standard bicycle
19 designs.

20 2. Short-term bicycle parking.

- 21 a. Short-term bicycle parking spaces in freestanding parking garages
22 intended to support high-capacity transit must be provided at a minimum
23 of two percent of projected AM peak period daily ridership of the high-

capacity transit service. Short-term bicycle parking spaces in all other freestanding parking garages must be provided at a minimum of one space per 20 automobile parking spaces.

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

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

3. Bicycle parking location and access.

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

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

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

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

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

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

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

G. Elevator towers and stairwells.

1. External elevator towers and stairwells, including penthouses, must be open to public view through the use of architecturally designed glazing and/or other transparent features.
2. Ground floor stairwell areas beneath stairs must be fenced. Alternative methods for securing such spaces may be authorized by the Director or as part of a development agreement.

1 3. Height of stair and elevator towers and penthouses is regulated pursuant to
2 LFPMC 18.42.XXX(A)(5).

3 H. Site pedestrian safety requirements (for areas connecting to and surrounding the
4 structure).

5 1. Pedestrian pathways within facilities shall be clearly marked and signed to protect
6 pedestrians from moving traffic.

7 2. Sidewalks shall be provided along all facades of the freestanding parking
8 structure at a minimum of eight-feet-wide pursuant to LFPMC
9 18.42.XXX(B)(2)(a).

10 a. These requirements can be modified as part of a development
11 agreement when the applicant demonstrates that the sidewalk widths are
12 infeasible. If modified pursuant to this section, the sidewalks shall be the
13 maximum width feasible.

14 3. Pedestrian pathways within the structure shall be established through striping,
15 signage, and/or other markings. Pedestrian pathways shall be established between
16 pedestrian entries and exits from the freestanding parking garage and existing or
17 planned sidewalks and pedestrian pathways. At a minimum, the following shall
18 be provided:

19 a. Crosswalks shall be provided at the intersection of any internal
20 access roadways and/or public roadways affected by the freestanding
21 parking structure.

22 b. Crosswalks shall be provided across vehicular and bicycle entries
23 and exits.

24 c. If pedestrians are likely to walk through a parking lot, a pedestrian
25 pathway and/or signage shall be provided.

26 I. Lighting.

27 1. Lighting must be provided in accordance with Table XX:

1 Table XX: Parking Structure Lighting Standards

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

2

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

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

7 J. Signage and wayfinding.

8 1. Regulatory and pavement markings shall comply with the Manual on Uniform
9 Traffic Control Devices (MUTCD).

10 2. Signage shall clearly direct drivers to vehicular entries by the most efficient route
11 possible.

12 K. Mixed use.

13 1. Freestanding parking structures must be designed to include space for
14 commercial, public, or other active and pedestrian-oriented uses. The
15 commercial, public, or active use space shall meet the following requirements:

16 a. Commercial, public, or other active use space provided pursuant to
17 this section shall have a minimum depth of 60 feet. Such commercial,
18 public, or other active use space shall be integrated into the freestanding
19 parking structure and must comply with façade alignment requirements in
20 LFPMC 18.42.XXX(A) when the structure is located within 50 feet of
21 Lake Forest Park City Hall.

1 b. The minimum amount of space provided shall be the greater of
2 10,000 square feet or fifty percent (50%) of the length of the exterior
3 ground-floor façade exclusive of vehicle entries and exits multiplied by
4 the minimum depth set forth in LFPMC 18.41.XXX(K)(1)(a), and if the
5 parking structure is built within 50 feet of City Hall, the frontage parallel
6 to City Hall's frontage the parking structure must include
7 commercial/active/public use at the first level (ground level) and may also
8 include commercial/active/public space in levels of the building above
9 ground level and along the frontage parallel to City Hall.

10 c. The commercial, public, or other active use space can be
11 consolidated into a single façade and can span multiple floors. The
12 location of commercial, public, or other active use space or convertible
13 space must be approved by the Director or as part of a development
14 agreement.

15 d. Parking structure ground floors and spaces built out as commercial,
16 public, or other active uses shall include fire suppressing sprinkler systems
17 at the time of construction even if not required by the Building and Fire
18 Codes, as adopted by the City.

19 2. At the time of construction, a minimum of XX square feet of leasable
20 retail/commercial or service space shall be constructed and made available for
21 occupancy. The space shall be located on first level (ground level) of the
22 southernmost façade unless an alternative location is approved by the Director or
23 as part of a development agreement.

24 L. Public benefits.

25 Public benefits must be provided to authorize the use of the bonus height provision and
26 additional protrusion beyond the City Hall façade set forth in LFPMC 18.42.XXX(A) (1) and
27 (4). Acceptable public benefits to use this provision include the following and in order to
28 authorize bonus height and additional protrusion must include at least two of the following 1
29 through 5 components:

30 1. Commercial, public, or other active use space(s) in addition to the minimum
31 requirements set forth in LFPMC 18.42.XXX(K), subject to the provisions under
32 K., above. Public and/or community space(s) shall meet the following
33 requirements:

34 a. Public and/or community space(s) to include at least three of the
35 following elements: a plaza, viewing platforms, a community room, a
36 community meeting space, a rooftop terrace, a community garden, a
37 walking trail, public art, restaurant/café space, or similar features/spaces
38 approved through the development agreement. A combination of multiple
39 public and/or community space(s) incorporating up to three of these

1 elements shall satisfy this requirement with approval by the Design
2 Review Board.

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

6 c. Public and/or community space(s) must be provided within or at
7 the rooftop of the structure.

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

12 e. Financial or in-kind contributions, such as accommodating City
13 Hall-related parking within the freestanding parking structure, to creating
14 public and/or community space(s) can satisfy this requirement if approved
15 by a development agreement.

16 2. Construction of or a financial contribution to construction of a grade-separated
17 pedestrian and bicycle crossing between the Town Center site and the Burke
18 Gilman Trail, subject to the following requirements:

19 a. The amount of any contribution to a grade-separated pedestrian
20 and bicycle crossing must be negotiated through a development
21 agreement.

22 b. A strong pedestrian connection in the form of an artistic pedestrian
23 pathway or similar treatment must be provided between the freestanding
24 parking structure and the sidewalk. Provision of this pedestrian
25 connection is in addition to any financial contribution to a grade-separated
26 pedestrian and bicycle crossing. The location of the pedestrian connection
27 must be approved through a development agreement.

28 3. Provision of 50 parking spaces for City and public use within the structure,
29 including space for use by Lake Forest Park Police.

30 4. Construction of or financial contribution to development of a public plaza in the
31 vicinity of City Hall and the parking structure.

32 5. Community solar project or alternative carbon-reducing features subject to
33 approval through a development agreement.

18.42.100 Town center design guidelines – Adopted

A. The guidelines contained 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

A. Major Town Center Design Review.

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

2. Before applying for Major TC Design Review, the applicant shall attend a pre-application conference with the Planning Department Director or designee (“Director”). The conference will be scheduled by the Planning Department (“Department”) to occur within 30 days of written request by the applicant. The applicant shall submit a complete application for Major TC Design Review within six (6) months following the conference otherwise a new conference will be required prior to application. The purpose of this conference is to discuss how the design guidelines pertain to the proposed development.

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

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

5. After receipt of the staff report, the Design Review Board shall meet with the Director and the applicant to evaluate the Major TC Design Review application for compliance with the applicable criteria.

6. The Design Review Board shall hold a public meeting regarding the application. At the public meeting, the applicant shall have an opportunity to make a presentation and the public shall be allowed to comment. Notice of the public meeting shall be provided at least 21 days prior to the public meeting as follows:

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

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

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

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

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

B. Minor Town Center Design Review.

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

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

C. General - Town Center Design Review

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

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

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

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

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

1 **D. Minor Adjustments.**

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

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

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

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

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

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

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

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

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

20 **18.42.120 Bonding.**

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

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

26 1. With good and sufficient surety;

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

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

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

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

1

2 **18.42.170 Development Agreement.**

3 A. The applicant and the city may enter into a development agreement as provided in Chapter
4 18.72 LFPMC incorporating the Town Center Framework Design Guidelines and other
5 provisions not inconsistent with the Town Center Framework Design Guidelines or other
6 provision of this code.

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

9 1. [building height in LFPMC 18.42.030](#),

10 2. [open space in LFPMC 18.42.060](#),

11 3.

12 **Chapter 18.72**

13 **Development Agreements**

14 **18.72.010 Authorized.**

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

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

25 **18.72.020 Terms and Conditions.**

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

30 1. The development agreement conforms to the existing comprehensive plan policies.

1 2. The terms of the development agreement are generally consistent with the development
2 regulations of the city then in effect.

3 3. Appropriate elements such as permitted uses, residential densities, and nonresidential
4 densities and intensities or structure sizes are adequately provided.

5 4. Appropriate provisions are made for the amount and payment of fees agreed to in
6 accordance with any applicable provisions of state law, any reimbursement provisions,
7 other financial contributions by the property owner, inspection fees, or dedications.

8 5. Adequate mitigation measures, development conditions, and mitigation requirements
9 under Chapter 43.21C RCW are provided, including monitoring and adjustment of
10 measures and conditions to ensure mitigation is effective.

11 6. Adequate and appropriate design standards such as maximum heights, setbacks, drainage
12 and water quality requirements, landscaping, and other development features are provided.

13 7. If applicable, targets and requirements regarding affordable housing are addressed.

14 8. Provisions are sufficient to assure requirements of parks and preservation of open space.

15 9. Interim uses and phasing of development and construction are appropriately provided.
16 The agreement shall clearly state the conditions under which an interim use shall be
17 converted to a permanent use within a stated time period and the penalties for
18 noncompliance if the interim use is not converted to the permanent use in the stated period
19 of time.

20 10. Where a phased development agreement is proposed, a site plan shall be provided and
21 shall clearly show the proposed phasing.

22 11. Clearly document that any departures from the standards of the code that are requested
23 by the applicant are, in the judgment of the city, offset by providing a benefit to the city of
24 equal or greater value relative to the departure requested. In no case shall a departure from
25 the code be granted if no benefit to the city is proposed in turn by the applicant.

26 12. Provisions for maintenance and operations, including landscape maintenance.

27 13. A build-out or vesting period for applicable standards is provided.

28 14. Provisions for resolving disputes, review procedures, and standards for implementing
29 decisions.

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

33 **18.72.030 Public hearing, recommendation, decision.**

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

4 1. At the public hearing, the applicant shall have an opportunity to make a presentation,
5 city representatives shall have an opportunity to make a presentation, and members of the public
6 shall be allowed to present and comment.

7 2. Notice of the public hearing be provided at least 21 days prior to the public hearing as
8 follows:

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

11 (ii). Sent regular USPS mail to owners of real property within a 500 [or 1000] foot radius
12 of the proposed project's boundaries; and

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

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

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

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

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

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

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

1 **18.72.040 Amendments to development agreements.**

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

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

- 8 a. Shall conform to the terms of the development agreement;
- 9 b. Shall not reduce landscaping, buffering, or open space areas;
- 10 c. Shall not reduce setback requirements;
- 11 d. Shall not result in an increase in height of any structure;
- 12 e. Shall not result in a change in ingress or egress; and
- 13 f. Shall not increase any adverse impacts or undesirable effects;

14 **18.72.050 Consistency and flexibility.**

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

33 **18.72.060 Exercise of city police power and contract authority.**

34 As provided in RCW 36.70B.170(4), the execution of a development agreement is a proper
35 exercise of the city's police power and contract authority. Accordingly, a development

1 agreement may obligate a party to fund or provide services, infrastructure, or other facilities. A
2 development agreement shall reserve authority to impose new or different regulations to the
3 extent required by a serious threat to public health and safety.

4 | **18.72.070 Form.**

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

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