

# **Town Center Regulations Update**

## **Planning Commission Working Draft**

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

### **Chapter 2.41**

#### **Design Review Board**

##### **2.41.010 Design Review Board**

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

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

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

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

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

### **Chapter 18.08**

#### **Definitions**

[NEW OR AMENDED DEFINITIONS]

##### **18.08.035 Active ground floor uses.**

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

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

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

#### 13 **18.08.107 Assisted housing.**

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

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

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

#### 23 **18.08.235 Community solar project.**

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

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

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

#### 32 **18.08.270 Day care.**

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

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

3 **18.08.324 Framework.**

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

8 **18.08.325 Freestanding parking structure.**

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

12 **18.08.351 Hotels and temporary lodging.**

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

16 **18.08.565 Public market.**

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

22 **18.08.599 Retail sales and services.**

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

27 **18.08.600 Retirement home.**

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

32 **18.08.642 Town Center Design Review, Major**

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

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

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

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

## 14 **Chapter 18.42**

### 15 **Town Center**

#### 16 **18.42.010 Purpose.**

#### 17 **18.42.020 Permitted uses**

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

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

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

4 **18.42.022 Limitations on use.**

5 A. Artisanal/craft production and retail.

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

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

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

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

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

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

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

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

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

19 **18.42.030 Building height.**

20 **18.42.040 Setbacks.**

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

23 **18.42.060 Open Space.**

24 **18.42.070 Signs.**

25 **18.42.080 Parking.**

26 **18.42.090 Freestanding parking structures.**

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

29 A. Parking structure location and massing.

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

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

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

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

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

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

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

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

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

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

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



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

D. Parking structure ramps.

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

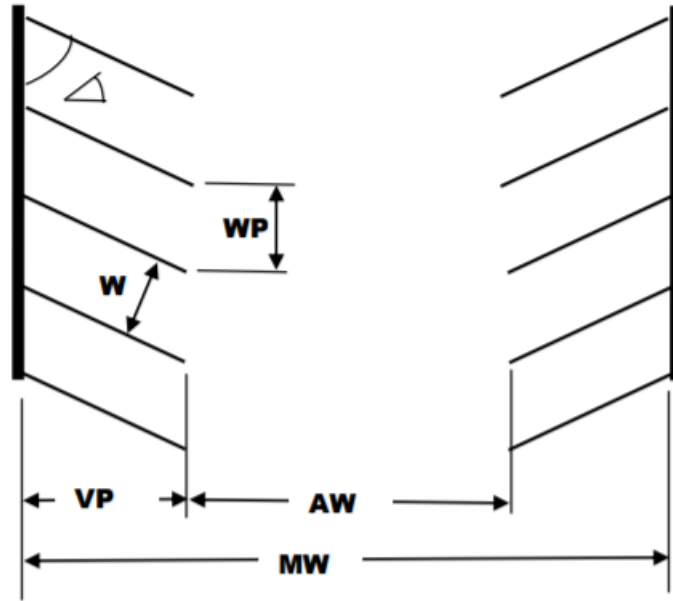
E. Parking stall dimensions and layout.

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

**Table 18.42.090-1: Parking stall dimensions and layout**

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

<sup>1</sup>Wall to wall, double-loaded aisle



**Figure 18.42.090-2. Parking layout dimensions**

#### F. Bicycle parking and circulation.

##### 1. Long-term bicycle parking.

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

##### 2. Short-term bicycle parking.

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

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

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

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

11 3. Bicycle parking location and access.

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

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

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

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

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

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

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

31 G. Elevator towers and stairwells.

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

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

#### H. Pedestrian safety requirements and integration into Town Center.

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

#### I. Lighting.

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

1

**Table 18.42.090-2. Parking structure lighting standards.**

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

2

3

4

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

5

6

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

7

J. Signage and wayfinding.

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

K. Mixed use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 4 **18.42.110 Administration**

##### 5 A. Major Town Center Design Review.

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

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

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

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

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

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



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

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

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

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

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

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

#### 16 B. Minor Town Center Design Review.

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

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

#### 25 C. General - Town Center Design Review

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

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

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

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

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

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

#### D. Minor Adjustments.

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

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

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

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

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

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

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

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

#### **18.42.120 Bonding.**

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

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

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

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

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

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

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

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

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

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

15 1.

16 2.

17 3.

18 **Chapter 18.72**

19 **Development Agreements**

20 **18.72.010 Authorized.**

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

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

31 **18.72.020 Terms and Conditions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 **18.72.050 Consistency and flexibility.**

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

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

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

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

19 **18.72.070 Form.**

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