

## **Town Center Regulations Update**

## Planning Commission Recommended Draft

(April 14, 2020 – recommendation on some sections still pending)

## (New) Chapter 2.41

## Design Review Board

## 2.41.010 Design Review Board

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

13 B. The Board shall be comprised of members with experience in architecture, landscape  
14 architecture, environmental science, urban planning, or urban design. The Board shall be  
15 comprised of five (5) persons whom reside in the city. Members shall serve without  
16 compensation but may be reimbursed for reasonable expenses pursuant to city policies.

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

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

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

## Chapter 18.08

## Definitions

#### [NEW OR AMENDED DEFINITIONS]

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

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

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

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

### **18.08.107 Assisted housing.**

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

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

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

## 18.08.235 Community solar project.

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

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

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

1    **18.08.270 Day care.**

2    “Day care,” “family day care,” and “adult day care” means a facility used for providing the  
3    regularly scheduled on-premises care of children or adults for less than a 24-hour period. A Type  
4    I day care facility is a facility providing care for 12 or fewer children or adults. A Type II day  
5    care is a facility providing care for more than 12 children or adults.

6    **18.08.324 Framework.**

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

11    **18.08.325 Freestanding parking structure.**

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

15    **18.08.351 Hotels and temporary lodging.**

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

19    **18.08.565 Public market.**

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

25    **18.08.599 Retail sales and services.**

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

30    **18.08.600 Retirement home.**

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

1    **18.08.642 Town Center Design Review, Major**

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

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

8    **18.08.643 Town Center Design Review, Minor**

9    A Minor Town Center Design Review project means construction, alteration, or repair of a  
10   project in the Town Center zone, subject to design review under Chapter 18.42 LFPMC and  
11   which includes less than 5,000 of square feet and is not otherwise a Major Town Center Design  
12   Review project.

15    **(New) Chapter 18.42**

16    **Town Center**

17    **18.42.010 Purpose.** [recommended language pending]

18    **18.42.020 Permitted uses**

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

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

1           16.    Retail sales and services subject to 18.42.022(D).

2

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

5   **18.42.022 Limitations on use.**

6   A.  Artisanal/craft production and retail.

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

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.

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

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

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

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

1           2. Individual commercial or nonresidential uses shall contain no greater than 50,000  
2           square feet of gross floor area per use. The following exceptions apply:  
3           i. Freestanding parking structures meeting requirements in LFPMC  
4           18.42.090.  
5           ii. Government buildings and uses.  
6           iii. Other uses may exceed the size limitations when authorized by a  
7           development agreement.

8  
9           3. The following uses are not permitted as a retail, commercial, or other  
10          nonresidential use in the TC zone: automobile-oriented retail sales of food and  
11          commodities, auto service stations, sale of gasoline or other fuels, and car washes,  
12          repair or sale of heavy equipment, boats, tires and motor vehicles, marijuana retail  
13          outlets, sale of alcohol for on-premises consumption except in a restaurant or  
14          artisanal/craft production and retail space with appropriate licensing from the  
15          State of Washington.

16  
17          **18.42.025 Conditional uses.** Conditional uses are not allowed in Town Center zone

18          **18.42.030 Building height.** [recommended language pending]

19          **18.42.040 Setbacks.** [recommended language pending]

20          **18.42.050 Residential Density.** The total number of residential units in the Town Center zone  
21          shall not exceed \_\_\_\_\_. [recommended language pending]

22          **18.42.060 Open Space.** [recommended language pending]

23          **18.42.070 Signs.** [recommended language pending]

24          **18.42.080 Parking.** [recommended language pending]

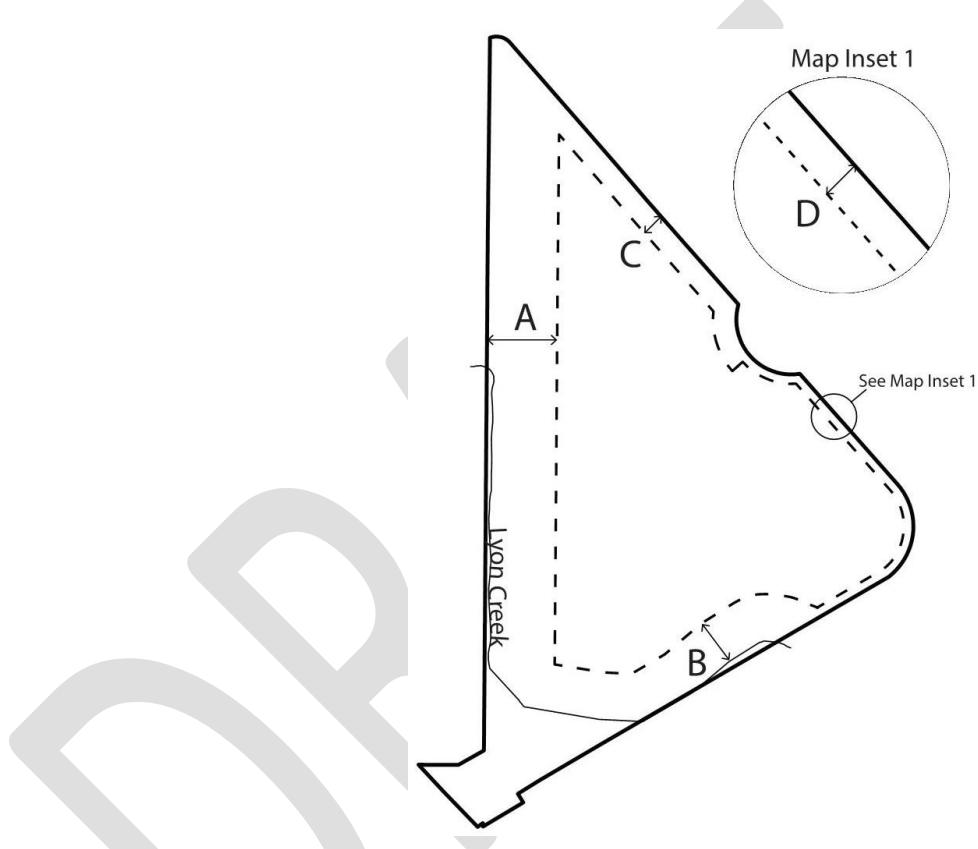
25          **18.42.090 Freestanding parking structures.**

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

28           A. Parking structure location and massing.

29           1. Setbacks. The following setback requirements apply to freestanding parking  
30           structures:  
31           a. Freestanding parking structures shall be set back a minimum of 150 feet  
32           from adjacent residential-zoned property. The setback shall be measured  
33           from the adjacent boundary of all residential-zoned property. Refer to  
34           distance "A" in Figure 18.42.090-1.  
35           b. Freestanding parking structures shall be set back a minimum of 100 feet  
36           from Lyon Creek. The setback shall be measured from the ordinary high  
37           water mark 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.**

2. Façade alignment. Freestanding parking structures located within 50 feet of Lake Forest Park City Hall shall protrude no further than 10 feet south of the southern (front) façade of Lake 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 45,000 square feet. The maximum overall dimensions of the parking structure shall exceed neither 350 feet in length nor 150 feet in width. The maximum footprint and dimensions shall be inclusive of all architectural details, overhangs, decorative elements, and similar features.

1           4. Base height. Freestanding parking structures are limited to 35 feet in height  
2           inclusive of the height of parapet walls, guardrails, and similar features.  
3           Exemptions are allowed pursuant to LFPMC 18.42.090(A)(6). Height shall be  
4           measured from the lowest point of the existing grade.

5           5. Bonus height. When public benefits are provided pursuant to LFPMC  
6           18.42.090(M), the height of a freestanding parking structure shall be limited to 45  
7           feet in height. Exemptions are allowed pursuant to LFPMC 18.42.090(A)(6).

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

11           a. Architecturally designed stairway and elevator towers and mechanical  
12           enclosures that are designed as attractive signature elements of the parking  
13           structure.

14           b. Community solar project structural elements that comply with the  
15           requirements set forth in LFPMC 18.42.090(M)(3).

16           c. Public viewing platforms and covered public use spaces on the structure  
17           rooftop which comply with the requirements set forth in LFPMC  
18           18.42.090(M)(1).

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

22           B. <sup>1</sup>Solar ready. Freestanding parking structures shall be designed to be “solar ready”  
23           pursuant to the definition of the National Renewable Energy Laboratory (NREL). An  
24           applicant must demonstrate that the freestanding parking structure is designed and will be  
25           constructed in a way that facilitates and optimizes the installation of a rooftop solar  
26           photovoltaic (PV) or similar solar energy system that can feasibly function as a  
27           community solar project.

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

29           D. Parking structure ramps.

30           1. Parking structure ramps for internal circulation must be located on the interior of  
31           the parking structure. Exterior parking structure ramps are prohibited.

32           2. Parking structure ramps that include on-ramp parking shall have a slope no  
33           greater than 6.67 percent (6.67%).

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<sup>1</sup> Planning Commission recommends City Council discuss definitions needed for this section.

1       E. Parking stall dimensions and layout.

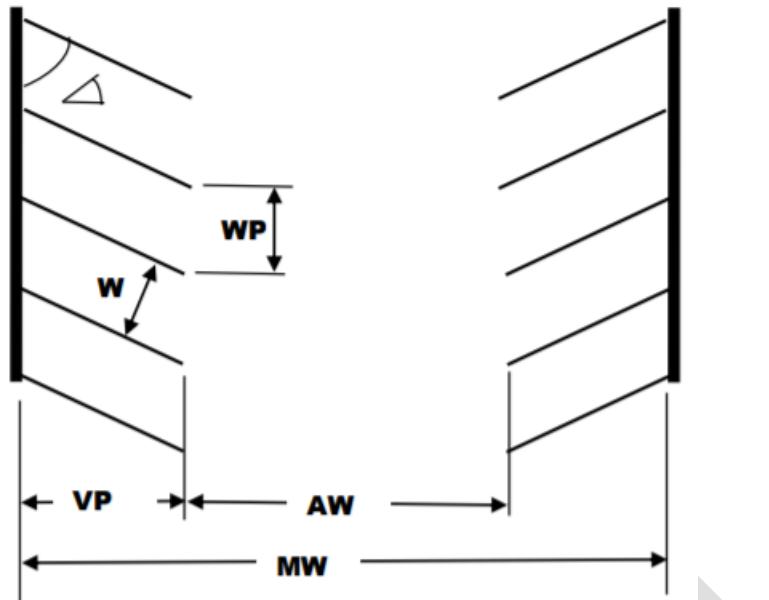
2       1. Parking stalls are limited to no less than eight feet and nine inches in width. The  
3            parking width dimension is shown in Figure 18.42.090-2, below, and is  
4            symbolized with a "W."

5       2. Parking stall dimensions and layout in freestanding parking structures shall  
6            comply with the criteria in Table 18.42.090-1 below. These criteria shall take  
7            precedence over and supersede any conflicting provision of LFPMC 18.58.050.  
8            Parking layout dimensions are shown in Figure 18.42.090-2, below.

9           **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"

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



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

**F. Replacement and provision of public parking.**

- 1 The freestanding parking structure shall include a minimum of 50 parking spaces for City and non-transit public use within the freestanding parking structure, including space for use by Lake Forest Park Police.

**G. Bicycle parking and circulation.**

**1. Long-term bicycle parking.**

a. Long-term bicycle parking spaces in freestanding parking structures 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 freestanding parking structures 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. A portion of 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 structures intended to support high-capacity transit must be provided at a minimum of two percent (2%) of projected AM peak period daily ridership of the high-capacity transit service. Short-term bicycle parking spaces in all other freestanding parking structures 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. Short-term bicycle parking should be located in as visible a location as feasible.
- 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.
- 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 station. At least one bicycle maintenance/repair station must be provided in a long-term bicycle parking area.

1       H. Elevator towers and stairwells.

2       1. External elevator towers and stairwells, including mechanical enclosures, must be  
3           open to public view through the use of architecturally designed glazing and/or  
4           other transparent features.

5       2. Ground floor stairwell areas beneath stairs must be fenced. Alternative methods  
6           for securing such spaces may be authorized by the Director or as part of a  
7           development agreement.

8       3. Height of stair and elevator towers and mechanical enclosures is regulated  
9           pursuant to LFPMC 18.42.090(A)(6).

10      I. Pedestrian safety requirements and integration into Town Center.

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

13      2. Sidewalks shall be provided along all facades of the freestanding parking  
14           structure at a minimum of eight feet wide.

15           a. This requirement can be modified as part of a development agreement  
16                when the applicant demonstrates that the sidewalk widths are infeasible. If  
17                modified pursuant to this section, the sidewalks shall be the maximum  
18                width feasible. Weather protection at least eight feet deep must be  
19                provided along all facades except at required vehicle or bicycle entries and  
20                exits.

21      3. Pedestrian pathways within the structure shall be established through striping,  
22           signage, and/or other markings. Pedestrian pathways shall be established between  
23           pedestrian entries and exits from the freestanding parking garage and existing or  
24           planned sidewalks and pedestrian pathways. At a minimum, the following shall  
25           be provided:

26           a. Crosswalks shall be provided at the intersection of any internal access  
27                roadways and/or public roadways affected by the freestanding parking  
28                structure.

29           b. Crosswalks shall be provided across vehicular and bicycle entries and  
30                exits.

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

33      4. A strong pedestrian connection, such as an artistically painted pathway, unique  
34           paving pattern or similar treatment, must be provided between the freestanding  
35           parking structure and all nearby existing sidewalks.

1      J. Lighting.

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

3      **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		

4

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

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

9      K. Signage and wayfinding.

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

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

14     L. Mixed use.

15     1. Freestanding parking structures shall include space for commercial, public, or  
16     other active ground floor uses and pedestrian-oriented uses. The commercial,  
17     public, or active use space shall meet the following requirements:

18       a. Commercial, public, or other active use space provided pursuant to this  
19       section shall have a minimum depth of 60 feet. Such commercial, public,  
20       or other active use space shall be integrated into the freestanding parking  
21       structure.

22       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.

M. Public benefits. Public benefits must be provided to qualify for use of the bonus height provision in LFPMC 18.42.090(A)(5). Use of the bonus height shall be a Major Town Center Design Review project subject to processing under LFPMC 18.42.110(A) and may be approved by the Hearing Examiner. To receive approval, the public benefit identified in subsection (1) must be satisfied and at least one additional public benefit from subsections (2) through (3) must also be satisfied.

1. Public and/or community space(s) meeting the following requirements:
  - a. Public and/or community space(s) shall include at least three of the following elements: a plaza, viewing platforms, a community room/meeting space, a rooftop terrace, a community garden, a walking trail, public art, or similar features/spaces.
  - b. The minimum area of public and/or community space(s) provided must be equivalent to 10 percent (10%) of the footprint of the structure exclusive of eaves, weather protection, or similar façade protrusions.
  - c. Public and/or community space(s) must be provided within, adjacent to, or at the rooftop of the structure unless otherwise authorized through the Major Town Center Design Review process.
  - d. If public and/or community space(s) is/are incorporated into the freestanding parking structure, such spaces must be publicly accessible at

all times and wayfinding signage must be provided directing members of the public to the space(s).

2. Construction of a grade-separated pedestrian and bicycle crossing between the Town Center site and the Burke Gilman Trail.
3. Community solar project.

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

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

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

## 18.42.110 Administration

## A. Major Town Center Design Review.

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

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. The applicant shall also address whether a development agreement will be sought under Chapter 18.72 LFPMC for the project, or the terms of any applicable development agreement previously executed with the City for the project.

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

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

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

10       6. After receipt of the staff report, the Design Review Board shall meet with the Director  
11 and the applicant to evaluate the Major TC Design Review application for compliance with the  
12 applicable criteria. This meeting may be continued by the Director or the Design Review Board  
13 for the purposes of clarifying issues, or obtaining additional information, facts, or documentary  
14 evidence.

15       7. The Design Review Board shall hold a public meeting regarding the application. At  
16 the public meeting, the applicant shall have an opportunity to make a presentation and the public  
17 shall be allowed to comment. At the applicant's expense, notice of the public meeting shall be  
18 provided at least 21 days prior to the public meeting as follows:

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

21           (ii). Sent regular USPS mail to owners of all tax parcels in the city;

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

25           (iv). Posted on a social media account hosted by the City.

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

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

33       B. Minor Town Center Design Review.

34       1. A Minor Town Center ("TC") Design Review project shall be classified as a Type III  
35 permit application and shall be subject to the applicable processing requirements of Chapter  
36 16.26 LFPMC. Provided, however, that a Notice of Application with a 14 day public comment

1 period shall be provided as described in LFPMC 16.26.040(E). The applicant must make  
2 application for Minor TC Design Review on forms provided by the Department.

3           2. a. Upon receipt of a complete application for Minor TC Design Review, the  
4 Director shall review the application, analyze same for compliance with Chapter 18.42 LFPMC,  
5 and issue a final decision pursuant to section 16.26.180 LFPMC and appealable pursuant to  
6 section 16.26.190 LFPMC to the City's Hearing Examiner.

7           b. If the application modifies the exterior of a building, the Director shall route the  
8 application and a staff report to the Design Review Board. The Design Review Board shall  
9 deliberate and provide a written recommendation to the Director that may include approval,  
10 conditional approval, or denial of the application. Because the Design Review Board provides  
11 only a recommendation, there are no appeals of the Board's recommendation. After  
12 consideration of the Design Review Board's recommendation, the Director shall issue a final  
13 decision pursuant to section 16.26.180 LFPMC and appealable pursuant to section 16.26.190  
14 LFPMC to the City's Hearing Examiner.

15 C. General - Town Center Design Review

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

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

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

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

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

31 D. Minor Adjustments.

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

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

(ii) the adjustment does not increase floor area by more than 10% or 5,000 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.

9       2. An application for a minor adjustment shall be a Type III permit application and shall  
10 be subject to the applicable processing requirements of Chapter 16.26 LFPMC. Modifications  
11 that exceed one or more of the limitations stated in subsection 1. above shall require a new TC  
12 Design Review application for the entire site. The new application shall be reviewed according  
13 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.

17 A. Before a permit is issued, the applicant shall deposit with the city clerk a surety bond in such  
18 reasonable amount as set by the Hearing Examiner (Type I) or set by the Director (Type III). The  
19 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

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

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

1    **(New) 18.42.170 Development Agreement use in Town Center.**

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

6    B. The development agreement shall not include provisions that modify the following  
7    requirements in LFPMC 18.42.090:

8        1. Parking structure location and massing, LFPMC 18.42.090.A.,

9        2. Mixed use, LFPMC 18.42.090.L., except the amount of commercial space in  
10      subsection 1.b. may be modified, and

11        3. Public Benefits, LFPMC 18.42.090.M., except the minimum public and/or community  
12      space in subsection 1.b. may be modified.

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