

**Edits from 6/22/2020 COW, 7/9/2020 Work Session, 7/20/2020 COW,
8/10/2020 COW, 9/10/2020 Work Session
to the Planning Commission Recommended Draft
of Update to Town Center Regulations**

(New) 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.~~

Commented [KAP1]: Deleted because also have duties for minor permits.

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 whom reside in the city. Members shall serve without compensation but may be reimbursed for reasonable expenses pursuant to city policies. The City Council shall appoint a Councilmember to act as a liaison between the Board and the City Council.

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.

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

18.08.105 Artisanal/craft production and retail.

“Artisanal/craft production and retail” means small-scale on-site production and/or assembly of arts, crafts, foods, beverages, or other type of products involving the use of small-scale equipment and/or hand tools and involving limited outdoor storage of materials, equipment, or products when such storage is decoratively treated or otherwise integrated into the building or site design. This definition excludes marijuana processing, marijuana production, or marijuana retail sales as defined in this chapter.

18.08.107 Assisted housing.

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

18.08.131 Automobile-oriented retail sales of food and commodities.

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

18.08.xxx “Charging Levels” means the standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged. The terms 1, 2, and 3 are the most common EV charging levels, and include the following specifications:

- Level 1 is considered slow charging.
- Level 2 is considered medium charging.
- Level 3 is considered fast or rapid charging.

18.08.235 Community solar project.

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

Commented [SB2]: This definition may not be necessary
– see proposed ‘Solar Energy System’ definition below

18.08.265 Cultural, entertainment, and/or recreational facility.

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

18.08.270 Day care.

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

18.08.xxx “Electric vehicle infrastructure” means providing conduit for wiring and data, and associated ventilation to support the addition of future electric vehicle charging stations pursuant to the most current edition of the National Electrical Code.

18.08.XXX “Electric vehicle charging stations” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use authorized by the LFPMC.

18.08.324 Framework.

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

18.08.325 Freestanding parking structure.

“Freestanding parking structure” means a standalone building or structure of multiple levels used primarily for parking vehicles and associated with no other primary use. A freestanding parking structure may include parking on the upper (rooftop) level. A freestanding parking structure does not include an Accessory Use or Accessory Building as defined in this chapter.

18.08.351 Hotels and temporary lodging.

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

4 **18.08.565 Public market.**

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

10 **18.08.599 Retail sales and services.**

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

15 **18.08.600 Retirement home.**

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

20 **18.08.642 Town Center Design Review, Major**

- 21 1. A Major Town Center Design Review project means construction, alteration, or repair of
22 a building in the Town Center zone, subject to design review under Chapter 18.42
23 LPPMC which does any of the following:
24 2. Increases or decrease gross floor area by 5,000 or more square feet, or
25 3. Increases or decreases gross floor area by fifty (50) percent or more, or
26 Involves construction of a new building.

27 **18.08.643 Town Center Design Review, Minor**

28 A Minor Town Center Design Review project means construction, alteration, or repair of a
29 project in the Town Center zone, subject to design review under Chapter 18.42 LPPMC and
30 which includes less than 5,000 of square feet and is not otherwise a Major Town Center Design
31 Review project.

32 18.08.XXX “Public Art” means all forms of original creation of visual art, placed outside or
33 inside a structure, and readily accessible for public viewing. Public Art must be made of durable
34 materials that are vandal-resistant and designed to age well. Examples of Public Art include
35 paintings, sculpture, murals, inlays, mosaics, friezes or bas-reliefs.

Commented [CH3]: Council discussion on short-term rentals (i.e. Airbnb, VRBO, etc.) and the need to clarify whether they are included or excluded from this definition.

Commented [KAP4]: See Administration section in 18.42.110

Commented [KAP5]: Adapted from Bellevue’s code for its Bell/Red district. May be needed for “public benefits in 18.42.090.N.

1 18.08.XXX “Solar Energy System” means solar energy devices or design features of a building
2 used for the collection, storage, and distribution of solar energy for space heating, space cooling,
3 lighting, electric generation, or water heating.

4 18.08.XXX “Solar ready” means design and construction to facilitates and optimizes the
5 installation of a rooftop solar photovoltaic (PV) or similar solar energy system that can feasibly
6 function as a community solar project.

Commented [KAP6]: Definitions that City may want to add when regulating “solar ready”.

Chapter 18.42

Town Center

11 **18.42.010 Purpose.** [recommended language pending]

12 **18.42.020 Permitted uses**

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

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

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

37 **18.42.022 Limitations on use.**

1 A. Artisanal/craft production and retail.

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

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

- 28 1. On-site vehicle or tool rentals and similar uses are prohibited.
29
30

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

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

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

- 37 1. Commercial or other nonresidential uses shall be separated from residential uses
38 by soundproof materials or suitable architectural features to reduce noise impacts
39 on the residential portion of the building.
40 2. Individual commercial or nonresidential uses shall contain no greater than 50,000
41 square feet of gross floor area per use. The following exceptions apply:
42 i. Freestanding parking structures meeting requirements in LFPMC
43 18.42.090.
44 ii. Government buildings and uses.

Note: comment
CH7 for D(2) is
on the next page.

1 iii. Other uses may exceed the size limitations when authorized by a
2 development agreement.

Commented [CH7]: Does Council want the “no greater than 50,000” reduced?

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

11
12 **18.42.025 Conditional uses.** Conditional uses are not allowed in Town Center zone

13 **18.42.030 Building height.** [recommended language pending]

14 **18.42.040 Setbacks.** [recommended language pending]

15 **18.42.050 Residential Density.** The total number of residential units in the Town Center zone
16 shall not exceed _____. [recommended language pending]

17 **18.42.060 Open Space.** [recommended language pending]

18 **18.42.070 Signs.** [recommended language pending]

19 **18.42.080 Parking.** [recommended language pending]

20 **18.42.090 Freestanding parking structures.**

21 The following freestanding parking structure design standards apply in addition to or, as
22 specified below, supersede applicable parking requirements set forth in LFPMP 18.58:

23 A. Parking structure location and massing.

- 24 1. Setbacks. The following setback requirements apply to freestanding parking
25 structures:

26 a. Freestanding parking structures shall be set back a minimum of 150 feet
27 from adjacent residential-zoned property. The setback shall be measured
28 from the adjacent boundary of all residential-zoned property. Refer to
29 distance “A” in Figure 18.42.090-1.

30 b. Freestanding parking structures shall be set back a minimum of 100 feet
31 from Lyon Creek. The setback shall be measured from the ordinary high
32 water mark of Lyon Creek. Refer to distance “B” in Figure 18.42.090-1.

33 c. Freestanding parking structures shall be set back a minimum of 50 feet
34 from Ballinger Way (State Route 104) north of the midpoint of the
35 driveway into Town Center. The setback shall be measured from the edge
36 of the right-of-way. Refer to distance “C” in Figure 18.42.090-1.

Commented [KAP8]: The PC wants to make sure the City Council is aware it is working on a density provision for the TC regulations and that the existing density provision for Town Center is in 18.42.040(A).

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.

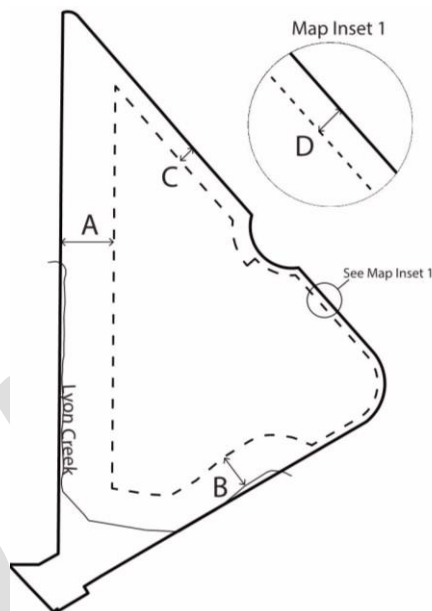


Figure 18.42.090-1. Minimum setbacks for freestanding parking structures.

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. Underground floors shall not be included in the calculation of the footprint square footage. 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.
4. Base height. ~~Freestanding~~ No portion of a freestanding parking structure shall exceed 35 feet in height above existing grade, inclusive of the height of parapet walls, guardrails, and similar features. Exemptions are allowed

Commented [KAP9]: Staff recommends changing 50 feet to 100 feet.

Commented [KAP10]: Is Council interested in saying “protrude no further south of the southern façade of Lake Forest Park City Hall,” which would leave out the 10 feet?

pursuant to LFPMC 18.42.090(A)(6). Height shall be measured from the lowest point of the existing grade at any point on the perimeter of the structure. Existing grade means the elevation of the existing ground surface prior to proposed grading, excavation or fill.

Commented [SB11]: This potentially allows an additional floor on the upper part of currently proposed site.

5. Bonus height. When public benefits are provided pursuant to LFPMC 18.42.090(NM), the height of a freestanding parking structure shall be limited to 45 feet in height pursuant to existing grade measurements in LFPMC 18.42.090(A)(4) above. Exemptions are allowed pursuant to LFPMC 18.42.090(A)(6).

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

- a. Architecturally designed stairway and elevator towers and mechanical enclosures 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(M)(3).
- 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(M)(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. ¹Solar ready. Freestanding parking structures shall be designed to be “solar ready” pursuant to the definition of the National Renewable Energy Laboratory (NREL). An applicant must demonstrate that the freestanding parking structure is designed and will be constructed in a way that facilitates and optimizes the installation of a rooftop solar photovoltaic (PV) or similar solar energy system that can feasibly function as a community solar project.

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.

¹ Planning Commission recommends City Council discuss definitions needed for this section.

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.

Commented [KAP12]: Motorcycle stalls to be added

Table 18.42.090-1: Parking stall dimensions and layout

Parking Angle	Stall Width Projection (Figure symbol WP)	Module Width ¹ (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"

¹Wall to wall, double-loaded aisle

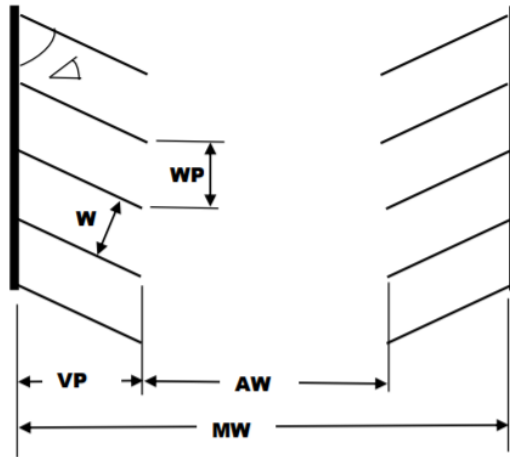


Figure 18.42.090-2. Parking layout dimensions

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.

4.2.A minimum of ten (10) percent of the parking spaces provided above shall be equipped with electric vehicle infrastructure per section ---.

G. Bicycle parking and circulation.

1. All-dayLong-term bicycle parking.

a. All-dayLong-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-termAll-day 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-termAll-day 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-termAll-day bicycle parking must provide bicycles with full weather protection and theft protection.

d. A portion of ground-level, ~~long-term~~ All-day 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-Each~~ ~~long-term~~ All-day bicycle parking ~~area~~ shall be located inside the freestanding parking structure except ~~long-term~~ All-day 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.

- 1 4. Bicycle maintenance/repair station. At least one bicycle maintenance/repair
2 station must be provided in an ~~long-term~~All-day bicycle parking area, and at least
3 one bicycle maintenance/repair station must be accessible to short-term bicycle
4 parking areas.

5 H. Elevator towers and stairwells.

- 6 1. External elevator towers and stairwells, including mechanical enclosures, must be
7 open to public view through the use of architecturally designed glazing and/or
8 other transparent features.
- 9 2. Ground floor stairwell areas beneath stairs must be fenced. Alternative methods
10 for securing such spaces may be authorized by the Director or as part of a
11 development agreement.
- 12 3. Height of stair and elevator towers and mechanical enclosures is regulated
13 pursuant to LFPMC 18.42.090(A)(6).

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

- 15 1. Pedestrian pathways within facilities shall be clearly marked and signed to protect
16 pedestrians from moving traffic.
- 17 2. Sidewalks shall be provided along all facades of the freestanding parking
18 structure at a minimum of eight feet wide.
- 19 a. This requirement can be modified as part of a development agreement
20 when the applicant demonstrates that the sidewalk widths are infeasible. If
21 modified pursuant to this section, the sidewalks shall be the maximum
22 width feasible. Weather protection at least eight feet deep must be
23 provided along all facades except at required vehicle or bicycle entries and
24 exits.
- 25 3. Pedestrian pathways within the structure shall be established through striping,
26 signage, and/or other markings. Pedestrian pathways shall be established between
27 pedestrian entries and exits from the freestanding parking garage and existing or
28 planned sidewalks and pedestrian pathways. At a minimum, the following shall
29 be provided:
- 30 a. Crosswalks shall be provided at the intersection of any internal access
31 roadways and/or public roadways affected by the freestanding parking
32 structure.
- 33 b. Crosswalks shall be provided across vehicular and bicycle entries and
34 exits.
- 35 c. If pedestrians are likely to walk through a parking lot, a pedestrian
36 pathway and/or signage shall be provided.

1 4. Where obtaining necessary ownership or easements rights is feasible, a strong
2 pedestrian connection, such as an artistically painted pathway, unique paving
3 pattern or similar treatment, must be provided between the freestanding parking
4 structure and the following Town Center uses, listed in order of priority: public
5 transit connections, retail establishments, and City Hall all nearby existing
6 sidewalks.

7 5. The following are prohibited in the development of the project:

8 a. Entrapment areas where a person could become entrapped with no exit
9 route. Provide two means of ingress from all outdoor spaces.

10 b. Areas that are dark or not visible from a public space.

11 c. Building, vegetation, or other objects (e.g., a storage enclosure) that block
12 visibility into a space or provide places to hide.

13 d. Screens or landscaping that block motorists' views of pedestrians crossing
14 streets, driveways, and vehicle circulation areas.

15 e. Where visibility is necessary to avoid creating an insecure area and to
16 reduce the potential for pedestrian/vehicle collisions, do not plant
17 vegetation that will obstruct views between 3 feet and 8 feet above the
18 ground.

19 4.6. To the extent feasible provide for "passive surveillance," which is the ability of
20 people occupying buildings and public spaces to view all parts of accessible
21 spaces.

Commented [SB13]: CPTED provisions based on Southern Gateway Design Guidelines related to security

22 J. Lighting.

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

24 **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	
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2. Lighting shall be downshielded or otherwise designed and configured to prevent spillover onto neighboring properties and public right-of-way.

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

K. 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.

L. 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.

Commented [KAP14]: Some Council members were concerned that logistics of entrances would make this impossible.

Does Council think this language clear enough that the frontage being regulated here is not the side facing City Hall?

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. Infrastructure installation.

1. A freestanding parking structure shall equip ten (10) percent of its spaces with electric vehicle infrastructure. If in determining the number of spaces results in a fraction, the number required shall be rounded to the nearest whole number, with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.
2. A freestanding parking structure shall include solar ready -----.

Commented [KAP15]: If Council wants solar included as a requirement we will need to complete additional research to support effect/mitigation. Solar ready has also been included as an option for Public Benefit.

N. 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 and the public benefit provided in exchange require a development agreement pursuant to Chapter 18.72 LFPMC. and that The public benefit provided in the development agreement shall be one of the following:

~~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. Public~~

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.

Community solar project.

1. A community room or meeting space that would accommodate 50% more attendees than can be accommodated by the City Hall Council Chambers;
2. A plaza on the south side of the structure that is tailored to and dedicated to accommodating the LFP Farmer's Market;
3. Use of green infrastructure and/or low impact development (LID) measures that clearly set the structure apart as having an environmentally-sensitive and forward-thinking design. Those measures could include large-scale green (living) walls, use of innovative structural materials such as cross-laminated timbers, integrating LID storm water treatment systems within the landscaping and design of the structure in a manner that is attractive and educational, integrating a solar-ready infrastructure, or a design that would facilitate the structure being easily retrofitted for other uses in the future if demand for parking and ride facilities declines.

~~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. The following projects are exempt from review under this chapter 18.42 LFPMC:

1. Interior modifications that do not alter the exterior surface of a building.
2. Normal maintenance and repair of a building. For example, re-roofing that does not modify the roof structure, repainting, mechanical equipment replacement, parking lot pavement patching and stall repainting that does not involve reconfiguration.
3. Alteration to a building's exterior non-architectural features such as changing paint color or exterior texture like stucco. Provided, however, when these exterior elements have been designated to fulfill a requirement of approval for an application under chapter 18.42. LFPMC they are not exempt.
4. Alteration to less than 10% of the surface area of an existing building façade visible from an adjacent street. If within a 3-year period the surface area limit is exceeded, future improvements shall not be exempt based on this exemption.

1 5. For subsections A.2, A.3, and A.4, the applicant must submit and receive approval of
2 an application for exemption on a form provided by the Planning Department (“Department”).
3

4 BA. Major Town Center Design Review.

5 1. The following projects shall be considered applications for Major Town Center (“TC”)
6 Design Review under this chapter:

- 7 a. Construction or alteration of a freestanding garage as defined in chapter 18.08 LFPMC;
8 b. Construction of a new building, as defined in the International Building Code adopted
9 in Title 15 LFPMC, with gross floor area exceeding 10,000 square feet;
10 c. Alteration to more than 25% of the surface area of an existing building façade visible
11 from an adjacent street;
12 d. Alteration to an architectural feature of an existing building such as awnings,
13 balconies, cornices, friezes, bay windows, roof decks, and trellises;
14 e. Alteration to outdoor plazas or open space;
15 f. Addition to an existing building of gross floor area greater than 10 % of the existing
16 building’s gross floor area;
17 g. Addition to an existing building of more than 2000 square feet;
18 h. Addition to an existing building of another story; or
19 i. The cumulative increase, over a 3-year period, in an existing building exceeds any of
20 the above thresholds.

21 2. A Major TC Design Review project shall be classified as a Type I permit application
22 and shall be subject to the applicable processing and notice requirements of Chapter 16.26
23 LFPMC.

24 3. Before applying for Major TC Design Review, the applicant shall attend a pre-
25 application conference with the Planning Department Director or designee (“Director”). The
26 conference will be scheduled by the Planning Department (“Department”) to occur within 30
27 days of written request by the applicant. The applicant shall submit a complete application for
28 Major TC Design Review within six (6) months following the conference otherwise a new
29 conference will be required prior to application. The purpose of this conference is to discuss how
30 the design guidelines pertain to the proposed development. The applicant shall also address
31 whether a development agreement will be sought under Chapter 18.72 LFPMC for the project, or
32 the terms of any applicable development agreement previously executed with the City for the
33 project.

34 4. An applicant for a development proposal determined by the planning director to be
35 subject to Major TC Design Review shall submit studies or reports that adequately
36 evaluate the proposal and all probable impacts associated with it. At a minimum, the applicant
37 shall submit a traffic study and internal circulation study prepared by a qualified professional.
38 The planning director may also require the applicant to submit studies addressing other potential

1 impacts including but not limited to: geotechnical, parking, critical areas, trees, and stormwater
2 design (including water quality analysis).

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

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

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

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

21 (a). Emailed or sent regular United States ~~Postal~~ Service (USPS) mail to the
22 applicant and members of the public who have submitted written comments regarding the
23 application;

24 (b). Sent regular USPS mail to owners of all dwelling units ~~tax parcels~~ in the city and to
25 all tax payers of record if different than the dwelling unit address;

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

29 (d). Posted on a social media account hosted by the City.

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

34 109. The Department shall submit the staff report and the Design Review Board's
35 recommendation to the Hearing Examiner for consideration during the open record pre-decision
36 hearing on the Type I permit. The pre-decision hearing shall be scheduled before the hearing

1 examiner, and a notice thereof shall be mailed or emailed to all parties of record by the code
2 administrator no less than 21 days before the date of the hearing.

4 C. Major II Town Center Review Level II

5 1. The following projects shall be considered applications for Major TC Design Review
6 Level II under this chapter:

7 a. The application ~~meets or exceeds~~ one of the criteria for Major TC Design Review
8 Level I in section 18.42.110.B.1.a – i; and

9 b. The application involves 100 or more dwelling units or involves a project area of three
10 (3) acres or more.

11 2. A Major TC Design Review Level II application shall be classified as a Type I permit
12 application and shall be subject to the applicable processing and notice requirements of Chapter
13 16.26 LFPMC except the City Council shall replace the hearing examiner.

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

23 4. An applicant for a development proposal determined by the Director to be subject to
24 Major TC Design Review Level II shall submit studies or reports that adequately evaluate the
25 proposal and all probable impacts associated with it. At a minimum, the applicant shall submit a
26 traffic study and internal circulation study prepared by a qualified professional. The Director
27 may also require the applicant to submit studies addressing other potential impacts including but
28 not limited to geotechnical, parking, critical areas, trees, and stormwater design (including water
29 quality analysis).

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

Commented [KAP16]: OPTION #1 FOR COUNCIL DECIDING: One option for Council to be involved in the administrative process for Major applications would be to add a “Major Town Center Review Level II” application. We would change subsection B. to “Major Town Center Review Level I” applications

This has the potential for appearance of fairness issues if there is a development agreement that Council has considered and for the DRB liaison. As you recall when we talked about the existing Town Center code, members of quasi-judicial bodies may not have “ex-parte” (one side only) contact with either proponents of a project or opponents of the project. RCW 42.36.060. If there is ex parte contact the content of the contact must be disclosed at the hearing and the opposing party must be given an opportunity to provide rebuttal information.

SEE OPTION #2 BELOW

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

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

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

13 a. Emailed or sent regular United States Postal Service (USPS) mail to the applicant and
14 members of the public who have submitted written comments regarding the application;

15 b. Sent regular USPS mail to owners of all dwelling units in the city and to all taxpayers
16 of record if different than the dwelling unit address;

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

20 d. Posted on a social media account hosted by the City.

21 9. After the public meeting, the Design Review Board shall deliberate and provide a
22 written recommendation to the City Council that may include approval, conditional approval, or
23 denial of the application. Because the Design Review Board provides only a recommendation,
24 there are no appeals of the Board's recommendation.

25 10. The Department shall submit the staff report and the Design Review Board's
26 recommendation to the City Council for consideration during the open record pre-decision
27 hearing on the Type I permit. The pre-decision hearing shall be scheduled before the City
28 Council, and a notice thereof shall be mailed or emailed to all parties of record by the code
29 administrator no less than 21 days before the date of the hearing.

30 DB. Minor Town Center Design Review.

31 1. The following projects shall be considered applications for Minor Town Center Design
32 Review:

33 a. Construction of a new building, as defined in the International Building Code adopted
34 in Title 15 LFPMC, with gross floor area of 10,000 square feet or less;
35

1 b. Alteration to between 10% and 25 % of the surface area of an existing building façade
2 visible from an adjacent street;

3 c. Addition to an existing building of gross floor area 10 % or less of the existing
4 building's gross floor area;

5 d. Addition to an existing building of 2000 square feet or less; or

6
7 e. The cumulative increase, over a 3-year period, in an existing building meets any of the
8 above thresholds.
9

10 24. A Minor Town Center ("TC") Design Review project shall be classified as a Type III
11 permit application and shall be subject to the applicable processing requirements of Chapter
12 16.26 LFPMC. Provided, however, that a Notice of Application with a 14 day public comment
13 period shall be provided as described in LFPMC 16.26.040(E). The applicant must make
14 application for Minor TC Design Review on forms provided by the Department.

15 32. a. Upon receipt of a complete application for Minor TC Design Review, the
16 Director shall review the application, analyze same for compliance with Chapter 18.42 LFPMC,
17 and issue a final decision pursuant to section 16.26.180 LFPMC and appealable pursuant to
18 section 16.26.190 LFPMC to the City's Hearing Examiner.

19 b. If the application modifies the exterior of an existing building, the Director
20 shall route the application and a staff report to the Design Review Board. The Design Review
21 Board shall deliberate and provide a written recommendation to the Director that may include
22 approval, conditional approval, or denial of the application. Because the Design Review Board
23 provides only a recommendation, there are no appeals of the Board's recommendation. After
24 consideration of the Design Review Board's recommendation, the Director shall issue a final
25 decision pursuant to section 16.26.180 LFPMC, and appealable pursuant to section 16.26.190
26 LFPMC to the City's Hearing Examiner.

27 EC. General - Town Center Design Review

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

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

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

1 4. An approved TC Design Review permit ~~without a phasing plan~~ shall be null and void
2 if the applicant fails to file a complete building permit application(s) for all buildings, and have
3 all valid building permits issued within three (3) years of a final decision being issued and all
4 appeals having been resolved of same, the time periods specified in the final decision by the
5 hearing examiner (Type I) or the Director (Type III).

6 5. Any phasing plan included in a approved TC Design Review application must be
7 negotiated through a Development Agreement as provided in Chapter 18.72 LFPMC. with a
8 phasing plan shall be null and void if the applicant fails to meet the conditions and time
9 schedules specified in the final decision's phasing plan.

10 F. Appeals

11 1. Appeals of Minor Design Review Permit final decisions are appealable pursuant to
12 section 16.26.190 LFPMC to the City's Hearing Examiner.

13 2. There shall be no administrative appeal of the hearing examiner's final decision if the
14 Major Design Review Permit application involves less than 100 dwelling units or less than a
15 three (3) acre project area.

16 3. There shall be a closed record administrative appeal to the City Council of the hearing
17 examiner's final decision if the Major Design Review Permit application involves 100 or more
18 dwelling units or a project area of three (3) acres or more.

19 a. An appeal must be filed within 14 calendar days following issuance of the
20 notice of decision by the hearing examiner. Appeals must be delivered to the city clerk's
21 office by mail or personal delivery by the last business day of the appeal period. For the
22 purposes of computing the time for filing an appeal section 16.26.055 LFPMC shall
23 apply.

24 b. Appeals shall be in writing, be accompanied by an appeal fee as set by the city
25 council, and contain the information required by section 16.26.055 LFPMC. The timely
26 filing of an appeal shall stay the effective date of the decision until such time as the
27 appeal is adjudicated by the City Council. The burden of proof is on the appellant to
28 prove its case by a preponderance of the evidence.

29 c. The City Council shall hold a closed record appeal as described in section
30 16.26.160 LFPMC except this shall be a closed record appeal of a Type III hearing
31 examiner final decision instead of a Type II hearing examiner recommendation. Unless
32 the parties to an appeal have agreed to an extended time period, the administrative appeal
33 shall be completed within 90 days from the date the administrative appeal period closed.

34 d. In deciding the appeal the City Council shall consider the complete record
35 developed before the hearing examiner, the final decision of the hearing examiner, and
36 written briefing and oral argument by the appellant and the applicant based on the record
37 before the hearing examiner. Deadlines, page limits, and oral argument time limits shall

Commented [KAP17]: OPTION #2 FOR COUNCIL DECIDING: This is another option for Council to be included in the administrative permit process. Council would hear any appeals of decisions by the Hearing Examiner. [Appeals of Director decisions are heard by the Hearing Examiner.]

This option also has the potential for appearance of fairness issues

1 be set by the Council Chair based on the complexity of the appeal issues. The Council
2 Chair may hold a prehearing conference with the appellant and the applicant before
3 determining same.

4 e. By mail or email, the City Clerk shall provide 21 days notice of the closed
5 record appeal hearing to all parties of record to the pre-decision hearing before the
6 hearing examiner.

7 f. After the closed record appeal hearing, the City Council shall issue its decision
8 on the appeal. The decision shall include findings of fact upon which the decision was
9 based and the conclusions derived from those facts. The City Council may approve,
10 approve with conditions, deny or remand to the hearing examiner the application. The
11 City Clerk shall mail or email the City Council's written decision to each person who
12 participated in the open record hearing before the hearing examiner. The decision of the
13 City Council is the final decision by the city.

14
15 D. Minor Adjustments.

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

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

20 (ii) the adjustment does not increase floor area by more than 10% or 5,000 square feet,
21 whichever is smaller, and

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

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

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

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

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

33 **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
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.

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

18.42.170 Development Agreement us in Town Center.

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

B. The development agreement shall not include provisions that modify the following requirements in LFPMC 18.42.090 ~~town center design guidelines:~~

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

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

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

Commented [KAP18]: This includes 1. Setbacks, 2. Façade alignment 3. Footprint 4. Base height 5. Bonus height 6. Base height exceptions

Commented [KAP19]: Subsection 3 is deleted because Public benefits must have a development agreement per 18.42.090N.

Chapter 18.72

Development Agreements

18.72.010 Authorized.

Commented [KAP20]: Chapter 18.72 was included in the PC's recommendation to CC. It would be adopted in an ordinance separate from the other TC development regulations so that we do not have more than one subject in an ordinance. As drafted it is applicable to all development regulations in the City.

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

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

11 **18.72.020 Terms and Conditions.**

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

- 16 1. The development agreement conforms to the existing comprehensive plan policies.
- 17 2. The terms of the development agreement are generally consistent with the development
18 regulations of the city then in effect.
- 19 3. Appropriate elements such as permitted uses, residential densities, and nonresidential
20 densities and intensities or structure sizes are adequately provided.
- 21 4. Appropriate provisions are made for the amount and payment of fees agreed to in
22 accordance with any applicable provisions of state law, any reimbursement provisions,
23 other financial contributions by the property owner, inspection fees, or dedications.
- 24 5. Adequate mitigation measures, development conditions, and mitigation requirements
25 under Chapter 43.21C RCW are provided, including monitoring and adjustment of
26 measures and conditions to ensure mitigation is effective.
- 27 6. Adequate and appropriate design standards such as maximum heights, setbacks, drainage
28 and water quality requirements, landscaping, and other development features are provided.
- 29 7. If applicable, targets and requirements regarding affordable housing are addressed.
- 30 8. Provisions are sufficient to assure requirements of parks and preservation of open space.
- 31 9. Interim uses and phasing of development and construction are appropriately provided.
32 The agreement shall clearly state the conditions under which an interim use shall be
33 converted to a permanent use within a stated time period and the penalties for
34 noncompliance if the interim use is not converted to the permanent use in the stated period
35 of time.

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

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

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

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

9 14. Provisions for resolving disputes, review procedures, and standards for implementing
10 decisions.

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

14 **18.72.030 Public hearing, recommendation, decision.**

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

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

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

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

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

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

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

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

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

6 C. The decision of the city council shall be final immediately upon adoption of a resolution
7 authorizing or rejecting the development agreement.
8

9 D. Following approval of a development agreement by the city council, and execution of the
10 same, the development agreement shall be recorded with the King County recorder, at the
11 applicant's expense.
12

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

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

22 G. Pursuant to RCW 36.70B.020, development agreements are not land use applications and are
23 not subject to processing deadlines in Chapter 16.26 LFPMC.
24

25 **18.72.040 Amendments to development agreements.**

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

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

- 32 a. Shall conform to the terms of the development agreement;
- 33 b. Shall not reduce landscaping, buffering, or open space areas;
- 34 c. Shall not reduce setback requirements;
- 35 d. Shall not result in an increase in height of any structure;
- 36 e. Shall not result in a change in ingress or egress; and
- 37 f. Shall not increase any adverse impacts or undesirable effects;

18.72.050 Consistency and flexibility.

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

18.72.060 Exercise of city police power and contract authority.

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

18.72.070 Form.

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