

## Lake Forest Park City Council

### Agenda Cover Sheet

**Meeting Date** 11/12/2020

**Title** Town Center Code Update – Continued Review of Draft Amendments to Planning Commission Recommendations

**Item Type**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> <b>Work Session</b> | <input type="checkbox"/> <b>Ordinances &amp; Resolutions</b> |
| <input type="checkbox"/> <b>Proclamation</b>            | <input type="checkbox"/> <b>Introduction/Referral</b>        |
| <input type="checkbox"/> <b>Special Presentation</b>    | <input type="checkbox"/> <b>Council Discussion</b>           |
| <input type="checkbox"/> <b>Public Hearing</b>          | <input type="checkbox"/> <b>Action</b>                       |
| <input type="checkbox"/> <b>Consent Calendar</b>        | <input type="checkbox"/> <b>Council Discussion/Action</b>    |
| <input type="checkbox"/> <b>Final Confirmation</b>      |  |

**Originating Department** Planning & Building

**Contact Person** Steve Bennett, Planning Director and Kim Adams Pratt, City Attorney

---

#### Legislative History

---

- Council Discussion – Special Committee of the Whole Meeting June 1, 2020
- Council Discussion – Council Work Session June 11, 2020
- Council Discussion – Committee of the Whole Meeting June 22, 2020
- Council Discussion – Council Work Session July 9, 2020
- Council Discussion – Committee of the Whole Meeting July 20, 2020
- Council Discussion – Committee of the Whole Meeting August 10, 2020
- Council Discussion – Council Work Session September 10, 2020
- Council Discussion – Committee of the Whole Meeting September 21, 2020
- Council Discussion – Council Work Session October 8, 2020
- Council Discussion – Committee of the Whole Meeting October 19, 2020

---

#### Attachments:

1. Council draft revisions to Planning Commission 4/14/2020 recommended Town Center Code Update in track changes mode with explanatory/discussion comments
2. November 4, 2020 draft track changes/annotated version of the Planning Commission's 4/14/20 recommended update with additional draft amendments intended to address Deputy Mayor and Council Vice Chair requests (density and open space provisions)

#### Executive Summary

At the June 22<sup>nd</sup> Council Committee of the Whole meeting, Councilmembers began a detailed review of the Planning Commission's recommended changes to Town Center regulations. During the September 10 Committee of the Whole meeting, Council

finished its first review of all of the provisions in the Planning Commission's recommendation. At the September 21st Council Committee of the Whole meeting, Councilmembers began review of draft revisions intended to address Council comments at previous meetings (see Attachment 1). As of the October 19 Committee of the Whole meeting, the Council has completed a second review of the proposed changes to the Town Center regulations.

In a September 16, 2020 memorandum, Deputy Mayor Kassover and Vice-Chair French requested that, by November 10th, the Planning Commission make recommendations on two key issues: maximum residential density and requirements/incentives for open space.

At its October 13 meeting, the Planning Commission considered three different approaches to addressing Deputy Mayor Kassover's and Council Vice Chair French's request for recommendations on density and open space provisions for the Town Center Code Update and agreed on a preferred approach. On October 27th, the Commission had a special meeting and reviewed additional draft changes to its original 4/14 recommendation intended to address the requests from the Deputy Mayor and Council Vice Chair. At its November 10 meeting, the Commission is anticipated to approve a new set of recommended amendments as requested. Attachment 2 contains draft edits intended to address Commission comments from the 10/27 meeting, however, those edits have not been reviewed by the Commission. The Commission's final recommendation will be available November 12<sup>th</sup>.

### **Staff Recommendation**

Continue discussion of draft revisions to the Planning Commission's original recommended updates to the Town Center zoning and review Commission's November 10th additional recommendations on density and open space.

## ATTACHMENT 1

**Edits from 6/22/2020 COW, 7/9/2020 Work Session, 7/20/2020 COW,  
8/10/2020 COW, 9/10/2020 Work Session, 9/21/2020 COW,  
10/8/2020 Work Session, 10/19 COW  
to the Planning Commission Recommended Draft  
of Updates 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.

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 non-voting 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, 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 (drive-throughs, drive-ins) 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. [Automobile-oriented retail sales of foods and commodities does not mean businesses that offer sale of prepared food packaged to be consumed away from their place of business commonly referred to as take-out, carry-out, or to-go.](#)

[18.08.xxx “Charging Levels” means the SAE International standard 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 [SB1]:** 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.

**Commented [KAP2]:** If Council keeps in electric charging infrastructure then we can accept these next 2 edits.

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.**

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

**18.08.565 Public market.**

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

**18.08.599 Retail sales and services.**

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

**18.08.600 Retirement home.**

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

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

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

18.08.XXX “Solar ready” means design and construction to 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.

**Commented [KAP3]:** Definitions that City may want to add when regulating “solar ready”.

## Chapter 18.42

### Town Center

**18.42.010 Purpose.**

**Commented [KAP4]:** No recommendation from Planning Commission.

## 18.42.020 Permitted uses

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

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

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

### 18.42.022 Limitations on use, density, and size. **Council-involvement Option 1**

Every use locating in the TC zone shall be subject to the following further conditions and limitations:

A. Residential uses are not permitted as separate projects; they must be developed in combination with commercial or nonresidential uses as part of a design review permit under LFPMP 18.42.160. Residential uses may not be developed at a density of greater than seven dwelling units per acre, unless the increase in density is included in a development agreement.

B. Commercial and nonresidential uses shall occupy the floor(s) below the residential portion of a mixed use building in order to enhance the quiet and privacy for the residents above when both residential and nonresidential uses occupy the same structure.

C. Business and residential portions of a building must be separated by soundproof walls, floors, equipment, utilities or other suitable architectural features or appurtenances.

**Commented [KAP5]:** Section will need to be renumbered when draft complete.

**Commented [KAP6]:** The specific essential public facility currently planned for the Town Center was added in 8. and deleted in 7. because it was too broad for the purpose of this ordinance.

**Commented [KAP7]:** Staff to provide information to Council regarding a possible unit cap on lodging. See definition in 18.08.351.

**Commented [KAP8]:** From the PC's discussion on 10/27, we believe PC will recommend section A., B. and C be added back into the regulations. They have been included in this draft because 18.42.022 is a place for Council to consider development agreements edits it discussed on 10/19. The development agreement edits are shown in track changes in A. and D.

**Commented [KAP9]:** The requirement for development agreements in A. and D. are **Council-involvement Option 1** regarding including Council in the permit process.

**Option 2** is in 18.42.110.C and **Option 3** is in 18.42.110.F.

1 D. Residential, commercial and/or nonresidential applications for development under this chapter  
2 18.42 must not include more three acres of real property unless the increase in size is included in  
3 a development agreement.

**Commented [KAP10]:** The requirement for development agreements in A. and D. are **Council-involvement Option 1** regarding including Council in the permit process.

4 E. Artisanal/craft production and retail.

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

**Commented [SB11]:** Alternative language for distillery limitation pending

- 30
- 31 F. Business offices and uses rendering professional, personal, and instructional services.
- 32 a. On-site vehicle or tool rentals and similar uses are prohibited.
- 33

34 G. Day care facilities – Type 1 and Type 2.

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

39 H. Retail sales and services and other nonresidential uses.

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



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

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

**18.42.030 Building height.** [recommendation from Planning Commission pending]

**18.42.040 Setbacks.** [recommendation from Planning Commission pending]

~~**18.42.050 Residential Density.** The total number of residential units in the Town Center zone shall not exceed \_\_\_\_\_~~ [recommended language [from Planning Commission regarding density pending](#)]

**18.42.060 Open Space.** [recommendation from Planning Commission pending]

**18.42.070 Signs.** [recommendation from Planning Commission pending]

**18.42.080 Parking.** [recommendation from Planning Commission pending]

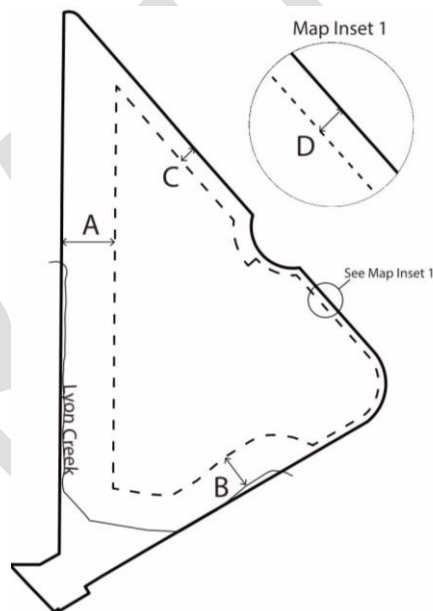
**18.42.090 Freestanding parking structures.**

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

A. Parking structure location and massing.

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

- b. Freestanding parking structures shall be set back a minimum of 100 feet from Lyon Creek. The setback shall be measured from the ordinary high 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. **OPTION A:** Façade alignment. Freestanding parking structures located within ~~100~~<sup>50</sup> 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.

**OPTION B:** Façade alignment. Freestanding parking structures located within 100 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.

**OPTION A.** Underground floors shall not be included in the calculation of the footprint square footage.

**OPTION B.** A full basement floor of the structure (built completely below ground) shall not be included in the calculation of the footprint. A partial basement floor (partially below ground) shall be included in the calculation of the footprint to the extent it is not built underground.

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.

3.4. 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 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 [KAP12]:** 4. and 5. Being left "as is" for further discussion.

**Commented [SB13]:** This potentially allows an additional floor on the upper part of currently proposed site.

4.5. 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).

5.6. 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. <sup>1</sup>Solar 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.
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 [KAP14]:** Motorcycle stall dimensions to be added

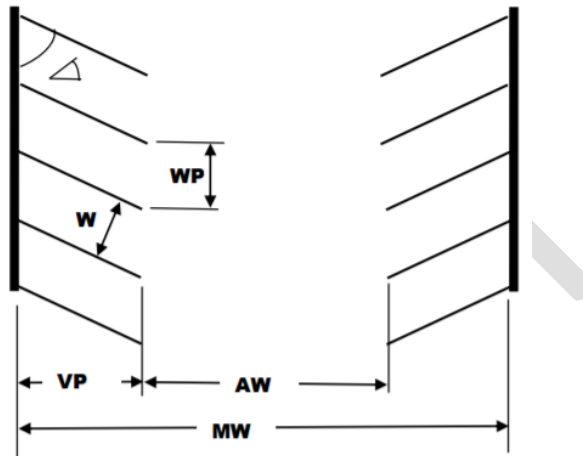
**Table 18.42.090-1: Parking stall dimensions and layout**

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)
55°	10'-8"	52'-0"	18'-8"	14'-8"
60°	10'-1"	53'-6"	19'-0"	15'-6"

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

65°	9'-8"	54'-9"	19'-2"	16'-5"
70°	9'-4"	56'-0"	19'-3"	17'-6"
75°	9'-1"	57'-0"	19'-1"	18'-10"
90°	8'-9"	61'-0"	18'-0"	25'-0"

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



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

**F. 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 18.42.090(M).

**Commented [KAP15]:** Left "as is" but anticipate further discussion by Council.

**G. Bicycle parking and circulation.**

**1. All-day bicycle parking.**

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

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

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

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

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

- 7 4. Bicycle maintenance/repair station. At least one bicycle maintenance/repair  
8 station must be provided in an All-day bicycle parking area, and at least one  
9 bicycle maintenance/repair station must be accessible to short-term bicycle  
10 parking areas.

11 H. Elevator towers and stairwells.

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

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

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

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

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

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

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

31 3. Pedestrian pathways within the structure shall be established through striping,  
32 signage, and/or other markings. Pedestrian pathways shall be established between  
33 pedestrian entries and exits from the freestanding parking garage and existing or  
34 planned sidewalks and pedestrian pathways. At a minimum, the following shall  
35 be provided:

- a. Crosswalks shall be provided at the intersection of any internal access roadways and/or public roadways affected by the freestanding parking structure.
- b. Crosswalks shall be provided across vehicular and bicycle entries and exits.
- c. If pedestrians are likely to walk through a parking lot, a pedestrian pathway and/or signage shall be provided.

4. Where obtaining necessary ownership or easements rights is feasible, A strong pedestrian connections, such as an artistically painted pathway, unique paving pattern or similar treatment, must be provided for pedestrian safety between the freestanding parking structure and public transit connections, and the free standing parking structure and other adjacent land uses in Town Center, all nearby existing sidewalks.

5. The following are prohibited on the first floor in the development of the project:

- a. Entrapment areas where a person could become entrapped with no exit route. Provide two means of ingress and egress from all outdoor spaces.
  - b. Areas that are dark or not visible from a public space.
  - c. Building, vegetation, or other objects (e.g., a storage enclosure) that block visibility into a space or provide places to hide.
  - d. Screens or landscaping that block motorists' views of pedestrians crossing streets, driveways, and vehicle circulation areas.
  - e. Where visibility is necessary to avoid creating an insecure area and to reduce the potential for pedestrian/vehicle collisions, do not plant vegetation that will obstruct views between 3 feet and 8 feet above the ground.
- 4.6. To the extent feasible provide for "passive surveillance," which is the ability of people occupying buildings and public spaces to view all parts of accessible spaces.

**Commented [SB16]:** CPTED provisions based on Southern Gateway Design Guidelines related to security

#### J. Lighting.

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

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

Area	Minimum Horizontal	Minimum Vertical Illuminance at Five Feet	Maximum to Minimum
------	--------------------	---	--------------------



		Illuminance on Floor (Footcandles)	(Footcandles)	Uniformity Ratio
General Parking & Pedestrian Areas		2	1	4:1
Ramps and Corners	Days	2	1	4:1
	Nights	1	0.5	
Entrance Areas	Days	50	25	4:1
	Nights	1	0.5	
Stairways		7 average		

2. 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).

1           ii. The façade parallel or substantially parallel to the front façade of  
2           Lake Forest Park City Hall shall include commercial, public, or  
3           other active use space along the entire façade at the ground level,  
4           except at pedestrian entrances and exits. The frontage shall not be  
5           interrupted by a vehicular entrance.

6           d. Commercial, public, or other active use space provided in excess of the  
7           minimum required by subsection (b), above can be consolidated into a  
8           single façade and can span multiple floors.

9           e. Parking structure ground floors and spaces built out as commercial,  
10          public, or other active uses shall include fire suppressing sprinkler systems  
11          at the time of construction even if not required by the Building and Fire  
12          Codes, as adopted by the City.

13 M. Infrastructure installation.

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

19 N. Public benefits. Public benefits must be provided to qualify for use of the bonus height  
20 provision in LFPMC 18.42.090(A)(5). Use of the bonus height and the public benefit  
21 provided in exchange require a development agreement pursuant to Chapter 18.72  
22 LFPMC. and that the public benefit provided in the development agreement shall be  
23 one of the following:

24 shall be a Major Town Center Design Review project subject to processing under  
25 LFPMC 18.42.110(A) and may be approved by the Hearing Examiner. To receive  
26 approval, the public benefit identified in subsection (1) must be satisfied and at least one  
27 additional public benefit from subsections (2) through (3) must also be satisfied. Public

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

29           a. Public and/or community space(s) shall include at least three of the  
30           following elements: a plaza, viewing platforms, a community room/  
31           meeting space, a rooftop terrace, a community garden, a walking trail,  
32           public art, or similar features/spaces.

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

**Commented [SB17]:** A solar ready provision has been added to N.3 (Public Benefit) below. Council should discuss whether or not solar ready should still be listed as a requirement for parking structures.

e. ~~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.

1 2. Normal maintenance and repair of a building. For example, re-roofing that does not  
2 modify the roof structure, repainting, mechanical equipment replacement, parking lot pavement  
3 patching and stall repainting that does not involve reconfiguration.

4 3. Alteration to a building's exterior non-architectural features such as changing paint  
5 color or exterior texture like stucco. Provided, however, when these exterior elements have been  
6 designated to fulfill a requirement of approval for an application under chapter 18.42. LFPMC  
7 they are not exempt.

8 4. Alteration to less than 10% of the surface area of an existing building façade visible  
9 from an adjacent street. If within a 3-year period the surface area limit is exceeded, future  
10 improvements shall not be exempt based on this exemption.

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

13  
14 **BA. Major Town Center Design Review.**

15 1. The following projects shall be considered applications for Major Town Center ("TC")  
16 Design Review under this chapter:

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

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

34 3. Before applying for Major TC Design Review, the applicant shall attend a pre-  
35 application conference with the Planning Department Director or designee ("Director"). The  
36 conference will be scheduled by the Planning Department ("Department") to occur within 30  
37 days of written request by the applicant. The applicant shall submit a complete application for

1 Major TC Design Review within six (6) months following the conference otherwise a new  
2 conference will be required prior to application. The purpose of this conference is to discuss how  
3 the design guidelines pertain to the proposed development. The applicant shall also address  
4 whether a development agreement will be sought under Chapter 18.72 LFPMC for the project, or  
5 the terms of any applicable development agreement previously executed with the City for the  
6 project.

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

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

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

23 ~~76.~~ After receipt of the staff report, the Design Review Board shall meet with the  
24 Director and the applicant to evaluate the Major TC Design Review application for compliance  
25 with the applicable criteria. This meeting may be continued by the Director or the Design  
26 Review Board for the purposes of clarifying issues, or obtaining additional information, facts, or  
27 documentary evidence.

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

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

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

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

4 ~~(div)~~. Posted on a social media account hosted by the City.

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

9 109. The Department shall submit the staff report and the Design Review Board's  
10 recommendation to the Hearing Examiner for consideration during the open record pre-decision  
11 hearing on the Type I permit. The pre-decision hearing shall be scheduled before the hearing  
12 examiner, and a notice thereof shall be mailed or emailed to all parties of record by the code  
13 administrator no less than 21 days before the date of the hearing.

#### 14 **Council-involvement Option 2**

##### 15 C. Major II Town Center Review Level II

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

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

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

22 2. A Major TC Design Review Level II application shall be classified as a Type I permit  
23 application and shall be subject to the applicable processing and notice requirements of Chapter  
24 16.26 LFPMC except the City Council shall replace the hearing examiner.

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

34 4. An applicant for a development proposal determined by the Director to be subject to  
35 Major TC Design Review Level II shall submit studies or reports that adequately evaluate the  
36 proposal and all probable impacts associated with it. At a minimum, the applicant shall submit a

**Commented [KAP18]: Council-involvement Option 2**  
regarding including Council in the permit process would add  
a "Major Town Center Review Level II" application. We  
would change subsection B. to "Major Town Center Review  
Level I" application, which the hearing examiner would  
decide.

**Option 1** is in 18.42.022. **Option 3** is in 18.42.110.F.  
below.

1 traffic study and internal circulation study prepared by a qualified professional. The Director  
2 may also require the applicant to submit studies addressing other potential impacts including but  
3 not limited to geotechnical, parking, critical areas, trees, and stormwater design (including water  
4 quality analysis).

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

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

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

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

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

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

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

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

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

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

1 Council, 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.

3 DB. Minor Town Center Design Review.

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

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

8  
9 b. Alteration to between 10% and 25 % of the surface area of an existing building façade  
10 visible from an adjacent street;

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

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

14  
15 e. The cumulative increase, over a 3-year period, in an existing building meets any of the  
16 above thresholds.

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

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

27 b. If the application modifies the exterior of an existing building, the Director  
28 shall route the application and a staff report to the Design Review Board. The Design Review  
29 Board shall deliberate and provide a written recommendation to the Director that may include  
30 approval, conditional approval, or denial of the application. Because the Design Review Board  
31 provides only a recommendation, there are no appeals of the Board's recommendation. After  
32 consideration of the Design Review Board's recommendation, the Director shall issue a final  
33 decision pursuant to section 16.26.180 LFPMC, and appealable pursuant to section 16.26.190  
34 LFPMC to the City's Hearing Examiner.

35 EE. General - Town Center Design Review



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

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

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

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

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

### **Council-involvement Option 3**

#### F. Appeals

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

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

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

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

b. Appeals shall be in writing, be accompanied by an appeal fee as set by the city council, and contain the information required by section 16.26.055 LFPMC. The timely filing of an appeal shall stay the effective date of the decision until such time as the

**Commented [KAP19]:** Council-involvement Option 3 calls for Council hearing appeals of decisions by the Hearing Examiner involving 100 or more dwelling units or a project area of three (3) acres or more. [Appeals of Director decisions are heard by the Hearing Examiner.]

1 appeal is adjudicated by the City Council. The burden of proof is on the appellant to  
2 prove its case by a preponderance of the evidence.

3 c. The City Council shall hold a closed record appeal as described in section  
4 16.26.160 LFP MC except this shall be a closed record appeal of a Type III hearing  
5 examiner final decision instead of a Type II hearing examiner recommendation. Unless  
6 the parties to an appeal have agreed to an extended time period, the administrative appeal  
7 shall be completed within 90 days from the date the administrative appeal period closed.

8 d. In deciding the appeal the City Council shall consider the complete record  
9 developed before the hearing examiner, the final decision of the hearing examiner, and  
10 written briefing and oral argument by the appellant and the applicant based on the record  
11 before the hearing examiner. Deadlines, page limits, and oral argument time limits shall  
12 be set by the Council Chair based on the complexity of the appeal issues. The Council  
13 Chair may hold a prehearing conference with the appellant and the applicant before  
14 determining same.

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

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

25  
26 ~~D. Minor Adjustments.~~

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

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

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

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

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

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

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

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

#### 18.42.120 Bonding.

Unless otherwise provided elsewhere in the LFPMP, 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 LFPMP incorporating the Town Center Framework Design Guidelines and other provisions not inconsistent with the Town Center Framework Design Guidelines or other provision of ~~the LFPMP~~ this code.

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

1. Parking structure location and massing, LFPMP 18.42.090.A.,
2. Mixed use, LFPMP 18.42.090.L., except the amount and location of commercial space provided in subsection 1.b. may be modified, and

**Commented [KAP20]:** This includes 1. Setbacks, 2. Façade alignment 3. Footprint 4. Base height 5. Bonus height 6. Base height exceptions

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

**Commented [KAP21]:** Subsection 3 is deleted because Public benefits must have a development agreement per 18.42.090N.

## 4 Chapter 18.72

### 5 Development Agreements

**Commented [KAP22]:** 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 in the City and not contained to Town Center.

#### 6 18.72.010 Authorized.

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

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

#### 17 18.72.020 Terms and Conditions.

18 A. The Director of the Planning Department ("Director"), and such designee as may be  
19 appointed for this purpose by the Mayor, is authorized, but not required, to negotiate acceptable  
20 terms and conditions of the proposed development agreement with due regard for the following  
21 criteria:

- 22 1. The development agreement conforms to the existing comprehensive plan policies.
- 23 2. The terms of the development agreement are generally consistent with the development  
24 regulations of the city then in effect.
- 25 3. Appropriate elements such as permitted uses, residential densities, and nonresidential  
26 densities and intensities or structure sizes are adequately provided.
- 27 4. Appropriate provisions are made for the amount and payment of fees agreed to in  
28 accordance with any applicable provisions of state law, any reimbursement provisions,  
29 other financial contributions by the property owner, inspection fees, or dedications.
- 30 5. Adequate mitigation measures, development conditions, and mitigation requirements  
31 under Chapter 43.21C RCW are provided, including monitoring and adjustment of  
32 measures and conditions to ensure mitigation is effective.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18  
19 D. Following approval of a development agreement by the city council, and execution of the  
20 same, the development agreement shall be recorded with the King County recorder, at the  
21 applicant's expense.

22  
23 E. Because a development agreement is not necessary to any given project or use of real property  
24 under the existing comprehensive plan and development regulations in effect at the time of  
25 making application, approval of a development agreement is wholly discretionary and any action  
26 taken by the city council is legislative only, and not quasi-judicial.

27  
28 F. During the term of an approved development agreement, the agreement is binding on the  
29 parties and their successors, and any permit or approval issued by the city after execution of the  
30 development agreement must be consistent with the development agreement.

31  
32 G. Pursuant to RCW 36.70B.020, development agreements are not land use applications and are  
33 not subject to processing deadlines in Chapter 16.26 LFPMC.

34  
35 **18.72.040 Amendments to development agreements.**

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

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

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

9 **18.72.050 Consistency and flexibility.**

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

28 **18.72.060 Exercise of city police power and contract authority.**

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

34 **18.72.070 Form.**

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

2

DRAFT



## ATTACHMENT 2

### ORDINANCE NO. XXXX

#### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, AMENDING DEVELOPMENT REGULATIONS FOR ; PROVIDING FOR SERVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

**Commented [KAP1]:** This version of the ordinance does not included edits being considered by City Council currently. This is the PC's recommendation to Council from April 2020 with revisions from the Planning Commission shown in track changes and highlighted.

**WHEREAS**, the City of Lake Forest Park ("City") established the Town Center zone in section 18.12.010 Lake Forest Park Municipal Code ("LFPMC") as shown on the City of Lake Forest Park Zoning Map; and

**WHEREAS**, the City's Comprehensive Plan discusses and incorporates Town Center into its policies and goals; and Chapter 18.42 LFPMC describes the purpose, uses allowed, and development regulations applicable within the Town Center zone; and

**WHEREAS**, as part of the \$54 billion Sound Transit 3 ("ST3") package, Sound Transit will plan and build a bus rapid transit (BRT) system in the City, including a stop at Town Center, sidewalks along SR 522, and the possibility of a 300-vehicle park-and-ride garage; and

**WHEREAS**, [Click here to enter text.](#); and

**WHEREAS**, ; and

**WHEREAS**, in July 2018 the City's Planning Commission began the process of considering Comprehensive Plan, development regulation, and design guideline amendments for the Town Center; the adoption of which is a valid exercise of the City's police powers and specifically authorized by Chapter 35A.63 RCW and Chapter 36.70A. RCW; and

**WHEREAS**, on September 12, 2019, the City Council passed Ordinance 1197 adopting a six-month moratorium on the acceptance, processing, and/or approval of permit, short plat, and subdivision applications for properties within the Town Center zone and declaring an emergency; and

**WHEREAS**, on February 27, 2020, the City Council considered and adopted a six-month extension of the moratorium in Ordinance 1205; and

**WHEREAS**, the City's Planning Commission held regular and special public meetings to review and analyze development regulations and design guidelines regarding freestanding garages in the Town Center on September 10, 2019; October 8,

2019, October 28, 2019; November 12, 2019; November 18, 2019; December 2, 2019; December 17, 2019, January 14, 2020; January 27, 2020; February 11, 2020; February 19, 2020; February 25, 2020; \_\_\_\_; and

**WHEREAS**, the Planning Commission also held a public hearing on February 19, 2020, regarding development regulations and design guidelines in the Town Center and made recommendations to the City Council regarding same for a freestanding garage on February 25, 2020 and \_\_\_\_; and

**WHEREAS**, the City Council held regular public meetings to review and analyze development regulations and design guidelines for the Town Center on \_\_\_\_; and

**WHEREAS**, the City Council held a public hearing on \_\_\_\_, 2020 regarding development regulations and design guidelines in the Town Center; and

**WHEREAS**, in accordance with the requirements set forth in RCW 36.70A.106, the City provided the Washington State Department of Commerce notice of the City's intent to adopt the proposed amendments on \_\_\_\_ and received notice that the Department's review was complete on \_\_\_\_; and

**WHEREAS**, Click here to enter text.; and

**WHEREAS**, Click here to enter text.; and

**WHEREAS**, Click here to enter text.; and

**WHEREAS**, Click here to enter text.;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. ADOPT . The City Council of the City of Lake Forest Park hereby adopts Chapter 2.41 LFPMP, Design Review Board, as follows:

**Chapter 2.41**  
**Design Review Board**

**2.41.010 Design Review Board**

A. The Lake Forest Park Design Review Board is hereby created. The Board shall be advisory and have the responsibility of working with the Planning Department Director (Director) and

making recommendations to the Hearing Examiner concerning applications filed under Chapter 18.42 LFPMC.

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

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

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

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

Section 2. AMEND . The City Council of the City of Lake Forest Park hereby amends Chapter 18.08 LFPMC, Definitions, as follows:

...

**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 product 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.

**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 (drive-throughs, drive-ins) 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.

...

**18.08.235 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.

...

**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~~single-family residence providing used the 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.

...

**18.08.324 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. A freestanding parking structure may include parking on the upper (rooftop) level.

...

**18.08.351 Hotels and temporary lodging.**

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

...

**18.08.565 Public market.**

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

...

**18.08.599 Retail sales and services.**

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

**18.08.600 Retirement home.**

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

...

**18.08.642 Town Center Design Review, Major**

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

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

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

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

Section 3. AMEND . The City Council of the City of Lake Forest Park hereby amends Chapter 18.42 LFPMC, Town Center, as follows:

#### **18.42.010 Purpose.**

The intent of the TC zone is to encourage neighborhood and community scale developments and uses which create interesting and vital places for residents of the city and the nearby community. The TC zone should provide for increased diversity for desirable business, commercial, civic, recreation, employment, and housing opportunities, and to enable imaginative site and building design that will encourage pedestrian access to employment opportunities, goods and services. Uses in the TC zone should be developed in a manner that is compatible with the residential character and scale of the city. The TC zone allows and encourages residential uses, but does not require such uses.

#### **18.42.020 Permitted uses—~~Commercial and nonresidential.~~**

~~The following commercial and nonresidential uses are permitted in the TC zone, subject to the off-street parking and landscaping requirements and other general provisions as set forth in this title, except where modified by this chapter:~~

~~A. Retail sales of food and commodities, which involve only incidental and limited fabrication and assembly. Uses excluded from this zone would include auto service stations, sale of gasoline or other fuels, and car washes, repair or sale of heavy equipment, boats, tires and motor vehicles, sale of alcohol for on-premises consumption except in a restaurant with a license from the Washington State Liquor Board;~~

~~B. Business offices and uses rendering professional, personal, and instructional services, such as real estate or insurance brokerages, consultants, medical or dental clinics, technical training, health clubs, and repair of jewelry, eyeglasses, clothing, household appliances and tools, or other such similar uses; excluding vehicle or tool rentals, pet sales and veterinary clinics;~~

~~C. Government buildings and uses, including but not limited to City Hall, police stations, libraries, administrative offices, and other public service uses that are compatible with the intent of the TC zone;~~

~~D. Day care facilities;~~

E. Public utilities.

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

1. Accessory uses – on-site.
2. Artisanal/craft production and retail subject to 18.42.022(A).
3. Assisted housing facilities.
4. Business offices and uses rendering professional, personal, and instructional services subject to 18.42.022(B).
5. Cultural, entertainment, and recreational facilities.
6. Day care facilities – Type I and Type II subject to 18.42.022(C).
7. Essential public facilities.
8. Freestanding parking structures subject to 18.42.095.
9. Government buildings and uses.
10. Hotels and temporary lodging.
11. Instructional institution.
12. Micro-mobility programs including bicycle sharing and scooter sharing and related infrastructure.
13. Multiple-family dwelling units.
14. Public markets/farmers markets.
15. Public utilities.
16. Retail sales and services subject to 18.42.022(D).

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

**18.42.030 Permitted uses— Primary and accessory residential.**

The following residential uses are permitted in the TC zone, subject to the off-street parking and landscaping requirements and other general provisions as set forth in this title, except where modified by this chapter:

A. Multiple dwelling units;

B. Senior citizen apartments;

C. Convalescent, nursing and retirement homes.

**18.42.040 Limitations on use.**

Every use locating in the TC zone shall be subject to the following further conditions and limitations:

A. Residential uses are not permitted as separate projects; they must be developed in combination with commercial or nonresidential uses as part of a design review permit under LFPMC 18.42.160 single site development plan. Residential uses may not be developed at a density of greater than seven dwelling units per acre;

**Commented [KAP2]:** This has been undeleted and edited in track changes.

**Formatted:** Highlight

**Formatted:** Highlight

**Formatted:** Highlight

~~B.~~ Commercial and nonresidential uses shall occupy the floor(s) below the residential portion of a mixed use building in order to enhance the quiet and privacy for the residents above when both residential and nonresidential uses occupy the same structure;

**Commented [KAP3]:** This has been undeleted.

**Formatted:** Highlight

**Formatted:** Highlight

**Formatted:** Highlight

~~C.~~ Individual commercial and nonresidential uses shall contain a maximum of no more than 60,000 square feet per use. Uses greater than 60,000 square feet and not more than 100,000 are only permitted after obtaining a conditional use permit (LFPMC 18.42.050);

**Commented [SB4]:** PC, this section remains deleted because the issue it pertains to is addressed by subsection G.2 below

~~C.D.~~ Business and residential portions of a building must be separated by soundproof walls, floors, equipment, utilities or other suitable architectural features or appurtenances;

**Commented [KAP5]:** This has been undeleted.

**Formatted:** Highlight

**Formatted:** Highlight

**Formatted:** Highlight

~~E.~~ All businesses, services, repair, processing, storage or merchandise displays shall be conducted wholly within an enclosed building except for the following:

1. Off-street parking or loading;

2. Storage and sale of goods in connection with an established use under the provisions of a temporary use permit or special event; and

3. Merchandise displays which are located in the TC zone where proper provision has been made for screening and safe pedestrian and vehicular passage.

~~D.~~ Artisanal/craft production and retail.

**Commented [KAP6]:** This subsection and the next three have been relabeled from A. through D. to D. through G.

1. Artisanal/craft production and retail establishments shall be open to the public and shall include a retail/eating/drinking/tasting component that occupies a minimum of 10 percent of floor area as defined in LFPMC 18.08.320.

2. Artisanal/craft production and retail establishments shall provide street frontage at sidewalk level, a well-marked and visible entrance at sidewalk level, or similar prominent pedestrian access.

3. All production, processing, and distribution activities shall be conducted within an enclosed building.

4. Outdoor storage of materials, equipment, products, or similar items incidental to the production and sale of artisanal or craft goods is prohibited except when the storage meets the following conditions:

i. Outdoor storage of materials, products, or similar items incidental to the production of artisanal or craft goods shall be fully-enclosed and shall be designed in a decorative, aesthetically attractive manner and integrated into the site or building design in a way that contributes to the pedestrian experience and Town Center character.

ii. Outdoor storage of equipment used in manufacturing artisanal or craft goods is not allowed.

5. Applicable state licenses or permits are required for the operation of an artisanal/craft production and retail establishment.



6. The following annual production limits apply to artisanal or craft production of alcoholic beverages:

- i. 100,000 gallons per year for a distillery;
- ii. 15,000 barrels per year for a brewery or cidery;
- iii. 5,000 cases per year for a winery.

E. Business offices and uses rendering professional, personal, and instructional services.

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

F. Day care facilities – Type 1 and Type 2.

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

G. Retail sales and services and other nonresidential uses.

- 1. Commercial or other nonresidential uses shall be separated from residential uses by soundproof materials or suitable architectural features to reduce noise impacts on the residential portion of the building.
- 2. Individual commercial or nonresidential uses shall contain no greater than 50,000 square feet of gross floor area per use. The following exceptions apply:
  - i. Freestanding parking structures meeting requirements in LFPMC 18.42.095.
  - ii. Government buildings and uses.
  - iii. Other uses may exceed the size limitations when authorized by a development agreement.
- 3. The following uses are not permitted as a retail, commercial, or other nonresidential use in the TC zone: automobile-oriented retail sales of food and commodities, auto service stations, sale of gasoline or other fuels, and car washes, repair or sale of heavy equipment, boats, tires and motor vehicles, marijuana retail outlets, sale of alcohol for on-premises consumption except in a restaurant or artisanal/craft production and retail space with appropriate licensing from the State of Washington.

#### **18.42.050 Conditional uses.**

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

Conditional uses are not allowed in the Town Center zone.

#### **18.42.060 Building height.**

The maximum building height limit in the TC zone is not to exceed 30 feet; except that a mixed-use building including residential units may be constructed to a height of no more than 40 feet.

#### **18.42.070 Setbacks.**

Minimum setback requirements in the TC zone shall be:

- A. Front yard, 20 feet;
- B. Side yards, 20 feet; and
- C. Rear yard, 20 feet.

18.42.075 Density. The total number of residential units in the Town Center zone shall not exceed \_\_\_\_\_.

**Commented [SB7]:** This addition from the PC's April recommendation is no longer necessary if 040.A above is restored.

#### **18.42.080 Land coverage.**

The maximum land coverage by all structures, excluding driveways, private walkways and similar impervious surfaces, shall be no more than 45 percent of the total lot area.

#### **18.42.090 Screening and landscaping.**

All sites in the TC zone must have adequate screening and landscaping, subject to the regulations of Chapter 18.62 LFPMC.

#### **18.42.095 Freestanding parking structures.**

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

##### A. Parking structure location and massing.

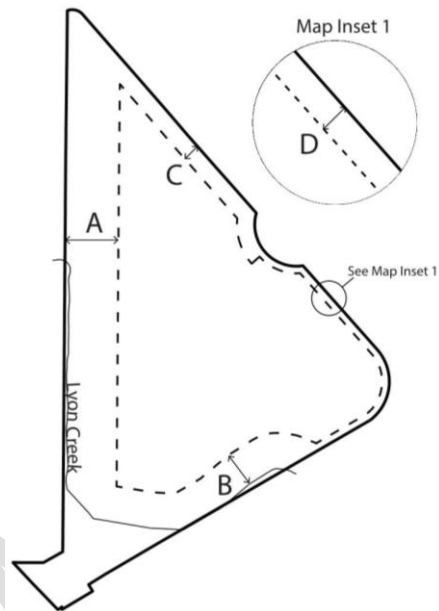
##### 1. Setbacks. The following setback requirements apply to freestanding parking structures:

a. Freestanding parking structures shall be set back a minimum of 150 feet from adjacent residential-zoned property. The setback shall be measured from the adjacent boundary of all residential-zoned property. Refer to distance "A" in Figure 18.42.095-1.

b. Freestanding parking structures shall be set back a minimum of 100 feet from Lyon Creek. The setback shall be measured from the ordinary high water mark of Lyon Creek. Refer to distance "B" in Figure 18.42.095-1.

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 18.42.095-1.

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 18.42.095-1.



**Figure 18.42.095-1. 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.
4. Base height. Freestanding parking structures are limited to 35 feet in height inclusive of the height of parapet walls, guardrails, and similar features. Exemptions are allowed pursuant to LFPMC 18.42.095(A)(6). Height shall be measured from the lowest point of the existing grade.
5. Bonus height. When public benefits are provided pursuant to LFPMC 18.42.095(M), the height of a freestanding parking structure shall be limited to 45 feet in height. Exemptions are allowed pursuant to LFPMC 18.42.095(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 18.42.095(M)(3).

c. Public viewing platforms and covered public use spaces on the structure rooftop which comply with the requirements set forth in LFPMC 18.42.095(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. <sup>1</sup>Solar 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.

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 18.42.095-2, below, and is symbolized with a “W.”

2. Parking stall dimensions and layout in freestanding parking structures shall comply with the criteria in Table 18.42.095-1 below. These criteria shall take precedence over and supersede any conflicting provision of LFPMC 18.58.050. Parking layout dimensions are shown in Figure 18.42.095-2, below.

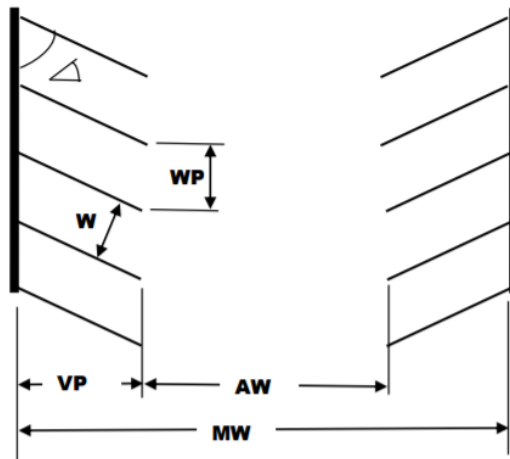
**Table 18.42.095-1: Parking stall dimensions and layout**

<u>Parking Angle</u>	<u>Stall Width Projection (Figure symbol WP)</u>	<u>Module Width<sup>1</sup></u>	<u>Vehicle Projection</u>	<u>Aisle Width</u>
----------------------	--	---------------------------------	---------------------------	--------------------

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

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

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



**Figure 18.42.095-2. 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.

#### H. Elevator towers and stairwells.

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

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

3. Height of stair and elevator towers and mechanical enclosures is regulated pursuant to LFPMC 18.42.095(A)(6).

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

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

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

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

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

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

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

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

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

J. Lighting.

1. Lighting must be provided in accordance with Table 18.42.095-2:

**Table 18.42.095-2. Parking structure lighting standards.**

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

2. 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 18.42.095(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 18.42.095(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 though 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 18.42.095(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 Signs.**

Signs are limited to those provided for in Chapter 18.52 LFPMC.

#### **18.42.110. Parking.**

All parking in the town center shall be provided in accordance with the provisions of Chapter 18.58 LFPMC, except as provided in LFPMC 18.42.095, Freestanding parking structures.

**Commented [KAP8]:** Language highlighted has been added by PC.

#### **18.42.120 Site plan review required—Exceptions.**

~~Except for wireless communications proposed in accordance with Chapter 18.68 LFPMC, all new development and/or significant exterior modifications of existing development within the TC zone shall require a site plan review according to criteria and procedures of LFPMC 18.42.130, unless the applicant chooses to proceed under the optional town center framework design guidelines process established by LFPMC 18.42.140 through 18.42.180.~~

**Commented [KAP9]:** Section has been deleted because a different process has been created for permit review in 18.42.160.

#### **18.42.130. General Design Standards Site plan review—Criteria.**

Site plan review shall be processed as a Type II decision under Chapter 16.26 LFPMC; provided, that the city planning commission shall replace the hearing examiner and perform the responsibilities required of that official by LFPMC 16.26.140 and 16.26.150. The city shall use the following general design standards criteria shall apply in the evaluation and/or conditioning of applications under the town center site plan review process to all development in the Town Center zone, except freestanding garages structures subject to LFPMC 18.42.095 and projects exempt under LFMC 18.42.160.

**Commented [KAP10]:** Renamed and edited.

**Commented [KAP11]:** First sentence deleted because it will go through the new process.

**Commented [KAP12]:** Council is considering a subsection in 18.42.160 that would identify exempt projects.

A. Building Facade Articulation. Projects within the TC zone shall provide building facade articulation with the use of windows, entries, balconies, and/or bays on facades. The following standards shall apply to the articulation:

1. Windows shall be frequent and coordinate with the articulation of entries, bays and balconies;
2. Display windows must line facades facing public streets and sidewalks, with no more than 10 feet of blank nonwindow wall space for every 25 feet of store front;
3. All window frames shall provide a reveal with the exterior finish (i.e., not flush);
4. Reflective glass curtain walls are prohibited;
5. Facades shall not consist of an undifferentiated blank wall when facing a public street or pedestrian connected walkway.

B. Entries. To ensure development in the TC zone is easily visible and accessible to pedestrian and vehicular traffic, the following guidelines shall apply:

1. Primary entries shall be located adjacent to a public street or pedestrian walkway and must be visible from that street or walkway;
2. Entries shall be sheltered with an overhang or portico with a depth of at least four feet.

C. Landscaping.

1. A landscape plan that provides for extensive landscaping of large parking areas or other open areas which can be seen from the street or other pedestrian-oriented areas.
2. A landscaped buffer shall be provided between projects in the TC zone and any abutting RS or RM zoned properties. A combination of landscaping and screening may be used to buffer visual and audible impacts.
3. Landscaped areas shall consist of a combination and variety of deciduous and evergreen vegetation. Native plant species are encouraged.

D. Buildings. The size, shape, texture, and color of buildings may be reviewed to ensure that the purpose and proposed character of the TC zone is preserved.

E. Pedestrian Amenities. Projects in the TC zone are encouraged to incorporate pedestrian amenities into the design and layout of interior and exterior spaces. Pedestrian amenities may include, but are not limited to, benches and low walls or planters at sitting height, alcoves or other small meeting areas, water features and art, covered walkways, and clear pedestrian connections.

F. Height.

1. That the overall aesthetic qualities of the town center as reflected in this section are not diminished.
2. That increased height of existing buildings or the height of new buildings does not have an unreasonable potential to negatively impact use and benefit of natural light within the town center or adjoining areas.
3. That the proposal demonstrates those views from the town center or vicinity properties have been preserved to the extent possible.
4. In the event that the proposal is requesting a height which exceeds 30 feet and no more than 40 feet to provide housing, the proposal shall demonstrate how the increased height results in an overall benefit to the town center through preservation enhancement of public places or environmental resources and furthers the goals and policies of the town center comprehensive plan designation.

#### 18.42.140 Town center framework design guidelines – Adopted ~~Rules of interpretation.~~

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.

**Commented [SB13]:** PC recommends that the 2020 Framework Guidelines for open space square footage be clarified to adopt the larger amount from the 2006 Framework Guidelines Matrix of 20,000 total square feet, "10,000 of which is contiguous, flexible interior space."

~~A. The guidelines contained on pages 14 through 15, 24 through 41 and Appendix 2 of the City of Lake Forest Park "Town Center Framework Design Guidelines," dated September 26, 2005, are adopted as alternate guidelines applicable to applications filed under the optional town center design guideline process and incorporated by reference herein.~~

~~B. Those portions of the "Town Center Framework Design Guidelines" not specifically adopted contain expressions of intent, goals, history and philosophy which form specific guidelines that may be used to interpret the adopted guidelines, in addition to the ordinary rules of statutory interpretation.~~

#### ~~18.82.150 Town Center framework design guidelines— Application— Effect.~~

**Commented [SB14]:** PC, this section is deleted since it is duplicative of PC recommended updates to section .160 below

~~A. Except as otherwise provided, any person who plans to develop or redevelop within the town center zone may apply to have the proposed project processed and reviewed according to LFPMC 18.42.140. An accepted application shall be reviewed under the town center framework design guidelines, which shall take precedence over and supersede any conflicting provision of Chapter 18.42 LFPMC, including provisions incorporated by reference into Chapter 18.42 LFPMC.~~

~~B. The city shall not accept an application submitted for review under LFPMC 18.42.140 that does not propose to develop or redevelop all property in the town center zone owned or controlled by the applicant.~~

#### 18.42.160 Administration.

~~The town center framework design guidelines shall be administered as follows:~~

~~A. The application shall not be processed according to Chapter 16.26 LFPMC, except that LFPMC 16.26.020, Definitions; 16.26.040, Applications; 16.26.240, Rules; and 16.26.250, Hold harmless and indemnification, shall be applicable to the application.~~

~~B. Upon determination by the administration that an application is complete, the application shall be forwarded to the city council which by resolution shall refer the application to a special committee on Towne Centre development of the council. The resolution may appoint the citizen members of the committee, if any, set a schedule for concluding review, provide for extension of the schedule, and reserve to the full city council the right to assume the committee's responsibilities if the committee is unable to complete its mandate within the prescribed time.~~

~~C. In accordance with the city council's resolution forwarding the application, the special committee on Towne Centre development shall review the application, with the assistance of the city administration, for compliance with the town center framework design guidelines, other applicable ordinances, and laws; negotiate the development agreement authorized by LFPMC 18.42.170; and refer the application, the draft development agreement, and the recommendation of the special committee on Towne Centre development to the city council for final decision.~~

~~D. Upon receiving the application, draft development agreement and a recommendation from the special committee on Towne Centre development, the city council shall direct that the application be placed on a council agenda for public hearing and subsequent action.~~

#### 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).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### D. Minor Adjustments.

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

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

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

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

#### **18.42.170 Development agreement.**

A. The applicant and the city shall enter into a development agreement as provided in RCW 36.70B.170 incorporating the town center framework design guidelines, the decision of the city council, and other provisions not inconsistent with the town center design guidelines or other provision of this code.

B. The development agreement may provide for subdivision of the applicant's property to facilitate orderly, economic development of the property. In case of a conflict with any provision of the city's subdivision regulations, LFPMP Title 17, the town center framework design guidelines shall control.

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

B.

B. The development agreement shall not include provisions that modify the following requirements in LFPMP 18.42.095:

1. Parking structure location and massing, LFPMP 18.42.095.A.,
2. Mixed use, LFPMP 18.42.095.L., except the amount of commercial space in subsection 1.b. may be modified, and
3. Public Benefits, LFPMP 18.42.095.M., except the minimum public and/or community space in subsection 1.b. may be modified.

#### **18.42.180 Design departure.**

**Commented [KAP15]:** PC, this language in the second line has been deleted because 18.42.140 recommends the 2020 Framework be incorporated into the code.

**Commented [KAP16]:** Planning Commissioner Fudge has raised a concern that the code is not clear on when a development agreement is necessary. One option would be to add a subsection here that states explicitly that a development agreement is needed when an application seeks approval for a project that requires deviations from any of the following criteria: .040 (residential density and commercial square footage), .060 (height), .070 (setbacks), .080 (land coverage), .095 (parking structure standards), or .130 (building façade, entries, landscaping, building, pedestrian amenities, and height). This list could be trimmed down or added to as the Commission sees fit.

**Commented [KAP17]:** This has been deleted because the new development agreement section in 18.42.170 and chapter 18.72 may be used instead and provides more public process.



A. An applicant may propose an alternative project design that does not strictly comply with the town center framework design guidelines, but is consistent with the intent of the design guidelines. Such a proposal shall be processed as provided in LFPMC 18.42.160. In evaluating the project, the city council shall determine whether the alternative design provides equivalent or superior results when compared with strict compliance with applicable guidelines according to one or more of the following criteria:

1. The alternate enhances multiple uses in the town center;
2. The alternate enhances the pedestrian scale of the town center;
3. The alternate enhances the perimeter of the town center; or
4. The alternate enhances the environmental quality of the town center.

B. The city council may also review, as provided in LFPMC 18.42.160, an alternative project design on the basis of physical constraints of the project site, provided the alternate provides equivalent or superior results when compared with strict compliance with applicable guidelines according to the foregoing criteria.

C. An approved alternate design shall be implemented by a development agreement as provided for in LFPMC 18.42.170 that shall include the reasons for concluding that alternative design provides equivalent or superior results when compared with strict compliance with applicable guidelines.

#### **18.42.190 Bonds or other financial security.**

The city may require a bond or other financial security to ensure compliance with any aspect of a permit or approval under this chapter.

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.

|

Section 4. SEVERABILITY. Should any portion of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. CORRECTIONS. The City Clerk is authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6. EFFECTIVE DATE. This ordinance shall take effect five (5) days after passage and publication.

**APPROVED BY A MAJORITY** of the Lake Forest Park City Council this [click here](#) to enter day of month. day of [Click here to enter month.](#), 2020.

APPROVED:

\_\_\_\_\_  
Jeff Johnson  
Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Evelyn Jahed  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Kim Adams Pratt  
City Attorney

Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Posted: \_\_\_\_\_  
Published: \_\_\_\_\_  
Effective: \_\_\_\_\_