



## MEMORANDUM

TO: Lake Forest Park City Council  
CC: Mayor Jeff Johnson  
City Administrator Phillip Hill  
Planning Director Steve Bennett  
FROM: Kim Adams Pratt  
DATE: December 24, 2020  
RE: Town Center draft code  
ATTACHMENT: Drafts ordinances for Town Center code revisions in track-changes format

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Council attached is one document containing five draft ordinances. We are including them in one document with the thought that it is more convenient for you to review it this way. The following is a list of recent edits and additions to the ordinances.

- Chapter 2.41 Design Review Board (DRB) – no edits since your last review.
- Chapter 2.22 Volunteer Commission System – housekeeping edit to add the DRB.
- Chapter 18.08. Definitions – since your last review definitions for Affordable Housing, Affordable Units, and Boutique Hotel have been added.
- Chapter 18.42 Town Center –
  - 18.42.020A. Boutique hotels have been added as a permitted use.
  - 18.42.040A. Maximum density of 275 with a development agreement has been added.
  - 18.42.040E. Artisan/craft production and retail establishment maximum size of 7000 square feet has been added. The gallon, barrel, and case quantities have been deleted.
  - 18.42.060, .070, .080 .090 have been deleted and moved into .130.
  - 18.42.095A Setbacks for the garage - have been moved to 18.42.130E., all setbacks are now in one place.
  - 18.42.095A.2 Footprint - has been edited to include only the option that seemed to have the most support.
  - 18.42.095A Exceptions to height - deleted the provision for community solar projects, rooftop public viewing platforms and rooftop covered public use spaces. The later two were tied to public benefits, which has been simplified. Solar infrastructure is now a requirement in 18.42.095B., but it is not a "community" solar project.

- 18.42.095E. Motorcycle parking stall provisions have been added.
- 18.42.095F. An Option B has been added to only require replacement stalls if a parking study shows the garage is creating nonconformity with parking code requirements.
- 18.42.095L. Mixed use – For subsection 1, an Option B has been added that allows mixed use but does not require it. This seemed to have some support at the 11/23 CoW.
- 18.42.095M. Electric vehicles - has been edited to include 2% charging stations and 6% infrastructure.
- 18.42.095N. Public benefits – has been edited to move the “green infrastructure” into the Design Guidelines as a requirement. A plaza for use by the public and transit riders has been left as the public benefit required for an increase in height.
- 18.42.110 Parking - has been deleted and moved into .130.
- 18.42.130A. Design – has been edited to refer the user to review the Design Guidelines.
- 18.42.130B. Landscaping - has been edited to included requirements for perimeter landscaping and open space.
- 18.42.130D. Height – maximum height without a development agreement has been edited to 38 feet (approximately 3 floors).
- 18.42.130E. Setbacks- edits to include setbacks for all Town Center and the garage when different. Recommendations for several differences from the garage are included for discussion.
- 18.42.130F. Land coverage – has been edited to include a maximum impervious surface that may be increased with improvements to the Lyon Creek buffer.
- 18.42.135 Affordable Housing – has been added as an “inclusionary zoning” type provision. A multi-family tax exemption (MFTE) chapter is included as a separate ordinance. Council may choose to adopt one or both 18.42.135 and the MFTE chapter.
- 18.42.160 Administration – the option for Council to hear a closed record appeal has been kept and the option for Council to be the initial hearing body has been deleted. This seemed to have the most support.
- 18.42.160B. Minor Review – has been edited to clarify that the DRB will review modifications to existing building exteriors and construction of new buildings.
- Chapter 18.72 Development Agreements – edited to require mailings to all dwelling units in the City and all taxpayers of record.
- Chapter 18.58 Off-Street Parking – additions made for fencing when adjacent to residential uses, and Stream buffer landscaping when adjacent to streams. Low impact development, pathways, and pedestrian amenities added.
- Chapter 18.62. Screening and Landscaping – a “Stream buffer” category of landscaping has been added.

- Chapter 3.23 MFTE - Chapter 84.14 RCW allows eligible cities to establish Multifamily Tax Exemption (MFTE) programs for the purposes of stimulating the construction of new, rehabilitated, or converted multifamily housing, including affordable housing, within areas designated as “residential target areas” by the City Council. In order for an area to be properly designated as a “residential target area,” the City Council must determine that it meets the following statutory criteria:

(1) The area is within an “urban center,” which is defined as a compact identifiable district where urban residents may obtain a variety of products and services, and which contains: (a) several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies; (b) adequate public facilities including streets, sidewalks, lighting, transit, domestic water, and sanitary sewer systems; and (c) a mixture of uses and activities that may include housing, recreation, and cultural activities in association with either commercial or office, or both, use.

(2) The area lacks sufficient available, desirable, and convenient residential housing, including affordable housing, to meet the needs of the public who would be likely to live in the urban center, if affordable, desirable, attractive, and livable places to live were available; and

(3) The provision of additional housing opportunity, including affordable housing, in the area, will assist in achieving one or more of the purposes set forth in [RCW 84.14.007](#).

When a project is located within an established residential target area and approved under a MFTE program, the value of eligible housing improvements for such project is exempted from property taxes, typically for eight (8) or twelve (12) years. Land, existing improvements, and nonresidential improvements are nonexempt. Only multiple-unit projects with 4 or more units are eligible for either the 8- or 12-year exemption, and if the property use changes in a manner inconsistent with MFTE program requirements before the 8- or 12-year exemption period ends, back taxes are recovered based on the difference between actual taxes paid and those that would have been paid without the tax exemption.

To qualify for the longer 12-year exemption period, the property owner(s) *must* commit to renting or selling at least 20% of these units to low- and moderate-income households. An affordable housing component is not statutorily required for an 8-year exemption program, but the City may choose to include an affordability requirement as a public benefit feature if it so desires.

**ORDINANCE NO. XXXX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, AMENDING DEVELOPMENT REGULATIONS FOR THE TOWN CENTER ZONE IN CHAPTERS 18.08 AND 18.42 OF THE LFFPMC AND ADDING CHAPTER 2.41 OF THE LFFPMC REGARDING A DESIGN REVIEW BOARD FOR TOWN CENTER ZONE DEVELOPMENTS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

**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 a 300-vehicle park-and-ride garage; and

**WHEREAS**, beginning in the fall of 2017 and ending in the fall of 2018 the City engaged the public and stakeholders in a visioning process for the Town Center; 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 as a whole as well as a freestanding parking structure; 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 No. 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 No. 1205; and

**WHEREAS**, the City staff, Planning Commission, and City Council continued to study and analyze potential amendments to the City's Town Center development

1 regulations; however, the work was severely hindered and delayed by the outbreak of  
2 the novel coronavirus (COVID-19), for which on January 31, 2020, the U.S. Department  
3 of Health and Human Services declared a public health emergency for COVID-19; on  
4 February 29, 2020, the Governor of the State of Washington proclaimed a State of  
5 Emergency in Washington; on March 5, 2020, the Mayor of the City of Lake Forest Park  
6 declared a local emergency; and on March 12, 2020, the Lake Forest Park City Council  
7 ratified the Mayor's emergency proclamation; and

8  
9 **WHEREAS**, on September 10, 2020, the City Council considered and adopted a  
10 renewal of the moratorium on development in Town Center for an additional six months  
11 in Ordinance No. 1211, which will expire on March 11, 2021 unless extended or  
12 terminated sooner by the City Council; and

13  
14 **WHEREAS**, the City's Planning Commission held regular and special public  
15 meetings to review and analyze development regulations and design guidelines  
16 regarding a freestanding parking structure in the Town Center zone on September 10,  
17 2019; October 8 and 28, 2019; November 12 and 18, 2019; December 2 and 17, 2019;  
18 January 14 and 27, 2020; February 11, 19, and 25, 2020; and April 14, 2020; and

19  
20 **WHEREAS**, the Planning Commission also held a public hearing on February 11,  
21 2020, regarding development regulations and design guidelines in the Town Center  
22 zone and made recommendations to the City Council regarding same for a freestanding  
23 parking structure on April 14, 2020; and

24  
25 **WHEREAS**, the City's Planning Commission held regular and special public  
26 meetings to review and analyze development regulations and design guidelines  
27 regarding the entirety of the Town Center zone on May 12, 2020; June 9, 2020, July 14,  
28 2020; August 11, 2020; September 8, 2020, October 13 and 27, 2020; and November  
29 10, 2020; and

30  
31 **WHEREAS**, the City Council held public meetings to review and analyze  
32 development regulations and design guidelines for the Town Center zone during study  
33 sessions and Committee of the Whole meetings on June 22, 2020; July 9 and 20, 2020;  
34 August 10, 2020; September 10 and 21, 2020; October 8 and 19, 2020, November 12  
35 and 23, 2020; December 10 and 14, 2020; January \_\_\_\_\_ ; and

36  
37 **WHEREAS**, the City Council held a public hearing on November 12, 2020 and  
38 January \_\_\_, 2021 regarding development regulations and design guidelines for the  
39 Town Center zone; and

40  
41 **WHEREAS**, in accordance with the requirements set forth in RCW 36.70A.106,  
42 the City provided the Washington State Department of Commerce notice of the City's  
43 intent to adopt the proposed amendments on \_\_\_\_\_ and received notice that the  
44 Department's review was complete on \_\_\_\_\_; and

1                   **WHEREAS**, a Draft Environmental Impact Statement (“DEIS”) was published in  
2 January 2019 and a Final Environmental Impact Statement (“FEIS”) was issued in  
3 August 2019 regarding alternative development scenarios for the Town Center; and

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

10 **WHEREAS.** Click here to enter text.: and

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

13

14                   **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST**

15                   **PARK WASHINGTON DO ORDAIN AS FOLLOWS:**

16  
17        Section 1. ADOPT . The City Council of the City of Lake Forest Park hereby  
18 adopts Chapter 2.41 LFPMC, Design Review Board, as follows:

## Chapter 2.41 Design Review Board

23 2.41.010 Design Review Board

24 A. The Lake Forest Park Design Review Board is hereby created. The Board shall be  
25 advisory and have the responsibility of working with the Planning Department Director  
26 (Director) and making recommendations to under Chapter 18.42 LFFMC.

27 B. The Board shall be comprised of members with experience in architecture, landscape  
28 architecture, environmental science, urban planning, or urban design. The Board shall  
29 be comprised of five (5) persons whom reside in the city. Members shall serve without  
30 compensation but may be reimbursed for reasonable expenses pursuant to city policies.  
31 The City Council shall appoint a non-voting Councilmember to act as a liaison between  
32 the Board and the City Council.

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

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

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

1        Section 2. AMEND . The City Council of the City of Lake Forest Park hereby  
2 amends Chapter 2.22 LFPMC, Volunteer Commission System, as follows:  
3        ...

4        The following commissions are established that meet the requirements of  
5 LFPMC 2.22.020(B) and their associated and assigned program area responsibilities as  
6 follows:

7        A. Planning Commission. The planning commission shall develop the city's  
8 comprehensive plan and updates for recommendation to the mayor and city council and  
9 perform other duties as required by state law.

10      B. *Repealed by Ord. 1134.*

11      C. *Repealed by Ord. 1134.*

12      D. *Repealed by Ord. 1134.*

13      E. *Repealed by Ord. 1134.*

14      F. Civil Service Commission. Police personnel as required by state law. The additional  
15 duties of this commission shall be defined in the civil service code of the city.

16      G. Design Review Board. The design review board shall review and make  
17 recommendations as required by Chapter 18.42. LFPMC, Town Center.

18  
19  
20        Section 3. AMEND . The City Council of the City of Lake Forest Park hereby  
21 amends Chapter 18.08 LFPMC, Definitions, as follows:  
22  
23      ...  
24  
25  
26

27      **18.08.035 Active ground floor uses.**

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

34      ...

1    **18.08.055 Affordable Housing.**

2    "Affordable housing" means residential housing that is  
3    rented by a person or household whose monthly housing costs, including utilities other  
4    than telephone, do not exceed 30 percent of the household's monthly income.

5

6    **18.08.057 Affordable Unit.**

7    "Affordable unit" means a dwelling unit that is reserved for occupancy by owners or  
8    renters and sold or rented at an affordable price to an eligible household.

9

10    **18.08.105 Artisanal/craft production and retail.**

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

17    **18.08.107 Assisted housing.**

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

22    ...

23    **18.08.131 Automobile-oriented retail sales of food and commodities.**

24    "Automobile-oriented retail sales of food and commodities" means businesses that are  
25    oriented to automobiles (drive-throughs, drive-ins) as well as businesses that are  
26    primarily for the purpose of sales, service, or repair of automobiles such as parts shops,  
27    auto body shops, oil change shops, garages, gasoline/fuel stations, and similar uses.  
28    Automobile-oriented retail sales of foods and commodities does not mean businesses  
29    that offer sale of prepared food packaged to be consumed away from their place of  
30    business commonly referred to as take-out, carry-out, or to-go.

31    ...

32    **18.08.xxx Charging Levels.**

33    "Charging Levels" means the SAE International standard indicators of electrical force, or  
34    voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the  
35    most common EV charging levels, and include the following specifications:

- 36       • Level 1 is considered slow charging.

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

3     ...

4     **18.08.265 Cultural, entertainment, and/or recreational facility.**

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

10    **18.08.270 Day care.**

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

16     ...

17    **18.08.xxx Electric vehicle infrastructure.**

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

21

22    **18.08.XXX Electric vehicle charging stations.**

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

29     ...

30    **18.08.324 Framework.**

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

35    **18.08.325 Freestanding parking structure.**

36    “Freestanding parking structure” means a standalone building or structure of multiple  
37    levels used primarily for parking vehicles and associated with no other primary use. A  
38    freestanding parking structure may include parking on the upper (rooftop) level. A

1 freestanding parking structure does not include an Accessory Use or Accessory  
2 Building as defined in this chapter.

3 ...

4 **18.08.351 Hotel, boutique.**

5 "Hotel, boutique" means a hotel with 100 or fewer guest rooms and may provide food  
6 that is prepared on-site.

Commented [CH1]: Added since 12/14 CoW

7

8 **18.08.3512 Hotels and temporary lodging.**

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

12 ...

13 **18.08.XXX Public art.**

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

18 ...

19

20 **18.08.XXX Public market.**

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

26 ...

27 **18.08.XXX Retail sales and services.**

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

32 **18.08.600 Retirement home.**

33 "Retirement home" means a building or group of buildings designed for the occupancy  
34 of three or more families, living semi-independently from each other, and containing

1 only sleeping units with common kitchen, dining, and recreation facilities; provided, a  
2 retirement home may contain one or more dwelling units for resident staff only.

3 ...

4 **18.08.XXX Solar energy system.**

5 "Solar energy system" means solar energy devices or design features of a building used  
6 for the collection, storage, and distribution of solar energy for space heating, space  
7 cooling, lighting, electric generation, or water heating.

8 ...

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

11

12

13 **18.42.010 Purpose.**

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

23 **18.42.020 Permitted uses—Commercial and nonresidential.**

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

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

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

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

4    ~~D. Day care facilities;~~

5    ~~E. Public utilities.~~

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

8    1. Accessory uses – on-site.

9    2. Artisanal/craft production and retail subject to 18.42.040(E).

10    3. Assisted housing facilities.

11    4. Business offices and uses rendering professional, personal, and  
12    instructional services subject to 18.42.040(F).

13    5. Cultural, entertainment, and recreational facilities.

14    6. Day care facilities – Type I and Type II subject to 18.42.040(G).

15    7. Freestanding parking structures subject to 18.42.095, such as regional  
16    transit authority facilities.

17    8. Government buildings and uses.

18    9. ~~Hotels and temporary lodging~~ Boutique hotels.

Commented [CH2]: Changed since 12/14 CoW

19    10. Instructional institution.

20    11. Micro-mobility programs including bicycle sharing and scooter sharing and  
21    related infrastructure.

22    12. Multiple-family dwelling units.

23    13. Public markets/farmers markets.

24    14. Public utilities.

25    15. Retail sales and services subject to 18.42.040(H).

26    16. Electric vehicle charging stations.

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

30    **18.42.030 Permitted uses – Primary and accessory residential.**

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

34    A. Multiple dwelling units;

35    B. Senior citizen apartments;

36    C. Convalescent, nursing and retirement homes.

37    **18.42.040 Limitations on use, density, and square footage.**

- 1 Every use locating in the TC zone shall be subject to the following further conditions and  
2 limitations:
- 3 A. Residential uses are not permitted as separate projects; they must be developed in  
4 combination with commercial or nonresidential uses as part of a design review permit  
5 under LFPMC 18.42.160~~single site development plan~~. Residential uses may not be  
6 developed at a density of greater than seven dwelling units per acre;~~unless the~~  
7 increase in density is included in a development agreement. The maximum density that  
8 may be included in a development agreement is 275 dwelling units for all of Town  
9 Center.
- 10 B. Commercial and nonresidential uses shall occupy the floor(s) below the residential  
11 portion of a mixed use building in order to enhance the quiet and privacy for the  
12 residents above when both residential and nonresidential uses occupy the same  
13 structure;
- 14 C. ~~Individual commercial and nonresidential uses shall contain a maximum of no more~~  
15 ~~than 60,000 square feet per use. Uses greater than 60,000 square feet and not more~~  
16 ~~than 100,000 are only permitted after obtaining a conditional use permit (LFPMC~~  
17 ~~18.42.050);~~
- 18 D. ~~Business and residential portions of a building must be separated by soundproof~~  
19 ~~walls, floors, equipment, utilities or other suitable architectural features or~~  
20 ~~appurtenances;~~
- 21 D. Residential, commercial and/or nonresidential applications for development under  
22 this chapter 18.42 must not include more than three acres of real property unless the  
23 increase in size is included in a development agreement.
- 24 E. ~~All businesses, services, repair, processing, storage or merchandise displays shall~~  
25 ~~be conducted wholly within an enclosed building except for the following:~~
- 26 1. ~~Off street parking or loading;~~
- 27 2. ~~Storage and sale of goods in connection with an established use under the provisions~~  
28 ~~of a temporary use permit or special event; and~~
- 29 3. ~~Merchandise displays which are located in the TC zone where proper provision has~~  
30 ~~been made for screening and safe pedestrian and vehicular passage.~~
- 31 E. Artisanal/craft production and retail.
- 32 1. Artisan/craft production and retail establishments shall occupy a footprint  
33 not exceeding 7,000 square feet.
- 34 2. Artisanal/craft production and retail establishments shall be open to the  
35 public and shall include a retail/eating/drinking/tasting component that

**Commented [CH3]:** Changed since 12/14 CoW: Recommend controlling potential impacts from these types of uses by restricting size. This suggested is based on average square footage for distillery facilities in King and Snohomish Counties. Quick research indicates this is likely suitable for an urban winery or brewery as well.

occupies a minimum of 10 percent of floor area as defined in LFPMC  
18.08.320.

3. 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.

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

5. 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:

a. 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.

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

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

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

100,000 gallons per year for a distillery;

15,000 barrels per year for a brewery or cidery;

5,000 cases per year for a winery.

**F. Business offices and uses rendering professional, personal, and instructional services.**

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

## G. 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.

#### H. 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.

**Commented [CH4]:** Changed since 12/14 CoW: Recommend deleting this section and allowing State licensing requirements to regulate total production. Production limitations will be difficult for staff to verify and enforce over time.

- 1       2. Individual commercial or nonresidential uses shall contain no greater than  
2       35,000 square feet of gross floor area per use. The following exceptions  
3       apply:  
4           a. Freestanding parking structures meeting requirements in  
5            LFPNC 18.42.095.  
6           b. Government buildings and uses.  
7           c. Other uses may exceed the size limitations when authorized  
8            by a development agreement.  
9  
10       3. The following uses are not permitted as a retail, commercial, or other  
11        nonresidential use in the TC zone: automobile-oriented retail sales of food  
12        and commodities, auto service stations, sale of gasoline or other fuels,  
13        and car washes, repair or sale of heavy equipment, boats, tires and motor  
14        vehicles, marijuana retail outlets, sale of alcohol for onpremises  
15        consumption except in a restaurant or artisanal/craft production and retail  
16        space with appropriate licensing from the State of Washington.  
17

18       **18.42.050 Conditional uses.**

19       Conditional uses and associated development standards, if any, for the TC zone are  
20       these identified in Chapter 18.54 LFPNC, including permitted uses exceeding 60,000  
21       square feet, but not more than 100,000 square feet, and drive-through window services.  
22

23       Conditional uses are not allowed in the Town Center zone.  
24

25       **18.42.060 Building height.**

26       The maximum building height limit in the TC zone is not to exceed 30 feet; except that a  
27       mixed-use building including residential units may be constructed to a height of no more  
28       than 40 feet.  
29

30       **18.42.070 Setbacks.**

31       Minimum setback requirements in the TC zone shall be:  
32       A. Front yard, 20 feet;  
33       B. Side yards, 20 feet; and  
34       C. Rear yard, 20 feet.  
35

36       **18.42.080 Land coverage.**

37       The maximum land coverage by all structures, excluding driveways, private walkways  
38       and similar impervious surfaces, shall be no more than 45 percent of the total lot area.  
39

40       **18.42.090 Screening and landscaping.**

41       All sites in the TC zone must have adequate screening and landscaping, subject to the  
42       regulations of Chapter 18.62 LFPNC.  
43

44       **18.42.095 Freestanding parking structures.**

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

3    A. Parking structure location and massing.

4    Setbacks. The following setback requirements apply to freestanding  
5    parking structures:

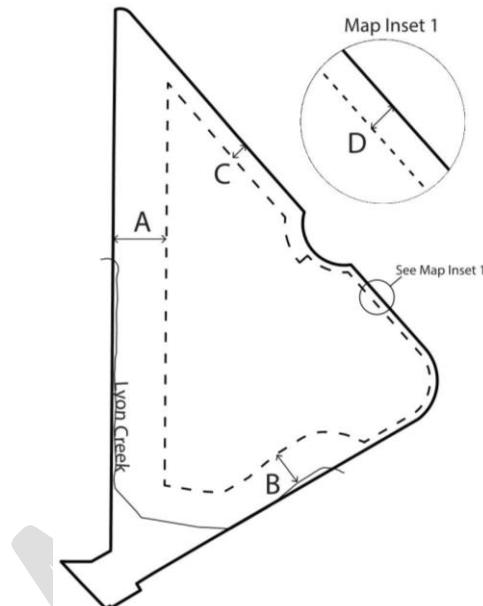
6    Freestanding parking structures shall be set back a minimum of  
7    150 feet from adjacent residential-zoned property. The setback  
8    shall be measured from the adjacent boundary of all residential-  
9    zoned property. Refer to distance "A" in Figure 18.42.095-1.

10    Freestanding parking structures shall be set back a minimum of  
11    100 feet from Lyon Creek. The setback shall be measured from the  
12    ordinary high water mark of Lyon Creek. Refer to distance "B" in  
13    Figure 18.42.095-1.

14    Freestanding parking structures shall be set back a minimum of 50  
15    feet from Ballinger Way (State Route 104) north of the midpoint of  
16    the driveway into Town Center. The setback shall be measured  
17    from the edge of the right-of-way. Refer to distance "C" in Figure  
18    18.42.095-1.

19    In all other places, freestanding parking structures shall be set back  
20    a minimum of 20 feet from the property line. The setback shall be  
21    measured from the edge of the right-of-way. Refer to distance "D"  
22    in Figure 18.42.095-1.

**Commented [CH5]:** Changed since 12/15 CoW: This has moved to 18.42.130.



1  
2  
3  
4 **Figure 18.42.095-1. Minimum setbacks for freestanding**  
5 **parking structures.**

- 6  
7  
8 **1. OPTION A: Façade alignment.** Freestanding parking structures located  
9 within 100 feet of Lake Forest Park City Hall shall protrude no further than  
10 10 feet south of the southern (front) façade of Lake Forest Park City Hall.  
11 Pedestrian weather protection on the first level is exempt from this  
12 requirement.

13  
14 **OPTION B: Façade alignment.** Freestanding parking structures located  
15 within 100 feet of Lake Forest Park City Hall shall protrude no further  
16 south than the southern (front) façade of Lake Forest Park City Hall.  
17 Pedestrian weather protection on the first level is exempt from this  
18 requirement.

- 19  
20 **4.2. Footprint.** The footprint or total area of the first level of the structure  
21 shall not exceed 45,000 square feet. A full basement floor of the structure  
22 (built completely below ground) shall not be included in the calculation of  
23 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 footprint structure shall be inclusive of all  
architectural details, overhangs, decorative elements, and similar features.  
The maximum overall dimensions of the parking structure shall exceed  
neither 350 feet in length nor 150 feet in width.

1       3. Base height.

2       **OPTION A:** No portion of a freestanding parking structure shall exceed 35  
3       feet above existing grade, inclusive of the height of parapet walls,  
4       guardrails, and similar features. Exemptions are allowed pursuant to  
5       LFPMC 18.42.095(A)(6). Height shall be measured from the existing  
6       grade at any point on the perimeter of the structure. Existing grade means  
7       the elevation of the existing ground surface prior to proposed grading,  
8       excavation or fill.

9       **OPTION B:** No portion of a freestanding parking structure shall exceed 35  
10      feet above existing grade, inclusive of the height of parapet walls,  
11      guardrails, and similar features. Exemptions are allowed pursuant to  
12      LFPMC 18.42.095(A)(6). Height shall be measured from the lowest point  
13      of the existing grade. Existing grade means the elevation of the existing  
14      ground surface prior to proposed grading, excavation or fill.

15      4. Bonus height. When public benefits are provided pursuant to LFPMC  
16      18.42.095(N), the height of a freestanding parking structure shall be  
17      limited to 45 feet in height. Exemptions are allowed pursuant to LFPMC  
18      18.42.095(A)(6).

19      5. The following features may exceed the base height provisions and bonus  
20      height provisions if approved as a Major Town Center Design Review  
21      project subject to processing under section LFPMC 18.42.160(C) by the  
22      Hearing Examiner:

- 23      a. Architecturally designed stairway and elevator towers and  
24      mechanical enclosures that are designed as attractive signature  
25      elements of the parking structure.
- 26      b. Public art elements on the rooftop or along the sides of the  
27      building that otherwise are in compliance with the design guidelines  
28      for parking structures.

**Commented [KAP6]:** The allowance to exceed the height for roof top uses has been deleted because referenced roof top uses as a public amenity, which is no longer being considered.

29      B. Solar ready. Freestanding parking structures shall be constructed with a rooftop  
30      solar photovoltaic (PV) or similar Solar Energy System.

**Commented [KAP7]:** Edited after Council discussion at 11/23 CoW.

31      C. Parking decks. The rooftop parking deck shall not exceed a slope of two percent  
32      (2%).

33      D. Parking structure ramps.

- 34      1. Parking structure ramps for internal circulation must be located on the  
35      interior of the parking structure. Exterior parking structure ramps are  
36      prohibited.

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

3           **E. Parking stall dimensions and layout.**

- 4           1. Automobile parking stalls are limited to no less than eight feet and nine  
5           inches in width. The parking width dimension is shown in Figure  
6           18.42.095-2, below, and is symbolized with a "W."
- 7           2. Automobile parking stall dimensions and layout in freestanding parking  
8           structures shall comply with the criteria in Table 18.42.095-1 below. These  
9           criteria shall take precedence over and supersede any conflicting  
10           provision of LFPMC 18.58.050. Parking layout dimensions are shown in  
11           Figure 18.42.095-2, below.

12           **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> (Figure symbol MW)</u>	<u>Vehicle Projection (Figure symbol VP)</u>	<u>Aisle Width (Figure symbol AW)</u>
<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>

13           14           <sup>1</sup>Wall to wall, double-loaded aisle

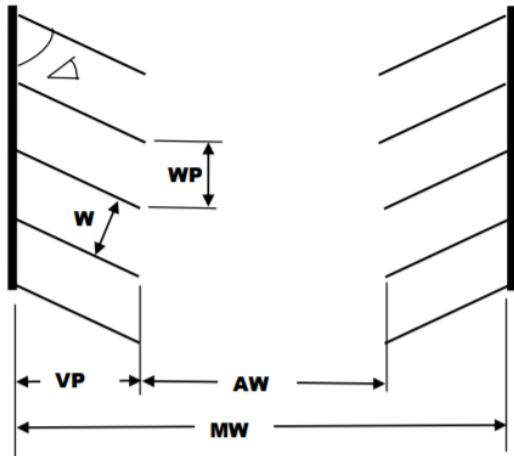


Figure 18.42.095-2. Parking layout dimensions

3. Motorcycle parking.

Commented [KAP8]: Added since 12/14 CoW

- a. Motorcycle parking spaces must be provided within freestanding parking structures as follows:
  - i. At least two motorcycle parking spaces must be provided in all freestanding parking structures containing at least 20 vehicle parking spaces.
  - ii. An additional one motorcycle parking space must be provided for each twenty-five vehicle parking spaces and one motorcycle parking space must be provided for each fraction thereof. For example, 27 vehicle parking spaces require the applicant to provide 2 motorcycle spaces under (i) and 2 motorcycle parking spaces under (ii) for a total of 4 motorcycle parking spaces.
  - iii. After an initial one hundred vehicle parking spaces, only one additional motorcycle parking space must be provided for each additional one hundred required vehicle spaces or fraction thereof. For Example, 250 vehicle parking spaces requires the applicant to provide 2 motorcycle spaces under (i), 8 motorcycle spaces under (ii) and 3 motorcycle spaces under (iii) for a total of 13.
- b. Motorcycle parking spaces may be counted as fulfilling off-street parking requirements at a rate of two motorcycle spaces for one vehicle space. Up to eight motorcycle parking spaces in addition to the minimum may be provided to reduce off-street parking requirements.

- c. Motorcycle parking spaces must have minimum dimensions of four feet in width and seven feet in length.
  - d. Non-residential uses that would not normally have motorcycle-riding visitors or patrons may be exempted from providing motorcycle parking spaces if approved as part of a Major Town Center Design Review, Minor Town Center Design Review, or Development Agreement.

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

1. Option A. 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.

A minimum of ten (10) percent of the parking spaces provided above shall be equipped with electric vehicle infrastructure per section 18.42.095(M).

**Option B.** The applicant shall study whether the construction of the freestanding parking structure causes any lot in the Town Center zone to become nonconforming in terms of the number of parking stalls provided. If it does cause nonconformity, the freestanding parking structure shall include in addition to the transit parking stalls an additional number of non-transit parking stalls to cure the nonconformity.

**Commented [CH9]:** Changed since 12/14 CoW: Deleted; this is addressed by EV-ready language in 18.42.095(M).

#### G. Bicycle and motorcycle 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.
  - d. Bicycle entry/exit must be clearly identified and separately signed and/or marked from automobile traffic.
  - e. Bicycle parking area(s) must be accessed from a logical well-lit path of travel from the bicycle entry/exit.
  - f. Directional signage from the bicycle entry/exit to bicycle parking area(s) must be provided.

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

5       H. Elevator towers and stairwells.

- 6       1. External elevator towers and stairwells, including mechanical enclosures,  
7       must be open to public view through the use of architecturally designed  
8       glazing and/or other transparent features.
- 9       2. Ground floor stairwell areas beneath stairs must be fenced. Alternative  
10       methods for securing such spaces may be authorized by the Director or as  
11       part of a development agreement.
- 12       3. Height of stair and elevator towers and mechanical enclosures is  
13       regulated pursuant to LFPMC 18.42.095(A)(6).

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

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

- 1       4. Where obtaining necessary ownership or easement rights is feasible, a  
 2       strong pedestrian connection, such as an artistically painted pathway,  
 3       unique paving pattern or similar treatment, must be provided for  
 4       pedestrian safety between the freestanding parking structure and other  
 5       adjacent land uses in Town Center.
- 6       5. The following are prohibited on the first floor in the development of the  
 7       project:
- 8       a. Entrapment areas where a person could become entrapped  
 9       with no exit route. Provide two means of ingress and egress from  
 10       all outdoor spaces.
- 11       b. Areas that are dark or not visible from a public space.
- 12       c. Building, vegetation, or other objects (e.g., a storage  
 13       enclosure) that block visibility into a space or provide places to  
 14       hide.
- 15       d. Screens or landscaping that block motorists' views of  
 16       pedestrians crossing streets, driveways, and vehicle circulation  
 17       areas.
- 18       e. Where visibility is necessary to avoid creating an insecure  
 19       area and to reduce the potential for pedestrian/vehicle collisions, do  
 20       not plant vegetation that will obstruct views between 3 feet and 8  
 21       feet above the ground.
- 22       6. To the extent feasible provide for "passive surveillance," which is the  
 23       ability of people occupying buildings and public spaces to view all parts of  
 24       accessible spaces.

25       J. Lighting.

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

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

Area	Minimum Horizontal Illuminance on Floor (Footcandles)	Minimum Vertical Illuminance at Five Feet (Footcandles)	Maximum to Minimum Uniformity Ratio
General Parking & Pedestrian Areas	2	1	4:1
	Days	1	4:1

<u>Ramps and Corners</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. Option A: 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. Commercial, public, or other active use space provided in excess of the minimum required by subsection, above can be consolidated into a single facade and can span multiple floors.

1. Option B: Freestanding parking structures may include space for public, commercial, or other active ground floor uses and pedestrian-oriented uses (“Active Uses”).

**Commented [KAP10]:** c. has been moved up from 2. Because it would only apply to Option A

1       2. The following requirements apply to Active Use spacecommercial, public,  
2       or other active use spaces integrated into freestanding parking structures  
3       located within 50 feet of Lake Forest Park City Hall:

**Commented [KAP11]:** 2. and 3. Would apply to option A or option B.

- 4       i. The structure, including the Active Uses commercial, public,  
5       or other active use space must comply with façade  
6       alignment requirements set forth in LFPMC 18.42.095(A)(2).
- 7       ii. The façade parallel or substantially parallel to the front  
8       façade of Lake Forest Park City Hall shall include Active  
9       Usescommercial, public, or other active use space along the  
10       entire façade at the ground level, except at pedestrian  
11       entrances and exits. The frontage shall not be interrupted by  
12       a vehicular entrance.

13       3. -Parking structure ground floors and spaces built out as Active Use  
14       spacecommercial, public, or other active uses shall include fire  
15       suppressing sprinkler systems at the time of construction even if not  
16       required by the Building and Fire Codes, as adopted by the City.

17       M. Infrastructure installation. A freestanding parking structure shall equip six (6)  
18       percent of its spaces with electric vehicle infrastructure and two (2) percent with  
19       electric vehicle charging stations. If in determining the number of spaces results  
20       in a fraction, the number required shall be rounded to the nearest whole number,  
21       with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding  
22       down.

23

24       N. Public benefits. Public benefits must be provided to qualify for use of the bonus  
25       height provision in LFPMC 18.42.095(A)(5). Use of the bonus height and the public  
26       benefit provided in exchange for same requires a development agreement. The public  
27       benefit provided shall include a plaza on the south side of the structure to accommodate  
28       use by transit riders and the general public.

**Commented [CH12]:** Green infrastructure is now a requirement in Design Guidelines.

**Commented [KAP13]:** This was edited after the 11/23 CoW discussion.

29       **18.42.100 Signs.**

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

31       **18.42.110. Parking.**

32       All parking in the town center shall be provided in accordance with the provisions of  
33       Chapter 18.58 LFPMC.

34       **18.42.120 Site plan review required—Exceptions.**

35       Except for wireless communications proposed in accordance with Chapter 18.68  
36       LFPMC, all new development and/or significant exterior modifications of existing  
37       development within the TC zone shall require a site plan review according to criteria and  
38       procedures of LFPMC 18.42.130, unless the applicant chooses to proceed under the  
39

1 optional town center framework design guidelines process established by LFPMC  
2 18.42.140 through 18.42.180.

3  
4 **18.42.130. General criteria. Site plan review—Criteria.**

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

12 A. Building Design. Facade Articulation Design guidelines for Minor and Major Town  
13 Center Design Review projects as defined in LFPMC 18.42.160, are included in the  
14 Town Center Framework Design Guidelines. Projects within the TC zone shall provide  
15 building facade articulation with the use of windows, entries, balconies, and/or bays on  
16 facades. The following standards shall apply to the articulation:

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

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

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

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

34 C. Landscape.

- 35 1. A landscape plan that provides for extensive landscaping of large parking  
36 areas or other open areas which can be seen from the street or other pedestrian-  
37 oriented areas.  
38 2. A landscaped buffer shall be provided between projects in the TC zone and  
39 any abutting RS or RM zoned properties. A combination of landscaping and screening  
40 may be used to buffer visual and audible impacts.

1           3. Landscaped areas shall consist of a combination and variety of deciduous and  
2 evergreen vegetation. Native plant species are encouraged.

3           4. Landscaping shall be provided as follows:

Commented [CH14]: Added after 12/14 CoW

5           A. Perimeter landscaping.

- 6           1. Adjacent to right-of-way. A minimum 10-foot wide landscape buffer  
7            meeting the requirements for Type 3 landscaping set forth in LFPMC  
8            18.62.080 shall be installed along the property line adjacent to public  
9            rights-of-way; except trees can be clustered or staggered to improve  
10           visibility near driveways and a 30-foot break in the required tree  
11           coverage is allowed adjacent to permitted signage. The City Arborist  
12           can waive or modify this requirement if Type 3 landscaping is  
13           incompatible with existing significant trees along the right-of-way.
- 14           2. Adjacent to residential uses. A minimum 20-foot wide landscape buffer  
15            meeting the requirements for Type 1 landscaping set forth in LFPMC  
16            18.62.080 shall be installed along the property line between proposed  
17            development and adjacent residential-zoned property. A post-and-  
18            beam fence, decorative metal fence, or similar fence with minimum  
19            four-inch openings and consistent with residential character and quality  
20            shall be installed along the property line.
- 21           3. Adjacent to Lyon Creek. A minimum 20-foot wide landscape buffer  
22            meeting the requirements for Stream buffer landscaping set forth in  
23            LFPMC 18.62.080 shall be installed along Lyon Creek. This  
24            requirement supersedes other landscape requirements set forth in this  
25            section.
- 26           4. Adjacent to other uses. A minimum 10-foot wide landscape buffer  
27            meeting the requirements for Type 2 landscaping set forth in LFPMC  
28            18.62.080 shall be installed along the property line between proposed  
29            development and adjacent properties. This requirement does not  
30            apply on interior property lines within the Town Center zone.

32           B. Open space.

- 33           1. Public open space. Development projects in Town Center shall  
34            provide public open space as follows:
- 35            a. A minimum of one quarter-acre of public open space shall be  
36            provided as part of any project that includes: projects identified  
37            in LFPMC 18.42.160(C)(1)(b) and/or (h), site work affecting two  
38            or more acres, or construction of 100 dwelling units or fewer.
- 39            b. After the first 100 dwelling units, additional open space is  
40            required pursuant to Table 18.42.130-1, below:

42           Table 18.42.130-1

Units	Additional Open Space
101-200	5,445 square feet
201-275	5,445 square feet

c. Landscape buffer areas, parking lot landscaping, and residential open space shall not be counted toward this minimum requirement.

2. Residential open space. Development projects including residential uses shall provide residential open space as follows:

a. Common open space for multi-family. Residential development shall include a minimum of 200 square feet of common open space per unit. Common open space can include rooftop decks, interior courtyards, children's play areas, and similar types of open space. Public open space provided pursuant to subsection (1)(a) of this section may be counted toward satisfying this requirement. Landscape buffer area, parking lot landscaping, and private residential open space shall not be counted toward this minimum requirement.

b. Private open space for multi-family. Residential development shall include a minimum of 60 square feet of private open space per unit. Private open space shall be configured as a patio or balcony and shall be not less than six (6) feet in any dimension.

3. Public open spaces provided pursuant to this section shall conform to the following requirements:

- a. Open spaces shall be centrally located and publicly accessible.
- b. Open spaces shall be contiguous.
- c. Open spaces may be configured in geometric and organic (non-geometric) shapes; provided, the smallest dimension of a box that could enclose the open space shall be no less than 80 feet. Refer to Figure 18.42.130-1, below.

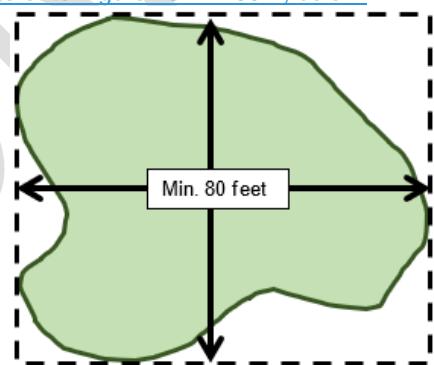


Figure 18.42.130-1: Measuring dimensions of open spaces.

**4. Phased development. In phased developments, all required open space shall be provided in the first phase.**

1           **B-5. Low impact development.** Except in Lyon Creek landscape buffer areas,  
2            required landscape buffers shall include low impact development best  
3            management practices or treatment best management practices as approved  
4            by the Public Works Director pursuant to the stormwater management manual  
5            adopted in LFPMC 16.24.010, unless technically infeasible. Requirements for  
6            plant sizes and spacing may be relaxed for these facilities when supported by  
7            recommendations provided by an arborist, landscape architect, or other  
8            qualified professional.

9  
10          D. Buildings. The size, shape, texture, and color of buildings may be reviewed to ensure  
11          that the purpose and proposed character of the TC zone is preserved.

12  
13          E. Pedestrian Amenities. Projects in the TC zone are encouraged to incorporate  
14          pedestrian amenities into the design and layout of interior and exterior spaces.  
15          Pedestrian amenities may include, but are not limited to, benches and low walls or  
16          planters at sitting height, alcoves or other small meeting areas, water features and art,  
17          covered walkways, and clear pedestrian connections.

18          F. Height.

19            1. The maximum building height limit in the TC zone is 38 feet above existing  
20          grade, measured from the lowest point of the existing grade. Existing grade means the  
21          elevation of the existing ground surface prior to proposed grading, excavation, or fill.  
22            2. Maximum building height is inclusive of the height of parapet walls and similar  
23          features, unless associated with a rooftop use.  
24            3. Maximum building height is exclusive of the following if approved as part of a  
25          Major TC Design Review application:

- 26  
27            a. Public viewing platforms and covered public use spaces on  
28            the structure rooftop, including required guardrails.  
29  
30            b. Public art elements on the rooftop or along the sides of the  
31            building that otherwise are in compliance with the Town Center  
32            Framework Design Guidelines

33  
34            1. That the overall aesthetic qualities of the town center as reflected in this  
35          section are not diminished.  
36            2. That increased height of existing buildings or the height of new buildings does  
37          not have an unreasonable potential to negatively impact use and benefit of natural light  
38          within the town center or adjoining areas.  
39            3. That the proposal demonstrates these views from the town center or vicinity  
40          properties have been preserved to the extent possible.  
41            4. In the event that the proposal is requesting a height which exceeds 30 feet and  
42          no more than 40 feet to provide housing, the proposal shall demonstrate how the  
43          increased height results in an overall benefit to the town center through preservation  
44          enhancement of public places or environmental resources and furthers the goals and  
45          policies of the town center comprehensive plan designation.

**Commented [CH15]:** Changed from optional to mandatory after 12/14 CoW discussion. Discuss benefits of leaving this optional instead of mandatory given the complexity of planning stormwater infrastructure for a site. Allowing an applicant to use the buffer for stormwater management, they will likely try and make it work to free up other space and reduce the size/expense of other stormwater management facilities.

**Commented [KAP16]:** This language in D.2 is taken from the garage code.

**Commented [CH17]:** Changed from 12/14 CoW: Recommend excluding parapet walls and similar features needed for a rooftop use to encourage deck, viewing platform, or other rooftop open space. Including parapet walls in the height would be a disincentive for providing rooftop open space.

1  
2 **E. Setbacks**. The following setback requirements apply to development in Town  
3 Center:

- 4 1. Buildings, except freestanding parking structures, shall be set back a  
5 minimum distance of 40 450 feet from adjacent residential-zoned property.  
6 The setback shall be measured from the adjacent boundary of all  
7 residential-zoned property. Refer to distance "A" in Figure 18.42.130-2.
- 8 2. Buildings shall be set back a minimum of 100 feet from Lyon Creek. The  
9 setback shall be measured from the ordinary high water mark of Lyon  
10 Creek. Refer to distance "B" in Figure 18.42.130-2.
- 11 3. Buildings shall be set back a minimum of 50 feet from Ballinger Way  
12 (State Route 104) north of the midpoint of the driveway into Town Center.  
13 The setback shall be measured from the edge of the right-of-way. Refer  
14 to distance "C" in Figure 18.42.130-2.
- 15 4. In all other places, buildings shall be set back a minimum of 20 feet from  
16 the Town Center zone boundary. The setback shall be measured from the  
17 edge of the right-of-way. Refer to distance "D" in Figure 18.42.130-2.
- 18 5. Freestanding parking structures shall be set back a minimum distance of  
19 150 feet from adjacent residential-zoned property. The setback shall be  
20 measured from the adjacent boundary of all residential-zoned property.  
21 Refer to distance "F" in Figure 18.42.130-2.
- 22 6. Interior property line setbacks are 0 feet.

**Commented [CH18]:** Moved from 18.42.095 and edited after 12/14 CoW to work with all development rather than just freestanding parking structures.

**Commented [CH19]:** Changed since 12/14 CoW: Originally required 150-foot setback. Current code requires 20 foot setback and current development is ~40' from property line. PC set garage setback at 150 to push garage eastward, to minimize potential impacts from noise, lights, emissions. Recommend reducing this to 40 feet for all non-parking garage uses.

**Commented [CH20]:** Recommend making this 50-foot distance applicable only to freestanding parking structures and allowing all other development to have 20 foot setback requirements. This would be consistent with current setback requirements and proposed setbacks on the southern portion of Ballinger Way while still maintaining PC's recommendation re: parking structures.

**Commented [CH21]:** Added since 12/14 CoW for clarity.

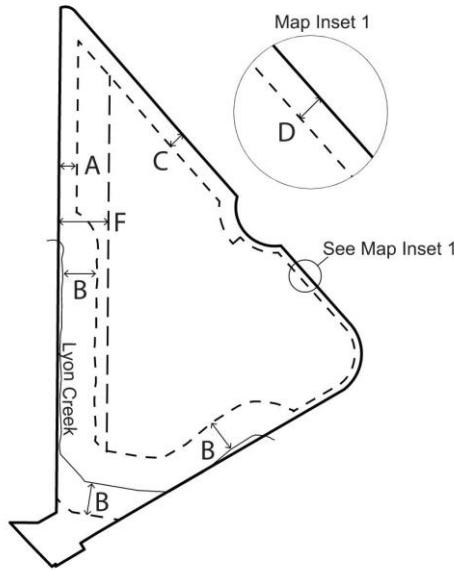


Figure 18.42.130-2. Minimum setbacks in Town Center zone.

**Commented [CH22]:** New graphic showing suggested revisions to setbacks from residential zoning.

7. Intrusions into setback areas. The following structures may be located within a setback, excluding setbacks from Lyon Creek:
- a. Utilities which are underground and accessory to a principal use;
  - b. Walkways, stairs and steps, driveways, internal access roadways, and parking spaces which do not exceed 30 inches above finished grade;
  - c. Irrigation systems at or below grade, including hydrants, sprinkler heads, and similar features that do not exceed 36 inches above finished grade;
  - d. Foundation footings where the footing structure is located entirely below the ground surface;
  - e. Low impact development best management practices or treatment best management practices provided:
    - i. The low impact development features are designed, constructed, and maintained in accordance with the stormwater management manual adopted under LFPMC 16.24.010; and

**Commented [CH23]:** Added since 12/14 CoW. Suggested just for clarity. These features would be allowed in setbacks *but not in landscape buffers*. This is typical of how setbacks are treated elsewhere in LFP.

ii. The maximum height of any structural element associated with the low impact development feature shall not exceed 30 inches above finished grade.

## F. Land Coverage

1. The maximum impervious surface area shall be no more than 65 percent of the total lot area.

## 2. Modification for Improvements to Lyon Creek Stream Buffer.

- a. Maximum impervious surface area may be increased when additional landscaping exceeding the minimum requirements set forth in LFPMC 18.42.130(A)(3) is provided along Lyon Creek. The maximum impervious surface area may be increased by two and one-half (2.5) percent for each additional five (5) feet of Stream landscape buffer provided with the project. To qualify for this increase, provided landscape buffer must meet the requirements for Stream landscaping set forth in LFPMC 18.62.080(D).
  - b. When soft-surface walking paths within the additional buffer area set forth in subsection (a) of this section are provided, the maximum impervious surface area may be increased by an additional five (5) percent. The planting standards set forth in LFPMC 18.62.080(D) may be modified by the City Arborist if necessary to accommodate the soft-surface walking path.
  - a.c. In no case shall the maximum impervious surface area exceed 75 percent of the total lot area.

### 18.42.135 Affordable Housing.

**A. Purpose.** There is limited land area within the City zoned and available for multi-family residential development and there is a need in the metropolitan region for expanded housing choices, including affordable housing. This section sets forth minimum housing requirements and provides development incentives in exchange for the public benefit of providing affordable housing units at Town Center.

B. Minimum Requirement. All developments creating four (4) or more new dwelling units at Town Center shall provide at least 10 percent of the units as affordable housing units to either of the following:

- i1. owners at or below 80 percent of King County median household income, adjusted for household sized, and where no more than thirty percent of the monthly household income is paid for monthly housing expenses (rent and appropriate utility allowance); or

i2. renters at or below 50 percent of King County median income household income, adjusted for household sized, and where no more than thirty percent of the monthly household income is paid for monthly housing expenses (rent and appropriate utility allowance);

TC Code Update 12-24-2020 Draft – track changes

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**Commented [CH24]:** Added since 12/14 CoW. Refer to Development Scenario Calculation spreadsheet.

**Commented [CH25]:** Current regulations specify up to 45% *building coverage*. Recommend changing to total impervious surface coverage limits, which includes building coverage.

**Commented [CH26]:** Suggested to "buy back" in increase to Lyon Creek stream buffer area, plus an option to integrate a walking path to make Lyon Creek a centerpiece for people to enjoy in the development.

**Commented [KAP27]:** Jae Hill has explained that if Council adopts the Multifamily Tax Exemption, developers would likely build for-sale units paired with the 12-year MFTE and the City would not see any rental units at 50% AMI. We may want to tweak this to encourage lower AMI rental units, such as extra bonus units, or put this in the 8-year MFTE as 10%@50AMI

1    C. Rounding. The number of affordable housing units required is determined by  
2    rounding up to the next whole number of units if the fraction of the whole number is at  
3    least 0.50

4  
5    D. Bonus Units to Affordable Units Ratio. One additional units ("bonus unit") may be  
6    constructed for each affordable housing unit provided.

7  
8    E. Maximum Unit Bonuses. The maximum number of bonus units achieved through the  
9    affordable housing incentive shall be 15 percent of the number of units allowed.

**Commented [KAP28]:** 15% of 120 base units would add 38 units. 19 would be affordable and 19 would be fair market.

10  
11    F. Structure Height. Maximum height for structures containing affordable housing  
12    units may be increased by up to one story as long as the structure overall complies with  
13    all applicable building code and fire protection requirements.

14  
15    G. Additional affordable housing requirements.

16  
17    1. Location and mix. Prior to the issuance of any permit(s), the City shall review and  
18    approve the location and unit mix of the affordable housing units consistent with the  
19    following standards:

- 20    a. The affordable housing units shall be intermingled with all other dwelling units in  
21    the development.
- 22    b. The type of ownership of the affordable housing units shall be the same as the  
23    type of ownership for the rest of the housing units in the development.
- 24    c. The affordable housing units shall consist of a range of number of bedrooms that  
25    are comparable to units in the overall development.
- 26    d. The size of the affordable housing units, if smaller than the other units with the  
27    same number of bedrooms in the development, shall not be more than 10  
28    percent smaller than the comparable dwelling units in the development, based on  
29    number of bedrooms, or less than 500 square feet for a 1-bedroom unit, 700  
30    square feet for a 2-bedroom unit, or 900 square feet for a 3-bedroom unit,  
31    whichever is less.
- 32    e. The affordable housing units shall be available for occupancy in a time frame  
33    comparable to the availability of the rest of the dwelling units in the development.
- 34    f. The exterior design of the affordable housing units must be compatible and  
35    comparable with the rest of the dwelling units in the development.
- 36    g. The interior finish and quality of construction of the affordable housing units shall  
37    at a minimum be comparable to entry level rental or ownership housing in the  
38    City of Lake Forest Park.

39  
40    2. Affordability Agreement. Prior to issuing a certificate of occupancy, an  
41    agreement consistent with the requirements of this section and in a form acceptable  
42    to the City Attorney that addresses price restrictions, homebuyer or tenant  
43    qualifications, long-term affordability, and any other applicable topics of  
44    the affordable housing units shall be recorded with King County Recorder's Office.  
45    This agreement shall be a covenant running with the land and shall be binding on  
46    the assigns, heirs and successors of the applicant.

1  
2     3. Length of Time of Affordable Housing Status. Affordable housing units that are  
3     provided under this section shall remain as affordable housing for a minimum of 30  
4     years from the date of initial owner occupancy for ownership affordable housing  
5     units and for the life of the project for rental affordable housing units.

6  
7     H. Regulatory monitoring and evaluation. At least every three (3) years, the City  
8     Planning and Building Department shall submit a report that tracks the use of these  
9     regulations to the City Council.

10  
11  
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13  
14     **18.42.140 Town center framework design guidelines – Adopted –~~Rules of~~**  
15     **interpretation.**

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

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

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

28     **18.82.150 Town Center framework design guidelines – Application – Effect.**

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

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

38     **18.42.160 Administration.**

- 1 The town center framework design guidelines shall be administered as follows:
- 2 A. The application shall not be processed according to Chapter 16.26 LFPMC, except  
3 that LFPMC 16.26.020, Definitions; 16.26.040, Applications; 16.26.240, Rules; and  
4 16.26.250, Hold harmless and indemnification, shall be applicable to the application.
- 5 B. Upon determination by the administration that an application is complete, the  
6 application shall be forwarded to the city council which by resolution shall refer the  
7 application to a special committee on Towne Centre development of the council. The  
8 resolution may appoint the citizen members of the committee, if any, set a schedule for  
9 concluding review, provide for extension of the schedule, and reserve to the full city  
10 council the right to assume the committee's responsibilities if the committee is unable to  
11 complete its mandate within the prescribed time.
- 12 C. In accordance with the city council's resolution forwarding the application, the special  
13 committee on Towne Centre development shall review the application, with the  
14 assistance of the city administration, for compliance with the town center framework  
15 design guidelines, other applicable ordinances, and laws; negotiate the development  
16 agreement authorized by LFPMC 18.42.170; and refer the application, the draft  
17 development agreement, and the recommendation of the special committee on Towne  
18 Centre development to the city council for final decision.
- 19 D. Upon receiving the application, draft development agreement and a recommendation  
20 from the special committee on Towne Centre development, the city council shall direct  
21 that the application be placed on a council agenda for public hearing and subsequent  
22 action.
- 23 A. The following projects are exempt from review under this chapter 18.42 LFPMC:
- 24 1. Interior modifications that do not alter the exterior surface of a building.
- 25 2. Normal maintenance, repair, and replacement in-kind. For example, re-roofing  
26 that does not modify the roof structure, repainting, mechanical equipment replacement,  
27 parking lot pavement patching and stall repainting that does not involve reconfiguration.
- 28 3. Alteration to a building's exterior non-architectural features such as changing  
29 paint color or exterior texture like stucco. Provided, however, when these exterior  
30 elements have been designated to fulfill a requirement of approval for an application  
31 under chapter 18.42. LFPMC they are not exempt.
- 32 4. Alteration to less than 10% of the surface area of an existing building façade  
33 visible from an adjacent street. If within a 3-year period the surface area limit is  
34 exceeded, future improvements shall not be exempt based on this exemption.

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

4

5       B. Minor Town Center Design Review.

6

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

- 9           a. Construction of a new building, as defined in the International Building Code  
10        adopted in Title 15 LFPMC, with gross floor area of 10,000 square feet or less;
- 11           b. Alteration to between 10% and 25 % of the surface area of an existing building  
12        façade visible from an adjacent street;
- 13           c. Addition to an existing building of gross floor area 10 % or less of the existing  
14        building's gross floor area;
- 15           d. Addition to an existing building of 2000 square feet or less; or
- 16           e. The cumulative increase, over a 3-year period, in an existing building which  
17        meets any of the above thresholds.

18

19

20

21       2. A Minor Town Center ("TC") Design Review project shall be classified as a  
22       Type III permit application and shall be subject to the applicable processing  
23       requirements of Chapter 16.26 LFPMC. Provided, however, that a Notice of Application  
24       with a 14 day public comment period shall be provided as described in LFPMC  
25       16.26.040(E). The applicant must make application for Minor TC Design Review on  
26       forms provided by the Department.

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34       a. Upon receipt of a complete application for Minor TC Design Review, the  
35       Director shall review the application, analyze same for compliance with Chapter  
36       18.42 LFPMC, and issue a final decision pursuant to section 16.26.180 LFPMC  
37       and appealable pursuant to section 16.26.190 LFPMC to the City's Hearing  
38       Examiner.

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

3       a. Construction or alteration of a freestanding parking structure as defined in  
4       chapter 18.08 LFPMC;

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

7       c. Alteration to more than 25% of the surface area of an existing building façade  
8       visible from an adjacent street;

9       d. Alteration to an architectural feature of an existing building such as awnings,  
10      balconies, cornices, friezes, bay windows, roof decks, and trellises;

11      e. Alteration to outdoor plazas or open space;

12      f. Addition to an existing building of gross floor area greater than 10 % of the  
13      existing building's gross floor area;

14      g. Addition to an existing building of more than 2000 square feet;

15      h. Addition to an existing building of another story; or

16      i. The cumulative increase, over a 3-year period, in an existing building exceeds  
17      any of the above thresholds.

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

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

31       4. An applicant for a development proposal determined by the planning director  
32       to be subject to Major TC Design Review shall submit studies or reports that adequately  
33       evaluate the proposal and all probable impacts associated with it. At a minimum, the

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

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

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

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

23  
24   8. The Design Review Board shall hold a public meeting regarding the  
25   application. At the public meeting, the applicant shall have an opportunity to make a  
26   presentation and the public shall be allowed to comment. At the applicant's expense,  
27   notice of the public meeting shall be provided at least 21 days prior to the public  
28   meeting as follows:

29     a. Emailed or sent regular United States Postal Service (USPS) mail to the  
30     applicant and members of the public who have submitted written comments regarding  
31     the application;  
32     b. Sent regular USPS mail to all dwelling units in the city and to all taxpayers of  
33     record if different than the dwelling unit address;  
34     c. Published in the City's website on its News Flash page, the Notices-and-  
35     Announcements page, and the City's calendar as these website pages are amended or  
36     replaced by the City with similar electronic notification methods; and  
37     d. Posted on a social media account hosted by the City.

38  
39   9. After the public meeting, the Design Review Board shall deliberate and provide  
40   a written recommendation to the Hearing Examiner that may include approval,  
41   conditional approval, or denial of the application. Because the Design Review Board  
42   provides only a recommendation, there are no appeals of the Board's recommendation.

43  
44   10. The Department shall submit the staff report and the Design Review Board's  
45   recommendation to the Hearing Examiner for consideration during the open record pre-  
46   decision hearing on the Type I permit. The pre-decision hearing shall be scheduled

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

4

5 E. Appeals.

- 6 1. Appeals of Minor Design Review Permit final decisions are appealable  
7 pursuant to section 16.26.190 LFPMC to the City's Hearing Examiner.
- 8 2. There shall be no administrative appeal of the hearing examiner's final  
9 decision if the Major Design Review Permit application involves less than 100 dwelling  
10 units or less than a three (3) acre project area.
- 11 3. There shall be a closed record administrative appeal to the City Council of the  
12 hearing examiner's final decision if the Major Design Review Permit application involves  
13 100 or more dwelling units or a project area of three (3) acres or more.
- 14 a. An appeal must be filed within 14 calendar days following issuance of  
15 the notice of decision by the hearing examiner. Appeals must be delivered to the  
16 city clerk's office by mail or personal delivery by the last business day of the  
17 appeal period. For the purposes of computing the time for filing an appeal section  
18 16.26.055 LFPMC shall apply.
- 19 b. Appeals shall be in writing, be accompanied by an appeal fee as set by  
20 the city council, and contain the information required by section 16.26.055  
21 LFPMC. The timely filing of an appeal shall stay the effective date of the decision  
22 until such time as the appeal is adjudicated by the City Council. The burden of  
23 proof is on the appellant to prove its case by a preponderance of the evidence.
- 24 c. The City Council shall hold a closed record appeal as described in  
25 section 16.26.160 LFPMC except this shall be a closed record appeal of a Type  
26 III hearing examiner final decision instead of a Type II hearing examiner  
27 recommendation. Unless the parties to an appeal have agreed to an extended  
28 time period, the administrative appeal shall be completed within 90 days from the  
29 date the administrative appeal period closed.
- 30 d. In deciding the appeal the City Council shall consider the complete  
31 record developed before the hearing examiner, the final decision of the hearing  
32 examiner, and written briefing and oral argument by the appellant and the  
33 applicant based on the record before the hearing examiner. Deadlines, page  
34 limits, and oral argument time limits shall be set by the Council Chair based on  
35 the complexity of the appeal issues. The Council Chair may hold a prehearing  
36 conference with the appellant and the applicant before determining same.
- 37 e. By mail or email, the City Clerk shall provide 21 days notice of the  
38 closed record appeal hearing to all parties of record to the pre-decision hearing  
39 before the hearing examiner.
- 40 f. After the closed record appeal hearing, the City Council shall issue its  
41 decision on the appeal. The decision shall include findings of fact upon which the  
42 decision was based and the conclusions derived from those facts. The City  
43 Council may approve, approve with conditions, deny or remand to the hearing

1           examiner the application. The City Clerk shall mail or email the City Council's  
2           written decision to each person who participated in the open record hearing  
3           before the hearing examiner. The decision of the City Council is the final decision  
4           by the city.

5  
6           **F. General - Town Center Design Review**

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

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

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

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

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

24           **18.42.170 Development agreement.**

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

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

33  
34           A. The applicant and the city may enter into a development agreement as provided in  
35           Chapter 18.72 LFPMC with terms consistent with the Town Center Framework Design  
36           Guidelines and other provision of the LFPMC.

37  
38           B. The development agreement shall not include provisions that modify the following  
39           requirements in LFPMC 18.42.095:

40  
41           1. Parking structure location and massing, LFPMC 18.42.095.A..

1       2. Mixed use, LFPMC 18.42.095.L., except the amount and location of  
2       commercial space may be modified, and  
3

4       **18.42.180 Design departure.**

5  
6       A. An applicant may propose an alternative project design that does not strictly comply  
7       with the town center framework design guidelines, but is consistent with the intent of the  
8       design guidelines. Such a proposal shall be processed as provided in LFPMC  
9       18.42.160. In evaluating the project, the city council shall determine whether the  
10      alternative design provides equivalent or superior results when compared with strict  
11      compliance with applicable guidelines according to one or more of the following criteria:

- 12  
13     1. The alternate enhances multiple uses in the town center;  
14     2. The alternate enhances the pedestrian scale of the town center;  
15     3. The alternate enhances the perimeter of the town center; or  
16     4. The alternate enhances the environmental quality of the town center.

17  
18     B. The city council may also review, as provided in LFPMC 18.42.160, an alternative  
19     project design on the basis of physical constraints of the project site, provided the  
20     alternate provides equivalent or superior results when compared with strict compliance  
21     with applicable guidelines according to the foregoing criteria.

22  
23     C. An approved alternate design shall be implemented by a development agreement as  
24     provided for in LFPMC 18.42.170 that shall include the reasons for concluding that  
25     alternative design provides equivalent or superior results when compared with strict  
26     compliance with applicable guidelines.

27       **18.42.1890 Bonds or other financial security.**

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

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

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

- 35  
36       1. With good and sufficient surety rated A or better;  
37       2. By a surety company authorized to transact business in the state;  
38       3. Satisfactory to the city attorney in form and substance; and  
39  
40       4. In an amount sufficient to guarantee that all required improvements and  
41       mitigation measures will be completed in a manner that complies with conditions of  
42       approval.

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

5  
6  
7       **Section 4. SEVERABILITY.** Should any portion of this ordinance, or its  
8 application to any person or circumstance, be declared unconstitutional or otherwise  
9 invalid for any reason, such decision shall not affect the validity of the remaining  
10 portions of this Ordinance or its application to other persons or circumstances.

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

16  
17       Section 6. EFFECTIVE DATE. This ordinance shall take effect five (5) days after  
18 passage and publication.

APPROVED:

---

Jeff Johnson  
Mayor

### 30 ATTEST/AUTHENTICATED:

33  
34 Evelyn Jahed  
35 City Clerk

37 APPROVED AS TO FORM:

41 Kim Adams Pratt  
42 City Attorney

44      Introduced: \_\_\_\_\_  
45      Adopted: \_\_\_\_\_  
46      Posted: \_\_\_\_\_

1      Published: \_\_\_\_\_  
2      Effective: \_\_\_\_\_  
3  
4

DRAFT

**ORDINANCE NO. XXXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
LAKE FOREST PARK, WASHINGTON, CREATING  
CHAPTER 18.72 LFPMC, DEVELOPMENT AGREEMENTS;  
PROVIDING FOR SEVERABILITY, AND PROVIDING AN  
EFFECTIVE DATE.**

**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 18.72 LFPMC, Development Agreements, as follows:

## Chapter 18.72

## Development Agreements

## 18.72.010 Authorized.

34 A. The city may enter into a development agreement with a person having ownership or  
35 control of real property within its jurisdiction. The city may enter into a development  
36 agreement for real property outside its boundaries as part of a proposed annexation or  
37 a service agreement. A development agreement must set forth the development  
38 standards and other provisions that shall apply to and govern and vest the  
39 development, use, and mitigation of the development of the real property for the  
40 duration specified in the agreement. B. Pursuant to RCW 36.70B.170 through  
41 36.70B.210, as amended, a person or entity having ownership or control of real property  
42 within the city may file an application for a development agreement with the Planning

1 and Building Department (“Department”), and pay the filing fee established by city  
2 council resolution.

3 **18.72.020 Terms and Conditions.**

4 A. The Director of the Planning Department (“Director”), and such designee as may be  
5 appointed for this purpose by the Mayor, is authorized, but not required, to negotiate  
6 acceptable

7 terms and conditions of the proposed development agreement with due regard for the  
8 following criteria: 1. The development agreement conforms to the existing  
9 comprehensive plan policies.

10 2. The terms of the development agreement are generally consistent with the  
11 development regulations of the city then in effect. 3. Appropriate elements such as  
12 permitted uses, residential densities, and nonresidential densities and intensities or  
13 structure sizes are adequately provided.

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

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

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

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

24 8. Provisions are sufficient to assure requirements of parks and preservation of open  
25 space. 9. Interim uses and phasing of development and construction are appropriately  
26 provided. The agreement shall clearly state the conditions under which an interim use  
27 shall be converted to a permanent use within a stated time period and the penalties for  
28 noncompliance if the interim use is not converted to the permanent use in the stated  
29 period of time.

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

32 11. Clearly document that any departures from the standards of the code that are  
33 requested by the applicant are, in the judgment of the city, offset by providing a benefit  
34 to the city of equal or greater value relative to the departure requested. In no case shall

- 1 a departure from the code be granted if no benefit to the city is proposed in turn by the  
2 applicant.
- 3 12. Provisions for maintenance and operations, including landscape maintenance.
- 4 13. A build-out or vesting period for applicable standards is provided.
- 5 14. Provisions for resolving disputes, review procedures, and standards for  
6 implementing decisions.
- 7 15. If appropriate, and if the applicant is to fund or provide public facilities, the  
8 development agreement should contain appropriate provisions for reimbursement over  
9 time to the applicant.

10 **18.72.030 Public hearing, recommendation, decision.**

- 11 A. When the Director determines that a development agreement addressing the criteria  
12 in this chapter has been negotiated and recommends the same for consideration, a  
13 public hearing pursuant to RCW 36.70B.200 shall be held by the planning commission.
- 14 1. At the public hearing, the applicant shall have an opportunity to make a presentation,  
15 city representatives shall have an opportunity to make a presentation, and members of  
16 the public shall be allowed to present and comment. This hearing may be continued for  
17 the purposes of clarifying issues, or obtaining additional information, facts, or  
18 documentary evidence.
- 19 2. At the applicant's expense, notice of the public hearing shall be provided at least 21  
20 days prior to the public hearing as follows:
- 21 (i). Emailed or sent regular United States Parcel Service (USPS) mail to the applicant  
22 and members of the public who have submitted written comments;
- 23 (ii). Sent regular USPS mail to all dwelling units in the City and to all taxpayers of record  
24 if different than the dwelling unit address;
- 25 (iii). Published in the City's website on its News Flash page, as amended or replaced by  
26 other similar electronic notification methods; and
- 27 (iv). Posted on a social media account hosted by the City.
- 28 3. The planning commission may continue the hearing for the purpose of clarifying  
29 issues, or obtaining additional information, facts, or documentary evidence. After  
30 deliberation, the planning commission shall make a recommendation on the  
31 development agreement to the city council.

- 1     B. The development agreement shall be subject to review and approval by the city  
2     council based on the record of the planning commission and on any subsequent public  
3     hearing the city council may hold. Any public hearing by the city council will be subject  
4     to the same notice provisions in A.2 above. If a public hearing is held, the city council  
5     may continue the hearing for the purpose of clarifying issues, or obtaining additional  
6     information, facts, or documentary evidence.
- 7     C. The decision of the city council shall be final immediately upon adoption of a  
8     resolution authorizing or rejecting the development agreement.
- 9     D. Following approval of a development agreement by the city council, and execution of  
10    the same, the development agreement shall be recorded with the King County recorder,  
11    at the applicant's expense.
- 12    E. Because a development agreement is not necessary to any given project or use of  
13    real property under the existing comprehensive plan and development regulations in  
14    effect at the time of  
15    making application, approval of a development agreement is wholly discretionary and  
16    any action taken by the city council is legislative only, and not quasi-judicial.
- 17    F. During the term of an approved development agreement, the agreement is binding on  
18    the parties and their successors, and any permit or approval issued by the city after  
19    execution of the development agreement must be consistent with the development  
20    agreement.
- 21    G. Pursuant to RCW 36.70B.020, development agreements are not land use  
22    applications and are not subject to processing deadlines in Chapter 16.26 LFPSC.

23    **18.72.040 Amendments to development agreements.**

- 24    A. The city will process and decide upon an application for an amendment to an existing  
25    development agreement as if it were an application for a new development agreement  
26    in the manner set forth above, unless it is deemed a minor modification as set forth in  
27    subsection B. of this section.
- 28    B. The Director may approve minor modifications to an existing development  
29    agreement. Criteria for approving minor modifications include but are not limited to the  
30    following:  
31      a. Shall conform to the terms of the development agreement; b. Shall not reduce  
32      landscaping, buffering, or open space areas;  
33      c. Shall not reduce setback requirements; d. Shall not result in an increase in height of  
34      any structure;

- 1    e. Shall not result in a change in ingress or egress; and
- 2    f. Shall not increase any adverse impacts or undesirable effects;

3    **18.72.050 Consistency and flexibility.**

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

24   **18.72.060 Exercise of city police power and contract authority.**

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

31   **18.72.070 Form.**

32   Development agreements shall be consistent with RCW 36.70B.170 through  
33   36.70B.210

34   **Section 2. SEVERABILITY.** Should any portion of this ordinance, or its  
35   application to any person or circumstance, be declared unconstitutional or otherwise  
36   invalid for any reason, such decision shall not affect the validity of the remaining  
37   portions of this Ordinance or its application to other persons or circumstances.

Section 3. 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 4. 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: \_\_\_\_\_

**ORDINANCE NO. XXXX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
LAKE FOREST PARK, WASHINGTON, AMENDING  
CHAPTER 18.58 LFPMC, OFF-STREET PARKING;  
PROVIDING FOR SEVERABILITY, AND PROVIDING AN  
EFFECTIVE DATE.

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

**WHEREAS**, as part of the Town Center process, parking lot design was reviewed and analyzed and the City Council determined that amendments to Chapter 18.58, Off-Street Parking were needed; ; 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. AMEND. The City Council of the City of Lake Forest Park hereby amends Chapter 18.58 LFPMC, Off-Street Parking, as follows:

• • •

18.58.080 Screening.

The parking area shall be screened from adjoining properties by solid fencing, or by plantings of evergreen material that will constitute a solid planting of not less than four feet in height within two years. Vision clearance standards must be maintained pursuant to LFPMC 18.50.070.

## A Purpose

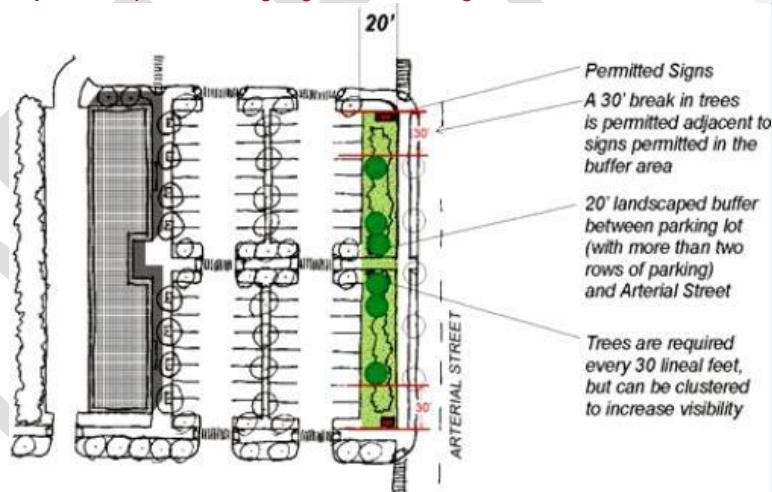
To realize the City's vision and reflect community values, all aspects of our City should ensure that the natural environment is celebrated. This includes the trees, lands, buildings and connections, as well as the spaces where vehicles park. Incorporating natural elements to provide shade, assist in managing surface water, and enhance the ecology of the location both reflect the character of the city and play an important role in combating the effect of urban heat islands that contribute to climate change.

1      **B. Applicability.**

- 2      1. New projects or redevelopment projects exceeding 50 percent of the fair  
3      market value of the parking lot must comply with these regulations in their  
4      entirety.
- 5      2. Redevelopment projects not exceeding 50 percent of the fair market value  
6      of the parking lot must comply with these regulations for all new or  
7      replaced portions of the parking lot.
- 8      3. Maintenance of existing parking lots that do not include altering the  
9      footprint of the parking lot, such as grind and overlay or restriping projects,  
10     must comply with these regulations where possible.

11     **C. Landscaping.** Parking lot landscaping is required as follows:

- 12     1. Perimeter parking lot landscaping.
- 13     a. Adjacent to roadways. Parking lots adjacent to roadways  
14     shall include a ten-foot-wide planting bed meeting the requirements  
15     for Type 3 landscaping set forth in LFPMC 18.62.080; except trees  
16     can be clustered or staggered to improve visibility near driveways  
17     and a 30-foot break in the required tree coverage is allowed  
18     adjacent to permitted signage. Refer to Figure X18.58.080-1.



19     **Figure 18.58.080-11: Landscaping between large parking lots and adjacent streets.**

20     **Commented [CH29]:** EXAMPLE from City of Maple Valley.

- 21     a. Adjacent to residential uses. Parking lots adjacent to  
22     residential uses or zones must include the following additional  
23     screening measures:
- 24     i. A post-and-beam fence, decorative metal fence, or similar  
25     fence with minimum four (4) inch openings consistent with  
26     solid fence made of cedar panels or similar material of  
27     residential character and quality; and

Commented [CH30]: Edited since 12/14 CoW.

- ii. A ten-foot-wide planting bed meeting the requirements for Type 1 landscaping set forth in LFPMC 18.62.080.
  - b. Adjacent to other uses. Parking lots adjacent to nonresidential uses on a separate lot must provide a ten-foot-wide planting bed meeting the requirements for Type 2 landscaping set forth in LFPMC 18.62.080. This requirement can be waived by the Director if adjacent lots are under common ownership with the subject of the proposal.
  - c. Adjacent to buildings. Parking lots adjacent to buildings shall include a five-foot-wide planting bed meeting the requirements of Type 3 landscaping set forth in LFPMC 18.62.080.
  - d. Adjacent to Streams Lyon Creek. Parking lots adjacent to Streams as defined in Chapter 16.16 LFPMC Lyon Creek shall include a 20-foot-wide planting bed meeting the requirements of Stream buffer landscaping set forth in LFPMC 18.62.080. Where this provision conflicts with other landscaping requirements, this provision shall prevail.

**Commented [CH31]:** Edited since 12/14 CoW.

2. Interior parking lot landscaping. Surface parking lots must be landscaped to break up large areas of asphalt and provide visual relief from the street, as follows:

  - a. Landscaping must be provided within surface parking lots at a rate of 20 square feet per parking stall. Landscaping must be designed and maintained to provide clear sight distance between three and one-half feet and eight feet above the existing street or private access road grade. Surface parking lot landscaping must be planted as follows:
    - i. Deciduous trees shall be planted at a rate of one tree per every seven stalls;
    - ii. Shrubs shall be planted no more than four feet apart; and
    - iii. Groundcovers shall be planted no more than 24 inches apart. Turf is not permissible as a groundcover in surface parking lot landscaping.
  - b. Landscape islands must be placed no further than 10 parking stalls apart and at the end of each parking row. Landscaping strips may be placed between rows of parking stalls. Landscape islands and strips must be a minimum of four feet wide and have an area of at least 75 square feet. Refer to Figure 18.58.080-2.

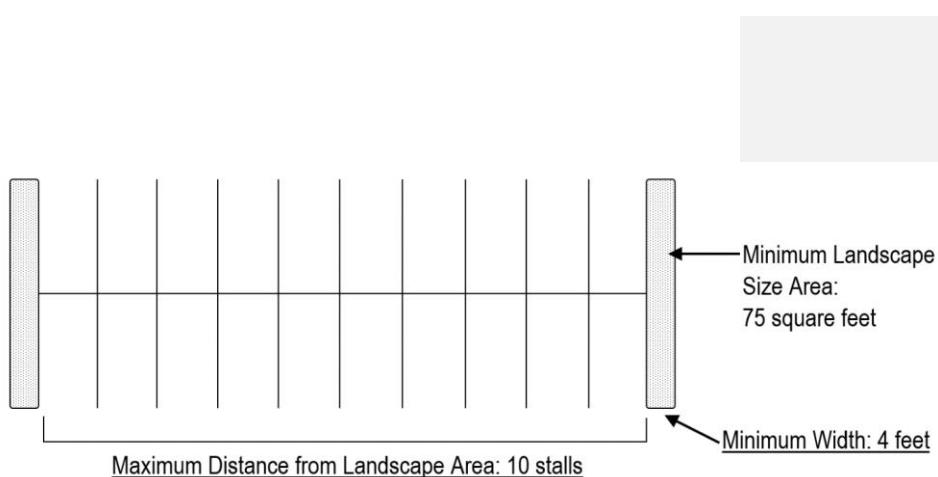


Figure 18.58.080-2: *Parking lot landscaping.*

Commented [CH32]: EXAMPLE from City of Woodinville.

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c. Landscape islands or planters must be surrounded by a  
standard vertical curb or similar barrier to protect the plantings from  
vehicle overhang. Gaps in the curb are permitted for stormwater  
drainage.

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3. Low impact development. Except in Lyon Creek landscape buffer areas  
adjacent to a Stream as defined in Chapter 16.16. LPMC, Parking area  
landscaping may shall be used for low impact development best  
management practices or treatment best management practices  
stormwater management facilities as approved by the Public Works  
Director pursuant to the stormwater management manual adopted in  
LPMC 16.24.010, unless technically infeasible. The requirements for  
plant sizes and spacing in this section may be relaxed for bioretention  
facilities upon when supported by recommendations provided by an  
arborist, landscape architect, or other qualified professional.

Commented [CH33]: Edited since 12/14 CoW.

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18  
19  
D. Pathways through parking lots. Safe and convenient pedestrian paths are  
required between from street sidewalks through parking lots to building entries,  
as follows:

20  
21  
22  
23  
1. At least one pedestrian pathway must be provided for every four rows of  
vehicle parking spaces or fraction thereof. Pedestrian pathways must be  
provided at a maximum distance of 150 feet between pedestrian pathways  
and must be a minimum of six feet in width. Refer to Figure X.

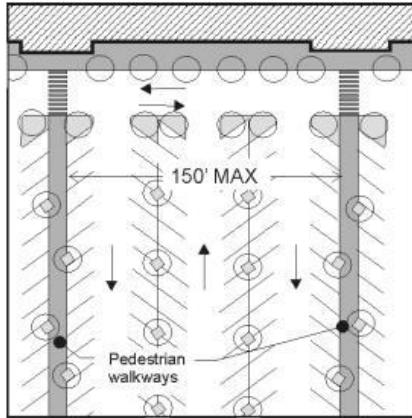


Figure 3: Parking lot pathway configuration.

Commented [CH34]: EXAMPLE from City of Woodinville.

2. Where possible, pathways must be aligned to connect with major building entries or other destinations. At a minimum, pedestrian pathways must be configured to provide a convenient path to buildings or other destinations.
3. Pedestrian pathways must be clearly identifiable through special pavement, pavement markings and/or artistic painting. Signage and/or lighting provided at or along the pedestrian pathways must be pedestrian-scale.
4. Pedestrian pathways must be integrated into the required parking lot landscaping.

12 E. Pedestrian amenities. All nonresidential development must provide a decorative  
 13 garbage and recycling receptacle and at least one of the following pedestrian  
 14 amenities near required pedestrian pathways:

1. Pedestrian furniture such as benches or low seating walls;
2. Weather protection;
3. Wayfinding kiosk;
4. Umbrellas with receptacles;
5. Perimeter landscaping in addition to the requirement in subsection B of this section;
6. Permanently installed and maintained public artwork. This is satisfied if the pedestrian pathway is artistically painted uses unique paving treatments; or
7. Other element that encourages pedestrian activity and creates a welcoming pedestrian environment, as approved by the Director.

Commented [CH35]: Edited since 12/14 CoW.

28 Section 2. SEVERABILITY. Should any portion of this ordinance, or its  
 29 application to any person or circumstance, be declared unconstitutional or otherwise

1 invalid for any reason, such decision shall not affect the validity of the remaining  
2 portions of this Ordinance or its application to other persons or circumstances.

4                   **Section 3. CORRECTIONS.** The City Clerk is authorized to make necessary  
5 corrections to this ordinance including, but not limited to, the correction of  
6 scrivener's/clerical errors, references, ordinance numbering, section/subsection  
7 numbers and any references thereto.

9        Section 4. EFFECTIVE DATE. This ordinance shall take effect five (5) days after  
10 passage and publication.

APPROVED:

---

Jeff Johnson  
Mayor

22 ATTEST/AUTHENTICATED:

25  
26 Evelyn Jahed  
27 City Clerk

29 APPROVED AS TO FORM:

32  
33 Kim Adams Pratt  
34 City Attorney

35  
36      **Introduced:** \_\_\_\_\_  
37      **Adopted:** \_\_\_\_\_  
38      **Posted:** \_\_\_\_\_  
39      **Published:** \_\_\_\_\_  
40      **Effective:** \_\_\_\_\_

**ORDINANCE NO. XXXX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
LAKE FOREST PARK, WASHINGTON, AMENDING  
CHAPTER 18.62 LFPMC, SCREENING AND  
LANDSCAPING; PROVIDING FOR SEVERABILITY, AND  
PROVIDING AN EFFECTIVE DATE.

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

2                   **WHEREAS**, beginning in the fall of 2017, the City engaged the public and  
3 stakeholders in a visioning process for the Town Center; and in 2018 began the process  
4 of considering Comprehensive Plan, development regulation, and design guideline  
5 amendments for the Town Center as a whole as well as a freestanding parking  
6 structure; and

8                   **WHEREAS**, as part of the Town Center process, parking lot design was  
9 reviewed and analyzed and the City Council determined that amendments to Chapter  
0 18.58, revisions to parking lot design for all of ; and

2                   **WHEREAS**, the City Council held public meetings to review and analyze  
3 development regulations and design guidelines for the Town Center zone during study  
4 sessions and Committee of the Whole meetings on June 22, 2020; July 9 and 20, 2020;  
5 August 10, 2020; September 10 and 21, 2020; October 8 and 19, 2020, November 12  
6 and 23, 2020; December 10 and 14, 2020; January \_\_\_\_\_ ; and

8                   **WHEREAS**, the City Council held a public hearing on January \_\_\_, 2021  
9 regarding development regulations and design guidelines for the Town Center zone,  
0 including amending section ---- LFPMC, Parking lot design; 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. AMEND. The City Council of the City of Lake Forest Park hereby amends Chapter 18.62 LFPMC, Screening and Landscaping, as follows:

## LFPMC 18.62.030. Landscaping of perimeter of lot.

The perimeter of a lot, or development site, shall be landscaped to a depth of six feet from the property line or the perimeter of the development site and be maintained as a sign screen in accordance with this chapter, except as provided for in LFPMC 18.62.050 or as otherwise specified in this Title.

LFPMC 18.62.040 Landscaping of street frontages.

Unless otherwise specified within this Title, Strreet frontages, except driveways and pedestrian walks within the property, shall be landscaped with evergreen shrubs or a combination of law, evergreen or deciduous shrubs and trees, and perennial or annual flowers to create and maintain a maximum residential character.

LFPMC 18.62.041 Minimum requirements.

A. Unless otherwise specified within this Title, Handscaped areas shall consist of a variety of trees, shrubs and plants that shall cover at least 75 percent of the ground contained in the landscape areas. At least one tree shall be required for every 250 square feet of landscaped area. A minimum of 30 percent of the landscaping and trees shall consist of evergreen/conifer species.

**B. Use of native and drought-tolerant species are encouraged.**

**A.C. Invasive species and noxious weeds are prohibited.**

LFPMC 18.62.080 Landscaping types.

#### A. Type 1 – Solid screen.

1. Purpose. Provide a solid sight barrier to separate incompatible land uses. Type 1 landscaping consists of a mix of primarily evergreen trees and

shrubs placed to form a continuous screen.

2. Description. Type 1 landscaping shall consist of evergreen trees planted no more than 20 feet on center in a triangular pattern; shrubs and groundcover which will provide a 100 percent sight-obscuring screen within three years from the time of planting; or a combination of approximately 75 percent evergreen and 25 percent deciduous trees (with an allowable five percent variance), planted no more than 20 feet on center in a triangular pattern. Deciduous trees shall be at least 2-inch caliper and evergreen trees shall be at least six feet in height. Shrub and groundcover spacing shall be appropriate for the species type, and

**Commented [CH36]:** Addition since 12/14 CoW. Minor edits added to remove potential conflicts w/ new landscape requirements.

1           consistent with the intent of this section. Shrubs shall be at least 24  
2           inches in height. Turf may constitute no more than 30 percent of  
3           groundcover.

4           **B. Type 2 – Visual screen.**

- 5           1. Purpose. Provide a visual filter to separate higher- and lower-intensity  
6           uses. Type 2 landscaping consists of a mix of evergreen and deciduous  
7           trees and shrubs spaced to create a filtered screen.
- 8           2. Description. Type 2 landscaping shall be a combination of at least 50  
9           percent evergreen and at least 30 percent deciduous trees, planted no  
10           more than 25 feet on center in a triangular pattern, interspersed with large  
11           shrubs and groundcover. Deciduous trees shall be at least 2-inch caliper  
12           and evergreen trees shall be at least six feet in height. Shrub and  
13           groundcover spacing shall be appropriate for the species type, and  
14           consistent with the intent of this section. Shrubs shall be at least 24  
15           inches in height. Turf may constitute no more than 30 percent of  
16           groundcover.

17           **C. Type 3 – Visual buffer.**

- 18           1. Purpose. Provide a semi-transparent buffer to partially separate uses and  
19           soften the appearance of development projects. Type 3 landscaping  
20           consists of a mix of evergreen and/or deciduous trees spaced to create a  
21           continuous canopy.
- 22           2. Description. Type 3 landscaping shall be at least 70 percent deciduous  
23           trees planted no more than 30 feet on center in a triangular pattern and  
24           interspersed with shrubs and groundcover. Deciduous trees shall be at  
25           least 2-inch caliper and evergreen trees shall be at least six feet in height.  
26           Shrub and groundcover spacing shall be appropriate for the species type,  
27           and consistent with the intent of this section. Shrubs shall be at least 24  
28           inches in height. Turf may constitute no more than 30 percent of  
29           groundcover.

30           **D. Stream buffer.**

- 31           1. Purpose. Provide stream buffer functions to enhance in-water and upland  
32           habitat. Stream buffer landscaping consists of native species typically  
33           found growing on stream banks in the Puget Sound Lowlands.
- 34           2. Description. Stream buffer landscaping shall be designed by a Landscape  
35           Architect, certified Professional Wetland Scientist, or other qualified  
36           professional using a mix of native trees, shrubs, and forbs. Stream buffer  
37           landscaping shall meet the following requirements:
  - 38           a. Native trees shall be planted at an average of 12 feet on  
39           center and at an overall density of 300 trees per acre. Plants shall  
40           be a minimum one-gallon size at time of planting.
  - 41           b. Native shrubs shall be planted at average of five feet on  
42           center and at an overall density of 1,730 shrubs per acre. Plants  
43           shall be a minimum of one-gallon size at time of planting.

**Commented [CH37]:** Added since 12/14 CoW. Planting requirements are based on typical restoration planting.

**Commented [CH38]:** This is all non-woody plants: grasses, sedges, rushes, emergent species, herbaceous plants, aquatic plants.

1                   c. Native forbs may include a mix of grasses, sedges, rushes,  
2                   ferns, and other herbaceous plants and shall be planted at an  
3                   average of 12 inches on center and at an overall density of one  
4                   plant per square foot. Plants shall be a minimum of 10-inch plugs  
5                   or four-inch pot size at time of planting.

6                   —3. Streambank landscaping shall include planting area preparation for all  
7                   required planting areas. Planting area preparation includes removal of  
8                   invasive weed species, decompaction of compacted soils, and introduction  
9                   of soil amendments including compost and organic fertilizers. Planted  
10                  areas shall be mulched with a uniform 3" depth of wood chip mulch. Trees  
11                  and shrubs shall be protected from herbivore and rodent browsing with  
12                  plant protection tubes.

13  
14  
15  
16                  **Section 2. SEVERABILITY.** Should any portion of this ordinance, or its  
17                  application to any person or circumstance, be declared unconstitutional or otherwise  
18                  invalid for any reason, such decision shall not affect the validity of the remaining  
19                  portions of this Ordinance or its application to other persons or circumstances.

20  
21                  **Section 3. CORRECTIONS.** The City Clerk is authorized to make necessary  
22                  corrections to this ordinance including, but not limited to, the correction of  
23                  scrivener's/clerical errors, references, ordinance numbering, section/subsection  
24                  numbers and any references thereto.

25  
26                  **Section 4. EFFECTIVE DATE.** This ordinance shall take effect five (5) days after  
27                  passage and publication.

28  
29                  **APPROVED BY A MAJORITY** of the Lake Forest Park City Council this [click](#)  
30                  here to enter day of month. [day of Click here to enter month.](#), 2020.

31                  APPROVED:

32  
33  
34  
35  
36                  \_\_\_\_\_  
37                  Jeff Johnson  
38                  Mayor

39                  ATTEST/AUTHENTICATED:

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43                  \_\_\_\_\_  
44                  Evelyn Jahed  
45                  City Clerk

46                  APPROVED AS TO FORM:

1  
2  
3  
4 Kim Adams Pratt  
5 City Attorney  
6  
7 Introduced: \_\_\_\_\_  
8 Adopted: \_\_\_\_\_  
9 Posted: \_\_\_\_\_  
10 Published: \_\_\_\_\_  
11 Effective: \_\_\_\_\_  
12

DRAFT

DRAFT

**ORDINANCE NO. XXXX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
LAKE FOREST PARK, WASHINGTON, **CREATING**  
CHAPTER 3.23.62 LFPMC, MULTI-FAMILY RESIDENTIAL  
PROPERTY TAX EXEMPTION; PROVIDING FOR  
SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

**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. ADOPTION. The City Council of the City of Lake Forest Park hereby adopts Chapter 3.23 LFPMC, Multi-family Residential Property Tax Exemption, as follows:

CHAPTER 3.23

## MULTI-FAMILY RESIDENTIAL PROPERTY TAX EXEMPTION

## Sections:

- |                   |  |
|-------------------|--|
| 3.23.010          | Purpose  |
| 3.23.020          | Definitions  |
| 3.23.030          | Residential Targeted Area – Criteria –Designation – Recession              |
| 3.23.040          | Tax Exemption for Multi-Family Housing in Residential Targeted Areas       |
| <b>Authorized</b> |  |
| 3.23.050          | Project Eligibility  |
| 3.23.060          | Application Procedure – Fee  |
| 3.23.070          | Application Review – Issuance of Conditional Certificate – Denial – Appeal |
| 3.23.080          | Extension of Conditional Certificate                                       |
| 3.23.090          | Final Certificate – Application – Issuance –Denial – Appeal                |
| 3.23.100          | Annual Certification   |
| 3.23.110          | Appeals to the Hearing Examiner  |

1    **3.23.010 Purpose**

2    The purposes of this chapter are:

3        A. To encourage increased residential opportunities, including affordable housing  
4        opportunities, and to stimulate the construction of new multi-family housing within certain  
5        zones.

6        B. To accomplish the planning goals required under the Washington State Growth  
7        Management Act, Chapter 36.70A RCW and Countywide Planning Policies as  
8        implemented by the City's Comprehensive Plan.

9

10    **3.23.020 Definitions**

11        As used in this chapter, unless the context or subject matter clearly requires otherwise,  
12        the words or phrases defined in this section shall have the indicated meanings:

13        A. "Administrator" shall mean the City Administrator of the City of Lake Forest Park or  
14        his/her designee.

15        B. "Affordable housing" means residential housing that is rented by a person or  
16        household whose monthly housing costs, including utilities other than telephone, do not  
17        exceed 30 percent of the household's monthly income. For the purposes of housing  
18        intended for owner occupancy, "affordable housing" means residential housing that is  
19        within the means of low- or moderate-income households.

20        C. "High cost area" means a county where the third quarter median house price for  
21        the previous year as reported by the Washington Center for Real Estate Research at  
22        Washington State University is equal to or greater than 130 percent of the statewide  
23        median house price published during the same time period.

24        D. "Household" means a single person, family, or unrelated persons living together.

25        E. "Low-income household" means a single person, family, or unrelated persons  
26        living together whose adjusted income is at or below 80 percent of the median family  
27        income, adjusted for family size, for the county where the project is located, as reported  
28        by the United States Department of Housing and Urban Development. For cities located  
29        in high- cost areas, "low-income household" means a household that has an income at or  
30        below 100 percent of the median family income adjusted for family size, for the county  
31        where the project is located.

32        F. "Moderate-income household" means a single person, family, or unrelated persons  
33        living together whose adjusted income is more than 80 percent but is at or below 115  
34        percent of the median family income, adjusted for family size, for the county where the  
35        project is located, as reported by the United States Department of Housing and Urban  
36        Development. For cities located in high-cost areas, "moderate-income household" means  
37        a household that has an income that is more than 100 percent, but at or below 150  
38        percent, of the median family income adjusted for family size, for the county where the  
39        project is located.

40        G. "Multi-family housing" means a building having four or more dwelling units not  
41        designed or used as transient accommodations and not including hotels and motels.  
42        Multi- family units may result from new construction or rehabilitation or conversion of  
43        vacant, underutilized, or substandard buildings to multi-family housing.

44        H. "Owner" means the property owner of record.

45        I. "Owner occupied" means a residential unit that is  
46        rented for fewer than 30 days per calendar year.

1       J. "Permanent residential occupancy" means multi-family housing that is either owner  
2 occupied or rented for periods of at least one month.

3       K. "Residential targeted area" means the area within the boundary as designated by  
4 LFPMC Section 3.23.030.

5       L. "Urban Center" means a compact, identifiable district where urban residents may  
6 obtain a variety of products and services. An urban center must contain:

7           1. Several existing or previous, or both, business establishments that may include  
8 but are not limited to shops, offices, banks, restaurants, governmental agencies;

9           2. Adequate public facilities including streets, sidewalks, lighting, transit, domestic  
10 water, and sanitary sewer systems; and

11           3. A mixture of uses and activities that may include housing, recreation, and  
12 cultural activities in association with either commercial or office or both uses.

13

14 **3.23.030 Residential Targeted Area — Criteria —Designation — Recession**

15       A. Following notice and public hearing as prescribed in RCW 84.14.040, the City  
16 Council may designate one or more residential targeted areas, in addition to the areas  
17 stated in subsection (D) of this section, upon a finding by the City Council in its sole  
18 discretion that the residential targeted area meets the following criteria:

19           1. The residential targeted area is within an urban center as defined by Chapter  
20 84.14 RCW;

21           2. The residential targeted area lacks sufficient available, desirable and  
22 convenient residential housing, including affordable housing, to meet the needs  
23 of the public who would be likely to live in the urban center if the affordable,  
24 desirable, attractive and livable residences were available; and

25           3. Providing additional housing opportunity in the residential targeted area will  
26 assist in achieving one or more of the following purposes:

27              (a) Encourage increased residential opportunities within the City; or

28              (b) Stimulate the construction of new affordable multifamily housing; or

29              (c) Encourage the rehabilitation of existing vacant and underutilized  
30 buildings for multifamily housing.

31       B. In designating a residential targeted area, the City Council may also consider  
32 other factors, including:

33           1. Whether additional housing in the residential targeted area will attract and  
34 maintain an increase in the number of permanent residents;

35           2. Whether providing additional housing opportunities for low and moderate  
36 income households would meet the needs of citizens likely to live in the area if  
37 affordable residences were available;

38           3. Whether an increased permanent residential population in the residential  
39 targeted area will help to achieve the planning goals mandated by the Growth  
40 Management Act under Chapter 36.70A RCW, as implemented through the  
41 City's comprehensive plan; or

42           4. Whether encouraging additional housing in the residential targeted area  
43 supports plans for significant public investment in public transit or a better jobs  
44 and housing balance.

45       C. At any time, the City Council may, by ordinance, in its sole discretion, amend or  
46 rescind the designation of a residential targeted area pursuant to the same procedural

1 requirements as set forth in this chapter for original designation.

2 D. The following zones, as shown in Maps 1 through 4 in this section, meets the  
3 criteria of this chapter for residential targeted areas and is designated as such:

- 4 1. Town Center
- 5 2. Southern Gateway – Corridor
- 6 3. RM-900 Residential Multifamily
- 7 4. RM-1800 Residential Multifamily

8 E. If a part of any legal lot is within a residential targeted area as shown in Maps 1  
9 through 4 in this section, then the entire lot shall be deemed to lie within such residential  
10 targeted area.

**Commented [RT39]:** Note that Maps will need to be inserted

### 12 **3.23.040 Tax Exemption for Multi-Family Housing in Residential Targeted Areas** 13 **Authorized**

14 A. **Duration of Exemption.** The value of improvements qualifying under this  
15 chapter will be exempt from ad valorem property taxation, as follows:

16 1. For 8 successive years beginning January 1 of the year immediately  
17 following the calendar year of issuance of the certificate of tax exemption; or

18 2. For 12 successive years beginning January 1 of the year immediately  
19 following the calendar year of issuance of the certificate of tax exemption, if the property  
20 otherwise qualifies for the exemption under Chapter 84.14 RCW and meets the conditions  
21 in this subsection. For the property to qualify for the 12-year exemption under this  
22 subsection, the applicant must commit to renting or selling at least 20 percent of the multi-  
23 family housing units as affordable housing units to low- and moderate-income households.  
24 In the case of the projects intended exclusively for owner occupancy, the minimum  
25 requirement of this subsection may be satisfied solely through housing affordable to  
26 moderate-income households.

27 B. **Limits of Exemption.**

28 1. The property tax exemption does not apply to the value of land or to the  
29 value of non-housing-related improvements not qualifying under RCW 84.14.

30 2. This chapter does not apply to increases in assessed valuation made by the  
31 assessor on non-qualifying portions of building and value of land, nor to increases made  
32 by lawful order of the King County Board of Equalization, the Department of Revenue, or  
33 King County, to a class of property throughout the county or specific area of the county  
34 to achieve uniformity of assessment of appraisal required by law.

35 3. The property tax exemption only applies to the value of improvements used  
36 for permanent residential occupancy.

### 38 **3.23.050 Project Eligibility**

39 A. To be eligible for exemption from property taxation under this chapter, the  
40 residential units must satisfy all of the following criteria:

- 41 1. The units must be located in the residential targeted area.
- 42 2. The units must be within a residential or mixed- use structure containing at  
43 least four dwelling units.
- 44 3. The units must have an average size of at least 500 square feet per unit.
- 45 4. A minimum of 15 percent of the units must be at least 900 square feet and  
46 contain at least two bedrooms.

**Commented [JH40]:** This 8-year exemption in state statute  
doesn't contain an affordability requirement. While many of the  
South King County cities don't have affordability tied to the 8-year,  
they do so to encourage redevelopment in distressed areas. There  
are lots of different options here: Auburn only has a 12-year  
program, no 8-year; Redmond has a 10%@60AMI on their 8-year,  
but then a 20%@65/85AMI for their 12-year.

1           5. The units must be designed and used for permanent residential occupancy.  
2           6. Each unit must have its own private bathroom and private kitchen.  
3 Residential projects that utilize common kitchens and/or common bathrooms are not  
4 eligible.

5           7. The entire property shall comply with all applicable zoning requirements, land  
6 use regulations, environmental requirements, building codes and fire code requirements,  
7 as outlined in the Lake Forest Park Municipal Code.

8           8. The units must be constructed and receive a certificate of occupancy after  
9 this ordinance takes effect

10          9. The units must be completed within 3 years from the date of issuance of the  
11 conditional certificate of acceptance of tax exemption by the City, or within authorized  
12 extension of this time limit.

13          10. If the percentage of affordable units in the project required is a fraction, then  
14 the number of required affordable units shall be rounded up to the next whole number  
15 (unit) if the fraction of the whole number is at least 0.50.

16          B. In addition to the requirements listed in LFPMC Section 3.23.050(A),  
17 residential units that request the 12-year property tax exemption, as permitted by LFPMC  
18 Section 3.23.040(A)(2), must also satisfy the following requirements:

19           1. The mix and configuration of housing units (e.g., studio, one-bedroom, two-  
20 bedroom, etc.) used to meet the requirement for affordable units under LFPMC Section  
21 3.23.050 shall be substantially proportional to the mix and configuration of the total  
22 housing units in the project.

23           2. For owner-occupied projects, the contract with the City required under  
24 LFPMC Section 3.23.070 shall identify which units meet the affordability criteria.

### 26 **3.23.060 Application Procedure — Fee**

27          A. The owner of property applying for exemption under this chapter shall submit  
28 an application to the Administrator, on a form established by the Administrator. The owner  
29 shall verify the contents of the application by oath or affirmation. The application shall  
30 contain the following information:

31           1. A brief written description of the project, including phasing if applicable, that  
32 states which units are proposed for the exemption and whether the request is for 8 or 12  
33 years.

34           2. Preliminary schematic site and floor plans of the multi-family units and the  
35 structure(s) in which they are proposed to be located.

36           3. A table of all units in the project listing unit number, square footage, unit type  
37 (studio, one bedroom, etc.), and indicating those proposed for the exemption.

38           4. If applicable, information describing how the applicant will comply with the  
39 affordability requirements in LFPMC Sections 3.23.040 and 3.23.050.

40           5. A statement from the owner acknowledging the potential tax liability when  
41 the property ceases to be eligible for exemption under this chapter.

42           6. Any other information deemed necessary or useful by the Administrator.

43          B. At the time of application under this section, the applicant shall pay to the City  
44 an initial application fee of \$\_\_\_\_ or as otherwise established by ordinance or resolution. If  
45 the application is denied, the City may retain that portion of the application fee attributable  
46 to its own administrative costs and refund the balance to the applicant.

**Commented [JH41]:** Should probably apply this to all standards, not just 12-year projects.

**Commented [RT42R41]:** This language was written to provide the option of utilizing both a 12 year program (with affordability requirement) and 8 year program (not tied to affordability) if the City's direction is to require all projects to have an affordability component, then I agree it should apply to all projects (since they would all have an affordability component)

1       C. The complete application shall be submitted any time before, but no later than,  
2 the date the certificate of occupancy is issued under Title 15 of the Lake Forest Park  
3 Municipal Code.

4 **3.23.070 Application Review — Issuance of Conditional Certificate — Denial —**  
5 **Appeal**

6       A. The Administrator shall approve or deny an application under this chapter within  
7 90 days of receipt of the complete application. The Administrator shall use the criteria  
8 listed in LFPMC Chapter 3.23 and Chapter 84.14 RCW to review the proposed  
9 application. If the application is approved, the owner shall enter into a contract with the  
10 City regarding the terms and conditions of the project and eligibility for exemption under  
11 this Chapter. The Mayor shall be the authorized signatory to enter into the contract on  
12 behalf of the City. Following execution of the contract, the Administrator shall issue a  
13 conditional certificate of acceptance of tax exemption. The certificate must contain a  
14 statement by the Administrator that the property has complied with the required finding  
15 indicated in RCW 84.14.060. The conditional certificate shall expire 3 years from the date  
16 of approval unless an extension is granted as provided in this chapter.

17       B. If the application is denied, the Administrator shall issue a Notice of Denial stating  
18 in writing the reasons for the denial and send the Notice of Denial to the applicant's last  
19 known address within 10 days of the denial.

20       C. An applicant may appeal the Administrator's notice of denial of the application to  
21 the City Council by filing a notice of appeal with the City Clerk within 30 days of receipt of  
22 the Administrator's notice of denial and paying a fee of \$500 or as otherwise established  
23 by ordinance or resolution. The appellant shall provide a statement regarding the basis  
24 for the appeal. The closed record appeal before the City Council shall be based upon the  
25 record before the Administrator, and the Administrator's decision shall be upheld unless  
26 the applicant can show that there is no substantial evidence on the record to support the  
27 Administrator's decision. The City Council decision on appeal is final.

28  
29 **3.23.080 Extension of Conditional Certificate**

30       A. The conditional certificate may be extended by the Administrator for a period not to  
31 exceed 24 consecutive months. The applicant shall submit a written request stating the  
32 grounds for the extension, together with a fee as established by ordinance or resolution.  
33 The Administrator may grant an extension if the Administrator determines that:

- 34       1. The anticipated failure to complete construction or rehabilitation within the  
35 required time period is due to circumstances beyond the control of the owner;
- 36       2. The owner has been acting and could reasonably be expected to continue to  
37 act in good faith and with due diligence; and
- 38       3. All the conditions of the original contract between the owner and the City will be  
39 satisfied upon completion of the project.

40  
41 **3.23.090 Final Certificate — Application —Issuance — Denial — Appeal**

42       A. After completion of construction as provided in the contract between the owner  
43 and the City, after issuance of a certificate of occupancy and prior to expiration of the  
44 conditional certificate of exemption, the applicant may request a final certificate of tax  
45 exemption. The applicant shall file with the Administrator such information as the  
Administrator may deem necessary or useful to evaluate eligibility for the final certificate,

1 and shall include:

2       1. A statement of expenditures made with respect to each multi-family housing  
3 unit, including phasing if applicable, and the total expenditures made with respect to the  
4 entire property.

5       2. A description of the completed work and a statement of qualification for the  
6 exemption.

7       3. A statement that the work was completed within the required 3-year period or  
8 any approved extension.

9       4. If applicable, information on the applicant's compliance with the affordability  
10 requirements in LFPMC Sections 3.23.040 and 3.23.050.

11       B. Within 30 days of receipt of all materials required for a final certificate, the  
12 Administrator shall determine whether the completed work is consistent with the  
13 application and contract approved by the Mayor and is qualified for limited exemption  
14 under Chapter 84.14 RCW, and which specific improvements completed meet the  
15 requirements of this chapter and the required findings of RCW 84.14.060.

16       C. If the Administrator determines that the project has been completed in accordance  
17 with LFPMC Section 3.23.090(A), the City shall file a final certificate of tax exemption with  
18 the assessor within 10 days of the expiration of the 30-day period provided under LFPMC  
19 Section 3.23.090(B).

20       D. The Administrator is authorized to cause to be recorded, or to require the  
21 applicant or owner to record, in the real property records of the King County Department  
22 of Records and Elections, the contract with the City required under LFPMC Section  
23 3.23.070 and such other document(s) as will identify such terms and conditions of  
24 eligibility for exemption under this chapter as the Administrator deems appropriate for  
25 recording, including requirements under this chapter relating to affordability of units.

26       E. The Administrator shall notify the applicant in writing that the City will not file a  
27 final certificate if the Administrator determines that the project was not completed within  
28 the required 3-year period or any approved extension, or was not completed in  
29 accordance with LFPMC Section 3.23.090(B); or if the Administrator determines that the  
30 owner's property is not otherwise qualified under this chapter or if the owner and the  
31 Administrator cannot agree on the allocation of the value of the improvements allocated  
32 to the exempt portion of rehabilitation improvements, new construction and multi-use new  
33 construction.

34       F. The applicant may appeal the City's decision to not file a final certificate of tax  
35 exemption to the City's Hearing Examiner within 30 days of issuance of the Administrator's  
36 notice as outlined in LFPMC Section 3.23.110.

### 37       3.23.100 Annual Certification

38       A. A residential unit or units that receive a tax exemption under this chapter shall  
39 continue to comply with the contract and the requirements of this chapter in order to retain  
40 its property tax exemption.

41       B. Within 30 days after the first anniversary of the date the City filed the final certificate  
42 of tax exemption and each year for the tax exemption period, the property owner shall file  
43 a certification with the Administrator, verified upon oath or affirmation, which shall contain  
44 such information as the Administrator may deem necessary or useful, and shall include  
45 the following information:

**Commented [JH44]:** The City will need to draft an affordability covenant adoption of this ordinance. There are a number suitable for modifying.

- 1        1. A statement of occupancy and vacancy of the multi-family units during the  
2 previous year.
- 3        2. A certification that the property has not changed use since the date of filing of  
4 the final certificate of tax exemption and continues to be in compliance with the contract  
5 with the City and the requirements of this chapter.
- 6        3. A description of any improvements or changes to the property made after the  
7 filing of the final certificate or last declaration, as applicable.
- 8        4. If applicable, information demonstrating the owner's compliance with the  
9 affordability requirements of LFPMC Sections 3.23.040 and 3.23.050, including:
- 10        a. The total monthly rent or total sale amount of each unit; and
- 11        b. The income of each renter household at the time of initial occupancy and  
12 the income of each initial purchaser of owner-occupied units at the time of purchase for  
13 each of the units receiving a tax exemption.
- 14        5. The value of the tax exemption for the project.
- 15        6. Any additional information requested by the City in regard to the units receiving  
16 a tax exemption (pursuant to meeting any reporting requirements under Chapter 84.14  
17 RCW).
- 18        C. Failure to submit the annual declaration may result in cancellation of the tax  
19 exemption pursuant to this section.
- 20        D. For the duration of the exemption granted under this chapter, the property shall  
21 have no violation of applicable zoning requirements, land use regulations, building codes,  
22 fire codes, and housing codes contained in the Lake Forest Park Municipal Code for which  
23 the designated City department shall have issued a Notice and Order and that is not  
24 resolved within the time period for compliance provided in such Notice and Order.
- 25        E. For owner-occupied affordable units, in addition to any other requirements in this  
26 Chapter, the affordable owner-occupied units must continue to meet the income eligibility  
27 requirements of LFPMC Section 3.23.040. In the event of a sale of an affordable owner-  
28 occupied unit to a household other than an eligible household, or at a price greater than  
29 prescribed in the contract referenced in LFPMC Section 3.23.070, the property tax  
30 exemption for that affordable owner-occupied unit shall be canceled pursuant to this  
31 section.
- 32        F. For property with renter-occupied dwelling units, in addition to any other  
33 requirements in this chapter, the affordable renter-occupied units must continue to meet  
34 the income eligibility requirements of LFPMC Section 3.23.040. In the event of a rental of  
35 an affordable renter-occupied unit to a household other than an eligible household, or at  
36 a rent greater than prescribed in the contract referenced in LFPMC Section 3.23.040, the  
37 property tax exemption for the property shall be canceled pursuant to this section.
- 38        G. If the owner converts the multi-family housing to another use, the owner shall  
39 notify the Administrator and the County Assessor within 60 days of the change in use.  
40 Upon such change in use, the tax exemption shall be canceled pursuant to this section.
- 41        H. The Administrator shall cancel the tax exemption for any property or individual  
42 unit that no longer complies with the terms of the contract or with the requirements of  
43 this chapter. Upon cancellation, additional taxes, interest and penalties shall be  
44 imposed pursuant to state law. Upon determining that a tax exemption shall be  
45 canceled, the Administrator shall notify the property owner by certified mail, return  
46 receipt requested. The property owner may appeal the determination by filing a notice of

1 appeal within 30 days of the date of notice of cancellation, specifying the factual and  
2 legal basis for the appeal. The appeal shall be heard by the Hearing Examiner pursuant  
3 to LFPMC Section 3.23.110.

4

5 **3.23.110 Appeals to the Hearing Examiner**

6 A. The City's Hearing Examiner is provided jurisdiction to hear appeals of the  
7 decisions of the Administrator to deny issuance of a final certificate of tax exemption or  
8 cancel tax exempt status. All appeals shall be closed record and based on the information  
9 provided to the Administrator when the administrative decision was made.

10 B. The Hearing Examiner's procedures, as adopted by City Council resolution, shall  
11 apply to hearings under this chapter to the extent they are consistent with the  
12 requirements of this chapter and Chapter 84.14 RCW. The Hearing Examiner shall give  
13 substantial weight to the Administrator's decision and the burden of proof shall be on the  
14 appellant. The decision of the Hearing Examiner constitutes the final decision of the City.  
15 An aggrieved party may appeal the decision to Superior Court under RCW 34.05.510  
16 through 34.05.598 if the appeal is properly filed within 30 days of the date of the  
17 notification by the City to the appellant of that decision.

18

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