

This draft ordinance shows in track changes edits made to the draft ordinances issued by the City on December 24, 2020. This was done so the City Council and the public could more easily see the edits made since December 24, 2020. Any final ordinance considered by the City Council will show in track changes all edits made from the current LFPMC.

ORDINANCE NO. 1217

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 LFPMC, ~~AND~~ ADDING CHAPTER 2.41 OF THE LFPMC REGARDING A DESIGN REVIEW BOARD FOR TOWN CENTER ZONE DEVELOPMENTS, AND AMENDING CHAPTER 2.22 OF THE LFPMC REGARDING THE DESIGN REVIEW BOARD; 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

1 of permit, short plat, and subdivision applications for properties within the Town Center  
2 zone and declaring an emergency; and  
3

4 **WHEREAS**, on February 27, 2020, the City Council considered and adopted a  
5 six-month extension of the moratorium in Ordinance No. 1205; and  
6

7 **WHEREAS**, the City staff, Planning Commission, and City Council continued to  
8 study and analyze potential amendments to the City's Town Center development  
9 regulations; however, the work was severely hindered and delayed by the outbreak of  
10 the novel coronavirus (COVID-19), for which on January 31, 2020, the U.S. Department  
11 of Health and Human Services declared a public health emergency for COVID-19; on  
12 February 29, 2020, the Governor of the State of Washington proclaimed a State of  
13 Emergency in Washington; on March 5, 2020, the Mayor of the City of Lake Forest Park  
14 declared a local emergency; and on March 12, 2020, the Lake Forest Park City Council  
15 ratified the Mayor's emergency proclamation; and  
16

17 **WHEREAS**, on September 10, 2020, the City Council considered and adopted a  
18 renewal of the moratorium on development in Town Center for an additional six months  
19 in Ordinance No. 1211, which will expire on March 11, 2021 unless extended or  
20 terminated sooner by the City Council; and  
21

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

28 **WHEREAS**, the Planning Commission also held a public hearing on February 11,  
29 2020, regarding development regulations and design guidelines in the Town Center  
30 zone and made recommendations to the City Council regarding same for a freestanding  
31 parking structure on April 14, 2020; and  
32

33 **WHEREAS**, the City's Planning Commission held regular and special public  
34 meetings to review and analyze development regulations and design guidelines  
35 regarding the entirety of the Town Center zone on May 12, 2020; June 9, 2020, July 14,  
36 2020; August 11, 2020; September 8, 2020, October 13 and 27, 2020; and November  
37 10, 2020; and  
38

39 **WHEREAS**, the City Council held public meetings to review and analyze  
40 development regulations and design guidelines for the Town Center zone during study  
41 sessions and Committee of the Whole meetings on June 22, 2020; July 9 and 20, 2020;  
42 August 10, 2020; September 10 and 21, 2020; October 8 and 19, 2020, November 12  
43 and 23, 2020; December 10 and 14, 2020; January 7, 9, 11, 14 and 25, 2021; and  
44 February 11, 2021 ; and  
45

1       **WHEREAS**, the City Council held ~~a~~ public hearings on November 12, 2020,  
2 January 21, 2021, and February \_\_ regarding development regulations and design  
3 guidelines for the Town Center zone; and  
4

5       **WHEREAS**, in accordance with the requirements set forth in RCW 36.70A.106,  
6 the City provided the Washington State Department of Commerce notice of the City's  
7 intent to adopt the proposed amendments on January 6, 2021 and received notice  
8 that the Department's review was complete on \_\_\_\_\_; and  
9

10       **WHEREAS**, environmental review for amendments to the Town Center code in  
11 chapter 18.42 LFPMP, its design guidelines, and related provisions in chapters 2.22,  
12 2.41, and 18.08 LFPMP was done in a Draft Environmental Impact Statement ("DEIS")  
13 ~~was~~ published in January 2019 and a Final Environmental Impact Statement ("FEIS")  
14 ~~was~~ issued in August 8, 2019 pursuant to WAC 197-11-460; the amendments in this  
15 ordinance fall within the impacts analyzed in the FEIS regarding alternative  
16 development scenarios for the Town Center; and  
17

18  
19       **WHEREAS**, Click here to enter text.; and  
20  
21

22  
23       **WHEREAS**, Click here to enter text.; and  
24

25       **WHEREAS**, Click here to enter text.;  
26

27       **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST**  
28 **PARK, WASHINGTON, DO ORDAIN AS FOLLOWS:**  
29

30       Section 1. ADOPT . The City Council of the City of Lake Forest Park hereby  
31 adopts Chapter 2.41 LFPMP, Design Review Board, as follows:  
32

33                               **Chapter 2.41**  
34                               **Design Review Board**  
35

36       **2.41.010 Design Review Board**

37       A. The Lake Forest Park Design Review Board is hereby created. The Board shall be  
38 advisory and have the responsibility of working with the Planning Department Director  
39 (Director) and making recommendations to the Hearing Examiner and the Director  
40 under Chapter 18.42 LFPMP.

41       B. The Board shall be comprised of members with experience in architecture, landscape  
42 architecture, environmental science, urban planning, ~~or~~ urban design, or other relevant  
43 qualifications. The Board shall be comprised of five (5) persons whom reside in the city.  
44 Members shall serve without compensation but may be reimbursed for reasonable

1 expenses pursuant to city policies. The City Council shall appoint a non-voting  
2 Councilmember and a non-voting Planning Commission member to act as a liaison  
3 between the Board and the City Council.

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

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

9 E. The Board shall determine its schedule in conjunction with the Director. All meetings  
10 shall be subject to the Open Public Meetings Act and should include public comment.

11  
12 Section 2. AMEND . The City Council of the City of Lake Forest Park hereby  
13 amends ~~section Chapter 2.22 .030~~ LFPMC, ~~Volunteer Commissions~~  
14 ~~established System~~, as follows:  
15 . . .

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

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

22 B. *Repealed by Ord. 1134.*

23 C. *Repealed by Ord. 1134.*

24 D. *Repealed by Ord. 1134.*

25 E. *Repealed by Ord. 1134.*

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

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

30 Section 3. AMEND . The City Council of the City of Lake Forest Park hereby  
31 amends Chapter 18.08 LFPMC, Definitions, as follows:

...

#### 18.08.035 Active ground floor uses.

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

...

#### 18.08.055 Affordable Housing.

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

#### 18.08.057 Affordable Unit.

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

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

"Artisanal/craft production and/or retail" means small-scale on-site production and/or assembly of arts, crafts, foods, beverages, or other type of product involving the use of small-scale equipment and/or hand tools and involving limited outdoor storage of materials, equipment, or products when such storage is decoratively treated or otherwise integrated into the building or site design. This definition includes retail spaces such as tasting rooms for products produced or assembled off-site production and/or assembly when the activities otherwise meet this definition. This definition excludes marijuana processing, marijuana production, or marijuana retail sales as defined in this chapter.

#### 18.08.107 Assisted housing.

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

...

1 **18.08.131 Automobile-oriented uses retail sales of food and commodities.**

2 "Automobile-oriented ~~uses retail sales of food and commodities~~" means businesses that  
3 are oriented to automobiles (drive-throughs, drive-ins) as well as businesses that are  
4 primarily for the purpose of sales, service, or repair of automobiles such as parts shops,  
5 auto body shops, oil change shops, garages, gasoline/fuel stations, and similar uses.  
6 Automobile-oriented retail sales of foods and commodities does not mean businesses  
7 that ~~as an auxiliary use offer offer sale of prepared food packaged to be consumed~~  
8 ~~away from their place of business commonly referred to as pick-up, take-out, carry-out,~~  
9 or to-go services.

10 . . .  
11 **18.08.xxx Charging Levels.**

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

- 15 • Level 1 is considered slow charging.
- 16 • Level 2 is considered medium charging.
- 17 • Level 3 is considered fast or rapid charging.

18 . . .  
19 **18.08.265 Cultural, entertainment, and/or recreational facility.**

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

25 **18.08.270 Day care.**

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

30 . . .  
31 **18.08.xxx Electric vehicle infrastructure.**

32 "Electric vehicle infrastructure" means providing conduit for wiring and data, and  
33 associated ventilation to support the addition of future electric vehicle charging stations  
34 pursuant to the most current edition of the National Electrical Code.

35  
36 **18.08.XXX Electric vehicle charging stations.**

37 "Electric vehicle charging stations" means a public or private parking space that is  
38 served by battery charging station equipment that has as its primary purpose the  
39 transfer of electric energy (by conductive or inductive means) to a battery or other  
40 energy storage device in an electric vehicle. An electric vehicle charging station

equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use authorized by the LFPMC.

#### **18.08.XXX Eligible household.**

"Eligible household" means one or more adults and their dependents who certify that their household annual income does not exceed the applicable percent of the King County median income, adjusted for household size, and who certify that they meet all qualifications for eligibility, including, if applicable, any requirements for recertification on income eligibility.

#### **18.08.324 Framework.**

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

#### **18.08.325 Freestanding parking structure.**

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

**Commented [KAP1]:** Revised to address active use on the bottom floor of the garage.

#### **18.08.351 Hotel, boutique.**

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

#### **18.08.352 Hotel, boutique hotels and temporary lodging.**

~~"Boutique h~~Hotels and temporary lodging" means a facility providing lodging ~~of 50 or fewer rooms~~ and related services for a charge, typically for a period of one (1) month or less, and includes inns, residence or extended-stay hotels, and bed and breakfasts.

#### **18.08.XXX Public art.**

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

1 **18.08.XXX Public market.**

2 "Public market" means a temporary or occasional ~~n indoor or outdoor~~ market, primarily  
3 outdoors, consisting of two or more independent vendors, with each vendor operating  
4 independently from other vendors, for the purpose of selling farm-grown or home-grown  
5 produce, food prepared off-site or on-site, artisanal or craft products including alcoholic  
6 beverages, flowers, plants, or other similar perishable goods and/or new wares, used  
7 goods, or merchandise.

8 . . .

9 **18.08.XXX Retail sales and services.**

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

14 **~~18.08.600 Retirement home.~~**

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

19 . . .

20 **18.08.XXX Solar energy system.**

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

24 . . .

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

27  
28 **18.42.010 Purpose.**

29 The intent of the TC zone is to encourage neighborhood and community scale  
30 developments and uses which create interesting and vital places for residents of the city  
31 and the nearby community. The TC zone should provide for increased diversity of ~~for~~  
32 desirable business, commercial, civic, recreation, employment, and housing  
33 opportunities, and to enable imaginative site and building design that will encourage  
34 pedestrian access to employment opportunities, goods and services. Uses in the TC  
35 zone should be developed in a manner that is compatible with the residential character



1 and scale of the city. ~~The TC zone allows and encourages residential uses, but does not~~  
2 ~~require such uses.~~

3 **18.42.020 Permitted uses.**

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

- 6 1. Accessory uses – on-site.
- 7 2. Artisanal/craft production and retail subject to 18.42.040(E).
- 8 3. Assisted housing facilities.
- 9 4. Boutique hotel and temporary lodging
- 10 5. Business offices and uses rendering professional, personal, medical-  
11 dental clinics, and instructional services subject to 18.42.040(F).
- 12 6. Cultural, entertainment, and recreational facilities.
- 13 7. Day care facilities – Type I and Type II subject to 18.42.040(G).
- 14 8. Electric vehicle charging stations.
- 15 9. Freestanding parking structures subject to 18.42.095, such as regional  
16 transit authority facilities.
- 17 10. Government buildings and uses.
- 18 11. Instructional institution.
- 19 12. Micro-mobility programs including bicycle sharing and scooter sharing and  
20 related infrastructure.
- 21 13. Multiple-family dwelling units.
- 22 14. Public markets ~~/farmers markets.~~
- 23 15. Public utilities.
- 24 16. Retail sales and services subject to 18.42.040(H).

25  
26 B. Uses not listed. Uses not listed above may be authorized through a development  
27 agreement.

28 **18.42.040 Limitations on use, density, and square footage.**

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

31 A. Residential ~~use only buildings uses~~ are not permitted ~~uses as separate~~; residential  
32 uses they must be developed in combination with commercial or nonresidential uses as  
33 part of a design review permit under LFPMC 18.42.160, except as allowed in a  
34 development agreement. Residential uses may not be developed at a density of greater  
35 than seven dwelling units per acre, unless the increase in density is included in a  
36 development agreement. Under a development agreement, the maximum density that  
37 may be included ~~in a development agreement is~~ 17 275 dwelling units per acre for all of  
38 Town Center.

39 B. Commercial ~~or active ground floor and nonresidential~~ uses shall occupy the floor(s)  
40 below the residential portion of a mixed use building in order to enhance the quiet and

Commented [KAP2]: These have been put back into alphabetical order.

1 privacy for the residents above when both residential and nonresidential uses occupy  
2 the same structure, unless authorized in a development agreement.

3 C. Business and residential portions of a building must ~~be include acoustically insulated~~  
4 ~~separated by soundproof~~ walls, floors, equipment, utilities or other suitable architectural  
5 features or appurtenances.

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

9 E. Artisanal/craft production and/or retail.

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

34  
35 F. Business offices and uses rendering professional, personal, and instructional  
36 services.

- 37 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~~ acoustically insulated materials or suitable architectural features to reduce noise impacts on the residential portion of the building.
2. Individual commercial or nonresidential uses shall contain no greater than 35,000 square feet of gross floor area per use. The following exceptions apply:
  - a. Freestanding parking structures meeting requirements in LFPMC 18.42.095.
  - b. Government buildings and uses.
  - c. ~~Other individual commercial or nonresidential~~ uses may exceed the size limitations when authorized by a development agreement, but the size authorized in a development agreement shall not exceed 50,000 square feet.
3. The following uses are not permitted as a retail, commercial, or other nonresidential use in the TC zone: automobile-oriented ~~uses retail sales of food and commodities~~, auto service stations, sale of gasoline or other fuels, and car washes, repair or sale of heavy equipment, boats, tires and motor vehicles, and marijuana retail outlets, ~~sale of alcohol for onpremises consumption except in a restaurant or artisanal/craft production and retail space with appropriate licensing from the State of Washington.~~

**18.42.050 Conditional uses.** Unless authorized as a permitted use in section 18.42.020, conditional uses authorized by chapter 18.54 LFPMC are not allowed in the Town Center zone.

**18.42.095 Freestanding parking structures.**

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

A. Parking structure location and massing.

**Commented [KAP3]:** Edited so that it is clear that Daycare I and II are permitted uses, gov buildings are permitted uses, and the freestanding garage is a permitted use. These uses are listed in 18.42.020.

1. ~~OPTION A:~~ Façade alignment. Freestanding parking structure footprints located within 100 feet of Lake Forest Park City Hall shall protrude no further than 10 feet south of the southern (front) façade of Lake Forest Park City Hall. Pedestrian weather protection provided on the exterior of the parking structure, such as a canopy, on the first level is exempt from this façade alignment requirement.

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

2. Footprint. The footprint or total area of the first level of the structure shall not exceed 45,000 square feet. A full basement floor of the structure (built completely below ground) shall not be included in the calculation of the footprint. A partial basement floor (partially below ground) shall be included in the calculation of the footprint to the extent it is not built underground. The maximum footprint structure shall be exclusive 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, which shall be exclusive of all architectural details, overhangs, decorative elements, and similar features.

3. Base height.

~~OPTION A:~~ No portion of a freestanding parking structure shall exceed 385 feet above existing grade, inclusive of the height of parapet walls, guardrails, and similar features. Exemptions are allowed pursuant to LFPMC 18.42.095(A)(6). Height shall be measured from the existing grade at any point on the perimeter of the structure. Existing grade means the elevation of the existing ground surface prior to proposed grading, excavation or fill.

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

4. ~~Floor-to-floor height. Bonus height. When public benefits are provided pursuant to LFPMC 18.42.095(N), the height of a freestanding parking structure shall be limited to 45 feet in height. Exemptions are allowed~~

~~pursuant to LFPMP 18.42.095(A)(6).~~ The minimum allowable floor-to-floor height shall be on the ground level shall be 15 feet. The minimum allowable floor-to-floor height on all other levels shall be 10 feet.

**Commented [KAP4]:** Council requested research.

**Commented [CH5R4]:** 7'2" clear height per Sound Transit's design standards.

Parking-mobility.org indicates a typical FTF height in a parking structure is 10.5-11.5 feet unless it includes mixed-use space. For mixed use space, the FTF height is typically 16-19 feet.

10' is also consistent w/ single-threaded (i.e. continuously ramping) parking structure design described in Boise doc.

5. Features exceeding base height. The following features may exceed the base height provision ~~s and bonus height provisions~~ if approved as part of a Major Town Center Design Review project subject to processing under section LFPMP 18.42.160(C) by the Hearing Examiner:

- a. Architecturally designed stairways ~~s~~ and elevator towers ~~s~~ and mechanical enclosures ~~s~~ and roof top solar system facilities that are designed as attractive signature elements of the parking structure.
- b. Public art elements on the rooftop or along the sides of the building that otherwise are in compliance with the design guidelines for parking structures.

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

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

D. Parking structure ramps.

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

**Commented [SB6]:** Moved to design guidelines with clarification that ramps should not be visible from the exterior of the structure

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

E. Parking stall dimensions and layout.

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

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

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

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

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

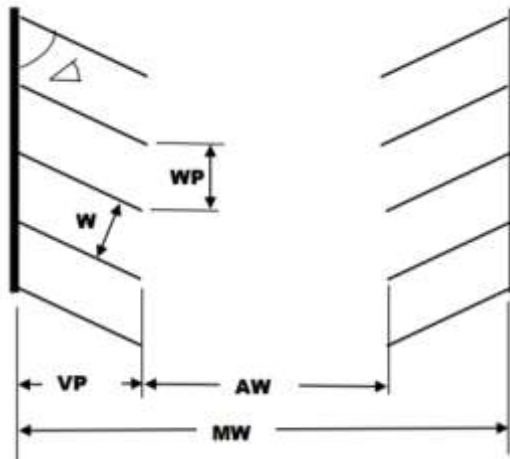


Figure 18.42.095-2. Parking layout dimensions

### 3. Motorcycle parking.

- a. Motorcycle parking ~~stall spaces~~ must be provided within freestanding parking structures as follows:
  - i. ~~If one (1) to three hundred (300) parking stalls are provided in the structure then fourteen (14) of those parking stalls must be At least two-motorcycle parking spaces\_- must be provided in all freestanding parking structures containing at least 20 vehicle parking spaces.~~
  - ii. ~~If more than three hundred (300) parking stalls are provided in the structure then twenty (20) of those parking stalls must be An additional one-motorcycle parking stall space\_- must be provided for each twenty-five vehicle~~

1 parking spaces and one motorcycle parking space must be  
2 provided for each fraction thereof. For example, 27 vehicle  
3 parking spaces require the applicant to provide 2 motorcycle  
4 spaces under (i) and 2 motorcycle parking spaces under (ii)  
5 for a total of 4 motorcycle parking spaces.

6 After an initial one hundred vehicle parking spaces, only one  
7 additional motorcycle parking space must be provided for  
8 each additional one hundred required vehicle spaces or  
9 fraction thereof. For Example, 250 vehicle parking spaces  
10 requires the applicant to provide 2 motorcycle spaces under  
11 (i), 8 motorcycle spaces under (ii) and 3 motorcycle spaces  
12 under (iii) for a total of 13.

13 ~~b. Motorcycle parking spaces may be counted as fulfilling off-~~  
14 ~~street parking requirements at a rate of two motorcycle spaces for~~  
15 ~~one vehicle space. Up to eight motorcycle parking spaces in~~  
16 ~~addition to the minimum may be provided to reduce off-street~~  
17 ~~parking requirements.~~

18 ~~e.b.~~ Motorcycle parking spaces must have minimum dimensions  
19 of four feet in width and seven feet in length.

20 ~~d.c.~~ Non-residential uses that would not normally have  
21 motorcycle-riding visitors or patrons may be exempted from  
22 providing motorcycle parking spaces if approved as part of a Major  
23 Town Center Design Review, Minor Town Center Design Review,  
24 or ~~d~~Development ~~a~~Agreement.

25  
26 F. Replacement and provision of public parking.

27 ~~1. Option A. Above the amount of parking spaces otherwise required under~~  
28 ~~chapter 18.58 LFPMC, the freestanding parking structure shall include a~~  
29 ~~minimum of 2550 parking spaces for City and non-transit public use within~~  
30 ~~the freestanding parking structure, including spaces that may be for used~~  
31 ~~by the Lake Forest Park Police Department.~~

32 ~~4.2. The use of transit parking spaces during non-commuter hours shall~~  
33 ~~be the subject of development agreement negotiation between the City~~  
34 ~~and the applicant.~~

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

41 G. Bicycle parking and circulation.

1 1. All-day bicycle parking.

- 2 a. All-day bicycle parking spaces in freestanding parking  
3 structures intended to support high-capacity transit must be  
4 provided at a minimum of five percent (5%) of projected AM peak  
5 period daily ridership of the high-capacity transit service. All-day  
6 bicycle parking spaces for all other freestanding parking structures  
7 must be provided at a minimum of one space per 40 automobile  
8 parking spaces.
- 9 b. All-day bicycle parking must be provided in the form of  
10 permanently-anchored bicycle lockers or limited-access bicycle  
11 cages and must be labeled as bicycle parking.
- 12 c. All-day bicycle parking must provide bicycles with full  
13 weather protection and theft protection.
- 14 d. Where feasible, a portion of ground-level, all-day bicycle  
15 parking must accommodate tandem bicycles, recumbent bicycles,  
16 folding bicycles, cargo bicycles, bicycles with trailers, family  
17 bicycles, and other non-standard bicycle designs.

18 2. Short-term bicycle parking.

- 19 a. Short-term bicycle parking spaces in freestanding parking  
20 structures intended to support high-capacity transit must be  
21 provided at a minimum of two percent (2%) of projected AM peak  
22 period daily ridership of the high-capacity transit service. Short-  
23 term bicycle parking spaces in all other freestanding parking  
24 structures must be provided at a minimum of one space per 20  
25 automobile parking spaces.
- 26 b. Short-term bicycle parking must be provided in the form of  
27 permanently-anchored racks or corrals. Racks or corrals must  
28 provide two points of support for the bicycle frame, must be intuitive  
29 to use, and must accommodate a standard U-lock.
- 30 c. Short-term bicycle parking must be organized to  
31 accommodate a standard bicycle dimension of two feet in width by  
32 six feet in length.

33 3. Bicycle parking location and access.

- 34 a. Each all-day bicycle parking area shall be located inside the  
35 freestanding parking structure except all-day bicycle parking can be  
36 located outside or on the top level of the freestanding parking  
37 structure under adequate weather protection.



b. Short-term bicycle parking can be located inside the freestanding parking structure and along the sidewalk adjacent to the freestanding parking structure. Short-term bicycle parking should be located in as visible a location as feasible.

c. Bicycle parking may be provided in one or more areas. Bicycle parking is encouraged to be located entirely on the ground floor. Bicycle parking located on upper stories must be placed adjacent to an elevator.

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

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

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

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

#### H. Elevator towers and stairwells.

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

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

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

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

~~1. Pedestrian pathways within a freestanding parking structure facilities shall be clearly marked and signed to protect pedestrians from moving traffic.~~

~~4.2. A freestanding parking structure is subject to the pedestrian safety regulations in LFPMC 18.42.130(G).~~

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

~~a. This requirement can be modified as part of a development agreement when the applicant demonstrates that the sidewalk~~

**Commented [KAP7]:** Moved all but I.1 to 18.42.130 General criteria so they apply TC zone wide.

widths are infeasible. If modified pursuant to this section, the sidewalks shall be the maximum width feasible. Weather protection at least eight feet deep must be provided along all facades except at required vehicle or bicycle entries and exits.

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

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

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

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

4. ~~Where obtaining necessary ownership or easement rights is feasible, a strong pedestrian connection, such as an artistically painted pathway, unique paving pattern or similar treatment, must be provided for pedestrian safety between the freestanding parking structure and other adjacent land uses in Towner Center.~~

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

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

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

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

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

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

6. ~~To the extent feasible provide for “passive surveillance,” which is the ability of people occupying buildings and public spaces to view all parts of accessible spaces.~~

J. Lighting.

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

**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
Ramps and Corners	Days	2	1	4:1
	Nights	1	0.5	
Entrance Areas	Days	50	25	4:1
	Nights	1	0.5	
Stairways		7 average		

2. Lighting shall be downshielded ~~and 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.K.~~ Mixed use.

1. ~~Option A:~~ Freestanding parking structures shall include space for public, commercial, ~~public~~, or other active ~~ground floor uses~~ and pedestrian-oriented uses. ~~(collectively, “Active Use Space”).~~ The Active Use ~~commercial, public, or active use s~~Space shall meet the following requirements:

a. ~~Commercial, public, or other active use space provided pursuant to this section shall have~~ Have a minimum depth of 60

**Commented [KAP8]:** Moved to 18.42.130 General criterion so applies Town Center zone wide.

feet ~~and. Such commercial, public, or other active use space shall~~  
be integrated into the freestanding parking structure, ~~and.~~

b. The minimum amount of space provided shall be 10,000  
square feet ~~of which 50% must be on the ground floor of the~~  
~~structure.~~

c. ~~Commercial, public, or other Active Use Space~~ provided  
in excess of the minimum required by subsection, above can be  
consolidated into a single façade and ~~may~~ 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").~~

2. The following requirements apply to Active Use ~~Space~~ integrated into  
freestanding parking structures located within ~~10050~~ feet of Lake Forest  
Park City Hall:

i. ~~The structure, including t~~The Active Use ~~Spaces~~ must  
comply with façade alignment requirements set forth in  
LFPMC 18.42.095(A)(~~12~~).

ii. The façade parallel or substantially parallel to the front  
façade of Lake Forest Park City Hall shall include Active Use  
~~Spaces~~ along the entire façade at the ground level, except at  
pedestrian entrances and exits. The frontage shall not be  
interrupted by a vehicular entrance.

3. Parking structure ground floors and spaces built out as Active Use ~~Space~~  
shall include fire suppressing sprinkler systems at the time of construction  
even if not required by the Building and Fire Codes, as adopted by the  
City.

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

M. Exemptions. A freestanding parking structure shall be exempt from the following  
regulations in this chapter applicable to the remainder of the Town Center zone:

1. 18.42.130(C)2. Open Space,

2. 18.42.130(F) Land Coverage

**Commented [KAP9]:** 18.42.095(A) says if within 100 feet can  
only protrude 10 feet. Edit would make sure the Active Space also  
protrudes no further than 10 feet.

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

#### **18.42.100 Signs.**

Each business located in the Town Center zone that does not front either a parking lot or a street shall be allowed to place one single-faced sign advertising such business on an exterior wall, gable or awning of the building the business occupies. If the exterior sign is on an exterior wall, its size must be seventy-five (75) square feet or less. If the exterior sign is on a gable or awning, its size must be less than forty (40) square feet. Otherwise, signs are limited to those provided for in Chapter 18.52 LFPMC.

#### **18.42.130. General criteria.**

The following general design standards shall apply to all development in the Town Center zone, except freestanding parking structures subject to LFPMC 18.42.095 and projects exempt under LFPMC 18.42.160:

A. Design. Design guidelines for Minor and Major Town Center Design Review projects as defined in LFPMC 18.42.160, are included in the Town Center Framework Design Guidelines.

B. Parking. All parking in the Town Center zone shall be provided in accordance with the provisions of Chapter 18.58 LFPMC, except as provided in LFPMC 18.42.095, Freestanding parking structures.

C. Landscaping. Landscaping shall be provided as follows:

##### 1. Perimeter landscaping.

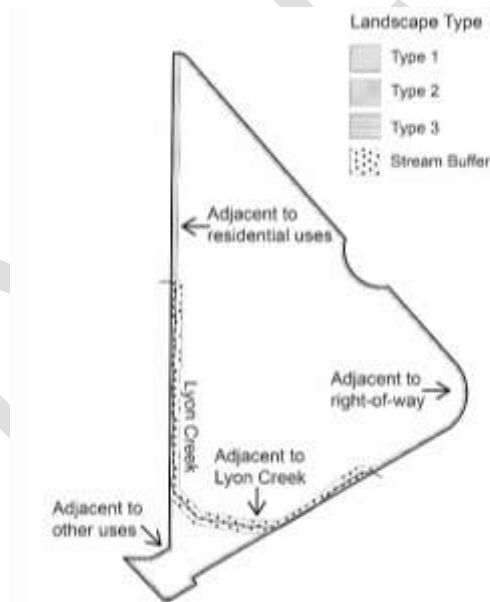
a. Adjacent to right-of-way. A minimum 10-foot wide landscape buffer meeting the requirements for Type 3 landscaping set forth in LFPMC 18.62.080 shall be installed along the property line adjacent to public rights-of-way; except trees can be clustered or staggered to improve visibility near driveways and a 30-foot break in the required tree coverage is allowed adjacent to permitted signage. [Refer to Figure 18.42.130-1.](#) The City Arborist can waive or modify this requirement if Type 3 landscaping is incompatible with existing significant trees along the right-of-way.

b. Adjacent to residential uses. A minimum 20-foot wide landscape buffer meeting the requirements for Type 1 landscaping set forth in LFPMC 18.62.080 shall be installed along the property line between proposed development and adjacent residential-zoned property. A

1 post-and-beam fence, decorative metal fence, or similar fence with  
2 minimum four-inch openings and consistent with residential character  
3 and quality shall be installed along the property line. [Refer to Figure](#)  
4 [18.42.130-1.](#)

5 [c.](#) Adjacent to Lyon Creek. A minimum 20-foot wide landscape buffer  
6 meeting the requirements for Stream buffer landscaping set forth in  
7 LFPMC 18.62.080 shall be installed along Lyon Creek. This  
8 requirement supersedes other landscape requirements set forth in this  
9 section. [Buffers shall be established from the ordinary high water mark](#)  
10 [or from the top of the bank if the ordinary high water mark cannot be](#)  
11 [identified. Refer to Figure 18.42.130-1.](#)

12 [d.](#) Adjacent to other uses. A minimum 10-foot wide landscape buffer  
13 meeting the requirements for Type 2 landscaping set forth in LFPMC  
14 18.62.080 shall be installed along the property line between proposed  
15 development and adjacent properties. This requirement does not  
16 apply on interior property lines within the Town Center zone. [Refer to](#)  
17 [Figure 18.42.130-1.](#)  
18



19 [Figure 18.42.130-1: Perimeter landscape buffers in the Town Center zone.](#)  
20

21 [2.](#) Open space.

22 [a.](#) Public open space. Development projects in Town Center shall  
23 provide public open space as follows:  
24

(i) A minimum of one quarter-acre of public open space shall be provided as part of any project that includes: projects identified in LFPMC 18.42.160(C)(1)(b) and/or (h), site work affecting two or more acres, or construction of 100 dwelling units or fewer.  
(ii) After the first 100 dwelling units, additional open space is required pursuant to Table 18.42.130-1, below:

**Table 18.42.130-1**

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

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

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

(i) 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.

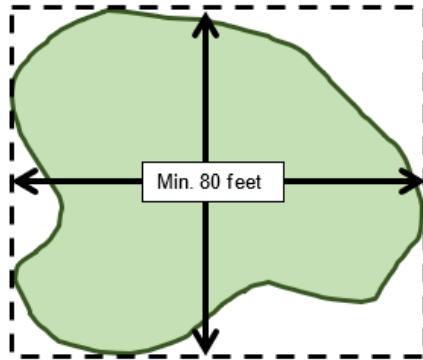
(ii) Private open space for multi-family. Residential development shall include a minimum of 60 square feet of private open space per unit. Private open space shall be configured as a patio or balcony and shall be not less than six (6) feet in any dimension.

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

(i) Open spaces shall be ~~prominently centrally~~ located and publicly accessible.

(ii) Open spaces shall be contiguous unless an alternative plan is approved in a development agreement.

(iii) 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 18.42.130-4~~2~~, below.



**Figure 18.42.130-42: Measuring dimensions of open spaces.**

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

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

#### **D. Height.**

1. The maximum building height limit in the TC zone is 38 feet above existing grade, measured from the lowest point of the existing grade. Existing grade means the elevation of the existing ground surface prior to proposed grading, excavation, or fill.

2. Maximum building height is inclusive of the height of parapet walls and similar features, unless associated with a rooftop use.

3. Maximum building height is exclusive of the following if approved as part of a Major TC Design Review application:

a. Public viewing platforms and covered public use spaces on the structure rooftop, including required guardrails.

**b.** Public art elements on the rooftop or along the sides of the building that otherwise are in compliance with the Town Center Framework Design Guidelines

**c.** Gable, hipped, shed, butterfly, and similar roof forms consistent with a Pacific Northwest architectural style on all facades visible from a public or private street, park, pedestrian pathway, or

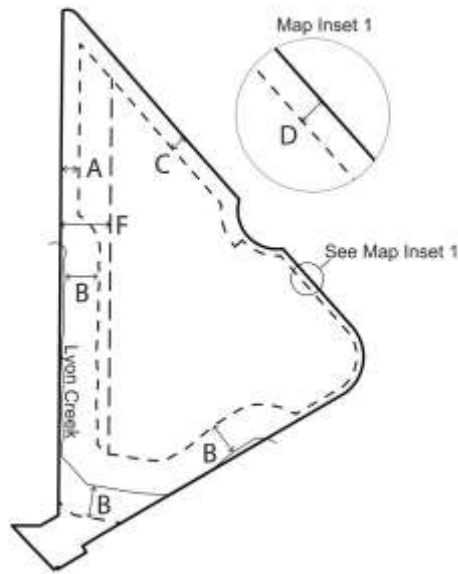


1 [residential use meeting the following standards: roofs must have a](#)  
2 [slope of at least three feet vertical to 12 feet horizontal \(3:12 slope\).](#)

3 [4. This height may be increased per a development agreement to the maximum](#)  
4 [extent provided in the Town Center Framework Design Guidelines.](#)

5 E. Setbacks. The following setback requirements apply to development in Town  
6 Center:

- 7 1. Buildings, except freestanding parking structures, shall be set back a  
8 minimum distance of ~~6049~~ 450 feet from adjacent residential-zoned  
9 property. The setback shall be measured from the adjacent boundary of  
10 all residential-zoned property. Refer to distance "A" in Figure 18.42.130-2.
- 11 2. Buildings shall be set back a minimum of 100 feet from Lyon Creek. The  
12 setback shall be measured from the ordinary high water mark of Lyon  
13 Creek. Refer to distance "B" in Figure 18.42.130-2.
- 14 3. Buildings shall be set back a minimum of 50 feet from Ballinger Way  
15 (State Route 104) north of the midpoint of the driveway into Town Center.  
16 The setback shall be measured from the edge of the right-of-way. Refer  
17 to distance "C" in Figure 18.42.130-2.
- 18 4. In all other places, buildings shall be set back a minimum of 20 feet from  
19 the Town Center zone boundary. The setback shall be measured from the  
20 edge of the right-of-way. Refer to distance "D" in Figure 18.42.130-2.
- 21 5. Freestanding parking structures shall be set back a minimum distance of  
22 150 feet from adjacent residential-zoned property. The setback shall be  
23 measured from the adjacent boundary of all residential-zoned property.  
24 Refer to distance "F" in Figure 18.42.130-2.
- 25 6. Interior property line setbacks are 0 feet.



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

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 LFPMP 16.24.010; and

- 1                   ii. The maximum height of any structural element associated  
2                   with the low impact development feature shall not exceed 30  
3                   inches above finished grade.  
4

5 F. Land Coverage.

- 6       1. The maximum impervious surface area shall be no more than 65 percent of the  
7       total lot area.  
8       2. Modification for Improvements to Lyon Creek Stream Buffer.  
9           a. Maximum impervious surface area may be increased when additional  
10          landscaping exceeding the minimum requirements set forth in LFPMC  
11          18.42.130(A)(3) is provided along Lyon Creek. The maximum impervious  
12          surface area may be increased by two and one-half (2.5) percent for each  
13          additional five (5) feet of Stream landscape buffer provided with the  
14          project. To qualify for this increase, provided landscape buffer must meet  
15          the requirements for Stream landscaping set forth in LFPMC  
16          18.62.080(D).  
17          b. When soft-surface walking paths within the additional buffer area set forth  
18          in subsection (a) of this section are provided, the maximum impervious  
19          surface area may be increased by an additional five (5) percent. The  
20          planting standards set forth in LFPMC 18.62.080(D) may be modified by  
21          the City Arborist if necessary to accommodate the soft-surface walking  
22          path.  
23          c. In no case shall the maximum impervious surface area exceed 75 percent  
24          of the total lot area.  
25

**Commented [KAP10]:** Council asked for research: "green roof"  
is a pervious surface in the surface water manual.

26 G. Pedestrian Safety.

- 27       1. Sidewalks shall be provided along all building facades at a minimum of  
28       eight feet wide unless otherwise provided for in this Chapter or the  
29       Framework Design Guidelines. Drip resistant weather protection at least  
30       eight feet deep must be provided along all facades except at required  
31       vehicle or bicycle entries and exits.  
32           a. This requirement may be modified as part of a development  
33           agreement when the applicant demonstrates that the sidewalk  
34           widths are infeasible. If modified pursuant to this section, the  
35           sidewalks shall be the maximum width feasible.  
36       2. Pedestrian pathways shall be established between pedestrian entries and  
37       exits from buildings to existing or planned sidewalks and pedestrian  
38       pathways through striping, signage, and/or other markings. At a minimum,  
39       the following shall be provided:  
40           a. Crosswalks shall be provided at the intersection of any  
41           internal access roadways and/or public roadways affected by the  
42           structure.

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

c. If pedestrians are likely to walk through a parking lot, a pedestrian pathway and/or signage shall be provided consistent with LFPMC 18.58.080(C).

3. Where obtaining necessary ownership or easement rights is feasible, a strong pedestrian connection, such as an artistically painted pathway, unique paving pattern or similar treatment, must be provided for pedestrian safety between a building and other adjacent land uses in the Towner Center zone.

4. The following are prohibited:

a. Entrapment areas where a person could become entrapped with no exit route. Instead, provide two means of ingress and egress from all outdoor spaces.

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

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

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

e. Vegetation that will obstruct views between 3 feet and 8 feet above the ground where visibility is necessary to avoid creating an insecure area and to reduce the potential for pedestrian/vehicle collisions.

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

6. The project shall be designed to comply with Crime Prevention through Environmental Design (CPTED) guidelines.

#### H. Lighting.

1. New developments, except freestanding parking structures complying with the requirements set forth in subsection 18.42.095 of this chapter, shall provide site lighting meeting the following criteria:

a. Non-pedestrian and vehicular traffic areas shall have a minimum illuminance of one-half (0.5) footcandle.

b. Pedestrian areas and building entries shall have a minimum illuminance of two (2.0) footcandles.

c. The maximum illuminance of site lighting shall be four (4.0) footcandles.

2. Lighting shall be provided at consistent levels and shall be designed to gradually transition between lighting levels using a uniformity ratio of 4:1. Highly contrasting pools of light and dark areas are prohibited.

3. Fixtures installed in parking lots and vehicle traffic areas shall be mounted no higher than 25 feet above the ground unless higher lighting fixtures are approved in a development agreement.

4. Fixtures installed in pedestrian areas shall be no higher than 15 feet above the ground. Lighting shall enable pedestrians to identify a face at 45 feet away to promote safety.

5. Site and building lighting fixtures shall be full cut-off and dark sky rated. Lighting shall not trespass onto adjacent private parcels and luminaires shall not be visible at the property line. Light emissions shall not be visible above the roofline of the buildings onsite.

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

I. Vehicle and Pedestrian Signage and Wayfinding.

1. Wayfinding signage and pavement markings shall comply with the Manual on Uniform Traffic Control Devices (MUTCD).

2. Signage shall clearly direct drivers to parking areas by the most efficient route possible.

3. Pedestrian signage is required to assist in wayfinding and shall be designed consistent with the Town Center Framework Design Guidelines. Pedestrian signage shall provide a unified and recognizable design that shall be demonstrated by a Master Sign Plan. This requirement may be modified through a development agreement.

**Commented [CH11]:** New lighting standards for review. Based heavily on City of Woodinville Commercial Design Guidelines.

**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 affordable housing requirements ~~and provides development incentives in exchange for~~ eligibility for multi-family property tax exemption provided in chapter 3.23. LFPMC. the public benefit of providing affordable housing units at Town Center.

**Commented [KAP12]:** 3 definitions included in 18.08 for this section.

1 B. Minimum Requirement. All developments creating four (4) or more new dwelling units  
2 ~~in a residential or mixed-use structure in the at-Town Center zone~~ shall provide at least  
3 10 percent of the ~~dwelling~~ units as affordable ~~housing~~ units to ~~owners or renters either~~  
4 ~~of the following:~~

5 ~~1. owners at or below 80 percent of King County median household~~  
6 ~~income, adjusted for household size, and where no more than thirty~~  
7 ~~percent of the monthly household income is paid for monthly housing~~  
8 ~~expenses (rent and appropriate utility allowance.); or~~

9 ~~2. renters at or below 50 percent of King County median household~~  
10 ~~income, adjusted for household size, and where no more than thirty~~  
11 ~~percent of the monthly household income is paid for monthly housing~~  
12 ~~expenses (rent and appropriate utility allowance);.~~

13 C. Multi-family Residential Tax Exemption. Affordable housing units provided in B.  
14 ~~above may be eligible for a multi-family residential tax exemption under chapter 3.23~~  
15 ~~LFPMC.~~

16 D. Rounding. The number of affordable housing units required is determined by  
17 rounding up to the next whole number of units if the fraction of the whole number is at  
18 least 0.50

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

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

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

26 ~~GG.~~ Additional affordable housing requirements.

27 1. Location and mix. Prior to the issuance of any permit(s), the City shall review and  
28 approve the location and unit mix of the affordable ~~housing~~ units consistent with the  
29 following standards:

- 30 a. The affordable ~~housing~~ units shall be intermingled with all other dwelling units in  
31 the ~~structured development~~.
- 32 b. The type of ownership of the affordable ~~housing~~ units shall be the same as the  
33 type of ownership for the rest of the ~~dwelling housing~~ units in the  
34 ~~structured development~~.
- 35 c. The affordable ~~housing~~ units shall consist of a range of number of bedrooms that  
36 are comparable to ~~dwelling~~ units in the overall ~~structured development~~.
- 37 d. The size of the affordable ~~housing~~ units, if smaller than the other units with the  
38 same number of bedrooms in the development, shall not be more than 10  
39 percent smaller than the comparable dwelling units in the development, based on

Commented [KAP13]: All of these criteria are also in chapter  
3.23. MFTE

Chapter 3.23 adds some additional criteria that are required by  
statute.

number of bedrooms; or less than 500 square feet for a 1-bedroom unit, 700 square feet for a 2-bedroom unit, or 900 square feet for a 3-bedroom unit, whichever is less.

e. The affordable ~~housing~~ units shall be available for occupancy in a time frame comparable to the availability of the rest of the dwelling units in the ~~structured development~~.

f. The exterior design and the interior finish and quality of the affordable ~~housing~~ units must be compatible and comparable with the rest of the dwelling units in ~~the structure development~~.

g. The affordable units shall be used for permanent residential occupancy meaning multi-family housing that is either owner occupied or rented for periods of at least one month.

Commented [KAP14]: Added to deal with vrbo concerns.

~~g. The interior finish and quality of construction of the affordable housing units shall at a minimum be comparable to entry level rental or ownership housing in the City of Lake Forest Park.~~

2. Affordability Agreement. Prior to issuing a certificate of occupancy, an ~~Affordability A~~greement consistent with the requirements of this section and in a form acceptable to the City Attorney that addresses price restrictions, homebuyer or tenant qualifications, long-term affordability, and any other applicable topics of the affordable ~~housing~~ units shall be recorded with the King County Recorder's Office. ~~Th Affordability is a~~Agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant. The Affordability Agreement may be one and the same with the MFTE covenant in chapter 3.23 LFPMC.

3. Length of Time of Affordable Housing Status. Affordable ~~housing~~ units that are provided under this section shall remain as affordable ~~units housing from the date of initial occupancy through the life of the project, which ends when the structure including the multifamily project is no longer in use.~~ or the life of the for a minimum of 30 years from the date of initial owner occupancy for ownership affordable housing units and for the life of the project for rental affordable housing units.

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

Commented [KAP15]: Moved to F.2.

1. Within 30 days after the first anniversary of the date the City issues a certificate of occupancy and each year thereafter, the property owner shall file a certification with the City Administrator, verified upon oath or affirmation, which shall contain such information as the Administrator may deem necessary or useful, and shall include the following information:

a. A statement of occupancy and vacancy of the affordable housing units during the previous year.

b. A certification that the property has not changed use since the date of obtaining the certificate of occupancy and continues to comply with the recorded Affordability

1 Agreement.

2 c. A description of any improvements or changes to the affordable housing  
3 units made after the filing of the certificate of occupancy or last declaration, as  
4 applicable.

5 d. As applicable, information demonstrating

6 (i) The total monthly rent or total sale amount of each affordable housing unit;  
7 and

8 (ii) The income of each rental household and owner(s) of the affordable units.

9  
10 2. At least every three (3) years, the City Planning and Building Department shall  
11 submit a report to the City Council that summarizes the use of this affordable housing  
12 section to-date.

13 | **18.42.140 Town center framework design guidelines – Adopted .**

14 A. The guidelines contained in the Town Center Framework Design Guidelines, dated  
15 \_\_\_\_\_, 2021, are adopted as design guidelines applicable to all applications filed for  
16 proposed development in the Town Center zone and incorporated by reference herein.

17 | **18.42.160 Administration.**

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

19 1. Interior modifications that do not alter the exterior surface of a building.

20 2. Normal maintenance, repair, and replacement in-kind. For example, re-roofing  
21 that does not modify the roof structure, repainting, mechanical equipment replacement,  
22 parking lot pavement patching and stall repainting that does not involve reconfiguration.

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

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

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

33 B. Minor Town Center Design Review.

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



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

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

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

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

#### C. Major Town Center Design Review.

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

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

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

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

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

e. Alteration to outdoor plazas or open space;

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

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

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

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

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

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

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

5. The applicant must make application for Major TC Design Review on forms provided by the Department. An application for Major TC Design Review may be

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

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

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

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

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

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

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

30 d. Posted on a social media account hosted by the City.  
31

32 9. After the public meeting, the Design Review Board shall deliberate and  
33 ~~prepare~~ provide a written recommendation to the Hearing Examiner that may include  
34 approval, conditional approval, or denial of the application. Because the Design Review  
35 Board provides only a recommendation, there are no appeals of the Board's  
36 recommendation.  
37

38 10. The Department shall submit the staff report and the Design Review Board's  
39 recommendation to the Hearing Examiner for consideration during the open record pre-  
40 decision hearing on the Type I permit. The pre-decision hearing shall be scheduled  
41 before the hearing examiner, and a notice thereof shall be mailed or emailed to all  
42 parties of record by the code administrator no less than 21 days before the date of the  
43 hearing.  
44

45 E. Appeals.

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

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

6 3. There shall be a closed record administrative appeal to the City Council of the  
7 hearing examiner's final decision if the Major Design Review Permit application involves  
8 100 or more dwelling units or a project area of three (3) acres or more.

9 a. An appeal must be filed within 14 calendar days following issuance of  
10 the notice of decision by the hearing examiner. Appeals must be delivered to the  
11 city clerk's office by mail or personal delivery by the last business day of the  
12 appeal period. For the purposes of computing the time for filing an appeal section  
13 16.26.055 LFPMP shall apply.

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

19 c. The City Council shall hold a closed record appeal as described in  
20 section 16.26.160 LFPMP except this shall be a closed record appeal of a Type  
21 III hearing examiner final decision instead of a Type II hearing examiner  
22 recommendation. Unless the parties to an appeal have agreed to an extended  
23 time period, the administrative appeal shall be completed within 90 days from the  
24 date the administrative appeal period closed.

25 d. In deciding the appeal the City Council shall consider the complete  
26 record developed before the hearing examiner, the final decision of the hearing  
27 examiner, and written briefing and oral argument by the appellant and the  
28 applicant based on the record before the hearing examiner. Deadlines, page  
29 limits, and oral argument time limits shall be set by the Council Chair based on  
30 the complexity of the appeal issues. The Council Chair may hold a prehearing  
31 conference with the appellant and the applicant before determining same.

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

35 f. After the closed record appeal hearing, the City Council shall issue its  
36 decision on the appeal. The decision shall include findings of fact upon which the  
37 decision was based and the conclusions derived from those facts. The City  
38 Council may approve, approve with conditions, deny or remand to the hearing  
39 examiner the application. The City Clerk shall mail or email the City Council's  
40 written decision to each person who participated in the open record hearing  
41 before the hearing examiner. The decision of the City Council is the final decision  
42 by the city.

43  
44 F. General - Town Center Design Review

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

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

7           3. Vesting.

8           a. ~~Application for Approval of a Minor~~ TC Design Review permit shall not provide  
9 the applicant with vested rights for the proposed project. ~~The Minor TC Design Review~~  
10 ~~permit shall vest to the applicable provisions of the LFPMC upon the date of the City's~~  
11 ~~final decision on the Minor TC Design Review permit. Subsequent permits shall be~~  
12 ~~subject to the applicable codes and regulations in effect at the time a complete~~  
13 ~~application for these permits is filed, unless provided otherwise in a Development~~  
14 ~~Agreement as provided in Chapter 18.72 LFPMC.~~

15           b. Submittal of a complete application for Major TC Design Review shall vest the  
16 Major TC Design Review project to the local land use regulations in effect on the date  
17 that the complete Major TC Design Review application was filed. Revisions requested  
18 by an applicant to a vested, but not yet approved, application shall be deemed a new  
19 application when such revisions are classified by the Director as a major modification.  
20 Major modifications are those which substantially change the basic design, density,  
21 vehicle circulation, access, or open space requirements of the application.  
22

23           4. Expiration and Extension.

24           a. An approved Minor TC Design Review permit ~~without a phasing plan~~ shall  
25 expire 2 years after the date the permit is issued. Extensions of six (6) months and up to  
26 one year may be approved by the Director when the applicant submits a written request  
27 prior to expiration that includes a reasonable justification for the extension, such as a  
28 financial hardship, hardship in obtaining materials, weather-related factors, or similar  
29 delaying factors.

30           b. ~~An approved Major TC Design Review permit shall expire be null and void if~~  
31 ~~the applicant fails to file a complete building permit application(s) for all buildings, and~~  
32 ~~have all valid building permits issued within the time periods specified in the final~~  
33 ~~decision by the hearing examiner, (Type I) or the Director (Type III). If an expiration~~  
34 ~~date is not expressly provided for in the final decision, the approved Major TC Design~~  
35 ~~Review permit shall expire 2 years after the date the permit is issued and a one (1) year~~  
36 ~~extension may be approved by the Director when the applicant submits a written~~  
37 ~~request prior to expiration that includes a reasonable justification for the extension, such~~  
38 ~~as a financial hardship, hardship in obtaining materials, weather-related factors, or~~  
39 ~~similar delaying factors.~~

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

4 **18.42.170 Development agreement.**

5  
6 A. The applicant and the city may enter into a development agreement as provided in  
7 Chapter 18.72 LFPMP with terms consistent with the Town Center Framework Design  
8 Guidelines and other provision of the LFPMP.

9  
10 B. The development agreement shall not include provisions that modify the following  
11 requirements in this LFPMP chapter 18.42.095:

- 12  
13 1. Height as provided in~~Parking structure location and massing~~, LFPMP  
14 18.42.095.A.(3);  
15 2. Mixed use as provided in, LFPMP 18.42.095.L., except the amount and  
16 location of Active Use Space ~~commercial space~~ may be modified; and  
17 3. Open space as provided in LFPMP 18.42.130.C.(2) and the Town Center  
18 Framework Design Guidelines sections XXX;  
19 2.4. Setbacks as provided in LFPMP 18.42.130.E. and the Town Center  
20 Framework Design Guidelines sections XXX; and  
21 3.5. Land coverage as provide in LFPMP 18.42.130.F.

22 **18.42.180 Bonds or other financial security.** Unless otherwise provided elsewhere in  
23 the LFPMP, the applicant shall be required to bond for all improvements that are subject  
24 to review under this chapter.

25  
26 A. Before a permit is issued, the applicant shall deposit with the city clerk a surety bond  
27 in such reasonable amount as set by the Hearing Examiner (Type I) or set by the  
28 Director (Type III). The required surety bond must be:

- 29 1. With good and sufficient surety rated A or better;  
30 2. By a surety company authorized to transact business in the state;  
31 3. Satisfactory to the city attorney in form and substance; and  
32 4. In an amount sufficient to guarantee that all required improvements and  
33 mitigation measures will be completed in a manner that complies with conditions of  
34 approval.

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

39  
40 Section 4. SEVERABILITY. Should any portion of this ordinance, or its  
41 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.

3  
4 Section 5. 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.

8  
9 Section 6. EFFECTIVE DATE. This ordinance shall take effect five (5) days after  
10 passage and publication.

11  
12 **APPROVED BY A MAJORITY** of the Lake Forest Park City Council this [click](#)  
13 here to enter day of month. day of [Click here to enter month.](#), 2021.

14  
15 APPROVED:

16  
17  
18  
19 \_\_\_\_\_  
20 Jeff Johnson  
21 Mayor

22 ATTEST/AUTHENTICATED:

23  
24  
25 \_\_\_\_\_  
26 Evelyn Jahed  
27 City Clerk

28  
29 APPROVED AS TO FORM:

30  
31  
32 \_\_\_\_\_  
33 Kim Adams Pratt  
34 City Attorney

35  
36 Introduced: \_\_\_\_\_  
37 Adopted: \_\_\_\_\_  
38 Posted: \_\_\_\_\_  
39 Published: \_\_\_\_\_  
40 Effective: \_\_\_\_\_  
41  
42

ORDINANCE NO. 1218

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.

A. The city may enter into a development agreement with a person having ownership or control of real property within its jurisdiction. The city may enter into a development agreement for real property outside its boundaries as part of a proposed annexation or a service agreement. A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. B. Pursuant to RCW 36.70B.170 through 36.70B.210, as amended, a person or entity having ownership or control of real property within the city may file an application for a development agreement with the Planning and Building Department ("Department"), and pay the filing fee established by city council resolution.



1 **18.72.020 Terms and Conditions.**

2 A. The Director of the Planning Department ("Director"), and such designees as may be  
3 appointed for this purpose by the Mayor, is authorized, but not required, to negotiate  
4 acceptable

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

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

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

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

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

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

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

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

29 10. Where a phased development agreement is proposed, a site plan shall be provided  
30 and shall clearly show the proposed phases ing and when in each phase public benefit  
31 shall be provided. Public benefits should be provided as early as feasible in projects.

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 ~~(a)~~. 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 ~~(b)~~. Sent regular USPS mail to all dwelling units in the City and to all taxpayers of  
24 record if different than the dwelling unit address;

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

27 ~~(d)~~. 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 making application, approval of a development agreement is wholly  
15 discretionary and any action taken by the city council is legislative only, and not quasi-  
16 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 LFPMC.

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 ~~intent~~terms of the development agreement;

32 b. Shall not reduce landscaping, buffering, or open space areas;

33 c. Shall not reduce setback requirements;

34 d. Shall not result in an increase in height of any structure; and

**Commented [KAP16]:** Revised with "intent" because we know  
a minor modification will be changing something in the DA.

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 after which certain identified  
20 standards can be modified. Determination of the appropriate standards for future  
21 phases which are not fully defined during the initial approval process may be  
22 postponed. Building permit applications shall be subject to the building codes in effect  
23 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.  
38

**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., 2021.

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. 1219

**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.**

**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.

**B. Applicability.**

1. New projects or redevelopment projects exceeding 50 percent of the fair market value of the parking lot must comply with these regulations in their entirety.

2. Redevelopment projects not exceeding 50 percent of the fair market value of the parking lot must comply with these regulations for all new or replaced portions of the parking lot.
3. Maintenance of existing parking lots that do not include altering the footprint of the parking lot, such as grind and overlay or restriping projects, must comply with these regulations where possible.

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

1. Perimeter parking lot landscaping.

- a. Adjacent to roadways. Parking lots adjacent to roadways shall include a ten-foot-wide planting bed meeting the requirements for Type 3 landscaping set forth in LFPMC 18.62.080; except trees can be clustered or staggered to improve visibility near driveways and a 30-foot break in the required tree coverage is allowed adjacent to permitted signage. Refer to Figure 18.58.080-1.

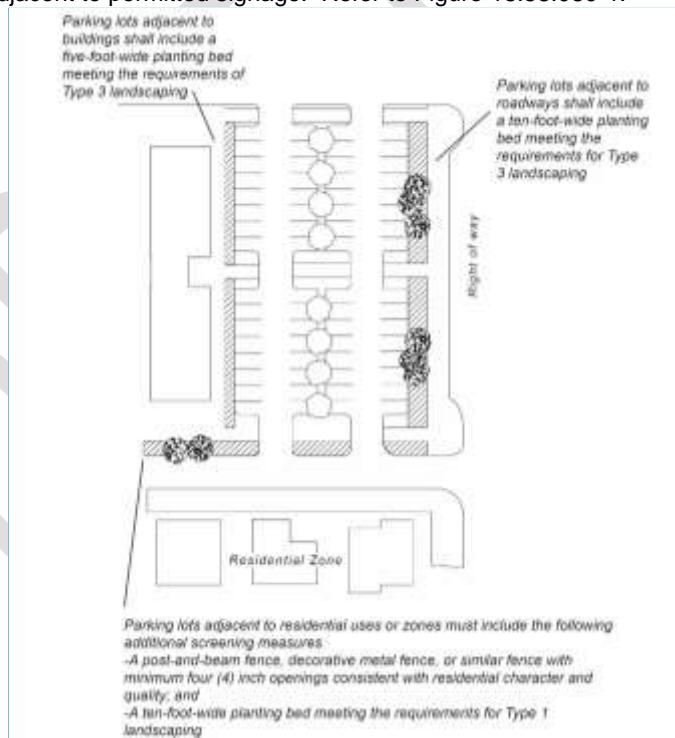
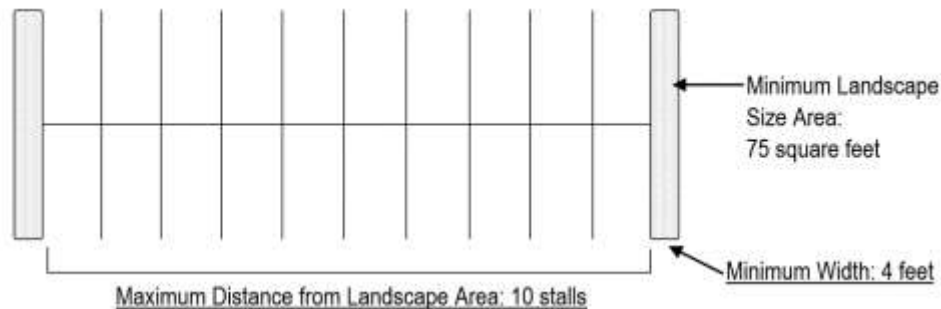


Figure 18.58.080-12: Landscaping between large parking lots and adjacent streets.

Commented [CH17]: New parking lot graphic

- b. Adjacent to residential uses. Parking lots adjacent to residential uses or zones must include the following additional screening measures:
- i. A post-and-beam fence, decorative metal fence, or similar fence with minimum four (4) inch openings consistent with residential character and quality; and
  - ii. A ten-foot-wide planting bed meeting the requirements for Type 1 landscaping set forth in LFPMC 18.62.080.
- c. 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.
- d. 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.
- e. Adjacent to Streams. Parking lots adjacent to Streams as defined in Chapter 16.16 LFPMC 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.
2. Interior parking lot landscaping. Surface parking lots must be landscaped to break up large areas of asphalt and provide visual relief, 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 18.58.080-3: Parking lot landscaping.*

- 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.
3. Low impact development. Except in landscape buffer areas adjacent to a Stream as defined in Chapter 16.16. LFPMC, parking area landscaping shall be used for low impact development best management practices or treatment best management practices as approved by the Public Works Director pursuant to the stormwater management manual adopted in LFPMC 16.24.010, unless technically infeasible. The requirements for plant sizes and spacing in this section may be relaxed for bioretention facilities when supported by recommendations provided by an arborist, landscape architect, or other qualified professional.
- D. Pathways through parking lots. Safe and convenient pedestrian paths are required from street sidewalks through parking lots to building entries, as follows:
  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.~~

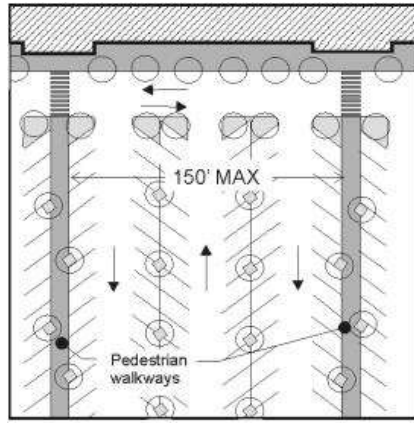


Figure 4: Parking lot pathway configuration.

Commented [CH18]:

Commented [KAP19R18]: Figure to be deleted.

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 ~~with into~~ the required parking lot landscaping.

Commented [CH20]:

Commented [CH21R20]: "universal design" is being addressed in FDGs.

E. Pedestrian amenities. All nonresidential development must provide a decorative garbage and recycling receptacle and at least one of the following pedestrian 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 art. This is satisfied if the pedestrian pathway uses unique paving treatments; or
7. Other element that encourages pedestrian activity and creates a welcoming pedestrian environment, as approved by the Director.

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

**Section 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., 2021.

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. 1220

**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

**WHEREAS,** beginning in the fall of 2017, the City engaged the public and stakeholders in a visioning process for the Town Center; and in 2018 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; and

**WHEREAS,** as part of the Town Center process, landscaping and screening was reviewed and analyzed and the City Council determined that amendments to Chapter 18.62 LFPMC applicable to the entire City were considered; and

**WHEREAS,** the City Council held public meetings to review and analyze amendments to Chapter 18.62 LFPMC during study sessions and Committee of the Whole meetings on December 14, 2020, January 9, 2021, \_\_\_\_\_; and

**WHEREAS,** the City Council held a public hearing on January 21, 2021 regarding amendments to Chapter 18.62 LFPMC; and

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

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

1        Section 1. AMEND . The City Council of the City of Lake Forest Park hereby  
2 amends Chapter 18.62 LFPMC, Screening and Landscaping, as follows:

3 . . .

4  
5 **LFPMC 18.62.030. Landscaping of perimeter of lot.**

6  
7 The perimeter of a lot, or development site, shall be landscaped to a depth of six feet  
8 from the property line or the perimeter of the development site and be maintained as a  
9 sight~~ht~~ screen in accordance with this chapter, except as provided for in LFPMC  
10 18.62.050 or as otherwise specified in this Title.

11  
12 **LFPMC 18.62.040 Landscaping of street frontages.**

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

17  
18 **LFPMC 18.62.041 Minimum requirements.**

- 19 A. Unless otherwise specified within this Title, landscaped areas shall consist of a  
20 variety of trees, shrubs and plants that shall cover at least 75 percent of the  
21 ground contained in the landscape areas. At least one tree shall be required for  
22 every 250 square feet of landscaped area. A minimum of 30 percent of the  
23 landscaping and trees shall consist of evergreen/conifer species.  
24 B. Use of native and drought-tolerant species are encouraged.  
25 C. Invasive species and noxious weeds are prohibited.

26 . . .

27  
28 **LFPMC 18.62.080 Landscaping types.**

29 A. Type 1 – Solid screen.

- 30 1. Purpose. Provide ~~asight-obscuring screening -solid sight barrier~~ to  
31 separate incompatible land uses. Type 1 landscaping consists of a mix of  
32 primarily evergreen trees and shrubs placed to form a continuous screen.  
33 2. Description. Type 1 landscaping shall consist of evergreen trees planted  
34 no more than 20 feet on center in a triangular pattern; shrubs and  
35 groundcover which will provide a 100 percent sight-obscuring screen  
36 within three years from the time of planting; or a combination of  
37 approximately 75 percent evergreen and 25 percent deciduous trees (with  
38 an allowable five percent variance), planted no more than 20 feet on  
39 center in a triangular pattern. Deciduous trees shall be at least 2-inch  
40 caliper and evergreen trees shall be at least six feet in height. Shrub and  
41 groundcover spacing shall be appropriate for the species type, and  
42 consistent with the intent of this section. Shrubs shall be at least 24  
43 inches in height. Turf may constitute no more than 30 percent of  
44 groundcover.

45 B. Type 2 – Visual screen.

1. Purpose. Provide a visual filter to separate higher- and lower-intensity uses. Type 2 landscaping consists of a mix of evergreen and deciduous trees and shrubs spaced to create a filtered screen.
2. Description. Type 2 landscaping shall be a combination of at least 50 percent evergreen and at least 30 percent deciduous trees, planted no more than 25 feet on center in a triangular pattern, interspersed with large shrubs and groundcover. 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 consistent with the intent of this section. Shrubs shall be at least 24 inches in height. Turf may constitute no more than 30 percent of groundcover.

C. Type 3 – Visual buffer.

1. Purpose. Provide a semi-transparent buffer to partially separate uses and soften the appearance of development projects. Type 3 landscaping consists of a mix of evergreen and/or deciduous trees spaced to create a continuous canopy.
2. Description. Type 3 landscaping shall be at least 70 percent deciduous trees planted no more than 30 feet on center in a triangular pattern and interspersed with shrubs and groundcover. 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 consistent with the intent of this section. Shrubs shall be at least 24 inches in height. Turf may constitute no more than 30 percent of groundcover.

D. Stream buffer.

1. Purpose. Provide stream buffer functions to enhance in-water and upland habitat. Stream buffer landscaping consists of native species typically found growing on stream banks in the Puget Sound Lowlands.
2. Description. Stream buffer landscaping shall be designed by a Landscape Architect, certified Professional Wetland Scientist, or other qualified professional using a mix of native trees, shrubs, and forbs. Stream buffer landscaping shall meet the following requirements:
  - a. Native trees shall be planted at an average of 12 feet on center and at an overall density of 300 trees per acre. Plants shall be a minimum one-gallon size at time of planting.
  - b. Native shrubs shall be planted at average of five feet on center and at an overall density of 1,730 shrubs per acre. Plants shall be a minimum of one-gallon size at time of planting.
  - c. Native forbs may include a mix of grasses, sedges, rushes, ferns, and other herbaceous plants and shall be planted at an average of 12 inches on center and at an overall density of one

1 plant per square foot. Plants shall be a minimum of 10-inch plugs  
2 or four-inch pot size at time of planting.

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

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

15 Section 3. CORRECTIONS. The City Clerk is authorized to make necessary  
16 corrections to this ordinance including, but not limited to, the correction of  
17 scrivener's/clerical errors, references, ordinance numbering, section/subsection  
18 numbers and any references thereto.  
19

20 Section 4. EFFECTIVE DATE. This ordinance shall take effect five (5) days after  
21 passage and publication.  
22

23 **APPROVED BY A MAJORITY** of the Lake Forest Park City Council this [click](#)  
24 [here to enter day of month.](#) day of [Click here to enter month.](#), 2021.  
25

26 APPROVED:  
27  
28

29 \_\_\_\_\_  
30 Jeff Johnson  
31 Mayor  
32

33 ATTEST/AUTHENTICATED:  
34  
35

36 \_\_\_\_\_  
37 Evelyn Jahed  
38 City Clerk  
39

40 APPROVED AS TO FORM:  
41  
42

43 \_\_\_\_\_  
44 Kim Adams Pratt  
45 City Attorney  
46

1 Introduced: \_\_\_\_\_  
2 Adopted: \_\_\_\_\_  
3 Posted: \_\_\_\_\_  
4 Published: \_\_\_\_\_  
5 Effective: \_\_\_\_\_  
6

DRAFT



ORDINANCE NO. 1221

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
LAKE FOREST PARK, WASHINGTON, **CREATING**  
CHAPTER 3.23. LFPMP, 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.; 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. ADOPTION . The City Council of the City of Lake Forest Park hereby  
adopts Chapter 3.23 LFPMP, 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  
Authorized
- 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  
17 not exceed 30 percent of the household's monthly income. ~~For the purposes of~~  
18 housing intended for owner occupancy, "affordable housing" means residential  
19 housing that is within the means of low- or moderate-income households.

**Commented [KAP22]:** Deleted because the city is not using the terms low or moderate income. City is referring to a specific percentage of area median income.

20 C. "Affordable unit" means a dwelling unit as defined in the LFPMC that is reserved for  
21 occupancy by eligible households and sold or rented at an affordable price or  
22 affordable rent..

**Commented [KAP23]:** Definitions added per discussion 1/9

23 B.D. "AMI" means the area median income. For Lake Forest Park, the King County  
24 median income is used as the AMI.

25  
26 E. "Eligible household" means one or more adults and their dependents who, as set  
27 forth in the regulatory agreement referenced in section 3.23.070 LFPMC, certify that  
28 their household annual income does not exceed the applicable percent of the King  
29 County median income, adjusted for household size, and who certify that they meet  
30 all qualifications for eligibility, including, if applicable, any requirements for  
31 recertification on income eligibility.

32  
33 D. "High cost area" means a county where the third quarter median house price for the  
34 previous year as reported by the Washington Center for Real Estate Research at  
35 Washington State University is equal to or greater than 130 percent of the statewide  
36 median house price published during the same time period.

37  
38 F. "Household" means a single person, family, or unrelated persons living together.

39  
40 G. "Household annual income" means the aggregate annual income of all persons over  
41 18 years of age residing in the same household for at least four months.

42  
43 "Low-income household" means a single person, family, or unrelated persons living  
44 together whose adjusted income is at or below 80 percent of the median family income,

1 ~~adjusted for family size, for the county where the project is located, as reported by the~~  
2 ~~United States Department of Housing and Urban Development. For cities located in high-~~  
3 ~~cost areas, "low-income household" means a household that has an income at or below~~  
4 ~~100 percent of the median family income adjusted for family size, for the county where the~~  
5 ~~project is located.~~

6 ~~"Moderate-income household" means a single person, family, or unrelated persons living~~  
7 ~~together whose adjusted income is more than 80 percent but is at or below 115 percent~~  
8 ~~of the median family income, adjusted for family size, for the county where the project is~~  
9 ~~located, as reported by the United States Department of Housing and Urban~~  
10 ~~Development. For cities located in high-cost areas, "moderate-income household" means~~  
11 ~~a household that has an income that is more than 100 percent, but at or below 150~~  
12 ~~percent, of the median family income adjusted for family size, for the county where the~~  
13 ~~project is located.~~

14  
15 H. "King County median income" means the median income for the Seattle-Bellevue, WA,  
16 HUD Metro FMR Area as most recently determined by the Secretary of Housing and  
17 Urban Development (the "Secretary") under Section 8(f)(3) of the United States Housing  
18 Act of 1937, as amended. In the event that HUD no longer publishes median income  
19 figures for King County, the City may use or determine such other method as it may  
20 choose to determine the King County median income, adjusted for household size.

21  
22 I. "MFTE" means multifamily housing property tax exemption.

23 J. "MFTE contract" means the agreement between the property owner and the City  
24 regarding the terms and conditions of the project and eligibility for exemption under this  
25 chapter.

26 K. "MFTE covenant" means the agreement that is in a form acceptable to the City  
27 Attorney that addresses price restrictions, eligible household qualifications, long-term  
28 affordability, and any other applicable topics of the affordable housing units as  
29 referenced in section 3.23.050 LFPMP.

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

34 M. "Owner" means the property owner of record.

35 N. "Owner occupied" means a residential unit that is rented for fewer than thirty (30) days  
36 per calendar year.

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

39 "Project" means the multifamily housing or portion of the multifamily housing that is to  
40 receive the tax exemption.

41 P. "Residential targeted area" means the area within the boundary as designated by  
42 LFPMP Section 3.23.030.

43 ~~M. "Urban Center" means a compact, identifiable district where urban residents may~~

**Commented [KAP24]:** Requiring that the affordable units be for "permanent residential occupancy," as that term is defined here, prevents them from being used for Vrbo purposes

1 ~~obtain a variety of products and services. An urban center must contain:~~

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

4 ~~2. Adequate public facilities including streets, sidewalks, lighting, transit, domestic~~  
5 ~~water, and sanitary sewer systems; and~~

6 ~~3.1. A mixture of uses and activities that may include housing, recreation, and~~  
7 ~~cultural activities in association with either commercial or office or both uses.~~

### 9 **3.23.030 Residential Targeted Area — Criteria — Designation — Recession**

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

- 14 1. The residential targeted area is within an urban center as defined by Chapter  
15 84.14 RCW;
- 16 2. The residential targeted area lacks sufficient available, desirable and  
17 convenient residential housing, including affordable housing, to meet the needs  
18 of the public who would be likely to live in the urban center if the affordable,  
19 desirable, attractive and livable residences were available; and
- 20 3. Providing additional housing opportunity in the residential targeted area will  
21 assist in achieving one or more of the following purposes:
  - 22 (a) Encourage increased residential opportunities within the City; or
  - 23 (b) Stimulate the construction of new affordable multifamily housing; or
  - 24 (c) Encourage the rehabilitation of existing vacant and underutilized  
25 buildings for multifamily housing.

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

- 28 1. Whether additional housing in the residential targeted area will attract and  
29 maintain an increase in the number of permanent residents;
- 30 2. Whether providing additional housing opportunities for low and moderate  
31 income households would meet the needs of citizens likely to live in the area if  
32 affordable residences were available;
- 33 3. Whether an increased permanent residential population in the residential  
34 targeted area will help to achieve the planning goals mandated by the Growth  
35 Management Act under Chapter 36.70A RCW, as implemented through the  
36 City's comprehensive plan; or
- 37 4. Whether encouraging additional housing in the residential targeted area  
38 supports plans for significant public investment in public transit or a better jobs  
39 and housing balance.

40 C. At any time, the City Council may, by ordinance, in its sole discretion, amend or  
41 rescind the designation of a residential targeted area pursuant to the same procedural  
42 requirements as set forth in this chapter for original designation.

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

- 45 1. Town Center zone
- 46 2. Southern Gateway – Corridor zone

3. RM-900 Residential Multifamily zone

4. RM-1800 Residential Multifamily zone

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

Commented [RT25]: Note that Maps will need to be inserted

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

A. Duration and affordability requirements of Exemption. The value of improvements qualifying under this chapter will be exempt from ad valorem property taxation. ~~as follows:~~ For 8 or 12 successive years beginning January 1 of the year immediately following the calendar year of issuance of the certificate of tax exemption where at least the required minimum number of units are affordable units offered for rent or sale as follows:

1. In the Town Center zone residential targeted area:

<u>Length of exemption</u>	<u>Number of units</u>	<u>Affordability level</u>
<u>8 years</u>	<u>First 10%</u>	<u>80% AMI</u>
<u>12 years</u>	<u>First 10%</u>	<u>80% AMI</u>
	<u>Second 10%</u>	<u>60% AMI</u>

2. In the Southern Gateway – Corridor zone residential targeted area:

<u>Length of exemption</u>	<u>Number of units</u>	<u>Affordability level</u>
<u>8 years</u>	<u>First 10%</u>	<u>80% AMI</u>
<u>12 years</u>	<u>First 10%</u>	<u>80% AMI</u>
	<u>Second 10%</u>	<u>60% AMI</u>

3. In the RM-900 Residential Multifamily zone residential targeted area:

<u>Length of exemption</u>	<u>Number of units</u>	<u>Affordability level</u>
<u>8 years</u>	<u>First 10%</u>	<u>80% AMI</u>
<u>12 years</u>	<u>First 10%</u>	<u>80% AMI</u>
	<u>Second 10%</u>	<u>60% AMI</u>

4. In the RM-1800 Residential Multifamily zone residential targeted area:

<u>Length of exemption</u>	<u>Number of units</u>	<u>Affordability level</u>
<u>8 years</u>	<u>First 10%</u>	<u>80% AMI</u>
<u>12 years</u>	<u>First 10%</u>	<u>80% AMI</u>
	<u>Second 10%</u>	<u>60% AMI</u>

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

11 **A-B. Limits of Exemption.**

- 12 1. The property tax exemption does not apply to the value of land or to the  
13 value of non-housing-related improvements not qualifying under RCW 84.14.  
14 2. This chapter does not apply to increases in assessed valuation made by the  
15 assessor on non-qualifying portions of building and value of land, nor to increases made  
16 by lawful order of the King County Board of Equalization, the Department of Revenue, or  
17 King County, to a class of property throughout the county or specific area of the county  
18 to achieve uniformity of assessment of appraisal required by law.  
19 3. The property tax exemption only applies to the value of improvements used  
20 for permanent residential occupancy.

21  
22 **3.23.050 Project Eligibility**

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

- 25 1. The affordable units must be located in the residential targeted area.  
26 2. The affordable units must be within a residential or mixed- use structure  
27 containing at least four dwelling units, in which at least 50 percent of the space must  
28 provide for permanent residential occupancy.-  
29 3. The affordable units shall be intermingled with all other dwelling units in the  
30 structure.  
31 4. The type of ownership of the affordable units shall be the same as the type  
32 of ownership of the rest of the housing units in the structure.  
33 5. The affordable units shall consist of a range of number of bedrooms that  
34 are comparable to units in the overall structure.  
35 6. The size of affordable units, shall not be more than 10 percent smaller than  
36 the comparable dwelling units in the development, based on number of bedrooms, or less  
37 than 500 square feet for 1-bedroom unit, 700 square feet for a 2-bedroom unit, or 900  
38 square feet for a 3-bedroom unit, whichever is less.  
39 7. The affordable units shall be available for occupancy in the time frame  
40 comparable to the availability of the rest of the dwelling units in the structure.  
41 2-8. The exterior design and the interior finish and quality of the affordable units  
42 must be compatible and comparable with the rest of the dwelling units in the structure.  
43 3. The units must have an average size of at least 500 square feet per unit.  
44 4. A minimum of 15 percent of the units must be at least 900 square feet and  
45 contain at least two bedrooms.  
46 5-9. The affordable units must be designed and used for permanent residential

**Commented [KAP26]:** A.1 is not included in 18.42.135, but doesn't need to be because TC zone is a targeted area.

**Commented [KAP27]:** The 50% requirement is not included in 18.42.135, but is a requirement of RCW 84.14.030(3).

1 occupancy.

2 ~~6.10.~~ Each affordable 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,  
6 land use regulations, environmental requirements, building codes and fire code  
7 requirements, as outlined in the Lake Forest Park Municipal Code.~~

8 ~~8.11.~~ The affordable units must be constructed and receive a certificate of  
9 occupancy after this ordinance takes effect

10 ~~9.12.~~ The affordable units must be completed within 3 years from the date of  
11 issuance of the conditional certificate of acceptance of tax exemption by the City, or within  
12 authorized extension of this time limit.

13 ~~13.~~ 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 ~~10.14.~~ Prior to issuing a certificate of occupancy, a MFTE covenant in a form  
17 acceptable to the City Attorney that addresses price restrictions, eligible household  
18 qualifications, and other applicable topics shall be recorded with the King County  
19 Recorder's Office. This MFTE covenant shall be a covenant running with the land and  
20 shall be binding on the assigns, heirs, and successors of the owner. Affordable units that  
21 are provided under this chapter shall remain affordable from the date of initial occupancy  
22 through the life of the project, which ends when the structure including the multifamily  
23 project is no longer in use.

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

27 ~~1.~~ The mix and configuration of housing units (e.g., studio, one-bedroom, two-  
28 bedroom, etc.) used to meet the requirement for affordable units under LFPMC Section  
29 3.23.050 shall be substantially proportional to the mix and configuration of the total  
30 housing units in the project.

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

### 34 **3.23.060 Application Procedure — Fee**

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

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

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

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

46 4. If applicable, information describing how the applicant will comply with the

**Commented [KAP28]:** These criteria are not expressly included in 18.42.135, but are included because dwelling unit is defined for title 18 in 18.08.300:

"Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons, not to exceed one family, and which includes permanent provisions for living, sleeping, eating, cooking and sanitation.

**Commented [KAP29]:** No similar provision in 18.42.135. The affordable units are a permit/code condition however.



1 affordability requirements in LFPMC Sections 3.23.040 and 3.23.050.

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

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

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

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

### 12 **3.23.070 Application Review — Issuance of Conditional Certificate — Denial —** 13 **Appeal**

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

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

28 C. An applicant may appeal the Administrator's notice of denial of the application in  
29 accordance with section 3.23.110 LFPMC. to the City Council by filing a notice of appeal  
30 with the City Clerk within 30 days of receipt of the Administrator's notice of denial and  
31 paying a fee of \$500 or as otherwise established by ordinance or resolution. The appellant  
32 shall provide a statement regarding the basis for the appeal. The closed record appeal  
33 before the City Council shall be based upon the record before the Administrator, and the  
34 Administrator's decision shall be upheld unless the applicant can show that there is no  
35 substantial evidence on the record to support the Administrator's decision. The City  
36 Council decision on appeal is final.

Commented [KAP30]: Edited to simplify, all appeals made the same.

### 37 38 **3.23.080 Extension of Conditional Certificate**

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

43 1. The anticipated failure to complete construction or rehabilitation within the  
44 required time period is due to circumstances beyond the control of the owner;

45 2. The owner has been acting and could reasonably be expected to continue to



1 act in good faith and with due diligence; and

2 3. All the conditions of the original contract between the owner and the City will be  
3 satisfied upon completion of the project.

### 4 5 **3.23.090 Final Certificate — Application — Issuance — Denial — Appeal**

6 A. After completion of construction as provided in the MFTE contract between the  
7 owner and the City, after issuance of a certificate of occupancy and prior to expiration of  
8 the conditional certificate of exemption, the applicant may request a final certificate of tax  
9 exemption. The applicant shall file with the Administrator such information as the  
10 Administrator may deem necessary or useful to evaluate eligibility for the final certificate,  
11 and shall include:

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

15 2. A description of the completed work and a statement of qualification for the  
16 exemption.

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

19 4. If applicable, information on the applicant's compliance with the affordability  
20 requirements in LFPMP Sections 3.23.040 and 3.23.050.

21 B. Within 30 days of receipt of all materials required for a final certificate, the  
22 Administrator shall determine whether the completed work is consistent with the  
23 application and MFTE contract ~~approved by the Mayor~~ and is qualified for limited  
24 exemption under Chapter 84.14 RCW, and which specific improvements completed meet  
25 the requirements of this chapter and the required findings of RCW 84.14.060.

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

30 D. ~~The Administrator shall have is authorized to cause to be~~ recorded, or ~~to require~~  
31 the applicant or owner to record, ~~with in the real property records of the King County~~  
32 ~~Recorder's Office Department of Records and Elections,~~ the MFTE contract ~~with the City~~  
33 ~~required under LFPMP Section 3.23.070~~ and such other document(s) as will identify such  
34 terms and conditions of eligibility for exemption under this chapter as the Administrator  
35 deems appropriate for recording, including requirements under this chapter relating to  
36 affordability of units.

37 E. The Administrator shall notify the applicant in writing that the City will not file a  
38 final certificate if the Administrator determines that the project was not completed within  
39 the required 3-year period or any approved extension, or was not completed in  
40 accordance with LFPMP Section 3.23.090(B); or if the Administrator determines that the  
41 owner's property is not otherwise qualified under this chapter or if the owner and the  
42 Administrator cannot agree on the allocation of the value of the improvements allocated  
43 to the exempt portion of rehabilitation improvements, new construction and multi-use new  
44 construction.

45 F. The applicant may appeal the City's decision to not file a final certificate of tax  
46 exemption to the City's Hearing Examiner within 30 days of issuance of the Administrator's

Commented [KAP31]: Edited for readability, no change in substance.

1 notice as outlined in LFPMC Section 3.23.110.

2  
3 **3.23.100 Annual Certification**

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

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

12 a. A statement of occupancy and vacancy of the multi-family units during the  
13 previous year.

14 b. A certification that the property has not changed use since the date of filing of  
15 the final certificate of tax exemption and continues to be in compliance with the contract  
16 with the City and the requirements of this chapter.

17 c. A description of any improvements or changes to the property made after the  
18 filing of the final certificate or last declaration, as applicable.

19 d. If applicable, information demonstrating the owner's compliance with the  
20 affordability requirements of LFPMC Sections 3.23.040 and 3.23.050, including:

21 a. The total monthly rent or total sale amount of each unit; and

22 b. The income of each renter household at the time of initial occupancy and  
23 the income of each initial purchaser of owner-occupied units at the time of purchase for  
24 each of the units receiving a tax exemption.

25 e. The value of the tax exemption for the project.

26 f. Any additional information requested by the City in regard to the units receiving  
27 a tax exemption (pursuant to meeting any reporting requirements under Chapter 84.14  
28 RCW).

29 C. Failure to submit the annual declaration may result in cancellation of the tax  
30 exemption pursuant to this section.

31 D. For the duration of the exemption granted under this chapter, the property shall  
32 have no violation of applicable zoning requirements, land use regulations, building codes,  
33 fire codes, and housing codes contained in the Lake Forest Park Municipal Code for which  
34 the designated City department shall have issued a Notice and Order and that is not  
35 resolved within the time period for compliance provided in such Notice and Order.

36 E. For owner-occupied affordable units, in addition to any other requirements in this  
37 Chapter, the affordable owner-occupied units must continue to meet the income eligibility  
38 requirements of LFPMC Section 3.23.040. In the event of a sale of an affordable owner-  
39 occupied unit to a household other than an eligible household, or at a price greater than  
40 prescribed in the contract referenced in LFPMC Section 3.23.070, the property tax  
41 exemption for that affordable owner-occupied unit shall be canceled pursuant to this  
42 section.

43 F. For property with renter-occupied dwelling units, in addition to any other  
44 requirements in this chapter, the affordable renter-occupied units must continue to meet  
45 the income eligibility requirements of LFPMC Section 3.23.040. In the event of a rental of  
46 an affordable renter-occupied unit to a household other than an eligible household, or at

1 a rent greater than prescribed in the contract referenced in LFPMP Section 3.23.040, the  
2 property tax exemption for the property shall be canceled pursuant to this section.

3 G. If the owner converts the multi-family housing to another use, the owner shall  
4 notify the Administrator and the County Assessor within 60 days of the change in use.  
5 Upon such change in use, the tax exemption shall be canceled pursuant to this section.

6 H. The Administrator shall cancel the tax exemption for any property or individual  
7 unit that no longer complies with the terms of the contract or with the requirements of  
8 this chapter. Upon cancellation, additional taxes, interest and penalties shall be  
9 imposed pursuant to state law. Upon determining that a tax exemption shall be  
10 canceled, the Administrator shall notify the property owner by certified mail, return  
11 receipt requested. The property owner may appeal the determination by filing a notice of  
12 appeal within 30 days of the date of notice of cancellation, specifying the factual and  
13 legal basis for the appeal. The appeal shall be heard by the Hearing Examiner pursuant  
14 to LFPMP Section 3.23.110.  
15

### 16 **3.23.110 Appeals to the Hearing Examiner**

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

21 B. The Hearing Examiner's procedures, as adopted by City Council resolution, shall  
22 apply to hearings under this chapter to the extent they are consistent with the  
23 requirements of this chapter and Chapter 84.14 RCW. The Hearing Examiner shall give  
24 substantial weight to the Administrator's decision and the burden of proof shall be on the  
25 appellant. The decision of the Hearing Examiner constitutes the final decision of the City.  
26 An aggrieved party may appeal the decision to Superior Court under RCW 34.05.510  
27 through 34.05.598 if the appeal is properly filed within 30 days of the date of the  
28 notification by the City to the appellant of that decision.  
29

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

35 Section 3. CORRECTIONS. The City Clerk is authorized to make necessary  
36 corrections to this ordinance including, but not limited to, the correction of  
37 scrivener's/clerical errors, references, ordinance numbering, section/subsection  
38 numbers and any references thereto.  
39

40 Section 4. EFFECTIVE DATE. This ordinance shall take effect five (5) days after  
41 passage and publication.  
42

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

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Jeff Johnson  
Mayor

ATTEST/AUTHENTICATED:

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

APPROVED AS TO FORM:

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

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