

**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, 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**

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**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 adopts goals and policies for the Town Center zone; and Chapter 18.42 LFPMC describes the purpose, uses allowed, and development regulations applicable within the Town Center zone, 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**, the City Council has considered the Comprehensive Plan's goals and policies as it has considered amendments to the development regulations and design guidelines for the Town Center zone; and

**WHEREAS**, the amendments to development regulations and design guidelines set forth herein support the long-term economic vitality of commercial development in the Town Center zone that meets the needs of the City and its residents (Goal LU-5), and encourage mixed use commercial development in the redevelopment of the Town Center zone (Policy EQ-1.2); and

**WHEREAS**, the amendments to development regulations and design guidelines set forth herein implement the goal of the Town Center zone being pedestrian oriented (Policy LU-2.2); include landscaping and building design guidelines to ensure that development complements surrounding uses and the character of the City (Policy H-2.1); promote site planning that creates quality outdoor spaces (Policy H-2.2); and provide guidelines for buffers to mitigate negative impacts associated with higher intensity uses (Policy H-2.3); and

**WHEREAS**, the amendments to development regulations and design guidelines set forth herein promote fair and equitable access to housing for all persons (Policy H-

1.1); encourage a variety of residential densities and housing types (Policy H-1.3), incentivize development of affordable housing with tax incentives (Policy H-3.2); and encourage a variety of housing for those with special needs (Goal H-4); 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 zone that culminated in the City Council's adoption of the October 2019 Adopted Vision for Lake Forest Park Town Center in Resolution 1746; 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 zone as a whole as well as a freestanding parking structure; and

**WHEREAS**, on September 12, 2019, the City Council passed Ordinance No. 1197 adopting a six-month moratorium on the acceptance, processing, and/or approval of permit, short plat, and subdivision applications for properties within the Town Center zone and declaring an emergency; and

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

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

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

**WHEREAS**, the City's Planning Commission held regular and special public meetings to review and analyze amendments to the development regulations and design guidelines for a freestanding parking structure in the Town Center zone on September 10, 2019; October 8 and 28, 2019; November 12 and 18, 2019; December 2

and 17, 2019; January 14 and 27, 2020; February 11, 19, and 25, 2020; and April 14, 2020; and

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

**WHEREAS**, the Planning Commission held regular and special public meetings regarding amendments to development regulations and design guidelines for the entirety of the Town Center zone on May 12, 2020; June 9, 2020; July 14, 2020; August 11, 2020; September 8, 2020; October 13 and 27, 2020; and November 10, 2020; and

**WHEREAS**, the City Council held public meetings to review and analyze development regulations and design guidelines for the Town Center zone during regular meetings, study sessions, and Committee of the Whole meetings on June 22, 2020; July 9 and 20, 2020; August 10, 2020; September 10 and 21, 2020; October 8 and 19, 2020; November 12 and 23, 2020; December 10 and 14, 2020; January 7, 9, 11, 14, and 25, 2021; and February 11, 16, 22 and 25, 2021; and

**WHEREAS**, the City Council held public hearings on November 12, 2020, January 21, 2021, and February 25, 2021 regarding amendments to development regulations and design guidelines for the Town Center zone; 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 January 6, 2021 and received notice that the Department's had granted expedited review on February 18, 2021; and

**WHEREAS**, environmental review for amendments to the Town Center code in Chapter 18.42 LFPMC, its design guidelines, and related provisions in Chapters 2.22, 2.41, and 18.08 LFPMC was done in a Draft Environmental Impact Statement ("DEIS") published in January 2019 and a Final Environmental Impact Statement ("FEIS") issued August 8, 2019 pursuant to WAC 197-11-460; the amendments in this Ordinance fall within the impacts analyzed in the FEIS; and

**WHEREAS**, the City first adopted Town Center Framework Design Guidelines in 2006 and finds many aspects of the guidance in the original 'Framework' worthy of carrying forward into the new 'Framework' adopted by reference in this ordinance; the amendments provide an update to reflect the goals and policies in the current Comprehensive Plan and the 2019 Vision; and

**WHEREAS**, construction of a freestanding parking structure in the Town Center zone will displace existing retail and office uses that are important to fulfilling various essential needs of the community; requiring a freestanding parking structure to

accommodate replacement of such uses within the structure will mitigate these impacts on the community; and.

**WHEREAS**, construction of a transit use only freestanding parking structure in the Town Center zone will displace existing surface parking that the general public and City personnel use; requiring a freestanding parking structure to accommodate replacement of such uses within the structure will mitigate these impacts;

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

**Section 1. FINDINGS.** The recitals and findings set forth above are adopted by the City Council as findings in support of the regulations and design guidelines adopted in this ordinance.

**Section 2. ADOPT .** The City Council of the City of Lake Forest Park hereby adopts Chapter 2.41 LFPMC, Design Review Board, as follows:

**Chapter 2.41  
Design Review Board**

**2.41.010 Design Review Board**

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

B. The Board shall be comprised of members with experience in architecture, landscape architecture, environmental science, urban planning, urban design, or other relevant qualifications. The Board shall be comprised of five (5) persons whom reside in the city. Members shall serve without compensation but may be reimbursed for reasonable expenses pursuant to city policies. The city council shall appoint a non-voting Councilmember and a non-voting Planning Commission member to act as liaisons between the Board and the city council.

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

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

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

Section 3. AMEND . The City Council of the City of Lake Forest Park hereby amends section 2.22.030 LFPMC, Commissions established, as follows:

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

- A. Planning Commission. The planning commission shall develop the city's comprehensive plan and updates for recommendation to the mayor and city council and perform other duties as required by state law.
- B. *Repealed by Ord. 1134.*
- C. *Repealed by Ord. 1134.*
- D. *Repealed by Ord. 1134.*
- E. *Repealed by Ord. 1134.*

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

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

Section 4. AMEND. The City Council of the City of Lake Forest Park hereby amends Chapter 18.08 LFPMC, Definitions, as follows:

**18.08.035 Active ground floor uses.**

"Active ground floor uses" means a use that promotes an active pedestrian environment on the ground floor of a mixed use, commercial, office, residential building or freestanding parking structure, and includes retail establishments, restaurants, catering, arts and craft studios, 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 sold or rented at an affordable price or affordable rent.

**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 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 long term, residential housing in a building consisting of two or more dwelling units or sleeping units, which shall include support services to promote independent living such as food preparation and dining areas, group activity areas, medical supervision, and similar services.

**18.08.135 Automobile-oriented uses.**

"Automobile-oriented uses" means businesses that have permanent facilities that allow employees to serve customers in automobiles without the employee leaving the building in which the business is housed. Automobile-oriented uses also means businesses that are primarily for the purpose of sales, service, or repair of automobiles such as parts shops, auto body shops, oil change shops, garages, gasoline/fuel stations, and similar uses. Automobile-oriented uses does not mean businesses that, as an auxiliary use, offer pick-up, take-out, carry-out, or to-go services.

**18.08.205 Charging Levels.**

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

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

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

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

18.08.270 **Day care.**

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

18.08.302 **Electric vehicle infrastructure.**

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

18.08.304 **Electric vehicle charging stations.**

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

18.08.306 **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 1217, including amendments and addenda thereto.

18.08.326 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 include an Accessory Use as defined in this chapter.

18.08.352 Hotel, boutique hotels and temporary lodging.

"Boutique 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.

18.08.565 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.

18.08.567 Public market.

"Public market" means a temporary or occasional market, primarily outdoors, consisting of two or more independent vendors, with each vendor operating independently from other vendors, for the purpose of selling farm-grown or home-grown produce, food

prepared off-site or on-site, artisanal or craft products including alcoholic beverages, flowers, plants, or other similar perishable goods and/or new wares, used goods, or merchandise.

**18.08.595 Retail sales and services.**

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

**18.08.600 Retirement home.**

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

**18.08.635 Solar energy system.**

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

Section 5. AMEND . The City Council of the City of Lake Forest Park hereby amends Chapter 18.42 LFPMC, Town Center, as follows:

**18.42.010 Purpose.**

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

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

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

- ~~A. Retail sales of food and commodities, which involve only incidental and limited fabrication and assembly. Uses excluded from this zone would include auto-service stations, sale of gasoline or other fuels, and car washes, repair or sale of heavy equipment, boats, tires and motor vehicles, sale of alcohol for on-premises consumption except in a restaurant with a license from the Washington State Liquor Board;~~
- ~~B. Business offices and uses rendering professional, personal, and instructional services, such as real estate or insurance brokerages, consultants, medical or dental clinics, technical training, health clubs, and repair of jewelry, eyeglasses, clothing, household appliances and tools, or other such similar uses; excluding vehicle or tool rentals, pet sales and veterinary clinics;~~
- ~~C. Government buildings and uses, including but not limited to City Hall, police stations, libraries, administrative offices, and other public service uses that are compatible with the intent of the TC zone;~~
- ~~D. Day care facilities;~~
- ~~E. Public utilities.~~

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

1. Accessory uses – on-site.
2. Artisanal/craft production and retail subject to 18.42.040(E).
3. Assisted housing facilities.
4. Boutique hotel and temporary lodging.
5. Business offices and uses rendering professional, personal, medical-dental clinics, leasing offices, and instructional services subject to 18.42.040(F).
6. Cultural, entertainment, and recreational facilities.
7. Day care facilities – Type I and Type II subject to 18.42.040(G).
8. Electric vehicle charging stations.
9. Freestanding parking structures subject to 18.42.095, such as regional transit authority facilities.
10. Government buildings and uses.

11. Instructional institution.
12. Micro-mobility programs including bicycle sharing and scooter sharing and related infrastructure.
13. Multiple-family dwelling units.
14. Public markets.
15. Public utilities.
16. Retail sales and services subject to 18.42.040(H).

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

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

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

- A. Multiple dwelling units;
- B. Senior citizen apartments;
- C. Convalescent, nursing and retirement homes.

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

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

A. Except as allowed in a development agreement, r~~esidential use only~~ buildings uses are not permitted uses as separate projects; residential uses they must be developed in combination with commercial or nonresidential uses as part of a design review permit under LFPMC 18.42.160, except as allowed in a development agreement, single site development plan. Residential uses may not be developed at a density of greater than seven dwelling units per acre; unless the increase in density is included in a development agreement. Under a development agreement, the maximum density that may be included is 17 dwelling units per acre.

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

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

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

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

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

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

- ~~1. Off-street parking or loading;~~
- ~~2. Storage and sale of goods in connection with an established use under the provisions of a temporary use permit or special event; and~~
- ~~3. Merchandise displays which are located in the TC zone where proper provision has been made for screening and safe pedestrian and vehicular passage.~~

E. Artisanal/craft production and/or retail.

1. Artisanal/craft production and/or retail establishments shall occupy a footprint not exceeding 7,000 square feet.
2. Artisanal/craft production and/or retail establishments shall be open to the public and shall include a retail/eating/drinking/tasting component that occupies a minimum of 10 percent of floor area as defined in LPMC 18.08.320.
3. Artisanal/craft production and retail establishments shall provide street frontage at sidewalk level, a well-marked and visible entrance at sidewalk level, or similar prominent pedestrian access.
4. All production, processing, and distribution activities shall be conducted within an enclosed building.
5. a. Outdoor storage of equipment used in manufacturing artisanal or craft goods is prohibited.

b. Outdoor storage of materials, products, or similar items incidental to the production and sale of artisanal or craft goods is prohibited except when the storage is fully-enclosed; designed in a decorative, aesthetically attractive manner; and integrated into the site or building design in a way that contributes to the pedestrian experience and Town Center zone character.

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

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

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

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

1. A City of Lake Forest Park business license is required pursuant to LFPSC 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 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 LFPSC 18.42.095.
  - b. Government buildings and uses.
  - c. Individual commercial or nonresidential uses may exceed the size limitation 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 Town Center zone: automobile-oriented uses; car

washes; repair or sale of heavy equipment, boats, tires and motor vehicles; and marijuana retail outlets.

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

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

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.

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

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

#### **18.42.070 Setbacks.**

Minimum setback requirements in the TC zone shall be:

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

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

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

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

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

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

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

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

1. 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, is exempt from this façade alignment 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 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. No portion of a freestanding parking structure shall exceed 38 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)(5). 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.
4. Floor-to-floor height. 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.
5. Features exceeding base height. The following features may exceed the base height provision if approved as part of a Major Town Center Design Review project subject to processing under section LFPMC 18.42.160(C) by the hearing examiner:
  - a. Architecturally designed stairways, elevator towers, mechanical enclosures, and roof top solar system facilities that are designed as signature elements of the parking structure.
  - a.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.
  - c. Rooftop mechanical and other related technical equipment that does not meet subsection 5a above may exceed base height by up to 10 feet provided it is designed to be in compliance with Town Center Framework Design Guidelines Section 5.3.8 (Rooftop Features, Mechanical Equipment, and Appurtenances).

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

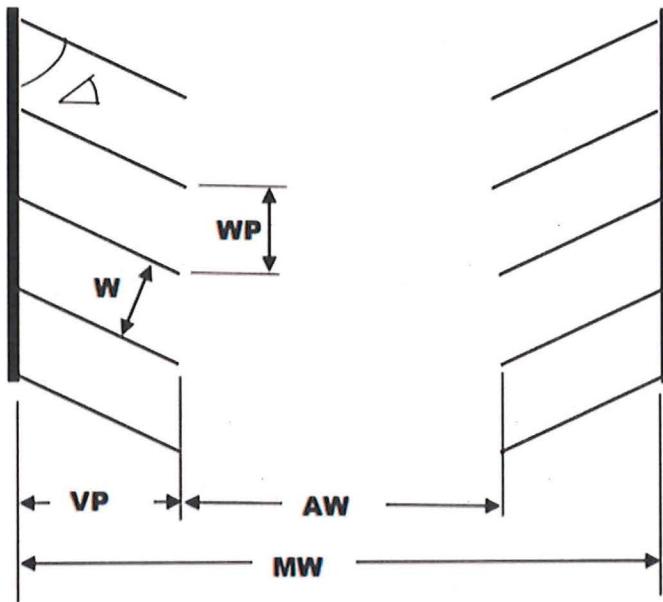
E. Parking stall dimensions and layout.

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 LFPMC 18.58.050. Parking layout dimensions are shown in Figure 18.42.095-2, below.

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

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

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



**Figure 18.42.095-2. Parking layout dimensions**

**3. Motorcycle parking.**

- a. Motorcycle parking stalls must be provided within freestanding parking structures as follows:**
  - i. If 1 to 300 parking stalls are provided in the structure, then 14 of those parking stalls must be motorcycle parking stalls.**
  - ii. If more than 300 parking stalls are provided in the structure, then 20 of those parking stalls must be motorcycle parking stalls.**
- b. Motorcycle parking stalls must have minimum dimensions of four feet in width and seven feet in length**

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

- 1. Above the amount of parking spaces otherwise required under Chapter 18.58 LFPMC, the freestanding parking structure shall include a minimum of 25 parking spaces for non-transit public use within the freestanding parking structure, including spaces that may be used by the Lake Forest Park Police Department.**
- 2. The use of transit parking spaces during non-commuter hours shall be the subject of development agreement negotiation between the city and the applicant.**

**G. Bicycle parking and circulation.**

- 1. All-day bicycle parking.**

- a. All-day bicycle parking spaces in freestanding parking structures intended to support high-capacity transit must be provided at a minimum of five percent (5%) of projected AM peak period daily ridership of the high-capacity transit service. All-day bicycle parking spaces for all other freestanding parking structures must be provided at a minimum of one space per 40 automobile parking spaces.
  - b. All-day bicycle parking must be provided in the form of permanently-anchored bicycle lockers or limited-access bicycle cages and must be labeled as bicycle parking.
  - c. All-day bicycle parking must provide bicycles with full weather protection and theft protection.
  - d. Where feasible, a portion of ground-level, all-day bicycle parking must accommodate tandem bicycles, recumbent bicycles, folding bicycles, cargo bicycles, bicycles with trailers, family bicycles, and other non-standard bicycle designs.
2. Short-term bicycle parking.
  - a. Short-term bicycle parking spaces in freestanding parking structures intended to support high-capacity transit must be provided at a minimum of two percent (2%) of projected AM peak period daily ridership of the high-capacity transit service. Short-term bicycle parking spaces in all other freestanding parking structures must be provided at a minimum of one space per 20 automobile parking spaces.
  - b. Short-term bicycle parking must be provided in the form of permanently-anchored racks or corrals. Racks or corrals must provide two points of support for the bicycle frame, must be intuitive to use, and must accommodate a standard U-lock.
  - c. Short-term bicycle parking must be organized to accommodate a standard bicycle dimension of two feet in width by six feet in length.

### 3. Bicycle parking location and access.

- a. Each all-day bicycle parking area shall be located inside the freestanding parking structure except all-day bicycle parking can be located outside or on the top level of the freestanding parking structure under adequate weather protection.
- b. Short-term bicycle parking can be located inside the freestanding parking structure and along the sidewalk adjacent to the freestanding parking structure. Short-term bicycle parking should be located in as visible a location as feasible.

- c. Bicycle parking may be provided in one or more areas. Bicycle parking is encouraged to be located entirely on the ground floor. Bicycle parking located on upper stories must be placed adjacent to an elevator.
- d. Bicycle entry/exit must be clearly identified and separately signed and/or marked from automobile traffic.
- e. Bicycle parking area(s) must be accessed from a logical well-lit path of travel from the bicycle entry/exit.
- f. Directional signage from the bicycle entry/exit to bicycle parking area(s) must be provided.

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.

1. Pedestrian pathways within a freestanding parking structure shall be clearly marked and signed to protect pedestrians from moving traffic.
2. A freestanding parking structure is subject to the pedestrian safety regulations in LFPMC 18.24.130(G).

#### J. Lighting.

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

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

<u>Area</u>	<u>Minimum Horizontal Illuminance on Floor (Footcandles)</u>	<u>Minimum Vertical Illuminance at Five Feet (Footcandles)</u>	<u>Maximum to Minimum Uniformity Ratio</u>

<u>General Parking &amp; Pedestrian Areas</u>		<u>2</u>	<u>1</u>	<u>4:1</u>
<u>Ramps and Corners</u>	<u>Days</u>	<u>2</u>	<u>1</u>	<u>4:1</u>
	<u>Nights</u>	<u>1</u>	<u>0.5</u>	
<u>Entrance Areas</u>	<u>Days</u>	<u>50</u>	<u>25</u>	<u>4:1</u>
	<u>Nights</u>	<u>1</u>	<u>0.5</u>	
<u>Stairways</u>		<u>7 average</u>		

2. Lighting shall be 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. Exterior 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.

#### K. Mixed use.

1. Freestanding parking structures shall include space for public, commercial, or other active and pedestrian-oriented uses (collectively, "Active Use Space"). The Active Use Space shall meet the following requirements:
  - a. Have a minimum depth of 60 feet and 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. 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.

2. The following requirements apply to Active Use Space integrated into freestanding parking structures located within 100 feet of Lake Forest Park City Hall:

a. The Active Use Spaces must comply with façade alignment requirements set forth in LFPMC 18.42.095(A)(1).

b. 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 Spaces 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.

L. Infrastructure installation. A freestanding parking structure shall equip six percent (6%) of its spaces with electric vehicle infrastructure and two percent (2%) 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(B) Parking,
2. 18.42.130(C)2. Open Space,
3. 18.42.130(D) Height,
4. 18.42.130(F) Land Coverage,
5. 18.42.130(H) Lighting, and
6. 18.42.130(J) Solid Waste Service Areas, provided, however, that any Active Use Space is subject to 18.42.130(J).

#### **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 75 square feet or less. If the exterior sign is on a

gable or awning, its size must be less than 40 square feet. Otherwise, signs are limited to those provided for in Chapter 18.52 LFPMC.

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

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

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

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

#### **18.42.130. General criteria. Site plan review – Criteria.**

Site plan review shall be processed as a Type II decision under Chapter 16.26 LFPMC; provided, that the city planning commission shall replace the hearing examiner and perform the responsibilities required of that official by LFPMC 16.26.140 and 16.26.150.

The city shall use the following general design standards criteria shall apply in the evaluation and/or conditioning of applications under the town center site plan review process to all development in the Town Center zone, except projects exempt under LFPMC 18.42.160 and 18.42.095(M):

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

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

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

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

**B. Parking.** All parking in the Town Center zone shall be provided in accordance with the provisions of Chapter 18.58 LPMC.

**C. Landscaping.**

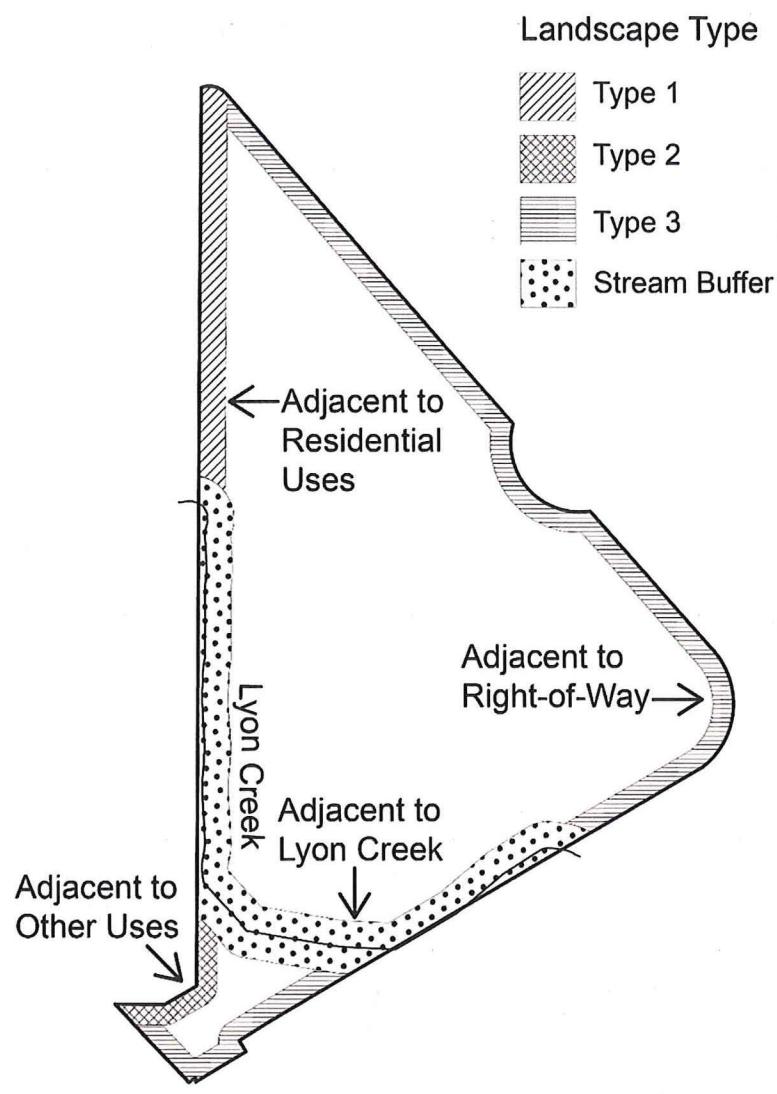
1. A landscape plan that provides for extensive landscaping of large parking areas or other open areas which can be seen from the street or other pedestrian-oriented areas.
2. A landscaped buffer shall be provided between projects in the TC zone and any abutting RS or RM zoned properties. A combination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

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 LPMC 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 LPMC 18.62.080 shall be installed along the property line between proposed development and adjacent residential-zoned property. A post-and-beam fence, decorative metal fence, or similar fence with minimum four-inch openings and consistent with residential character and quality shall be installed along the property line. Refer to Figure 18.42.130-1.
  - c. Adjacent to Lyon Creek. A minimum 20-foot wide landscape buffer meeting the requirements for Stream buffer landscaping set forth in LPMC

18.62.080 shall be installed along Lyon Creek. This requirement supersedes other landscape requirements set forth in this section. Buffers shall be established from the ordinary high water mark or from the top of the bank if the ordinary high water mark cannot be identified. Refer to Figure 18.42.130-1.

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



**Figure 18.42.130-1: Perimeter landscape buffers in the Town Center zone.**

2. Open space.

a. Public open space. Development projects in Town Center zone shall provide public open space as follows:

- i. A minimum of one quarter-acre of public open space shall be provided as part of any project that includes: projects identified in LFPSC 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**

<b>Units</b>	<b>Additional Open Space</b>
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 multifamily. 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 multifamily. 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 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 18.42.130-2, below.

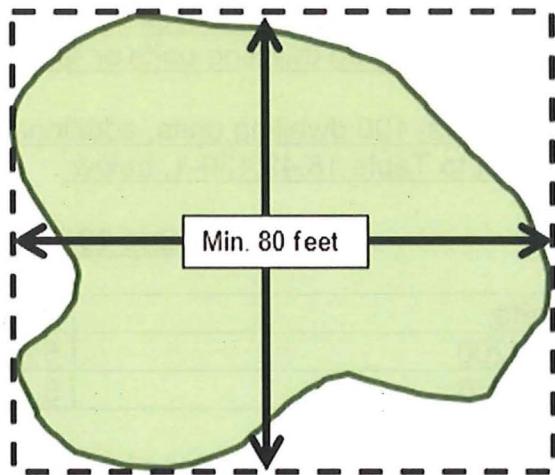


Figure 18.42.130-2: Measuring dimensions of open spaces.

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

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

**DF. Height.**

1. The maximum building height limit in the Town Center 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 active use.
3. The following features may exceed the maximum building height by up to 10 feet if approved as part of a Major Town Center Design Review application:

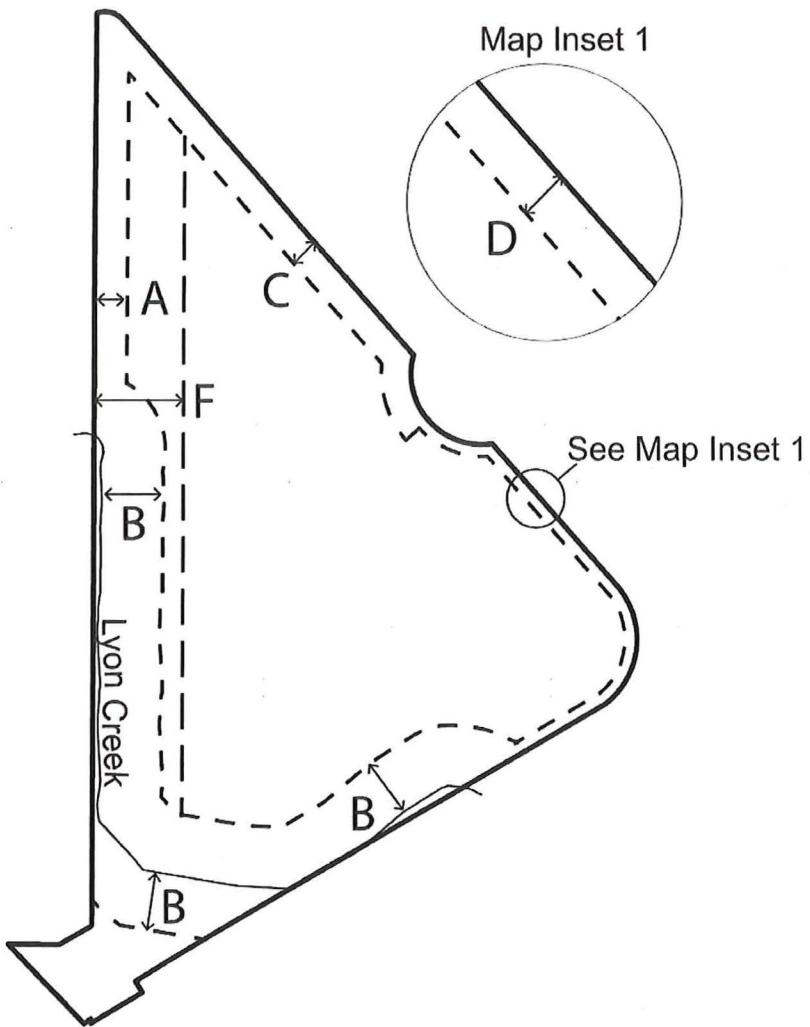
  - a. Public viewing platforms and covered public use spaces on the structure rooftop, including required guardrails.
  - b. Public art elements on the rooftop or along the sides of the building that otherwise are in compliance with the Town Center Framework Design Guidelines.
  - c. Gable, hipped, shed, 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 residential use meeting the following standards: roofs must have a slope of at least three (3) vertical feet to twelve (12) horizontal feet (3:12 slope).
  - d. Architecturally designed stairways, elevator towers, mechanical equipment when screened with an enclosures, and roof top solar system facilities that are designed as signature elements of the building.
4. This height may be increased per a development agreement to the maximum extent provided in the Town Center Framework Design Guidelines.

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

~~furthers the goals and policies of the town center comprehensive plan designation.~~

**E. Setbacks.** The following setback requirements apply to development in Town Center zone:

1. Buildings, except freestanding parking structures, shall be set back a minimum distance of 60 feet from adjacent residential-zoned property. The setback shall be measured from the adjacent boundary of all residential-zoned property. Refer to distance "A" in Figure 18.42.130-3.
2. Buildings shall be set back a minimum of 100 feet from Lyon Creek. The setback shall be measured from the ordinary high water mark of Lyon Creek. Refer to distance "B" in Figure 18.42.130-3.
3. Buildings shall be set back a minimum of 50 feet from Ballinger Way (State Route 104) north of the midpoint of the driveway into Town Center. The setback shall be measured from the edge of the right-of-way. Refer to distance "C" in Figure 18.42.130-3.
4. In all other places, buildings shall be set back a minimum of 20 feet from the Town Center zone boundary. The setback shall be measured from the edge of the right-of-way. Refer to distance "D" in Figure 18.42.130-3.
5. Freestanding parking structures shall be set back a minimum distance of 150 feet from adjacent residential-zoned property. The setback shall be measured from the adjacent boundary of all residential-zoned property. Refer to distance "F" in Figure 18.42.130-3.
6. Interior property line setbacks are 0 feet.



**Figure 18.42.130-3. 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:

- Utilities which are underground and accessory to a principal use;
- Walkways, stairs and steps, driveways, internal access roadways, and parking spaces which do not exceed 30 inches above finished grade;
- Irrigation systems at or below grade, including hydrants, sprinkler heads, and similar features that do not exceed 36 inches above finished grade;
- Foundation footings where the footing structure is located entirely below the ground surface;

e. Low impact development best management practices or treatment best management practices provided:

- i. The low impact development features are designed, constructed, and maintained in accordance with the stormwater management manual adopted under LFPMC 16.24.010; and
- ii. The maximum height of any structural element associated with the low impact development feature shall not exceed 30 inches above finished grade.

F. Land Coverage.

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

G. Pedestrian Safety.

1. Sidewalks shall be provided along all building facades at a minimum of eight feet wide unless otherwise provided for in this chapter or the Framework Design Guidelines. Drip resistant weather protection at least six (6) feet deep must be provided along 75 percent (75%) of all facades with sidewalks.
  - a. This requirement may be modified as part of a development agreement when the applicant demonstrates that the sidewalk widths are infeasible. If modified pursuant to this section, the sidewalks shall be the maximum width feasible.

2. Pedestrian pathways shall be established between pedestrian entries and exits from buildings to existing or planned sidewalks and pedestrian pathways through striping, signage, and/or other markings. 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 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(D).
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 leading from buildings and other adjacent uses such as public transit stops and intersections.
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 shall provide site lighting as provided in Table 18.42.130-2:

Use of Area	Minimum Illuminance	Maximum Illuminance
<u>Non-pedestrian and vehicular traffic areas</u>	<u>0.5 footcandle</u>	<u>4.0 footcandle</u>
<u>Pedestrian areas and building entries</u>	<u>2.0 footcandles</u>	<u>4.0 footcandle</u>

**Table 18.42.130-2**

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 **safe, efficient route.**
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.

J. Solid Waste Service Areas. Solid waste service areas include areas containing receptacles for solid waste including garbage, recycling, and compostables generated on site and interim on-site storage areas used to aggregate material prior to delivering it

to the collection storage area. These provisions supersede the requirements set forth in Chapter 15.20 LFPMC for solid waste service areas located in the Town Center zone.

1. Minimum size. The following minimum space and access requirements for solid waste service areas shall be incorporated into the design of all new buildings:

- a. Solid waste service areas shall be provided pursuant to Table 18.42.130-
3. Solid waste service areas accessed by commercial collection equipment shall be a minimum of 80 square feet in size.

**Table 18.42.130-3**

<u>Use</u>	<u>Minimum Area for Shared Storage Space</u>
<u>Residential Uses</u>	<u>Four (4) square feet per unit</u>
<u>Nonresidential Uses</u>	<u>Six (6) square feet per 1,000 square feet of building gross floor area</u>

b. Requirements for residential uses. The storage space for residential developments shall be located in solid waste service areas as follows:

- i. Solid waste service areas shall be located in or as an accessory to each building with a residential use and there shall be one solid waste service area for every 30 dwelling units.
- ii. Multiple-level residential projects shall provide one collection area per level, with instructions on how solid waste is conveyed to a solid waste service area.
- iii. Solid waste service areas located in separate buildings or structures or outdoors shall be no more than 200 feet from a common entrance of a residential building.

c. Requirements for nonresidential uses. The storage space for all nonresidential uses shall be located in solid waste service areas as follows:

- i. Solid waste service areas may be located in a centralized collection point.
- ii. Access to solid waste service areas may be limited to regular business hours and/or specified collection hours.

d. Mixed use developments containing both residential and nonresidential uses shall meet the storage space requirements for residential uses plus 50

percent of the requirement for nonresidential uses.

2. Location. Where possible, solid waste service areas shall be located inside the building.

a. Where interior solid waste service areas are not possible, solid waste service areas shall not be located within required setbacks or landscape buffer areas required by this Chapter. Solid waste service areas shall not be located in areas incompatible with noise or odor.

3. Security and Access. The following requirements apply to all solid waste service areas which contain receptacles served by commercial collection equipment:

a. Receptacles for garbage, recycling, and compostables shall be located within the same solid waste service area. The solid waste service area shall be easily accessible to users occupying the site.

b. The solid waste service area shall be designed with adequate vertical clearance and adequate turning radius to ensure access and ease of ingress and egress for collection equipment.

c. Solid waste service areas shall not block or impede fire exits, fire lanes, public rights-of-way, or any pedestrian or vehicular access. The solid waste service area shall be located such that collection of materials does not block or otherwise interfere with pedestrian or vehicular movement to the maximum extent possible.

4. Design.

a. Solid waste service areas shall be built on a level and hard-surfaced area and shall be enclosed by an eight-foot-high fence or wall that is screened pursuant to the Town Center Framework Design Guidelines.

b. Solid waste service areas shall be identified by signs not exceeding two square feet in face area and otherwise complying with Chapter 18.52 LFPSC.

c. Solid waste service areas shall be equipped with gates of sufficient width to allow direct, in-line access to receptacles by service collectors and equipment. Where two or more containers (also called dumpsters) are located side-by-side within an enclosure, there shall be a minimum of 18 feet of unobstructed access when gates are fully opened. Gate openings shall be a minimum of 12 feet wide when an enclosure houses a single drop box or compactor unit. Enclosure gates shall not include center posts that would obstruct service access.

d. Solid waste service areas require a spill prevention plan for management of liquids generated on or discharged from the storage area. The spill prevention plan must demonstrate compliance with the City's adopted stormwater management manual, including ongoing monitoring.

e. Outdoor solid waste service areas larger than 175 square feet shall be covered with a roof providing sufficient overhang to prevent direct entry of precipitation to the solid waste service area.

f. Solid waste service areas shall be equipped with a floor drain connected and conveyed to sanitary sewer. Precipitation runoff from solid waste service area roofs shall not be conveyed to sanitary sewer.

5. Limitations. The following limitations on solid waste service areas apply:

a. Only garbage, recycling, and compostable solid waste generated on site shall be collected and stored in solid waste service areas. Except for initial sorting of recyclables by users, all other processing of solid waste shall be conducted off site.

b. No container shall be collected and stored at any location on the site except in a designated solid waste service area.

c. The lids of all containers shall be maintained in a closed position.

6. Exemptions. Multifamily dwelling unit projects are exempt from these requirements when the project is participating in a public agency-sponsored or approved direct collection program in which individual bins or carts are used for curbside collection.

#### **18.42.135 Affordable Housing.**

A. Purpose. There is limited land area within the City zoned and available for multifamily 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 in exchange for eligibility for multifamily property tax exemption provided in Chapter 3.23 LFFMC.

B. Minimum Requirement. All developments creating five (5) or more new dwelling units in a residential or mixed-use structure in the Town Center zone shall provide at least 10 percent of the dwelling units as affordable units to owners or renters:

1. At or below eighty percent (80%) of King County median household income, adjusted for household size, and where no more than thirty percent (30%) of

the monthly household income is paid for monthly housing expenses (rent and appropriate utility allowance).

C. Multifamily Residential Tax Exemption. Affordable housing units provided in B. above may be eligible for a multifamily residential tax exemption under Chapter 3.23 LFPMC.

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

E. Additional affordable housing requirements.

1. Location and mix. Prior to the issuance of any permit(s), the city shall review and approve the location and unit mix of the affordable units consistent with the following standards:
  - a. The affordable units shall be intermingled with all other dwelling units in the structure.
  - b. The type of ownership of the affordable units shall be the same as the type of ownership for the rest of the dwelling units in the structure.
  - c. The affordable units shall consist of a range of number of bedrooms that are comparable to dwelling units in the overall structure.
  - d. The size of the affordable units, if smaller than the other units with the same number of bedrooms in the development, shall not be more than 10 percent smaller than the comparable dwelling units in the development, based on 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.
  - e. The affordable units shall be available for occupancy in a time frame comparable to the availability of the rest of the dwelling units in the development.
  - f. The exterior design and the interior finish and quality of the affordable units must be compatible and comparable with the rest of the dwelling units in the structure.
  - g. The affordable units shall be used for permanent residential occupancy meaning multifamily housing that is either owner occupied or rented for periods of at least one month.

2. Affordability Agreement. Prior to issuing a certificate of occupancy, an Affordability Agreement 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 units shall be recorded with the King County Recorder's Office. The Affordability 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 units that are provided under this section shall remain as affordable units 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.

#### F. Regulatory monitoring and evaluation.

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 City Administrator may deem necessary or useful, and shall include the following information:
  - a. A statement of occupancy and vacancy of the affordable 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 Agreement.
  - c. A description of any improvements or changes to the affordable units made after the filing of the certificate of occupancy or last declaration, as applicable.
  - d. As applicable, information demonstrating:
    - (i) The total monthly rent or total sale amount of each affordable unit; and
    - (ii) The income of each rental household and owner(s) of the affordable units.
2. At least every three (3) years, the City Planning and Building Department shall submit a report to the City Council that summarizes the use of this affordable housing section to-date.

**18.42.140 Town ~~e~~Center ~~F~~ramework ~~D~~esign ~~G~~uidelines – Adopted – Rules of interpretation.**

A. The amended guidelines contained in the Town Center Framework Design Guidelines, dated February 25, 2021, are adopted and applicable to all applications filed for proposed development in the Town Center zone and incorporated by reference herein.

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

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

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

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

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

**18.42.160 Administration.**

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

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

B. Upon determination by the administration that an application is complete, the application shall be forwarded to the city council which by resolution shall refer the application to a special committee on Towne Centre development of the council. The resolution may appoint the citizen members of the committee, if any, set a schedule for

concluding review, provide for extension of the schedule, and reserve to the full city council the right to assume the committee's responsibilities if the committee is unable to complete its mandate within the prescribed time.

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

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

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

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

B. Minor Town Center Design Review.

1. The following projects shall be considered applications for Minor Town Center 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 percent and 25 percent of the surface area of an existing building façade visible from an adjacent street; for example alterations to an architectural feature of an existing building such as awnings, balconies, cornices, friezes, bay windows, roof decks, and trellises;
- c. Addition to an existing building of gross floor area 10 percent or less of the existing building's gross floor area;
- d. Addition to an existing building of 2,000 square feet or less;
- d. The cumulative increase, over a three (3) year period, in an existing building which meets any of the above thresholds, or
- e. Parking lot maintenance that involves reconfiguration.

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.

- 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 percent of the surface area of an existing building façade visible from an adjacent street; for example alterations to an architectural feature of an existing building such as awnings, balconies, cornices, friezes, bay windows, roof decks, and trellises.
- d. Alteration to outdoor plazas or open space;
- e. Addition to an existing building of gross floor area greater than 10 percent of the existing building's gross floor area;
- f. Addition to an existing building of more than 2,000 square feet;
- g. Addition to an existing building of another story; or
- h. The cumulative increase, over a three (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 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 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 submitted prior to submission of an underlying project permit application for development on the same property; however, a complete underlying project permit application shall not be processed without a complete Major TC Design Review application. Consolidation of permit types for a project shall be done per Chapter 16.26 LFPMC.
6. Upon receipt of a complete application for Major TC Design Review, the Director shall review the application, analyze same for compliance with Chapter 18.42 LFPMC, and route the application and a staff report to the Design Review Board.
7. After receipt of the staff report, the Design Review Board shall meet with the Director and the applicant to evaluate the Major TC Design Review application for compliance with the applicable criteria. This meeting may be continued by the Director or the Design Review Board for the purposes of clarifying issues, or obtaining additional information, facts, or documentary evidence.
8. The Design Review Board shall hold a public meeting regarding the application. At the public meeting, the applicant shall have an opportunity to make a presentation and the public shall be allowed to comment. At the applicant's expense, notice of the public meeting shall be provided at least 21 days prior to the public meeting as follows:

  - a. Emailed or sent regular United States Postal Service (USPS) mail to the applicant and members of the public who have submitted written comments regarding the application;
  - b. Sent regular USPS mail to all dwelling units in the city and to all taxpayers of record if different than the dwelling unit address;
  - c. Published in the city's website on its News Flash page, the Notices-and-Announcements page, and the city's calendar as these website pages are amended or replaced by the city with similar electronic notification methods; and
  - d. Posted on a social media account hosted by the city.
9. After the public meeting, the Design Review Board shall deliberate and prepare a written recommendation to the Hearing Examiner that may include approval, conditional approval, or denial of the application. Because the Design Review

Board provides only a recommendation, there are no appeals of the Board's recommendation.

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

#### E. Appeals.

1. Appeals of Minor Design Review Permit final decisions are appealable pursuant to section 16.26.190 LFPMC to the city's hearing examiner.
2. There shall be no administrative appeal of the hearing examiner's final decision if the Major Design Review Permit application involves less than 100 dwelling units or less than a three (3) acre project area.
3. There shall be a closed record administrative appeal to the City Council of the hearing examiner's final decision if the Major Design Review Permit application involves 100 or more dwelling units or a project area of three (3) acres or more.
  - a. An appeal must be filed within 14 calendar days following issuance of the notice of decision by the hearing examiner. Appeals must be delivered to the city clerk's office by mail or personal delivery by the last business day of the appeal period. For the purposes of computing the time for filing an appeal section 16.26.055 LFPMC shall apply.
  - b. Appeals shall be in writing, be accompanied by an appeal fee as set by the city council, and contain the information required by section 16.26.055 LFPMC. The timely filing of an appeal shall stay the effective date of the decision until such time as the appeal is adjudicated by the city council. The burden of proof is on the appellant to prove its case by a preponderance of the evidence.
  - c. The city council shall hold a closed record appeal as described in section 16.26.160 LFPMC except this shall be a closed record appeal of a Type III hearing examiner final decision instead of a Type II hearing examiner recommendation. Unless the parties to an appeal have agreed to an extended time period, the administrative appeal shall be completed within 90 days from the date the administrative appeal period closed.
  - d. In deciding the appeal, the city council shall consider the complete record developed before the hearing examiner, the final decision of the hearing

examiner, and written briefing and oral argument by the appellant and the applicant based on the record before the hearing examiner. Deadlines, page limits, and oral argument time limits shall be set by the council chair based on the complexity of the appeal issues. The council chair may hold a prehearing conference with the appellant and the applicant before determining same.

e. By mail or email, the city clerk shall provide 21 days' notice of the closed record appeal hearing to all parties of record to the pre-decision hearing before the hearing examiner.

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

## F. General - Town Center Design Review

1. Permit Type. In the event questions arise regarding permit type, the Director shall make the final determination on whether an application is processed as a Type I or a Type III permit.
2. Subsequent Permits. For a site that has been issued a Town Center Design Review final decision, subsequent permits shall be issued only for development that complies with the final decision.
3. Vesting.
  - a. Application for a Minor TC Design Review permit shall not provide the applicant with vested rights for the proposed project. The Minor TC Design Review permit shall vest to the applicable provisions of the LFPMC upon the date of the city's final decision on the Minor TC Design Review permit.
  - b. Submittal of a complete application for Major TC Design Review shall vest the Major TC Design Review project to the local land use regulations in effect on the date that the complete Major TC Design Review application was filed. Revisions requested by an applicant to a vested, but not yet approved, application shall be deemed a new application when such revisions are classified by the Director as a major modification. Major modifications are those which substantially change the basic design, density, vehicle circulation, access, or open space requirements of the application.
4. Expiration and Extension.

- a. An approved Minor TC Design Review permit shall expire two (2) years after the date the permit is issued. Extensions of six (6) months and up to one (1) year may be approved by the Director when the applicant submits a written request prior to expiration that includes a reasonable justification for the extension, such as a financial hardship, hardship in obtaining materials, weather-related factors, or similar delaying factors.
- b. An approved Major TC Design Review permit shall expire if the applicant fails to file a complete building permit application(s) for all buildings, and have all valid building permits issued within the time periods specified in the final decision by the hearing examiner. If an expiration date is not expressly provided for in the final decision, the approved Major TC Design Review permit shall expire two (2) years after the date the permit is issued and a one (1) year extension may be approved by the Director when the applicant submits a written request prior to expiration that includes a reasonable justification for the extension, such as a financial hardship, hardship in obtaining materials, weather-related factors, or similar delaying factors.

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

- A. The applicant and the city shall enter into a development agreement as provided in RCW 36.70B.170 incorporating the town center framework design guidelines, the decision of the city council, and other provisions not inconsistent with the town center design guidelines or other provision of this code.
- B. The development agreement may provide for subdivision of the applicant's property to facilitate orderly, economic development of the property. In case of a conflict with any provision of the city's subdivision regulations, LFPSC Title 17, the town center framework design guidelines shall control.

- A. The applicant and the city may enter into a development agreement as provided in Chapter 18.72 LFPSC with terms consistent with the Town Center Framework Design Guidelines and other provision of the LFPSC.
- B. The development agreement shall not include provisions that modify the following requirements in this chapter:
  1. Height as provided in LFPSC 18.42.095(A)(3);
  2. Mixed use as provided in, LFPSC 18.42.095(K), except the amount and location of Active Use Space may be modified;
  3. Open space as provided in LFPSC 18.42.130(C)(2) and the Town Center Framework Design Guidelines;

4. Setbacks as provided in LFPNC 18.42.130(E); and
5. Land coverage as provided in LFPNC 18.42.130(F).

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

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

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

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

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

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

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

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

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

1. With good and sufficient surety rated A or better;
2. By a surety company authorized to transact business in the state;

3. Satisfactory to the city attorney in form and substance; and
4. In an amount sufficient to guarantee that all required improvements and mitigation measures will be completed in a manner that complies with conditions of approval.

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

Section 6. 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 7. 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 8. EFFECTIVE DATE. This ordinance shall take effect five (5) days after passage and publication.

Section 9. EXPIRATION OF MORATORIUM. The moratorium extension adopted in Ordinance No. 1211 shall terminate upon the effective date of this ordinance.

**APPROVED BY A MAJORITY** of the Lake Forest Park City Council this 25<sup>th</sup> day of February, 2021.

APPROVED:

Jeff Johnson  
Mayor

ATTEST/AUTHENTICATED:

Evelyn Jahed  
Evelyn Jahed  
City Clerk

APPROVED AS TO FORM:

Kim A. Pratt

Kim Adams Pratt  
City Attorney

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