

Ordinance No. 00284

[Council Meeting Minutes of Oct 7 2002](#)

ORDINANCE NO. 284

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Sections 18A.50.550, 18A.50.710, 18A.50.720, 18A.50.740, 18A.50.750, 18A.50.760, 18A.50.780 and 18A.50.790 of the Lakewood Municipal Code, being portions of the City of Lakewood's Land Use and Development Code.

WHEREAS, state law, including the Washington State Growth Management Act (GMA) requires cities such as the City of Lakewood to prepare a comprehensive plan with certain required elements; and,

WHEREAS, the City of Lakewood adopted such a plan in July 2000; and,

WHEREAS, the GMA presumes the consistency of any regulations henceforth adopted to implement said plan, with the intent of the plan; and

WHEREAS, the City of Lakewood adopted a new land-use and development code, embodied within the Lakewood Municipal Code as Title 18.A, to correspond with its comprehensive plan on September 30, 2001; and

WHEREAS, on behalf of multiple individual and organizational clients, Columbia Legal Services and the NW Justice Project separately appealed both the City of Lakewood Comprehensive Plan and its Land Use and Development Code to the Central Puget Sound Growth Management Hearings Board (CPSGMHB), duly authorized to rule in such matters; and

WHEREAS, said appeals were addressed respectively as *LIHI I* and *LIHI II*; and

WHEREAS, in reviewing *LIHI II*, the CPSGMHB found that portions of Sections 18A.50.700 through 18A.50.790 of the Lakewood Municipal Code, also known as the "Housing Incentives Program," were ambiguous and did not achieve the effect set forth in the City's purpose statement, and thus did not work toward implementing the City's comprehensive plan; and

WHEREAS, in response to *LIHI II*, the CPSGMHB ordered the City of Lakewood to amend Sections 18A.50.700 through 18A.50.790 of the Lakewood Municipal Code to remove ambiguities and otherwise modify the Housing Incentives Program so that said housing incentives will have the effect intended in its purpose statement and implement the City's comprehensive plan, no later than October 14, 2002.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as follows:

Section 1. That section 18A.50.550 of the Lakewood Municipal Code is hereby amended to read as follows:

18A.50.550 - Use and Site Specific Standards

A. Drive-Through Facilities. All establishments and businesses which maintain drive-through facilities which are intended to serve customers who remain in their motor vehicles during the business transactions, shall provide stacking space for the stacking of motor vehicles as follows:

1. Sufficient stacking space shall be provided for the queuing of motor vehicles during peak business hours of the facility.
2. Queuing lines of vehicles shall not be located so as to interfere with pedestrian circulation routes.
3. Vehicular entrances and exists shall not be located so as to cause congestion on any public street or right-of-way.
4. When located in a shopping center or other multiple tenant development, drive-through facilities shall provide sufficient stacking space to handle peak business demands and shall not in any way obstruct the normal circulation pattern of the shopping center.

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4. When located in a shopping center or other multiple tenant development, drive-through facilities shall provide sufficient stacking space to handle peak business demands and shall not in any way obstruct the normal circulation pattern of the shopping center.

B. Transit Support Facilities.

1. For developments that generate a parking demand of greater than twenty (20) parking spaces, the developer shall fund the purchase and installation of one (1) or more transit shelters and/or other related transit support facilities as determined by the Community Development Director and Pierce Transit operational criteria, based on the size and nature of the use.
2. For developments that generate a parking demand of fewer than twenty parking spaces, the developer shall install a bench and a concrete pad adjacent to the sidewalk at a bus stop where at least five transit riders are expected to board buses on an average weekday, and a shelter shall be provided at a bus stop where at least ten (10) transit riders are expected to board buses on an average weekday.
3. Any single-family development with fifty to two hundred (50-200) units, or multi-family residential with thirty to one hundred (30-100) units that will be located on a street where regularly scheduled transit service is provided shall be required to provide a transit shelter with all required transit support facilities.
4. Any single-family development with over two hundred (200) units, or multi-family residential with over one hundred (100) units that will be located on a street where regularly scheduled transit service is provided shall be required to provide two (2) transit shelters with all required transit support facilities.
5. Transit facilities shall be sited in accordance with the requirements of Pierce Transit and this title. Transit shelters and related facilities shall be provided for transit stops that are located adjacent to or within six hundred (600) feet of the development site on each side of the street that has a transit route. This requirement may be waived when Pierce Transit has determined that current and projected ridership do not warrant the installation of a shelter within the six hundred (600) foot distance.
6. When a transit shelter is required to be installed, a concrete pad, seating, garbage receptacles, and lighting shall also be provided. When a transit shelter is not required to be installed, transit stops shall include design features or changes in materials that demarcate the stop.
7. Transit pullouts shall be provided as an element of street improvements if Pierce Transit and the City determine that a pullout is necessary to provide a safe refuge for transit vehicles or to minimize conflicts with other vehicles.

C. Mixed Occupancies. In the case of two (2) or more uses in the same building or on the same site, the total requirements for off-street parking facilities shall be the sum of the requirements for all of the uses calculated separately. Off-street parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except as provided in LMC 18A.50.540.E and F.

D. Parking Incentives.

1. When residential uses are combined with commercial or industrial uses in the same building, parking requirements may be reduced by twenty (20) percent, except when located within the CBD or TOC zoning districts for which parking requirements are reduced by thirty five (35) percent.

2. A structured parking space shall count as one and one-fourth (1.25) parking spaces towards the required number of parking spaces.

3. When affordable housing is constructed pursuant to LMC 18A.50.700, Housing Incentives Program, the parking space requirements shall be ~~one and one-fourth (1.25) space per affordable dwelling unit~~ calculated employing any available modifications based upon LMC 18A.50.750(B).

E. Shared Use Parking. Joint use of required parking spaces may be permitted where two (2) or more uses on the same site or separate sites in close proximity to one another are able to share the same parking spaces because their parking usage does not materially overlap (e.g. uses primarily of a daytime vs. nighttime, or weekday vs. weekend nature). Shared parking shall be legally encumbered and shall meet all of the applicable standards of this section pursuant to LMC 18A.50.550.F, Off-Site Parking.

F. Off-Site Parking. Joint use of required parking spaces may be authorized by the Community Development Director if the following documentation is submitted in writing to the Community Development Department:

1. The names and addresses of the owners and/or tenants that are sharing the parking.

2. The uses that are involved in the shared parking.

3. The location and number of parking spaces that are being shared.

4. An analysis showing that the peak parking times of the uses occur at different times and/or that the parking area will be large enough for the anticipated demands of both uses.

5. A legal instrument such as an easement or deed restriction that guarantees continuing access to the parking for both uses which shall be subject to review and approval by the Community Development Director and the City Attorney.

G. Satellite Parking Lots. Satellite parking lots may be allowed upon approval of an administrative use permit by the Community Development Director. Satellite lots may operate for a total of six (6) months during any calendar year and shall only be located in commercial zones within one-half (1/2) mile of the sending site. Satellite parking lots may be permitted for a maximum of five (5) years from initiation of the parking site. The design and layout of satellite parking lots shall comply with the following standards:

1. Paving of satellite parking lots shall be two (2) inches of asphalt over compacted soil, or other surface as approved by the City Engineer.

2. Satellite parking lots shall be improved with curbs, gutters, sidewalks, street trees, and stormwater drainage systems.

3. Access to such lots shall be secured by chain or cable, with posts a minimum of three (3) feet in height, solidly built. At a minimum, posts shall consist of four (4) inch by four (4) inch wood or equivalent metal posts a minimum of one and one-half (1-1/2) inches in diameter securely set in the ground and placed no more than four (4) feet apart. The posts shall be connected with at least one (1) strand of one-half (1/2) inch cable or chain securely fastened to each post. An opening shall be provided to accommodate vehicle access during business hours. Satellite lots shall be secured to prevent overnight parking between the closing hour on one business day and the opening hour the following business day.

4. Satellite parking lots shall have Type I, Perimeter Landscaping along all property lines, and Type II, Streetscape Landscaping along the public rights-of-way. Landscaping shall be protected from vehicle and pedestrian damage by concrete

curbs. Wheel stops may be required as specified in 18A.50.530.F, as determined by the Community Development Director.

5. Directional and informational signs shall be displayed on-site to identify the entrance(s), fees, and hours of operation. Such signs shall be located at the entrance of the parking lot and shall not exceed twelve (12) square feet and six (6) feet in height. Signs shall be removed from the site after each seasonal usage period.

6. Automatic entry devices or fee collection points shall be set back a minimum of sixty (60) feet from the public right-of-way, or shall provide for queuing lanes at a distance recommended by the City Engineer and approved by the Community Development Director.

7. An attendant shall be on duty at all times during business hours of seasonal parking lots.

8. An approved fire extinguisher shall be provided on the premises during business hours.

9. The site shall be maintained in a clean condition, free from trash and debris. Trash containers shall be placed on the site to accommodate and store all trash that accumulates on the lot.

10. Prior to approval of an application for any satellite parking lot, a certificate of insurance for combined single limit bodily injury and/or property damage including products liability in the amount of one million (1,000,000) dollars per occurrence shall be filed with the City. A hold harmless agreement holding the City harmless shall also be filed with the City Attorney.

11. Subsequent to approval of an application for any satellite parking lot, the applicant shall meet all standards and requirements and install all improvements. The parking lot shall be inspected and approved by the Community Development Director prior to issuance of an Authorization to Operate.

Section 2. That section 18A.50.710 of the Lakewood Municipal Code is hereby amended to read as follows:

18A.50.710 Purpose.

The City is responsible for establishing regulations that will result in housing opportunities for all of its residents, no matter what their economic means, ~~age, or level of ability~~. To that end, the City's comprehensive plan contains policies designed to encourage affordable ~~and special needs~~ housing. Not only are a number of regulatory tools available to help stimulate the development of desired housing in the city, but some of these tools ~~offer an additional benefit to the city as a whole in by~~ dispersing ~~"qualified" housing such as~~ low-income units throughout the city so as to avoid perpetuating existing concentrations of poverty. The provisions contained herein would allow a project proponent to receive more return from a project ~~through in terms of~~ additional density, relaxed development standards, and discounted review fees in return for helping meet public goals.

Section 3. That section 18A.50.720 of the Lakewood Municipal Code is hereby amended to read as follows:

18A.50.720 Applicability.

This section applies, at the developer's option, to land-use applications for rental housing in all zones, except the construction of a single-family dwelling on one (1) lot that can accommodate only one (1) dwelling based upon the underlying zoning designation, excluding accessory dwelling units allowed under LMC 18A.20.900 and the underlying zoning. This section shall not apply to congregate care and group living facilities.

Section 4. That section 18A.50.740 of the Lakewood Municipal Code is hereby amended to read as follows:

18A.50.740 Inclusionary Density Bonuses.

A. Rate and calculation. In return for the inclusion of a number of "qualified," as defined herein, on-site units dedicated to serving and reserved for occupancy by very-low- and/or extremely-low income, as defined herein, persons, families,

~~or groups, and/or market-rate elderly and/or disabled persons, one (1) additional, on-site market-rate unit is permitted as a bonus for each qualified very-low-income unit provided, and 1.5 additional, on-site market rate units are permitted as a bonus for each qualified extremely-low-income unit provided, up to a maximum percentage above the maximum density permitted in the underlying zoning district as shown below; provided, that only one (1) bonus unit may be awarded per qualified unit no matter how many qualifying categories it serves.~~

A. Rate and calculation. In return for the inclusion of a number of "qualified," as defined herein, on-site units dedicated to serving ~~and reserved for occupancy by very-low- and/or extremely-low income, as defined herein, persons, families, or groups, and/or market-rate elderly and/or disabled persons,~~ one (1) additional, on-site market-rate unit is permitted as a bonus for each qualified ~~very-low-income unit provided, and 1.5 additional, on-site market rate units are permitted as a bonus for each~~ qualified extremely-low-income unit provided, up to a maximum percentage above the maximum density permitted in the underlying zoning district as shown below; ~~provided, that only one (1) bonus unit may be awarded per qualified unit no matter how many qualifying categories it serves.~~

Zoning	Maximum %
District	Additional Density
R1, R2, R3, R4	10
MR1, MR2; ARC; NC1, NC2	15
MF1, MF2, MF3	20
CBD, TOC	25

B. Duration. Prior to the final approval of any land-use application for which density bonuses are being sought, the owner of the affected parcels shall deliver to the City a duly executed covenant running with the land, in a form approved by the City Attorney, requiring that the qualified dwellings created pursuant to this section shall remain as such for a period of at least twenty (20) years from the commencement date. The covenant shall form an enduring contractual agreement between the owner/applicant and the City. The owner/applicant shall be responsible for the cost of preparing and recording the covenant, and the owner/applicant or subsequent owner(s) or operator(s) shall be responsible for administering the covenant. The commencement date shall be the date that the first lease agreement with a qualified renter within an applicable qualification group becomes effective.

C. Siting of Units. The qualified units constructed under these provisions shall be integrated and dispersed within the development for which the density bonus is granted. The physical segregation of qualified housing units from unqualified market-rate housing units, or the congregation of qualified housing units into a single physical portion of the development, is prohibited.

D. Size of Units. The size of the qualified units constructed under the provisions of this chapter shall be proportionate to the size of the units contained in the entire project, i.e., if fifty (50) percent of the units in the project are one-bedroom units and fifty (50) percent are two-bedroom units, then the qualified units shall be divided equally between one- and two-bedroom units.

E. Appearance of Units. Qualified units shall possess the same style and architectural character and shall utilize the same building materials as market-rate units.

F. Completion. If a project is to be phased, the proportion of qualified units to be completed with each phase shall be

determined as part of the phasing plan approved by the Community Development Director.

Section 5. That section 18A.50.750 of the Lakewood Municipal Code is hereby amended to read as follows:

18A.50.750 Development Standard Modifications.

In order to accommodate bonus housing units awarded under this program, the development standards set forth separately in this code may be modified as follows for properties containing qualified housing units:

A. Lot Coverage. Where it does not conflict with surface water management requirements, the maximum percent of lot coverage may be increased by up to five (5) percent of the total square footage over the maximum lot coverage permitted by the underlying zoning district.

B. Parking Requirements. For multifamily developments containing qualified housing, the percentage of compact parking stalls may be increased up to fifty (50) percent of the total required parking. In addition, for multifamily developments containing qualified housing dedicated to extremely-low-income, as defined herein, persons, families, or groups, the number of required parking stalls serving such units shall be reduced by fifty (50) percent.

C. In circumstances where housing serving qualified populations is located within one quarter (1/4) mile of transit routes and can be shown to generate significantly lower-than-average parking demand, parking requirements may be further reduced at the Community Development Director's discretion. The applicant shall be responsible for preparing any additional studies or evaluation required to provide evidence of demand.

D. Building Height. The maximum building height may be increased by up to twelve (12) feet for those portions of the building(s) at least twenty (20) feet from any property line.

Section 6. That section 18A.50.760 of the Lakewood Municipal Code is hereby amended to read as follows:

18A.50.760 Fee Reduction.

In order to further stimulate the provision of qualified units under this program, review fees for land-use applications and building permits for properties containing housing units dedicated to serving very-low-income and/or extremely-low-income, as defined herein, persons, families, and groups shall be reduced by the percentage shown below at the time of application. Discounts shall be applicable to the entire scope of the application, including both standard and qualified units, and shall correspond with the percentage of dedicated qualified units in the overall project. For properties containing both levels of qualified units, the highest discount shall apply. For projects dedicating in excess of 50 percent of units to qualified housing, a standard 75 percent discount shall apply. Any available refunds for applications withdrawn in progress shall also be discounted correspondingly.

Density Bonus	Discount	Discount
<u>% of Qualified Units</u>	for	for
<u>% of Qualified Units</u>	Very	Extremely
	Low	Low
	Income	Income

0 -- 105 percent	10 %	15%
11 6 - 210 percent	20 %	25%
6 - 210 percent		
211 - 3015 percent	30 %	35%
11 - 3015 percent		
316 - 420 percent	40 %	45%
16 - 420 percent		
421 - 250 percent	50 %	55%
21 - 250 percent		

Section 7. That section 18A.50.780 of the Lakewood Municipal Code is hereby amended to read as follows:

18A.50.780 Monitoring

The Community Development Department shall maintain a list of all qualified units created under this program. On a yearly basis, the property owner shall provide the City with a signed affidavit of compliance with the terms under which any qualified units have been dedicated. In conjunction with comprehensive plan review and amendment processes, the level and type of unit production and other factors relating to this program shall be evaluated to gauge how effectively these regulations are functioning and to direct necessary adjustments in the program.

Section 8. That section 18A.50.790 of the Lakewood Municipal Code is hereby amended to read as follows:

18A.50.790 Definitions.

For the purposes of this chapter, the following definitions shall apply:

A. VERY LOW INCOME. An individual, family, or unrelated persons living together, regardless of age or ability, whose adjusted gross income is ~~eighty-fifty (8050)~~ percent or less of the ~~county~~-median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development for the Tacoma Primary Metropolitan Statistical Area.

B. EXTREMELY LOW INCOME. An individual, family, or unrelated persons living together, regardless of age or ability, whose adjusted gross income is thirty (30) percent or less of the median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development for the Tacoma Primary Metropolitan Statistical Area.

B.C. QUALIFIED UNIT. Residential housing for rental occupancy which, as long as the same is occupied by a very-low-come or extremely-low-income, as defined herein, household, requires payment of monthly housing costs, including utilities other than telephone, of no more than thirty (30) percent of the resident's or residents' income(s).

C. QUALIFIED UNIT. Residential housing for rental occupancy which, as long as the same is occupied by a very-low-come or extremely-low-income, as defined herein, household, requires payment of monthly housing costs, including utilities other than telephone, of no more than thirty (30) percent of the resident's or residents' income(s).

Section 9. Remainder Unchanged. The rest and remainder of the City of Lakewood Land Use and Development Code shall remain unchanged and shall remain in full force and effect.

Section 10. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 11. Effective Date. That this Ordinance shall be in full force and effect on the 7th day of October, 2002, and five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 7th day of October, 2002.

CITY OF LAKEWOOD

Bill Harrison, Mayor

Attest:

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Heidi Wachter, City Attorney

Section 7. That section 18A.50.780 of the Lakewood Municipal Code is hereby amended to read as follows:

18A.50.780 Monitoring

The Community Development Department shall maintain a list of all qualified units created under this program. On a yearly basis, the property owner shall provide the City with a signed affidavit of compliance with the terms under which any qualified units have been dedicated. In conjunction with comprehensive plan review and amendment processes, the level and type of unit production and other factors relating to this program shall be evaluated to gauge how effectively these regulations are functioning and to direct necessary adjustments in the program.

Section 8. That section 18A.50.790 of the Lakewood Municipal Code is hereby amended to read as follows:

18A.50.790 Definitions.

For the purposes of this chapter, the following definitions shall apply:

A. VERY LOW INCOME. An individual, family, or unrelated persons living together, regardless of age or ability, whose adjusted gross income is eighty-five (8050) percent or less of the county-median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development for the Tacoma Primary Metropolitan Statistical Area.

B. EXTREMELY LOW INCOME. An individual, family, or unrelated persons living together, regardless of age or ability, whose adjusted gross income is thirty (30) percent or less of the median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development for the Tacoma Primary Metropolitan Statistical Area.

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Section 9. Remainder Unchanged. The rest and remainder of the City of Lakewood Land Use and Development Code shall remain unchanged and shall remain in full force and effect.

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ADOPTED by the City Council this 7th day of October, 2002.

CITY OF LAKEWOOD

Bill Harrison, Mayor

Attest:

Alice M. Bush, CMC, City Clerk

Approved as to Form:

Heidi Wachter, City Attorney

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