

# Town Center Regulations Update – Phase 2

## Planning Commission Working Draft

Meeting Date: May 12, 2020

### How this Document is Organized

Page 1: Explanation of Document

Page 2-3: Summary Information

- LFPMC 18.42 Chapter Outline (for reference only)
- Summary of New Content and Major Edits in this Draft

Page 4 – 10: Draft Code Language for Review

This document presents code language related to Phase 2 of the Town Center planning process, which addresses uses, dimensional requirements, density, open space, signage, and parking regulations for development other than a freestanding parking structure.

The Planning Commission recommended code amendments to City Council addressing the following topics:

- Freestanding parking structures
- Town Center Framework Design Guidelines – Adopted<sup>1</sup>
- Administration
- Bonding
- Development agreement use in Town Center

Sections 18.42.130-160 are reserved for potential future use.

No content related to completed or reserved sections will be reviewed during Phase 2.

### Relationship between LFPMC 18.42 and Town Center Framework Design Guidelines

The Lake Forest Park Municipal Code Chapter 18.42 *Town Center* and the *Town Center Framework Design Guidelines* (FDG) companion document work together to regulate and guide development in the Town Center zoning district.<sup>1</sup> The code establishes basic requirements that are nonnegotiable or have limitations on flexibility through a negotiated Development Agreement. The FDG provides guidance on building design, relationship of the building to the public realm, placemaking and character, and similar aesthetic and livability themes.

### Proposed Code Amendments

Code language is proposed in Microsoft Word Track Changes using conventional underline/strikethrough and comments as follows:

- Underline notes new content added since the previous code review.
- Strikethrough notes content removed (deletions) since the previous code review.
- Comments provide contextual information, ask questions, or are otherwise intended to prompt discussion.

<sup>1</sup> The *Town Center Framework Design Guidelines* (FDG) is a separate companion document that has been adopted by reference in this code section. This section does not contain the FDG; the FDG is reviewed in sections in parallel with the review of proposed code language.

**LFPMC 18.42 Chapter Outline and Status Summary Table**

| Section  | Title   | Status           | Page No. |
|--|---|------------------|----------|
| <b>Sections Under Review</b>                       |   |                  |          |
| 18.42.010  | Purpose   | Not Started      | 6        |
| 18.42.020  | Permitted uses                                    | Complete/Confirm | 6        |
| 18.42.022  | Limitations on use                                | Complete/Confirm | 7        |
| 18.42.025  | Conditional uses                                  | Complete/Confirm | 8        |
| 18.42.030  | Building height                                   | Not Started      | 8        |
| 18.42.040  | Setbacks  | Not Started      | 8        |
| 18.42.050  | Residential density                               | Not Started      | 10       |
| 18.42.060  | Open space  | Not Started      | 10       |
| 18.42.070  | Signs   | Not Started      | 10       |
| 18.42.080  | Parking   | Not Started      | 10       |
| <b>Sections Completed and/or Not Under Review:</b> |   |                  |          |
| 18.42.090  | Freestanding parking structures                   | Complete         | 10       |
| 18.42.100  | Town Center Framework Design Guidelines – Adopted | Complete         |          |
| 18.42.110  | Administration                                    | Complete         |          |
| 18.42.120  | Bonding   | Complete         |          |
| 18.42.130  | <i>Reserved</i>                                   | Not Used         |          |
| 18.42.140  | <i>Reserved</i>                                   | Not Used         |          |
| 18.42.150  | <i>Reserved</i>                                   | Not Used         |          |
| 18.42.160  | <i>Reserved</i>                                   | Not Used         |          |
| 18.42.170  | Development agreement use in Town Center          | Complete         |          |

**Summary of New Content and Major Edits in this Draft**

18.08.631 Structure.

- Draft definition of “structure” for review.
- Adding a definition for “structure” allows greater control over the application of certain dimensional requirements (especially setbacks). The definition for “building” excludes some structures and could cause some ambiguity.

18.42.010 Purpose.

- Draft purpose statement for review.

18.42.020 Permitted uses.

- Minor reorganization and clarification edits to language reviewed during Phase 1 of the Town Center planning process.

18.42.022 Limitations on use.

- Minor reorganization and clarification edits to language reviewed during Phase 1 of the Town Center planning process.

18.42.025 Conditional uses.

- Punctuation edits.

18.42.030 Building height.

- Draft maximum building heights for review. Proposal includes base, mixed-use, and bonus height.
  - Base height is for structures with only one use (i.e., a restaurant or grocery store) and limited or no tenant spaces that would be considered “mixed use.”
  - Mixed use height provisions allowed by right encourage mixed-use projects that incorporate a certain amount of residential and commercial space.
  - Bonus height could authorize an additional story in exchange for public benefits, similar to the approach used for the freestanding parking structure.

- The mixed-use height is based on three-over-1 construction typology and provides wiggle room for rooftop mechanical equipment, sloping or otherwise interesting and varied roof forms, and similar features.
- The mixed-use height is similar to the existing height allowed through the alternative Framework Design Guidelines compliance path available in current regulations.

18.42.040 Setbacks.

- Draft setback dimensions, interpretation guidance, and allowable protrusions in setback areas for review.
- Setback dimensions are related to building height and related as much as possible to existing precedents within the code.
- Specific requirements for measuring setbacks are identified.
- Setbacks from Lyon Creek can be reduced through the provision of restoration-focused public benefits, subject to negotiation of a development agreement.

18.42.050 Residential density.

- Replaced fill-in-the-blank with placeholder text for easy search functionality in the future.

18.42.060 Open space.

- No content.

18.42.070 Signs.

- No content.

18.42.080 Parking.

- No content.

18.42.085 Public benefits.

- New section proposed for consideration.

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**Chapter 18.08**  
**Definitions**  
[NEW OR AMENDED DEFINITIONS]

**18.08.035 Active ground floor uses.**

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

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

"Artisanal/craft production and retail" means small-scale on-site production and/or assembly of arts, crafts, foods, beverages, or other type of product involving the use of small-scale equipment and/or hand tools and involving limited outdoor storage of materials, equipment, or products when such storage is decoratively treated or otherwise integrated into the building or site design.

**18.08.107 Assisted housing.**

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

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

"Automobile-oriented retail sales of food and commodities" means businesses that are oriented to automobiles (drive-throughs, drive-ins) as well as businesses that are primarily for the purpose of sales, service, or repair of automobiles such as parts shops, auto body shops, oil change shops, garages, gasoline/fuel stations, and similar uses.

**18.08.235 Community solar project.**

"Community solar project" means a solar facility shared by multiple community subscribers who receive credit on their electricity bill for their share of the power produced.

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

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

**18.08.270 Day care.**

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

**18.08.324 Framework.**

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

**18.08.325 Freestanding parking structure.**

"Freestanding parking structure" means a standalone building or structure of multiple levels used primarily for parking vehicles. A freestanding parking structure may include parking on the upper (rooftop) level.

1 **18.08.351 Hotels and temporary lodging.**

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

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6 **18.08.565 Public market.**

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

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12 **18.08.599 Retail sales and services.**

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

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18 **18.08.600 Retirement home.**

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

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24 **18.08.631 Structure.**

25 "Structure" means that which is permanently erected, built, or constructed in or on the ground or over the  
26 water, including buildings or any combination of materials joined together in some definite manner.

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28 **18.08.642 Town Center Design Review, Major**

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

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

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35 **18.08.643 Town Center Design Review, Minor**

36 A Minor Town Center Design Review project means construction, alteration, or repair of a project in the  
37 Town Center zone, subject to design review under Chapter 18.42 LFPMC and which includes less than  
38 5,000 of square feet and is not otherwise a Major Town Center Design Review project.

**Commented [CH1]:** I suggest adding a definition of structure to fine-tune application of certain dimensional standards.

Example from City of Kenmore:

"Structure" means anything permanently constructed in or on the ground, or over the water; excluding fences eight feet or less in height, decks less than 18 inches above grade, paved areas, and structural or nonstructural fill.

Example from City of Bothell:

"Structure" means a combination of materials constructed or erected which has permanent location on the ground or attached to something having permanent location on the ground, not to include fences less than six feet high, or paved areas, but which does include a gas or liquid storage tank that is principally above ground.

Example from City of Medina:

"Structure" means that which is erected, built or constructed, including an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

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**Chapter 18.42**  
**Town Center**

**18.42.010 Purpose**

The purpose of this Chapter is to implement the Lake Forest Park Comprehensive Plan by establishing land use and development regulations for the Town Center zone. The regulations in this Chapter are intended to:

- A. Provide for a healthy and vibrant mix of desirable business, commercial, civic, recreation, employment, and housing opportunities;
- B. Enable imaginative site and building design that expresses a Pacific Northwest character tailored to Lake Forest Park and that embraces community gathering spaces;
- C. Ensure development is compatible with the residential character and setting of Lake Forest Park;
- D. Create pedestrian, bicycle, and nonmotorized connections to opportunities, goods, and services;
- E. Support access to high-capacity transit that connects to regional destinations;
- F. Minimize the adverse environmental impacts of development while fostering stewardship of existing natural resources, especially Lyon Creek;
- G. Encourage land use decision making in accordance with the public interest and applicable laws of the state of Washington; and
- A-H. Protect the general public health, safety, and welfare.

**18.42.20 Permitted uses**

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

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

B. Uses not listed. Uses not listed in section (A), above, are prohibited unless ~~may be~~ authorized through a development agreement, except that the following uses are never permissible in Town Center:

1. Automobile-oriented uses, including but not limited to:
  - a. automobile-oriented retail sales of food and commodities;
  - b. Auto service stations;
  - c. Sale of gasoline or other fuels; and
  - d. Car washes.
2. Repair or sale of heavy equipment, boats, tires, and motor vehicles.
3. Marijuana retail outlets and other marijuana-related uses.

**Commented [CH2]: Current purpose statement for review and comparison:**

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

1 47.4. Sale of alcohol for on-premises consumption except in a restaurant or  
2 artisanal/craft production and retail space with appropriate licensing from the State of  
3 Washington.

**Commented [CH3]:** Relocated from section (D)(3), below, to more clearly identify which uses are prohibited in Town Center.

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5 **18.42.022 Limitations on use.**

6 A. Artisanal/craft production and retail.

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

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33 B. Business offices and uses rendering professional, personal, and instructional services.

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

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36 C. Day care facilities – Type 1 and Type 2.

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

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40 D. Retail sales and services and other nonresidential uses.

- 41 1. Commercial or other nonresidential uses located within the same building as residential  
42 uses shall be separated from residential uses by soundproof materials or suitable  
43 architectural features to reduce noise impacts on the residential portion of the building.  
44 2. Individual commercial or nonresidential uses shall contain no greater than 50,000 square  
45 feet of gross floor area per use. The following exceptions apply:  
46 a. Freestanding parking structures meeting requirements in LFPMC 18.42.090.  
47 b. Government buildings and uses.  
48 b-c. Grocery stores not exceeding 45,000 square feet of gross floor area.  
49 e-d. Other uses may exceed the size limitations when authorized by a  
50 development agreement.  
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52 3. The following uses are not permitted as a retail, commercial, or other nonresidential use in  
53 the TC zone: automobile-oriented retail sales of food and commodities, auto service  
54 stations, sale of gasoline or other fuels, and car washes, repair or sale of heavy equipment,  
55 boats, tires and motor vehicles, marijuana retail outlets, sale of alcohol for on-premises

**Commented [CH4]:** This is slightly smaller than Albertson's, which is 32,554 square feet.

Relevant statistics for all TC retail complex spaces:  
•Max: 32,554 (Albertson's)  
•Min: 315 (Shoreline Arts)  
•Mean: 4,216 (similar to MG Management Office or somewhat smaller than LFP Bar & Grill)  
•Median: 1,470 (Ebsworth Dr. Office)  
•Mode: 1,225 (Curves, Expedia CruiseShipCenters, and one vacant space)

consumption except in a restaurant or artisanal/craft production and retail space with appropriate licensing from the State of Washington.

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

18.42.030 Building height.

A. Base height. Buildings are limited to 35 feet in height.

B. Mixed-use height.

- 1. Mixed-use buildings shall not exceed 55 feet in height.
2. Mixed-use buildings using this provision must contain a minimum of 50 percent residential use and 25 percent commercial use. Percentages shall be calculated using gross floor area, excluding any structured parking.

A.C. Bonus height. When public benefits are provided pursuant to LFPMC 18.42.085, the height of mixed-use buildings shall be limited to 65 feet in height.

18.42.040 Setbacks.

- A. The following setback requirements apply to all new structures or additions in Town Center:
1. Structures shall be set back a minimum of 50 feet from adjacent residential-zoned property. Refer to distance "A" in Figure 18.42.040-1.
2. Structures shall be set back a minimum distance of 100 feet from Lyon Creek. Refer to distance "B" in Figure 18.42.040-1.
a. The setback from Lyon Creek shall be measured from the ordinary high water mark of Lyon Creek.
b. Setbacks from Lyon Creek may be modified (reduced) when public benefits are provided through a and when negotiated through a Development Agreement. Qualifying public benefits and associated reductions are identified in Table 18.42.040-1, below.

Table 18.42.040-1: Public benefits to modify setbacks from Lyon Creek.

Table with 2 columns: Benefit, Reduction. Rows include: Daylighting piped portions of Lyon Creek and use of fish-passable culverts for road crossings (60 feet), Riparian buffer restoration and enhancement (20 feet), Installation of a public soft-surface trail adjacent to the Lyon Creek setback area (20 feet).

c. The setback from Lyon Creek shall not be reduced to less than 20 feet.

- 3. Structures shall be set back a minimum of 50 feet from Ballinger Way (State Route 104) north of the midpoint of the driveway into Town Center.
4. In all other areas of the Town Center zone, structures shall be set back a minimum of 20 feet from the property line.

Commented [CH5]: Relocated to section (B), above, to more clearly identify which uses are prohibited in Town Center.

Commented [CH6]: Consistent with multifamily residential, corridor commercial, and freestanding parking structure height limitations. This is also only five feet higher than single family and neighborhood commercial height limitations. Additional height lends a slight prominence to the Town Center, which makes sense as the community gathering place.

Commented [CH7]: Based on a 3 over 1 typology with some wiggle room for alternative roof forms. Additional height here helps to reduce the mass and prominence of a parking structure.

Commented [CH8]: Can there be a height bonus of up to one additional story (5 over 1 typology) in exchange for certain public benefits?

What public benefits would make this acceptable?

Would an additional setback be needed to make this fit the site and context?

Commented [CH9]: See new definition, this would prohibit patios and similar uncovered structures from protruding into setback areas.

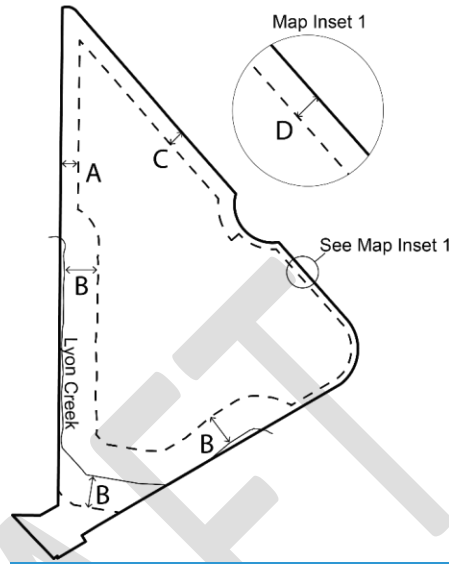
Commented [CH10]: 50 feet suggested. This would result in a setback from existing units of 70-230 feet, depending on the location of the existing structure.

We could consider multiple setbacks and/or some supplemental landscaping requirements that are tied to building height, for example:

- Where adjacent to residential-zoned property, structures shall be set back as follows:
• Structures using the base height provision in LFPMC 18.42.030(A) shall be set back a minimum distance of 30 feet.
• Structures using the mixed-use height provision in LFPMC 18.42.030(B) shall be set back a minimum distance of 50 feet.
• Structures using the bonus height provision in LFPMC 18.42.030(C) shall be set back a minimum distance of 50 feet and a 10-foot sight-obscuring landscaping screen shall be planted along the property line adjacent to residential-zoned property.

Commented [CH11]: 100 feet is consistent with the freestanding parking structure requirement, emphasizes the prominence and community importance of the stream, and is more consistent with LFP critical areas requirements. CAR: 115 feet for fish-bearing stream.





**Figure 18.42.040-1. Minimum setbacks for freestanding parking structures.**

B. Setbacks are measured as the horizontal distance between the property line or referenced feature and the closest point of any part of the building or structure to the property line or referenced feature, including but not limited to architectural elements, roof eaves, gutters, and mechanical equipment. The setback is measured along a horizontal plane

C. In addition to the setbacks prescribed in section (A), above, if a development project adjoins a private internal access roadway, a 10-foot setback from the internal access roadway is required.

D. Protrusions into setback areas. The following structures may be located within a setback area:

1. Utilities which are located underground and accessory to a principal use.
2. Walkways, stairs and steps, and driveways, not including parking spaces, which do not exceed 30 inches in height.
3. Irrigation systems at or below finished grade, including ancillary equipment that does not exceed 36 inches in height.
4. Foundation footings where the footing structure does not protrude more than two feet into the setback area and is located entirely below the ground surface.
5. Small accessory structures and outdoor mechanical equipment provided:
  - a. The protrusion is limited to the setback area on the western boundary of the Town Center zone.
  - b. The structure or outdoor mechanical equipment does not exceed eight feet in height.
  - c. The structure or outdoor mechanical equipment does not occupy a footprint greater than 100 feet.
  - d. A sight-obscuring landscaping screen is planted that screens the structure or mechanical equipment from adjoining properties; and
  - e. A minimum 20-foot setback from the western boundary of the Town Center zone is maintained.

**Commented [CH12]:** This will accommodate pedestrian pathways, weather protection, street furnishings, etc.

- 1           6. Low impact development best management practices or treatment best management  
2           practices provided:  
3           a. The best management practice shall be designed, constructed, and maintained in  
4           accordance with the stormwater manual adopted under LFPMC 16.25.035.  
5           b. Best management practices, including associated vegetation, are located entirely  
6           in the Town Center zone. Best management practices can be located on multiple  
7           parcels with more than one owner with a maintenance easement.  
8           c. Structural elements associated with the best management practice are limited to  
9           no more than 30 inches in height.  
10          d. Examples of best management practices that could be installed within a setback  
11          area include but are not limited to the following:  
12                1. Rain garden;  
13                2. Bioretention;  
14                3. Dispersion; and  
15                4. Biofiltration treatment.  
16          4.7. Protrusions into the Lyon Creek setback area are not allowed.

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18 **18.42.050 Residential density.** The total number of residential units in the Town Center zone shall not  
19 exceed —, [XX UNITS].

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22 **18.42.060 Open space.**

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25 **18.42.070 Signs.**

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28 **18.42.080 Parking.**

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31 **18.42.085 Public benefits.**

32       A. Public benefits must be provided to qualify for modification of certain provisions of this Chapter,  
33       including

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36 **18.42.090 Freestanding parking structures.**

37 **[NOTE: Recommendations were forwarded to City Council. To avoid confusion, the code is not duplicated**  
38 **here.]**