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# LAKESIDE INDUSTRIES DEVELOPMENT AGREEMENT

This Development Agreement (Agreement) is entered into the 29<sup>th</sup> day of January, 2013, by and between the City of Issaquah, a Washington municipal corporation (City), and Lakeside Industries, Inc., a Washington corporation (Lakeside), collectively the “Parties”.

## RECITALS

A. The City is a noncharter Optional Municipal Code city incorporated under the laws of the State of Washington. The City has authority to enact laws and enter into agreements to promote the health, safety and welfare of its citizens and thereby to control the use and development of the Lakeside Industries Property (as hereafter defined) and specify zoning and development standards for areas within the City. The City has the authority to enter into development agreements with those who own or control property within its jurisdiction, pursuant to the Development Agreement Statutes, RCW 36.70B.170 through 36.70B.210. This Agreement is intended to constitute a development agreement governed by the terms and conditions of the Development Agreement Statute.

B. Lakeside owns approximately 116 acres of land (the Property) located within the City limits, immediately adjacent to Issaquah Highlands, as shown on the vicinity map attached hereto as **Figure 1**, and as legally described in **Figure 2**, attached hereto. As shown on **Figure 3**, the Property consists of the Eastern Parcel and the Western Parcel. Of the overall 116 acres, 77 acres are developable and are expected to accommodate up to 1,200 ERUs.

C. A portion of the Western Parcel is currently being mined for sand and gravel resources. As the mineral resources are removed, the Property will be reclaimed for urban development. Mining operations will continue into the future on a portion of the Western Parcel, possibly for the term of this Agreement. Processing activities including asphalt production and recycling of asphalt and concrete are occurring on Lakeside Industries property (“Existing Processing Site”) adjacent to the Western Parcel that is subject to this Agreement. Because it is environmentally and economically beneficial to have such an in-city activity close to the urban area, Lakeside and the City agree that asphalt and concrete production and the recycling of asphalt and concrete are compatible adjacent uses to the Project, with the appropriate considerations, and should continue on the Existing Processing Site after mining has ceased. It is also understood that continuation of these activities will require continued importation of materials to the Existing Processing Site. Consequently, the Parties intend to pursue necessary Code amendments to ensure these activities are legally permitted uses after mining has ceased.

D. Lakeside, as the Development Agreement Property Administrator, wishes to reclaim and facilitate development of the Property over time as a Hillside Village type of master planned community, and the City is willing to approve an urban village master plan for the Property under the terms and conditions set forth herein. The master planned community will be an urban village providing a variety of distinctive building types, styles, and densities with a cohesive and unified overall pedestrian-oriented community identity (Project). The Project will benefit from its proximity to the Highlands Park and Ride garage, have an integrated circulation system of streets, sidewalks and trails that link its various development areas and serve vehicles, transit users, cyclists, and pedestrians. As set forth hereafter, there are significant advantages to a master planned community, which are in the public interest.

E. Lakeside is a mining and asphalt manufacturing and paving company. Lakeside is not a developer of real property. Therefore, it is anticipated that Lakeside as the Property Administrator will, from time to time, sell portions of the Property to real property developers which, as successors and assigns of the Property Administrator, will benefit from, and will be bound by, the terms of this Agreement. This provision shall not prohibit the Property Administrator from developing, or joint venturing, or partnering in developing portions of the Property.

F. An urban village master plan for the Property promotes and implements a number of Washington State and City growth management and planning goals and objectives. Such goals and objectives are in the public interest and include the following:

**1. Growth Management Act Goals.**

An urban village master plan for the Project promotes and achieves the following planning goals of Washington’s Growth Management Act, RCW 36.70A.020, which goals are themselves consistent with, and have guided the development of, the City’s Comprehensive Plan and development regulations:

- a. Creates urban growth in an appropriate location:**  
It will constitute development in an urban area where adequate public facilities and services can be provided in an efficient manner.
- b. Reduces sprawl:**  
It will reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
- c. Promotes efficient transportation:**  
It will promote efficient multi-modal transportation systems including transit or alternative transit systems that are based on regional priorities and coordinated with the City’s adopted Comprehensive Plan.
- d. Creates housing:**  
It will develop and make available housing that is affordable to various economic segments of the population of this state and region.

- e. **Creates desirable economic development:**  
It will create economic development that is consistent with the City’s adopted Comprehensive Plan and will create economic opportunity for citizens of this region, within the capacities of the area’s natural resources, public services, and public facilities.
- f. **Protects the environment:**  
It will protect the environment, including air and water quality, and enhance the City’s high quality of life.
- g. **Maintains natural resource industries:**  
It will maintain and enhance essential aggregate mining and related activities.
- h. **Promotes citizen participation:**  
It has been formulated collaboratively, with the continuing close involvement and support of local citizens and affected jurisdictions, throughout the Development Agreement planning process.
- i. **Ensures concurrent public facilities and services:**  
Development will be conditioned on the provision of adequate public facilities and services necessary to support each new phase prior to occupancy.

2. **City’s Planning Goals and Objectives.**

In addition to the foregoing, an urban village master plan for the Property promotes and achieves the following desirable planning goals and objectives of the City, in furtherance of objectives and policies in the City’s adopted Comprehensive Plan:

- a. **Promotes Sustainable Development:**  
Establishes a framework to foster green building and sustainable development. (Objectives L-8 & U-4, Policies L-2.1, L-2.3, L-2.4, L-4.3, U-2.3)
- b. **Protects environmental quality:**  
Provides an innovative and sensitive re-development of land that clusters density, promotes and protects environmental quality, open space, and wildlife habitat, preserves sensitive areas and buffers, and preserves areas of contiguous natural open space as a wildlife corridor. (Objectives L-1, U-4, EV-1 & P-1, Policies L-1.1, L-1.2, U-4.2, U-4.3, P-1.3, P-2.5)
- c. **Encourages innovative housing designs:**  
Establishes a framework that encourages innovative and creative housing types and designs that result in reasonably-priced housing available to a wide range of economic segments, including criteria for flexibility in site design, bulk, and building standards linked by pedestrian sidewalks and trails. (Objectives L-1, H-1 & H-2, Policies H-1.1, H-1.2, H-1.3, H-1.4, H-1.6, H-1.7, H-1.8, H-1.9, H-2.4)

- d. Meets City surface water standards:**  
Employs surface water retention-detention and water quality treatment methods that meet the City’s standards at the time of Agreement adoption as well as all State and Federal standards in order to mitigate adverse environmental impacts and preserve water quality in Lake Sammamish. (Objective U-4, Policies U-2.3, U4.1, U4.2, U4.4, and U4.6)
- e. Provides major improvements to public facilities:**  
Includes capital facilities funding for affected public infrastructure and provides for major improvements to public facilities, including major improvements to the City’s water system. (Objectives U-1, U-2, U-3, U-5, U-6, P-8 and EV-3; Policies U-2.1 through U-2.3, U-3.1, U-5.1, U-5.3, U-6.1, U-6.4, U-6.6, P-8.1, P-8.2, T-2, T-3, T-11, T-26, EV-3.1.1, 3.1.2, 3.1.4)
- f. Employs creative solutions to water and traffic issues:**  
Employs creative solutions to issues of water conservation and other natural resources, and to traffic demand management. (Objectives U-2 & EV-1, Policies U2.6.3, T-2, T-3, T-5, T-11, T-26)
- g. Provides an appropriate mix and density of desirable uses:**  
Provides an appropriate mix of desirable residential and commercial uses and creates a community that maintains and enhances Issaquah’s quality of life. (Objectives L-3, L-4, H-1, EV-2, EV-2 & EV-3; Policies L-1.2, L-1.4, L-1.5, L-3.4, H-1.6)
- h. Maintains opportunities for resource lands:**  
Provides for continuation of pre-development mining. (Objective L-2; Policy L-2.3)

G. Lakeside and the City have identified the following Mutual Goals to be achieved through implementation of this Agreement:

- 1. Continuity:** Capture the opportunity for a public/private partnership with one of the City’s largest landowners to help more efficiently utilize land within the City to meet the City’s population and employment growth targets;
- 2. Reclamation:** Promote reclamation of a mine site at levels well in excess of requirements of state and local laws and regulations;
- 3. Resource Efficiency:** Maximize the effectiveness of public and private resources;
- 4. Re-development:** Re-develop areas with the greatest potential to increase the value of public and private assets;
- 5. Walkability:** Create mixed use, urban development that is vibrant and walkable;

6. **TDR Market:** Create the flexibility for the Property Administrator and future owners/developers to make use of transfer of development rights (TDRs) from inside and/or outside the City (when consistent with the Interlocal Agreement between the City and King County), including any TDRs held by the City in its TDR Bank;
7. **Reduce Uncertainty:** Reduce the risk to the Property Administrator due to changes in development regulations and processes and uncertainty for the City as the Agreement contains a holistic vision as well as Project-specific goals, guidelines and standards;
8. **Sustainability:** Integrate the principles of smart growth, urbanism and green building into the design of re-development of the Property;
9. **Public Benefits:** Provide sufficient public benefits as an additional consideration for entering into this Agreement;
10. **Cascade Agenda:** Enable a land use pattern that supports the vision of the Cascade Agenda (see [Attachment 3](#) and [Section 28](#), Definitions).

H. The Property is located within an Urban Growth Area, is appropriate for urban development pursuant to the Growth Management Act and the City's adopted Comprehensive Plan, and the City should provide urban services to the Property.

I. In cooperation with the Property Administrator, the City has planned for appropriate master-planned urban land uses, required infrastructure, and community improvements, consistent with the City's Comprehensive Plan.

J. The Property Administrator and future owners/developers shall, after the date of this Agreement, be eligible to apply to the City and receive implementing permits and approvals for the urban uses set forth herein for the Property.

K. The Parties intend that they shall take further actions and execute further documents, either jointly or within their respective powers and authority, necessary or appropriate to implement the intent of this Agreement. The Parties intend to work to achieve the mutually agreeable goals as set forth in this Agreement, subject to the City's independent exercise of judgment.

L. This Agreement is based upon the City's police power, contracting power and other authority, including those provisions codified as RCW 36.70B.170 through 36.70B.210, and general law. Contemporaneous with its approval of this Agreement, the City Council is adopting an ordinance amending the Comprehensive Plan and applying the UV zoning classification to the Property and through this Agreement is establishing development standards for subsequent permits and approvals consistent therewith. Actual construction of the Project will require issuance of subsequent City permits, which will be issued in accordance with the standards and procedures in this Agreement, as well as other agency permits.

**NOW, THEREFORE**, in consideration of the mutual agreements contained herein, as well as other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Property Administrator hereby agree as follows:

## **AGREEMENTS**

### **1.0 Lakeside Industries Reclamation and Development Project Description and Definition**

#### **1.1 Current Comprehensive Plan and Zoning Designations**

The City has designated the Property “Commercial” in its 2011 Comprehensive Plan, as amended. The City’s Comprehensive Plan provides for implementation of an Urban Village plan designation through rezoning to the Urban Village (UV) Zone in conjunction with adoption of a development agreement, i.e., this Agreement. The current zoning for this Project is Mineral Resources and Urban Village will be applied to the Property as an overlay zone with the adoption of this Development Agreement. As mining operations will continue for some time, the Mineral Resources zone will continue to apply to the Property and will be governed by the provisions of Appendix M (Grading and Mining) until the Property Administrator requests application of Urban Village development standards to those portions of the Property.

#### **1.2 Purpose of Urban Village Zoning District**

As set forth in the City’s Land Use Code, IMC 18.06.120, the purpose of the Urban Village (UV) zoning district is “to encourage innovative uses, sites and comprehensive planning of large (fifteen (15) acres or more) land parcels. Master planning and development of larger parcels provides the opportunity for reasonably priced housing, enhanced public services and concurrency, infrastructure solutions and improvements, and allows creative land development through clustering, permanent preservation of wetlands and other natural areas, integration of recreational facilities and phasing of infrastructure.”

#### **1.3 Definition of Lakeside**

The Hillside Village to be developed on the Property in accordance with the terms and conditions of this Agreement is called “the Lakeside Industries Project,” or “Project.”

#### **1.4 Property**

The Property is legally described in [Figure 2](#) and depicted in [Figures 1](#) and [3](#).

### **2.0 Required Project Elements**

#### **2.1 Government Facilities and Community Benefits Gift**

The Property Administrator shall pledge as a gift five-million dollars (\$5,000,000) for governmental facilities and community benefits to be paid upon issuance of the first Implementing Land Use Permit;

## 2.2 SEPA Mitigations and Pre-Payment of Impact Fees

Prior to the issuance of the first implementing Land Use Permit, the Property Administrator will include all State Environmental Policy Act (“SEPA”), Ch. 43.21C RCW, mitigations resulting from the review of its Environmental Checklist and the Mitigated Determination of Nonsignificance (“MDNS”) and its calculated Impact Fees. Through a preliminary review of the base Entitlement of the Project, the City has calculated these costs<sup>1</sup> as follows:

Police:	\$ 90,000
Fire:	\$ 350,000
Transportation:	\$ 760,000
Parks <sup>2</sup> :	\$2,500,000
Water <sup>3</sup> :	\$ 800,000
Open Space:	\$ 250,000

<sup>1</sup> Sewer costs are expected as \$0 if connected to the City and if connected to the District will be standard fees charged by the District at the time of connection.

<sup>2</sup> Up to \$500,000 may be retained by the Property Administrator for a period of up to 12 months following the first Implementing Permit for the sole purpose of constructing all, or a portion of the northern trail to the valley floor, as depicted in Items 8 & 9 in Exhibit D-1 and Item 4 in Exhibit D-2. If the Property Administrator elects to retain the funds and build all or a portion of the non-motorized facility, a construction budget will be provided with the permit application to demonstrate use of the retained funds; and, the funds must be spent within 10 years from the date of the first Implementing Permit (or prior to Land Use Permitting for the 600<sup>th</sup> ERU); or, a performance surety acceptable to the Designated Official must be provided.

<sup>3</sup>Required if served by City Water Utility. If served by SPWSD, then all District fees will be required.

## 2.3 Community Spaces

The Property Administrator will include community gathering spaces, the size and location of which will be determined based on need to encourage civic and community interaction consistent with the project Goals (Appendix A). Specific provisions are set out in Appendix F (Community Spaces);

## 2.4 Sustainability

The Property Administrator will incorporate sustainable development practices in the Project. Specific provisions are set out in Appendix O (Sustainability);

## 2.5 Transportation Improvements

Through the provision of trails, new pedestrian improvements and streets within the Project (Appendix D, Circulation); the provision of a new signalized intersection on Highlands Drive; the provision of additional right-of-way on the east side of Highlands Drive; and, with the payment of the Traffic Impact Fee listed in [Section 2.2](#), the Project will improve mobility within this portion of the City; and,

## 2.6 Affordable Housing

The Property Administrator will include an affordable housing component in the Project. The affordable housing provisions will include a broad range of options that provide

flexibility for future purchasers of portions of the Property. The total cost of future affordable housing options will not exceed one-million dollars (\$1,000,000), said amount to be determined by a reasonable method taking into account the nature of selected affordable housing option or options. Specific provisions are set out in Appendix N (Affordable Housing).

### **2.7 Secondary Emergency Access**

The Property Administrator will include emergency service access through the industrial area for the benefit of the Neighborhoods. Prior to occupancy of any Neighborhoods west of Highlands Drive, the Property Administrator will make available a solid surface access for Eastside Fire and Rescue.

### **2.8 Pedestrian/Bicycle Facility to valley floor**

The Property Administrator will provide a multi-use trail connecting the western neighborhoods to the valley floor prior to occupancies of the third neighborhood. Through the administrative modification process established in Appendix L (Processing), the Project Administrator may propose establishing an alternative deadline due to continued mining activities. A surety must be provided for construction of the required trail if it is not built as specified by this Section 2.8; however, the trail may not be extended beyond submittal of a land use permit for the final neighborhood of the Project.

### **2.9 Housing in the buffer**

The Property Administrator will relocate the existing mobile housing in the North Fork buffer, and restore the buffer based on a City-approved restoration plan. See [Section 28](#), Interim Housing for more details.

All fees listed in this [Section 2.0](#) and elsewhere in the Agreement are in 2013 values. If fees are not paid in 2013, then fees will be adjusted annually in January of each year based on the Construction Cost Index (CCI) for the Seattle area.

## **3.0 Goals**

The Goals set forth in Appendix A are the policy guide and the foundation that have been used to develop the design guidelines and development standards for the Project. As set forth in Appendix L (Permit Processing), both the Goals and the Design Guidelines set forth in Appendices A and B, respectively, shall also be used in the evaluation of any future proposed modifications to the Project not presently authorized herein.

## **4.0 Urban Village Design Guidelines**

The design guidelines set forth in Appendix B (Design Guidelines) are hereby adopted and shall govern and control all development in the Project, unless and until modified in accordance with Appendix L (Permit Processing).

## **5.0 Project Elements**

The Project has been master planned for a mix of land uses in a Hillside Village setting that fosters development of the Property and is consistent with the vision of the Cascade Agenda. The Project will be a pedestrian-oriented Hillside Village, taking advantage of its proximity to

Grand Ridge Plaza and the Issaquah Highlands Park and Ride, providing a variety of employment and limited shopping opportunities balanced with distinctive housing types, styles, and densities with a cohesive and unified overall community identity. The Project does not intend to replicate the shopping opportunities available in Issaquah Highlands. The Project will have an integrated circulation system of streets, sidewalks and trails that link its various development areas and serve vehicles, transit or alternative transit systems, cyclists, and pedestrians. The Project will consist of the reclamation and transformation of mined lands over time into new neighborhoods that are integrated into the City. A well-located Village Square will provide a focal point for social activities and gatherings. The Project will be phased due to the mining and reclamation efforts consistent with Appendix M (Grading and Mining).

**5.1 Acreage Chart – Eastern and Western Parcels**

The Project acres reflected in the following chart are estimates based on a geographic information system and are subject to correction following more detailed survey and implementing land use decisions:

	Total Acres	Developable Acres	Open Space
Eastern Parcel	13	13	0
Western Parcel	103	68	35
Total	116	81	35

**6.0 Development Standards; Incorporation of Appendices**

Development Standards for all elements of the Project are set forth in the various Appendices A through P, inclusive, as listed at the end of the Table of Contents hereto.

**7.0 Allowable Development**

**7.1 Mix of Allowable Development**

7.1.1 Allowable development shall be 1,200 Equivalent Residential Units (ERUs), as permitted in Appendix C (Land Use) and subject to modification as provided in Sections 20.2 and 20.3. These 1,200 units are divided into 700 Base Entitlement Units; and, 500 SEPA-mitigated TDR Units. The Property Administrator will need to purchase these TDR Units before they may be utilized in the Project.

7.1.2 Net Square Footage shall be utilized by the City to calculate and track non-residential development entitlement. Potential limitations to the allowable development have been included in Appendix C (Land Use), Appendix K (Water, Sewer and Stormwater Standards), and Appendix N (Affordable Housing).

7.1.3 At the option of the Property Administrator, Fully-Mitigated TDRs for ERUs 701-800 may be purchased from the City for a fixed price of fifteen-thousand dollars (\$15,000) for each ERU. The cost is in 2013 values. If these TDRs are not purchased in 2013, then the cost will be adjusted annually in January of each year based on the Construction Cost Index (CCI) for the Seattle area. Connection charges and School Impact fees are not included in the per-unit cost of these units.

7.1.4 TDRs may be utilized at any time; the Base Entitlement need not be fully utilized before TDRs are utilized.

## **7.2 Community Uses Not Counted Toward Maximum**

The square footage of any Community Uses (Appendix C, Land Use, [Section 3.1.3](#)) developed in the Project shall not be counted against the Allowable Development, so long as they do not create an unanticipated impact on peak-hour traffic or peak water consumption.

## **7.3 Accessory Dwelling Units and Live/Work Not Counted Toward Maximum**

Accessory Residential and Live/Work units are small-scale land uses that provide a diversity of spaces often not found in big, master-planned development projects. As these spaces often provide affordable housing or entrepreneurial work spaces for the community, the City will encourage the Property Administrator to provide these spaces by not counting the accessory residential unit toward the overall Allowable Development.

## **7.4 Economic Incentive**

To encourage the development of a mixed-use project with viable retail, commercial and residential spaces, the City will count the first 20,000 square feet of non-residential development in the Project as eight (8) ERUs, so long as this first non-residential application contains a minimum of 30,000 square feet of non-residential use and is designed for both retail and commercial uses and meets the provisions of Appendix C (Land Use), [Section 3.1](#). The approximate value of this incentive is \$125,000.

## **8.0 Affordable Housing**

Affordable housing requirements applicable to the Project are set forth in Appendix N (Affordable Housing).

## **9.0 Surface and Ground Water**

The stormwater and ground water standards applicable to the Project are set forth in Appendix K (Utilities)

## **10.0 Critical Area Standards**

The Critical Area regulations, boundaries, and uses allowed in Critical Areas within the Project are set forth in Appendix G (Critical Area Standards).

### **11.0 Water Service**

Water service shall be provided to the Project in accordance with Appendix K (Utilities). Water Service shall be provided either by the City or SPWSD. The Property Administrator shall provide water facilities (e.g., pipes, meters, etc.) at its cost.

### **12.0 Sewer Service**

Sanitary sewer service shall be provided to the Project in accordance with Appendix K (Utilities). Sewer Service shall be provided either by the City or SPWSD. The Property Administrator shall provide at its cost sanitary sewer facilities to serve the Project consistent with Appendix K (Sewer, Water and Stormwater Standards).

### **13.0 Schools**

The Property Administrator shall pay school impact fees for each dwelling unit in the Project in accordance with the school impact fees collected by the City for other non-village locations in the City; or, as otherwise approved by the City. School-age children from neighborhoods in the Hillside Village will be served by schools with available capacity to accommodate additional students, as determined at the discretion of the Issaquah School District. Without limiting the foregoing, decisions regarding school attendance boundaries will be made by the Issaquah School District.

### **14.0 Police Services**

The Property Administrator's obligations for facilities necessary to support police services will be fully satisfied upon pre-payment of impact fees, as provided in [Section 2.2](#).

### **15.0 Fire Protection Services**

The Property Administrator's obligations for facilities necessary to support fire protection services will be fully satisfied upon pre-payment of impact fees, as provided in [Section 2.2](#).

### **16.0 Adequacy of Facilities**

The Property Administrator's compliance with the Development Standards and performance of its obligations contained in this Agreement, including but not limited to the transportation and utilities described in [Section 2.2](#) and Appendix K (Utilities), respectively, shall constitute the financing and provision of adequate and sufficient public facilities and services for the Project, and such performance satisfies all applicable concurrency and level of service requirements of the City with respect to all components of the Allowable Development.

### **17.0 Additional Voluntary Mitigation**

This Agreement, including the obligations to pay fees and perform mitigation, is undertaken voluntarily by the Property Administrator. The Property Administrator acknowledges that its obligations in this Agreement, including all appendices, for mitigations and fees are reasonably related to and are a direct result of the impacts from the Project. The parties have spent considerable time and effort to calculate the impacts. The Property Administrator is satisfied that the methodologies used and the results obtained are correct. To the extent that the mitigations and fees set forth in this Agreement are deemed to be in excess of what could be required of the Property Administrator, the Property Administrator acknowledges and agrees that, pursuant to WAC 197-11-660(1)(d), it is agreeing to additional voluntary mitigation. The

Property Administrator agrees that the City is justified in relying upon the promise to perform mitigations and pay the fees agreed to in this Agreement. The Property Administrator waives and disclaims for itself and its successors and assigns any right or claim for refund or other modification of the fees and mitigation set forth herein, whether based upon constitutional or statutory claims whether existing now or arising in the future.

## **18.0 Capital Facilities**

### **18.1 Capital Facilities Financing**

As detailed above, beyond the fees paid pursuant to Sections 2.1 and 2.2, the only potential additional impact fees will be those required by SPWSD to provide water and/or sewer services, if necessary; and, any applicable fees associated with the purchase of TDR units.

### **18.2 Project-Level Facilities**

Project level facilities, such as on-site water mains, sewer and stormwater facilities, will be constructed by the Property Administrator as development occurs across the Property, consistent with the City's Engineering Design and Construction Standards. All facilities will be provided consistent with Appendix K (Utilities) and Appendix D (Circulation).

### **18.3 Location and Type of Facilities Approximate**

The location and type of facilities shown on the Conceptual Water, Sewer, and Stormwater Plans are approximate and may change provided that the intent of the plans is met as reasonably determined by the Designated Official. Alternate means of achieving utility service to and within the Project on a temporary or permanent basis will be considered by the Designated Official through permit applications.

## **19.0 Environmental Mitigation and Project Requirements**

The Property Administrator agrees to implement the environmental mitigating measures for the Project set forth in the 2012 MDNS, included in total in Appendix P (SEPA), for the Project, and to implement the obligations of the Property Administrator created in this Agreement.

## **20.0 Flexibility and Modifications of Project Elements, Development Standards, and Other Mitigations by the City**

### **20.1 Flexibility Objectives**

The Project described in this Agreement, including the exhibits, attachments, figures and appendices, provides the desired initial definition and certainty of the Project concept. However, the Parties acknowledge modifications to the Project will occur during the Buildout Period. Therefore, Flexibility Objectives have been incorporated into this Agreement, including: incorporating new information; responding to changing community and market needs; encouraging creativity and innovation; encouraging reasonably priced housing; and encouraging modifications that provide comparable benefit or functional equivalence with no significant reduction of public benefits or environmental protection to the Project (collectively Flexibility Objectives).

## **20.2 Modifications to Project Permitted**

The criteria and conditions for review and approval of modifications to this Agreement, its exhibits and appendices, and to the Project, are described and defined in Appendix L (Permit Processing) and the criteria contained in applicable appendices, if established. The Project, including the Development Standards for the Project, may be modified pursuant to the process and standards established in Appendices L and B (Permit Processing and Design Guidelines, respectively). Nothing in this Agreement authorizes any modification of state-imposed mandatory concurrency requirements under the Growth Management Act, as amended; or, and other state or federally-mandated laws or permits.

## **20.3 Additional ERUs**

If, prior to build out of all neighborhood areas, the Property Administrator exhausts its Entitlement as allowed in Section 7.1.1, then the Property Administrator will apply for a Major Modification to add ERUs to allow continued development of the remaining areas, consistent with Appendix C (Land Use) and will proceed with an additional SEPA review to entitle the added ERUs.

## **21.0 City Processing and Review**

### **21.1 City Review Procedures and Standards**

The City's application and review processes for the Implementing Approvals are set forth in Appendix L (Permit Processing).

### **21.2 SEPA Compliance**

#### **21.2.1 Prior SEPA Documents**

The parties acknowledge the urban development within the Project area has been addressed and analyzed in prior environmental documents, including but not limited to the MDNS (PUB09-00141) issued for the Severed Pit (Neighborhood A).

#### **21.2.2 Project MDNS**

The parties intend that the August 9, 2012 MDNS (SEP12-00001) analyzing the impacts of the Project shall constitute compliance to the fullest extent possible under SEPA for all Implementing Approvals and requested modifications under Section 20 (Flexibility and Modifications of Project Elements, etc.) and Appendix L (Permit Processing) during the Buildout Period.

#### **21.2.3 Further SEPA Review Limited**

Since this Agreement sets forth the mitigations and other Project Regulations to be applied during the Buildout Period to achieve full SEPA compliance, the City may, pursuant to the procedures and standards set forth in SEPA, ch. 43.21C RCW, the SEPA Rules, ch.197-11 WAC as now exists or as are hereafter amended, and Appendix P (SEPA), require an EIS, a supplemental EIS, EIS

addendum, DNS or MDNS requiring mitigation measures beyond those in this Agreement, only to the extent:

*21.2.3.1*

An Implementing Approval or requested modification exceeds the Project Envelope (as defined in Appendix P, SEPA) and governing Development Standards, or

*21.2.3.2*

the City concludes, pursuant to the SEPA Rules, WAC 197-11-600(3)(b), that substantial changes have been made to the Project so that it is likely to have significant adverse impacts not previously analyzed in a SEPA environmental document; or

*21.2.3.3*

the City concludes, pursuant to the SEPA Rules, WAC 197-11-600(3)(b), that there is new information indicating probable significant adverse environmental impacts of the Project not previously analyzed in a SEPA environmental document.

*21.2.3.4*

or as otherwise required by law.

## **22.0 Vesting of Development Standards and Mitigation**

All development within the Project shall be governed by the Development Standards in this Agreement and the applicable provisions of the Issaquah Municipal Code in effect as of the date of this Agreement. All development within the Project shall be implemented through plats, short plats, site development permits, building permits and other permits and approvals (“Implementing Approvals”) issued by the City. A Buildout Period of thirty (30) years following Development Agreement approval is established for the development and construction of uses for the Project, as authorized in RCW 36.70B.170(3)(i). However, the provisions associated with Mining activities, as detailed in Appendix M (Mining and Grading), do not sunset with the term of this Agreement and will be subject to revisions to the IMC following the term of this Agreement.

In accordance with RCW 36.70B.180, during the Buildout Period the City shall not modify or impose new or additional Development Standards except as set forth in this Agreement, provided, however, that the Project elements and other Development Standards may be modified during the Buildout Period in accordance with the procedures established in Appendix L (Permit Processing), and Section 23 of this Agreement (Other Development Standards). To the extent this Agreement does not establish Development Standards, process, procedures, or similar elements covering a certain subject, element or condition, then the Project shall be governed by the City codes and City Council-adopted standards in effect upon the date of this Agreement, except as follows:

## **22.1 During Buildout Period**

During the term of this Agreement, aside from the revisions authorized by the provisions of Appendix L (Permit Processing) the Development Standards may only be modified as follows:

### **22.1.1 Serious Threat**

The City Council may modify one or more Development Standards during the Buildout Period to the extent required to avoid a serious threat to the public health or safety.

### **22.1.2 Updated Uniform Codes Apply**

Notwithstanding the foregoing, the International Building Code, International Fire Code, and other construction codes in effect in the State of Washington, and as adopted by the City of Issaquah, on the date of filing a complete building permit application or other construction application for a building in the Project, shall apply, except that no changes to such codes taking effect after the date of this Agreement shall require redesign or modification of then-existing Project utilities, facilities or other infrastructure that were installed in accordance with this Agreement unless redesign or modification are required to avoid a serious threat to the public health or safety.

### **22.1.3 Resolution of Conflicts Between City Standards and the Hillside Village Goals, Guidelines, and Standards**

If a City standard adopted by ordinance is applied to the Project because this Agreement has not established an applicable Development Standard, and if such City standard conflicts with an adopted Planning Goal or Urban Design Guideline, or other Project Development Standards, then, if not prohibited by state or federal law, the City shall propose a comparable Development Standard in lieu of the City standard that responds to and integrates or consolidates the City standard with the conflicting Hillside Village Planning Goal, Urban Design Guideline, or other Project Development Standard, unless modification of the City standard would compromise public health or safety. In that event, the Property Administrator or relevant Applicant and the Designated Official shall work together and seek to resolve through consensus any difference of opinion they may have regarding the Designated Official's proposal.

### **22.1.4 Project Examination**

By the last business day in June of 2019, 2026, 2033, and 2040, the Parties shall mutually select a consultant to perform an evaluation of the success of the Development Agreement. The evaluation will be presented to the Parties prior to the end of each identified calendar year and will include, at a minimum:

- Whether any identified public concerns (e.g., views, critical area issues, consistency with Design Guidelines or Project vision, traffic, parking, sustainability, affordable housing, or pedestrian and bicycle mobility) deserves attention or considerations?

- What obstacles, opportunities and/or constraints might exist for Lakeside and /or the City that were unexpected when the Agreement was written;
- Has the Partnership between the Parties led to innovation?
- Status of Mining Activities?
- Documentation of mining compliance from outside agencies?
- Has the low range of the Parking Standards led to a parking shortage?
- Has the Project met its sustainability objectives (Appendix O, Section 4.0)
- Has the Economic Incentive (Main Body Section 7.4) been successful?
- Commitment to publish notice of the review in the local newspaper.

The costs of these evaluations shall be equally shared by the Parties and is not intended to exceed \$15,000. The Designated Official will keep track of comments and concerns raised between reviews and provide that list for consideration in the following review.

## **22.2 Architectural Review Committee**

The Property Administrator must establish an Architectural Review Committee (ARC) before the City shall approve the first implementing development permit for the Project. Provisions regarding the composition and procedures of the ARC are outlined in Appendix L (Permit Processing), and such provisions must be substantially included in a Declaration. The ARC will be responsible, among other things, for reviewing those applications for Implementing Approvals specified in Appendix L (Permit Processing) as subject to ARC review, before any such application is submitted for City review and processing. The City may refuse to process any such application that has not received prior written approval by the ARC. The ARC must adopt written architectural standards, guidelines, and regulations before the first application for a building permit or site development permit in the Project is filed with the City. Such standards, guidelines, and regulations must be consistent with this Agreement. The ARC shall transmit its proposed architectural standards, guidelines, and regulations to the City Designated Official for review and comment at least 90 days before ARC adoption. The Designated Official shall transmit his/her comments to the ARC within 60 days after receiving the ARC’s proposal. The Property Administrator shall deliver three sets of the adopted ARC standards, guidelines, and regulations to the Designated Official immediately after their adoption. Such sets shall be used for reference and informational purposes only and shall not be subject to any further City review or approval.

## **22.3 After Buildout Period**

The Development Standards shall continue to apply to all applications for Implementing Approvals submitted after expiration of the Buildout Period, except either party may terminate this Agreement, and the zoning and development regulations may be modified, as provided in Section 27.13 (Term).

## **22.4 Application and Processing Fees**

The application and processing fees for all Implementing Approvals shall be established under Appendix L (Permit Processing).

## **22.5 Replacement Standards**

During and after the Buildout Period, the Property Administrator, as an alternative to using one or more of the Development Standards for particular subject matters specified in this Agreement, may request City approval to use new code provisions or generally-applicable standards for that subject adopted after the execution of this Agreement, pursuant to the procedures set forth in Appendix L (Permit Processing). After the Buildout Period, new standards also may be adopted as provided in Section 27.13 (Term).

## **23.0 Other Development Standards**

The City and the Property Administrator acknowledge that the Development Standards may be revised, or new standards adopted, by mutual agreement pursuant to Appendix L (Permit Processing). For any new Development Standards that are not adopted in this Agreement, new Development Standards may be proposed by the Property Administrator or the City, tailored as appropriate to the Project, and processed pursuant to Appendix L (Permit Processing). Both parties need to agree on the proposal to include new non-life/safety standards. However, the Property Administrator shall also comply with any applicable existing or future Development Standards imposed by state or federal law, and their implementing regulations.

## **24.0 Declaration of CC&Rs; Master Association and Architectural Review Committee**

### **24.1 Declaration of Covenants**

Prior to the first implementing Land Use permit the Project, the Property Administrator shall file a Declaration of Covenants, Conditions, and Restrictions (“Declaration”) for recording against the Property in the King County Division of Records and Elections. The Declaration shall be consistent with the terms and conditions of this Agreement, shall govern and control development of the Project, and shall by its terms be subject to amendment during the Buildout Period only by the Property Administrator.

### **24.2 Master Association**

No later than the first sale of any property in the Project, the Property Administrator shall establish an association for the Project as a nonprofit corporation or similar legal entity composed of all property owners within the Project. The Declaration, filed by the Property Administrator at the time of the first sale of any portion of the Property, shall include appropriate provisions for the ongoing management of the association, including but not limited to provisions for its funding of the Architectural Review Committee after the initial development period established by the Declaration. In order that the Designated Official may communicate efficiently with this association, it shall, from time to time, designate a single contact person who is a member of the association. Nothing herein shall preclude the Property Administrator from managing the Association or from acting as the designated contact.

## **25.0 Transportation Improvements**

### **25.1 Road Standards for Project**

The road standards applicable to the Project are set forth in Appendix D (Circulation). Any modification of such standards for roads within the Project shall be determined by the City pursuant to the procedures in Appendix L (Permit Processing).

### **25.2 Mitigation of Traffic Impacts**

The Traffic Analysis submitted with the SEPA Checklist and the Project MDNS issued by the City in 2012 studied in reasonable detail the projected adverse impacts of the Project on affected transportation facilities throughout the region, and the mitigation agreed to by the Parties represents reasonable mitigation of such adverse impacts. As detailed in Section 2.2, traffic impacts have been mitigated by pre-payments for the Base Entitlement and TDRs up to 1,200 ERUs so long as land use mix is consistent with that contained in the SEPA evaluation, as identified in Appendix P (SEPA). Deviation from the mix will require additional SEPA review.

## **26.0 Public-Private Partnership for Creation of Hillside Village Project**

The Project Administrator and the City (collectively the “Parties”) recognize that an urban village community like the Project cannot be created as a successful and livable mixed-use project without long-term cooperation and commitment to the vision.

### **26.1 The Property Administrator’s Continued Participation**

The Parties recognize and agree that the Project must have the continuing active participation of the Property Administrator in order to ensure that the various Development Parcels of the Project are ultimately developed into a harmonious community, rather than as a series of disconnected development enclaves. Accordingly, this Agreement, in Subsection 26.1, contains provisions for the continuing presence and participation of the Property Administrator for the Project throughout the Buildout Period, even though the Parties recognize that individual Development Parcels will be sold to and developed by a number of Parcel Builders different from the Property Administrator. By way of example only, the duties of the Property Administrator include:

#### **26.1.1 Assignment of ERUs**

The assignment of ERUs to various Development Parcels (subject to the City’s approval), consistent with Appendix C (Land Use);

#### **26.1.2 Determination of Suitable Neighboring Uses**

The determination of the suitability with adjacent land uses (subject to the City’s approval);

#### **26.1.3 Impervious Surface Limitations**

The establishment of impervious surface limitations for Development Parcels (subject to the terms and conditions of Appendix K, Utilities) and applicable City regulations; and,

#### **26.1.4 Implementing Goals and Design Guidelines**

Taking action and providing guidance to Parcel Builders that is consistent with and that implements the spirit of Appendix A (Goals) and Appendix B (Design Guidelines); provided, however, that the duties and obligations of the Parcel Builders established in this Agreement shall not be deemed assumed by or delegated to the Property Administrator by the foregoing provision.

#### **26.2 City's Continuing Involvement in the Hillside Village Development**

The City recognizes that it has an important continuing role to play in the ongoing successful development of the Project, and not merely in the initial establishment of Development Standards through this Agreement. As set forth more fully in Appendix L (Permit Processing), the City's Designated Official will be involved in the review of Implementing Approvals for the Project, and the Urban Village Development Commission will review new categories of Urban Village Design Guidelines or Development Standards and certain applications for Implementing Approvals for the Project. The Designated Official shall work closely with both the Property Administrator and the Parcel Builders in order that the Project will be a well-designed and well-planned urban village with recreational, pedestrian, and social amenities that make it an attractive asset to the Issaquah community.

### **27.0 General Provisions**

#### **27.1 Governing Law**

This Agreement shall be governed by and interpreted in accordance with the laws of the State of Washington.

#### **27.2 Agreement Binding on Successors**

##### **27.2.1 Binding Nature of Agreement; The Property Administrator's Non-Delegable Obligations**

This Agreement shall be binding upon and shall inure to the benefit of the heirs, successors and assigns of the Property Administrator, and upon the City, except as limited and conditioned in this Subsection 27.2.

##### *27.2.1.1*

It is the intent of this Agreement that this Agreement and the Development Standards and Design Guidelines adopted and incorporated herein shall continue to apply to a Development Parcel in the Project after its Transfer to a Parcel Builder. It is further the intent of this Agreement that the following overall obligations and duties herein of the Property Administrator to construct and develop infrastructure and amenities applicable to the Project as a whole shall not, without consent from the Designated Official, be assigned or delegated to Parcel Builders but shall remain the obligation of the Property Administrator even after Transfer of a Development Parcel to a Parcel Builder. Provided, however, that where

certain infrastructure and amenity obligations are integral to a specific development, and only to that specific development, undertaken by a Parcel Builder, those obligations may be assigned to that Parcel Builder.

*27.2.1.2*

The City has authority to require the Property Administrator to post bonds or other acceptable security for performance and maintenance obligations directly related to Property Administrator’s obligations, both under this Agreement and through plat or other Implementing Approvals. The Property Administrator may, with the approval of the Designated Official, delegate bonding requirements to Parcel Builders.

**27.2.2 Property Administrator Transferee**

The Parties acknowledge that development of the Project may involve Transfer of all or substantially all of the Property Administrator’s then-remaining interest and estate in the Property and the Project to a Property Administrator Transferee that will thereafter act as the Property Administrator of the Project pursuant to this Agreement. The provisions of this Section 27.2 are intended to apply to such a Transfer, and to all such subsequent Transfers by that Property Administrator Transferee to another Successor Property Administrator.

*27.2.2.1*

The Property Administrator shall have the right to Transfer its respective interest, rights, and obligations under this Agreement or in the Project to a Property Administrator Transferee. Consent by the City shall be based solely on 1) ability of the Transferee to complete the obligations; and, 2) impacts to completion of the Project Goals or Elements.

*27.2.2.2*

Upon a Transfer under this Section 27.2.2, the Property Administrator Transferee shall be entitled to all interests and rights and shall be subject to all obligations under this Agreement.

**27.2.3 Notice of Ongoing Industrial Activities**

Asphalt manufacturing, and asphalt and concrete recycling operations will continue indefinitely on Lakeside’s property immediately to the west of Neighborhood E and Neighborhood F. A Notice advising of this continued industrial operation shall be recorded for Neighborhoods E and F with the King County Auditor. The Notice shall also appear on all final plats, short plats, and binding site plans approved by the City for these Neighborhoods. The following language shall be required for the Notice, which shall be a covenant running with the land:

NOTICE AND COVENANT: The subject property is near land permitted for industrial uses, including asphalt manufacturing, asphalt recycling, and

concrete recycling operations. Among other impacts, these activities may include noise, visual impacts, and odors resulting from the manufacturing and recycling processes. When performed in accordance with city, state, and federal law, these industrial activities are not subject to legal action for public nuisance.

#### **27.2.4 Release of Liability**

The Property Administrator (but no Parcel Builder, as a successor or assign of Lakeside) shall be automatically released of all liabilities and obligations under this Agreement if the conditions of both Sections 27.2.2.1 and 27.2.2.2 are met and if such conditions are confirmed by the City as an Authorized Modification pursuant to Appendix L (Permit Processing):

##### *27.2.4.1*

The Property Administrator has provided notice to the City of the proposed assignment;

##### *27.2.4.2*

The Property Administrator Transferee has assumed in writing all obligations and liability therefor under this Agreement, and under any separate agreements entered into with the Designated Official, for payment of services to implement this Agreement; and

##### *27.2.4.3*

If the conditions for release under this Section 27.2.4 are met, then from and after the date of Transfer, the Property Administrator shall have no further liability or obligation under this Agreement, and the Property Administrator Transferee shall exercise the rights and perform the obligations of the Property Administrator under this Agreement for the portion of the Project acquired by the Property Administrator Transferee, subject to the following:

- A. If after release of liability a default occurs relating to the Transferred portion of the Project, such default shall not constitute a default by the released party nor be a default as to any other portion of the Project not subject to the defaulted obligation.
- B. Notwithstanding any other provision hereof, the Property Administrator or any Property Administrator Transferee whose interest has been transferred through foreclosure or deed in lieu thereof shall be released of all liability, from and after the effective date of transfer through foreclosure or deed in lieu thereof.

### **27.2.5 Recording**

A memorandum of this Agreement shall be recorded against the Project as a covenant running with the land and shall be binding on the Property Administrator and Owners, their heirs, successors and assigns.

## **27.3 Interpretation; Severability**

### **27.3.1 Interpretation**

The Parties intend this Agreement to be interpreted to the full extent authorized by law as an exercise of the City's authority to enter development agreements pursuant to RCW 36.70B.170 *et seq.*, and this Agreement shall be construed to exclude from the scope of this Agreement and to reserve to the City, only that police power authority which is prohibited by law from being subject to a mutual agreement with consideration. If a Hillside Village Development Standard conflicts with an otherwise applicable provision of the Issaquah Municipal Code, the Hillside Village Development Standard shall control.

### **27.3.2 Severability**

If any provisions of this Agreement are determined to be unenforceable or invalid in a final decree or judgment by a court of law, then all of the following shall apply:

#### *27.3.2.1*

If the final decree or judgment is pursuant to a claim or cause of action brought by a person or entity that is neither the City, the Property Administrator, or a Property Administrator Transferee, then the remainder of this Agreement not decreed or adjudged unenforceable or invalid shall remain unaffected and in full force and effect. In that event, this Agreement shall thereafter be modified, as provided immediately hereafter, to implement the intent of the parties to the maximum extent allowable under law. The parties shall diligently seek to agree to modify the Agreement consistent with the final court determination, and no party shall undertake any actions inconsistent with the intent of this Agreement until the modification to this Agreement has been completed. If the parties do not mutually agree to modifications within forty-five (45) days after the final court determination, then either party may initiate the dispute resolution proceedings in [Section 27.18](#) (Dispute Resolution Process) for determination of the modifications that will implement the intent of this Agreement and the final court decision.

## **27.4 Authority**

Each Party respectively represents and warrants that it has the power and authority, and is duly authorized, to enter in this Agreement on the terms and conditions herein stated, and to deliver and perform its obligations under this Agreement.

## **27.5 Amendment**

The Project and its Development Standards may be modified as provided in Section 20 (Flexibility and Modifications of Project Elements, etc.), Appendix L (Permit Processing) and other provisions of this Agreement. Except for Major Modifications as determined under Appendix L (Permitting), other modifications of the Development Standards as established in Appendix L (Permit Processing) shall not require execution of any specific written amendment to this Agreement. Except for modifications pursuant to Appendix L (Permit Processing), this Agreement shall not otherwise be modified or amended without the express written approval of the City and the Property Administrator, or the Property Administrator Transferee.

## **27.6 Figures, Attachments and Appendices Incorporated**

**Figures 1** through **3**, Attachment 1, Attachment 2, and Appendices A through P are incorporated herein by this reference as if fully set forth. In the event of a conflict between provisions of the Main Body of this Agreement and provisions of any Appendix, the provisions of the Main Body shall control.

## **27.7 Headings**

The headings in this Agreement are inserted for reference only and shall not be construed to expand, limit or otherwise modify the terms and conditions of this Agreement.

## **27.8 Time of the Essence**

Time is of the essence of this Agreement and of every provision hereof. Unless otherwise set forth in this Agreement, the reference to “days” shall mean calendar days. If any time for action occurs on a weekend or legal holiday in the State of Washington, then the time period shall be extended automatically to the next business day.

## **27.9 Entire Agreement**

This Agreement represents the entire agreement of the Parties with respect to the subject matter hereof. There are no other agreements, oral or written, except as expressly set forth herein.

## **27.10 Dispute Resolution**

If any dispute arises between the parties relating to this Agreement (except disputes covered by Section 27.18, Dispute Resolution Process, which shall be governed by that section rather than this Section 27.10), then the parties shall meet in order to seek to resolve the dispute in good faith, within ten (10) days after a party’s request for such a meeting. The City shall send the Designated Official and persons with information relating to the dispute, and the Property Administrator shall send an owner’s representative and any consultant or other person with technical information or expertise related to the dispute. No party shall give a notice of default to the other before such meeting occurs, or if the parties fail to meet within the required seven-day period, until after the expiration of that seven-day period.

## **27.11 Default and Remedies**

### **27.11.1 Cures Taking More Than Thirty Days**

No party shall be in default under this Agreement unless it has failed to perform as required under this Agreement for a period of thirty (30) days after written notice of default from any other party. Each notice of default shall specify the nature of the alleged default and the manner in which the default may be cured satisfactorily. If the nature of the alleged default is such that it cannot be reasonably cured within the thirty (30) day period, then commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure.

### **27.11.2 Rights of Non-Defaulting Party**

A party not in default under this Agreement shall have all rights and remedies provided by law or equity, including without limitation damages, specific performance, or writs to compel performance or require action consistent with this Agreement.

### **27.11.3 Attorneys' Fees**

In any judicial action to enforce or determine a party's rights under this Agreement, the prevailing party (or the substantially prevailing party, if no one party prevails entirely) shall be entitled to reasonable attorneys' fees and costs, including fees and costs incurred in the appeal of any ruling of a lower court.

## **27.12 Relief Against Defaulting Party or Portion of Project**

In recognition of the anticipated transfers by the Property Administrator of parcels to Parcel Builders, remedies under this Agreement shall be tailored to the Project or parties as provided below in this Section 27.12.

### **27.12.1 Relief Limited to Affected Parcel**

After the transfer of portions of the Project for which the release of liability provisions apply under Section 27.2.4 (Release of Liability), any claimed default shall relate as specifically as possible to the portion or Parcel of the Project involved, and any remedy against any party shall be limited to the extent possible to the owners of such portion or Parcel of the Project.

### **27.12.2 Relief Limited to Affected Owner**

To the extent possible, the City shall seek only those remedies which do not adversely affect the rights, duties or obligations of any other nondefaulting owner of portions of the Project under this Agreement, and shall seek to utilize the severability provisions set forth in this Agreement.

### **27.12.3 No City Liability if Acting in Good Faith**

The City shall have no liability to any person or party for any damages, costs or attorneys fees under this Section 27.12 so long as the City exercises reasonable and good faith judgment in seeking remedies against appropriate parties or portions of the Project.

#### **27.12.4 Other Provisions Not Affected**

Nothing in this Section 27.12 modifies the liability or release thereof the Property Administrator as provided in Section 27.2.4 (Release of Liability) or releases the Property Administrator's joint and several liability to the extent established in Appendix K (Utilities).

### **27.13 Term**

The term of this Agreement shall continue at a minimum through the Buildout Period (Section 22), and shall continue after the Buildout Period unless and until either the City or the Property Administrator gives notice of termination. However, all vesting rights of development standards per Section 22 will expire unless the Term is extended as provided in Appendix L (Processing).

#### **27.13.1 Procedures for City's Notice of Termination Following Buildout Period**

The City's notice of termination shall use the same notice procedures that would apply to a zoning classification (rezone) of the Project at the time of the proposed termination.

#### **27.13.2 Distribution of City's Notice**

The City shall mail notice to the Property Administrator under Section 27.16 (Notice) and to any business or homeowner association or community groups, consistent with noticing procedures at the time of termination, and to others which the City in its sole discretion determines should receive notice, but the failure to provide notice pursuant to this sentence shall not affect the validity of the City's termination notice using rezone procedures nor subject the City to any liability.

#### **27.13.3 The Property Administrator's Notice to the City**

Notice by the Property Administrator shall be delivered to the City as provided in Section 27.16 (Notice) of this Agreement.

#### **27.13.4 City Procedures After Termination**

No sooner than six (6) months after the notice of termination, the City shall hold public hearings and shall adopt zoning and related development standards for the Property, or portions thereof as determined appropriate by the City. Upon such adoption, this Agreement shall terminate and thereafter the Property shall be governed by the adopted City zoning and related development regulations. Should a zoning change be necessary or desired following Termination of this Agreement, the properties will either revert to their pre-Development Agreement zone; or, an alternative compatible zone will be chosen by the City.

#### **27.13.5 Right to Continue Mining**

Mining of the Property under the provisions of Appendix M (Grading and Mining) shall be allowed to continue after the termination of this Agreement if mining has not been completed prior to the expiration or termination of this Agreement. Continued mining activities, following the Term of this Agreement,

shall be consistent with the provisions listed in Appendix M, and the current version of the IMC.

**27.14 No Third-Party Beneficiary**

This Agreement is made and entered into for the sole protection and benefit of the parties hereto and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.

**27.15 Interpretation**

This Agreement has been reviewed and revised by legal counsel for both parties, and no presumption or rule construing ambiguity against the drafter of the document shall apply to the interpretation or enforcement of this Agreement. Nothing herein shall be construed as a waiver of the City’s constitutional and statutory powers. Nothing herein shall be construed or implied that the City is contracting away its constitutional and statutory powers, except as otherwise authorized by law.

**27.16 Notice**

All communications, notices, and demands of any kind that a party under this Agreement requires or desires to give to any other party shall be in writing and either (i) delivered personally, (ii) sent by facsimile transmission with an additional copy mailed first class, or (iii) deposited in the U.S. mail, certified mail postage prepaid, return receipt requested, and addressed as follows:

If to the City:                      City of Issaquah  
   130 East Sunset Way  
   P. O. Box 1307  
   Issaquah, Washington 98027  
   Attn: Mayor’s Office

with copy to:                      Ogden Murphy & Wallace  
   2100 Westlake Center Tower  
   1601 Fifth Avenue  
   Seattle, Washington 98101  
   Attn: Wayne D. Tanaka

If to the  
Property Admin:

Lakeside Industries, Inc.  
P.O. Box 7016  
Issaquah, WA 98027  
Attn: Tim Lee

with a copy to: Cairncross & Hempelmann  
524 Second Avenue Suite 500  
Seattle, Washington 98104  
Attn: John W. Hempelmann

Notice by hand delivery or facsimile shall be effective upon receipt. If deposited in the mail, notice shall be deemed delivered forty-eight (48) hours after deposited. Any party at any time by notice to the other party may designate a different address or person to which such notice or communication shall be given.

### **27.17 Delays**

If either party is delayed in the performance of its obligations under this Agreement due to Force Majeure, then performance of those obligations shall be excused for the period of delay.

### **27.18 Dispute Resolution Process**

#### **27.18.1 Matters Covered by Dispute Resolution Process**

This Section 27.18 shall govern any disagreements between the Parties over the following:

##### *29.18.1.1*

*reserved.*

##### *29.18.1.2*

disputes over modification of this Agreement after a court determination of invalidity under Subsection 27.3.2 (Severability).

#### **27.18.2 Process for Dispute Resolution**

If any dispute covered by this Section 27.18 arises, then the Parties shall meet in good faith to settle the dispute within ten (10) days after either party requests such a meeting, or within forty-five (45) days after a court ruling under Subsection 27.3.2 (Severability). If the Parties are unable to settle the dispute at that meeting, then the Parties shall settle the matter by arbitration, made by a single arbitrator, and judgment on the award rendered by the arbitrator may be entered in any court having jurisdiction thereof.

#### **27.18.3 Selection of Arbitrator**

The Parties during the settlement meeting will seek to agree upon a single arbitrator, if the Parties do not voluntarily settle the dispute at the meeting. If the Parties cannot agree on a single arbitrator, then the arbitration will be referred to the mediation services provided by the environmental and land use law section of the King County Bar Association, but if it is not in existence or not able to hear the matter, then either the City or Lakeside may apply to the Washington Superior Court for appointment of a single arbitrator pursuant to RCW7.04.050.

#### **27.18.4 Costs and Procedures for Arbitration**

The arbitrator shall establish the procedures and allow presentation of written and oral information, but shall render its final decision within thirty (30) days after the matter is referred to arbitration. The Parties shall pay equally the cost of the arbitration, but each Party shall pay its own attorney's fees.

#### **27.18.5 Arbitrator's Decision in Writing**

The arbitrator's decision shall be in writing and specifically find, as applicable:

##### *27.18.5.1*

*reserved.*

##### *27.18.5.2*

*reserved.*

##### *27.18.5.3*

what modifications implement the Parties' intent consistent with the court invalidation decision under Subsection 27.3.2 (Severability).

#### **27.18.6 Dispute Resolution Process as Exclusive Remedy**

Dispute resolution on the subjects covered by this Section 27.18 is the exclusive remedy of the Parties, and the City shall have no liability for damages if dispute resolution is complied with under this Section 27.18.

### **27.19 Indemnification**

#### **27.19.1 General Indemnity**

Except as otherwise specifically provided elsewhere in this Agreement and any exhibits hereto, each Party shall protect, defend, indemnify and hold harmless the other Party and their officers, agents, and employees, or any of them, from and against any and all claims, actions, suits liability, loss, costs, expenses, and damages of any nature whatsoever, which are caused by or result from any negligent act or omission of the Party's own officers, agents, and employees in performing services pursuant to this agreement. In the event that any suit based upon such a claim, action, loss, or damage is brought against a Party, the Party whose negligent action or omissions gave rise to the claim shall defend the other Party at the indemnifying Party's sole cost and expense; and if final judgment be rendered against the other Party and its officers, agents, and employees or jointly the Parties and their respective officers, agents, and employees, the Parties whose actions or omissions gave rise to the claim shall satisfy the same; provided that, in the event of concurrent negligence, each Party shall indemnify and hold the other Parties harmless only to the extent of that Party's negligence. The indemnification to the City hereunder shall be for the benefit of the City as an entity, and not for members of the general public.

#### **27.19.2 Additional Indemnity**

Without limitation of the foregoing provisions of Subsection 27.19.1, if any person brings suit or seeks recovery of any monies paid by that person pursuant to this Agreement, then the Property Administrator agrees to indemnify, defend and hold the City harmless from any judgment and shall pay for the City's (and its officers, agents, employees and contractors) costs of suit, pre- or post-judgment interest, consequential damages and reasonable attorneys' fees, expert witness fees, staff time, consultants fees and all other directly related out-of-pocket expenses and reimbursement of any monies paid pursuant to this Agreement. Notwithstanding the preceding sentence, if the basis of the person's claim or cause of action is the City's negligence, intentional misconduct or breach of this Agreement, then the City shall indemnify the Property Administrator to the same extent and for the same costs as specified in the preceding sentence. References to the City and the Property Administrator include their respective officers, agents, and employees. In the event of concurrent negligence, including RCW 4.24.115, each Party shall indemnify and hold the other harmless only to the extent of that Party's negligence. The indemnifying Party shall have the option but not obligation to defend the indemnified Party in any such suit, but if the indemnifying Party elects not to defend, then it shall reimburse the indemnified Party on a monthly basis for the costs described in this section. Notwithstanding any other provision in this Agreement, to the extent a court of competent jurisdiction determines that the City is precluded from collecting any fees, costs, or other monies under this Agreement, then the City shall be under no further obligation to pay said precluded sums to the Property Administrator. It is further specifically and expressly understood that the indemnification provided herein constitutes each Party's waiver of immunity, as between themselves, under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the Parties. The provisions of this Subsection 27.19 shall survive the expiration or termination of this Agreement.

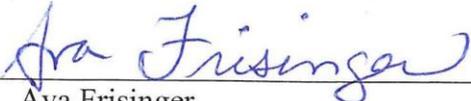
## **28.0 Definitions**

See **Attachment 1**.

**IN WITNESS WHEREOF**, the parties have caused this Agreement to be executed, effective on the day and year set forth on the first page hereof.

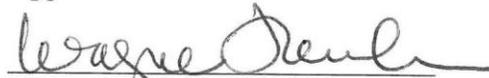
**CITY:**

**CITY OF ISSAQUAH,**  
a Washington municipal corporation

By   
Ava Frisinger  
Its Mayor

Date: January 29, 2013

Approved as to Form:

  
Wayne Tanaka, City Attorney

**The Property Administrator:**

**Lakeside Industries, Inc.,**  
a Washington limited partnership

By   
Tim Lee  
Its CEO

Date: January 29, 2013

## Attachment 1 Definitions

Definitions apply to capitalized terms found in this Development Agreement with the following exceptions:

1. Specific definitions related to Appendix J (Signs) only are located within that Appendix J; and,
2. Specific definitions related to Appendix N (Affordable Housing) only are located within that Appendix N; and,
3. No defined term is intended to supplant terms defined in other applicable codes (e.g., IBC, IFC, etc.)

<b>Defined Term</b>	<b>Definition</b>
Accessory Dwelling Unit (ADUs)	An Accessory Dwelling Unit is an extra living unit, accessory to the primary unit or use, complete with kitchen, bathroom and sleeping facilities. ADUs may be located either inside, attached to, or detached from the primary structure on the property
Administrative Approval	Approval authority granted to the Designated Official through the provisions of this Agreement.
Administrative Modification	Process to revise or alter components of the Development Agreement by the Designated Official pursuant to Appendix L (Permit Processing).
Aerial Zone	The area above a sidewalk that is at least eight feet vertically above the sidewalk surface.
Agreement	The development agreement for the Project entered into by the parties herein, together with its Figures and Appendices.
Allowable Development	The overall number of ERUs approved for the Project through this Agreement, as specified in <u>Section 7.0</u> of the Main Body.
Applicant	The Property Administrator (or its assignee) as the submitter of an application to the City to receive approval through the provisions of this Agreement.
Arbor	A garden feature forming a shaded walkway, passageway or sitting area, of vertical posts or pillars that typically support cross-beams and a sturdy open lattice, often upon which woody vines are trained.
Bicycle Parking Space	A permanently-installed structure designed for parking and securing a bicycle without obstructing sidewalks or walkways, often using a bicycle rack.
Bike Rail	An element provided as part of a stairway to allow bicyclists to roll their bicycles up and down. These elements are also referred to as bike channels, bike ramps, bike stair and bike gutter.
Border	A planting area adjacent to the Trail Tread. This area provides and ensures a vegetated transition area between the circulation Corridor and the adjacent use. Borders may overlap with landscape buffers. Both natural and introduced landscape plantings may be used to fulfill Border requirements.

Building	Any structure used or intended for supporting or sheltering any use or occupancy.
Buildout Period	The thirty (30) year period following recording of the First Implementing Permit.
Cascade Agenda	A movement led by Forterra (formerly the Cascade Land Conservancy) to build complete, compact and connected communities in order to conserve natural areas, rural farm areas, and make our cities and towns great places to live, work and raise families.
Care facility	Any type of group program for children or adults. May be for-profit or not-for-profit.
Cargotecture	A term coined to describe any structure built partially or entirely from recycled cargo containers.
City	The City of Issaquah, an Optional Municipal Code City
Commercial	Use of a property to include an occupation, employment, or enterprise that is carried by the owner, lessee or licensee. Commercial uses are listed in Appendix C (Land Use).
Community Gardens	A plot of land gardened by a group of people to produce fruit, vegetables, flowers, chickens, etc., typically on individual garden allotments within the larger plot of land. The inclusion of Community Gardens is at the discretion of the Property Administrator in order to respond to market and/or recreational amenity needs.
Community Space	The umbrella term within the Project designated for lands containing recreation or public amenity such as active or passive parks, plazas, trails, informal gathering areas, community gardens, and other like facilities and areas. Some Community Spaces are required, others are encouraged. Designated Community Spaces are created by the Property Administrator and can be comprised of both pervious and non-pervious surfaces and are designed with hardscape and/or landscaping.
Complete Community	When considered along with Issaquah Highlands, means communities that meet people’s needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, housing, and community infrastructure including housing, schools, recreation and open space for their residents. Convenient access to public transportation and options for safe, non-motorized travel is also provided. The Project will be a Complete Community and will complement the Issaquah Highlands retail center.
Comprehensive Monitoring Plan	The plan for monitoring stormwater quantity and quality described in the Master Drainage Plan.

Corridor	An area that includes the length and width of a circulation facility such as a street or trail. The Corridor includes, but is not limited to, Trail Tread, sidewalks, travel lanes, on-street parking areas and required landscape.
Critical Area	Protected areas within the Project pursuant to Appendix G (Critical Areas).
Crosswalk	A portion of a roadway where pedestrians are encouraged to cross the street; can be marked or unmarked.
Crosswalk, Raised	A crosswalk that is at a higher elevation than the adjacent street grade to enhance the visibility of a pedestrian route. Raised Crosswalks are only allowed as Pedestrian Tables.
Cultural Facility	A public or community gathering place or area such as a community center, theatre, amphitheatre or sculpture garden.
Dark Skies	A movement to preserve and protect the nighttime environment and our heritage of dark skies through environmentally responsible outdoor lighting.
Deciduous Tree	Woody plants with a minimum mature height generally greater than 15 feet which go dormant in winter and shed their foliage.
Declaration	The Declaration of covenants, conditions and restrictions (CC&Rs) filed for recording by the Property Administrator at the time of the first implementing permit for the Project.
Designated Official	The person, or persons, appointed by the Mayor, empowered, authorized and charged with the duty to administer, interpret, process and approve plans and permits as required by this Agreement. The person, or persons, will meet the general qualifications listed in Attachment 2.
Development Standards	Collectively, the Project elements, standards, mitigation measures and other requirements and conditions of development as set forth in this Agreement. The term also includes, but is not limited to, all standards, elements and items included in the definition of Development Standards set forth in RCW 36.70.B.170(3), part of the State statute authorizing agreements such as this Agreement.
Development Fee	The fees collected by the City to partially fund public facilities to accommodate new growth as empowered through the Growth Management Act (Ch. 36.70A RCW) and RCW 82.02.050 through RCW 82.02.100.
District	Sammamish Plateau Water and Sewer District, also SPWSD.
Dog-leg	Something containing a sharp bend, typically referring to a Circulation facility.
Dripline	The area located under the outermost reach of a tree's limbs.
Drought Tolerant Plants	Plants that, once established, can survive with little or no water other than from rainfall or natural runoff.

Dwelling Unit	A room or suite of rooms in a building. The Dwelling Unit is designed for and not occupied by more than one (1) single household doing its own cooking therein, having not more than one (1) kitchen facility, and including facilities for living, sleeping and sanitation. Where an Accessory Dwelling Unit (ADU) is present, there may be a separate kitchen facility for the ADU.
Dwelling Unit, Accessory Eastern Parcel	See “Accessory Dwelling Unit” That portion of the Property, also referred to as “Neighborhood A”, of approximately 13 acres as shown in <a href="#">Figure 3</a> .
Eastside Fire & Rescue (EF&R)	The regional organization that provides fire and emergency services to the City of Issaquah.
Equivalent Residential Unit (ERU)	<u>Definition 1</u> : Relating to water and sewer calculations, a unit of measure used to define the projected water consumption and sewer capacity based on average consumption. For the purposes of this Agreement, 1 ERU is 1 single-family residence or 1,200 square feet of non-residential use. A multi-family residence is equal to 0.67 ERUs.  <u>Definition 2</u> : As it related to Allowable Development, 1 ERU is one single-family residence, one multi-family residence, or 1,200 square feet of non-residential use.
Evergreen Tree	Woody plants with a minimum mature height generally greater than 15 feet which retain at least one year’s foliage during their winter dormant period.
Finish Grade	The land surface elevation adjacent to a building after final alterations are completed. Finished grades will be within 10 feet of the Reclamation Exhibit (M-2) provided in Appendix M (Grading and Mining), and as amended therein.
First Implementing Permit	The first Land Use Permit as described in Appendix L (Permitting), Section 1.1 for any of the Neighborhoods covered by this Agreement.
Flex Space	Commercial property that is flexible enough in its design to allow for a variety of office, retail, service and/or Industrial uses.
Flexibility Objectives	The reasons for modifying various Project elements or other Development Standards, as further described in <a href="#">Section 20</a> of the Main Body and Appendix L (Permit Processing).
Force Majeure	Extraordinary natural elements or conditions, such as war, riots, labor disputes, or other causes beyond the reasonable control of the obligated party.
Green Wall	A wall, or portion of a wall, that has support structures (e.g., wires, grids, trellises, etc.) or plant medium (e.g., soil pockets, growing mats, etc.) such that plants can climb up, trail down, or grow out of the wall resulting in a wall or wall section that is predominantly verdant.

Gross Square Feet or Area	see Square Feet, Gross
Groundcover	Low evergreen plantings used in masses. Rocks, pebbles, sand and similar natural materials may be used as groundcover accents.
Herbicide	Any substance toxic to plants and used to destroy unwanted vegetation.
Hillside Village	A type of Urban Village that is distinguished by its location on a hillside. The sloped terrain provides opportunities for views and specialized development standards. Small and compact, this type of village offers residents and businesses a unique setting within the City.
Home Occupation	A business carried on as a secondary, incidental or accessory use by the permanent resident(s) of the Dwelling Unit for gain or support.
Hydrozone	A grouping of plant species used in a landscape area which have similar irrigation needs.
IMC	Issaquah Municipal Code
Implementing Approvals	Land use approvals or permits issued by the City following the execution of this Agreement which implement or otherwise are consistent with this Agreement, including but not limited to: plats, site plans, utility permits and construction permits.
Implementing Permit	An Implementing Approval
Informal Gathering Areas	Areas designed to encourage pedestrian-oriented, small-scale social interaction in an urban setting. They vary in size and function depending on adjacent uses, and may include street furniture, focal points and human-scaled elements which emphasize its prime function as a place for people. The inclusion of Informal Gathering Areas are at the discretion of the Master Developer in order to respond to market and/or recreational amenity needs created with the construction of a building.
Interim Housing	Temporary housing allowed in Neighborhoods B or C accessory to the mining activity. Within 6 months of the completion of mining activities, the Interim Housing will be removed. Within 6 months of the First Implementing Permit of this Agreement, the Housing will be relocated from its current location within the North Fork buffer.
Lakeside	Lakeside Industries, Inc., the owner of the Property. Lakeside is also referred to as the “Property Administrator”. Lakeside, as the Property Administrator, has rights, entitlements and obligations established in this Development Agreement.

Landscape	The presence of plant material, including lawn, groundcover, trees and/or shrubs. Landscape may also include decorative outdoor elements such as rock, wood and other natural materials, pools, benches, fountains, sculptures, artwork, lighting and decorative paving surfaces.
Landscape Coverage	The point when trees and shrubs and living groundcover have matured and filled in so the planting space appears full, not sparsely planted, and meets the required planting standard or intent of the landscape guideline.
Landscape Steps	Steps which have a rise of 5 inches and run of 16 inches, or other combinations where the additive of the rise and run is equal to 21.
Livable Community	Consisting of a sense of safety and health, a connection with local environmental conditions, the quality of social interactions, opportunities for recreation and entertainment, aesthetics, and the existence of cultural and environmental resources.
Live/Work Unit	A structure or portion of a structure meeting all of the following: 1) combining a retail, commercial or community activity with a residential living space for the owner or an employee; 2) where the owner is an employee of the on-site business or a resident; and, 3) where the business conducted receives a valid business license.
Local Improvement District	A special assessment district in which impacts will specially benefit primarily the property owners in the District.
Low Impact Development (LID)	An approach to land development that uses land planning and design practices and technologies to simultaneously conserve and protect natural resource systems and reduce infrastructure costs. LID allows land to be developed in a cost-effective manner that helps mitigate environmental impacts
Master Association	The Owners' Association responsible for maintaining community assets within the Project. (Until the Property Administrator sells or transfers fee title as provided in <a href="#">Section 24</a> of this Agreement, the Master Association shall be the Property Administrator.)
Master Circulation Plan	The Plan in Appendix D (Circulation) used to guide decisions for road and trail placement and connections.
Master Drainage Plan	The Plan in Appendix K (Utilities) used to guide stormwater improvements necessary to meet the requirements of this Agreement.
Master Street Tree Plan	The Plan in Appendix D (Circulation) used to guide decisions for street tree selection.
Mixed Use	Use of a property to include a structure or structures that contain more than one land use with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form. The mix of uses could be either vertically or horizontally integrated.

Motorized Vehicles	Cars, buses, vans, trucks, motorcycles, scooters and other similar types of transportation powered by an internal combustion engine or mechanical power source. Personal vehicles that are utilized by persons with disabilities are not included in this definition.
Mulch	Composted organic material such as bark, sawdust, wood shavings, etc. used in landscape areas for moisture retention, weed suppression or soil insulation.
Multi-family Residential	More than two Dwelling Units per parcel.
Native Vegetation	Non-weedy plant species indigenous to the greater Issaquah area or that could have been naturally expected to occur in the Project.
Neighborhood	An area defined by topography, sensitive area, land use, activity, significant streets, and/or other features that are distinguishable from adjacent areas. Neighborhoods may consist of any land use or combination of land uses (e.g., residential, commercial, mixed use, etc.).
Net Square Footage	See Square Feet, Net
Non-Motorized	Movement by pedestrians and wheeled equipment that does not rely on a power source (e.g., mechanical, electric, internal combustion) such as bicycles, roller blades, skate boards, wheelchairs, push scooters.
Non-Residential Development	Those Retail and Commercial land uses entitled by this Agreement and listed in Appendix C (Land Use).
Open Space	Areas not encumbered by development or development-serving improvements (e.g., parking lots, roadways, etc.). Open Spaces are a positive ingredient of the urban composition and are designated or reserved for public or private use and enjoyment.
Parcel Builder	An owner of all or a portion of a Neighborhood in the Project that is governed by the provisions of this Agreement.
Park	An outdoor common space that is landscaped and may accommodate a variety of activities including active recreation and passive/leisure opportunities; and, may contain various facilities such as walking paths, trails, and play opportunities.
Parking Deck	A covered, single level of parking where the roof is a substantial structure for uses such as a solar array, parking, green roof, park, or shade structure.
Parking Held in Reserve	A development area which is designated for future parking needs but is currently landscaped and/or contains impervious surface. For site and storm drainage calculations, it is considered impervious.
Parking Lot or Surface Parking	An area not within or under a building and/or not covered by a deck, where motor vehicles may be stored for the purposes of

	temporary, daily, or overnight off-street parking. Parking Lots include stalls, drive aisles and maneuvering space. Parking lots do not include on-street parking or areas where only parallel parking exists.
Parking, On Street	Parking within rights-of-way or between curbs of private streets. On-street parking is typically 20 feet in length.
Parking, Structure	A structure where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. The structure may be free standing or incorporated into another building and may have some occupied uses contained within the structure.
Parties	Collectively the City of Issaquah and the Property Administrator.
Path	A pedestrian route that is not regulated to a minimum standard as it is not necessary to create a Pedestrian Friendly community. Examples of paths would include: a less direct route, a redundant or duplicative corridor, and a walk serving two or fewer residential units. A path is covered by Best Practices, Design Guidelines and safety.
Pedestrian Friendly	A term to describe designs that because of scale, character, materials, accessibility, and/or other elements encourage walking as a primary mode of transportation. Pedestrian-Friendly routes are safe, direct, easy to use and connected. Also known as “pedestrian oriented”.
Pedestrian Table	A traffic calming device designed as a long speed hump with a flat section in the middle and typically constructed of concrete. Pedestrian Tables are generally long enough for the entire wheelbase of a fire truck to rest on top and differ from speed tables in that they double as a Raised Crosswalk.
Pedestrian Zone	The area from the surface of a sidewalk vertically to eight feet (8’) above the sidewalk surface.
Plaza	An element of public realm that is an outdoor, open gathering place that is designed for multi-functional public access. The Plaza may contain a variety of design treatments, including both soft and hard surfaces, though typically more hardscape, and is partially or completely surrounded by buildings and/or streets. The inclusion of Plazas is at the discretion of the Property Administrator in order to respond to market and/or recreational amenity needs created with the construction of a building.
Pocket Park	The term “Pocket Park” was coined in the 1960s, when small areas within highly concentrated urban neighborhoods were transformed into Pocket Parks devoted to recreation and green space uses. Pocket Parks may be located in commercial or residential neighborhoods, can fulfill a wide variety of purposes, and can serve people of various age groups and abilities. They can be developed for active or passive recreational use including low-impact activities that are potentially compatible for locations

adjacent to critical areas. They vary in configuration depending on the surrounding land uses and the activities the Pocket Park supports.

Pop Up	A pop up involves opening a short-term business, often in an empty retail or other space as a temporary use. These shops, while typically small and temporary, can build up interest and generate activity for an area.
Project	The Project area and entitled development, as conceptually illustrated in <b>Figure 1</b> , and as further defined in Appendix C (Land Use), and as authorized pursuant to the pre-approved uses, densities and Development Standards established in this Agreement.
Property Administrator	Lakeside Industries, Incorporated, or the responsible ownership party of the Project, or any Property Administrator Transferee.
Property Administrator Transferee	A person or entity other than the Property Administrator acquiring an interest or estate (except for security purposes only) in all or substantially all of the Project, including the then-undeveloped portions thereof, and including transfer of all interests through foreclosure (judicial or nonjudicial) or by deed in lieu of foreclosure. Property Administrator Transferee is also any successive person or entity similarly acquiring such an interest or estate from a previous Property Administrator Transferee.
Property Line	The line denoting the limits of legal ownership of property.
Property Owner	The legal owner or owners of the property.
Public	Public is used throughout the Agreement to express the perception of who may or may not use Community Spaces and Circulation Facilities and not to designate ownership.
Public Space or Public Realm	Publicly- or privately-owned areas available to most people for a majority of the time such as Circulation facilities and Community Spaces. Privately-owned public spaces may have restrictions of use for specific times at the discretion of the owner.
Residential	Property constructed as a residence, either single-family or multi-family, rented, leased or owned. For the purposes of this Agreement, Residential uses are listed in Appendix C ( Land Use)
Retail	Use of property to include businesses selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. For the purpose of this Agreement, Retail uses are a subset of Commercial Uses, as described in Appendix C (Land Use).
Right-of-Way	Land, property, or property interest (e.g., easements) usually in a strip acquired for or devoted to transportation, utility or other special use.
Root barrier	Physical barriers that redirect tree roots downward thus minimizing

	surface rooting which can damage foundations, sidewalks, paving and other hard surfaces.
SPWSD	Samamish Plateau Water & Sewer District, also District
Setback	The distance between the nearest part of the applicable building, structure or sign and the property line; or, the building and the back edge of circulation improvements adjacent to the property.
Severed Pit	The Eastern Parcel, Neighborhood A.
Shared Surface	A circulation corridor that is shared by motorized and non-motorized users such as cars and pedestrians. Surface materials and signage must be provided that communicate the shared nature of the facility.
Sidewalk	A paved, hard-surfaced pedestrian way, parallel to, separate from, and typically located on both sides of a vehicular route, such as a street.
Significant Tree	Any tree of at least 30 feet in height, or 6 inches in trunk caliper at 4½ feet above the surface of the ground.
Single-Family Residential	A single building with two (2) or fewer residences, not including Accessory Dwelling Units.
Sociable Public Realm	Comprised of many things and promotes social interaction and a sense of community. If done well, it provides a place for people to live, work and play, brings inhabitants together and contributes to a more democratic way of life and encourages all to linger, share observations and perspectives, and thereby humanizes our urban areas. It takes into account the entire composition of the Public Space and may include trees, walks, street furniture, signs, landscape, plazas, parks and buildings as well as façade elements such as the street wall, porches, stoops and balconies.
Square Feet, Gross	The number or square feet of total floor area bounded by the inside surface of the exterior walls of a structure as measured at the floor line, excluding parking and mechanical floors or areas, and outside balconies.
Square Feet, Net	The building or unit floor space that may be utilized for the permitted use. The calculation typically excludes common areas and spaces devoted to heating, structured parking, cooling and other building mechanical equipment. For the purpose of tracking Allowable Development, Net Square Feet will be utilized by the City and will be 85% of the Gross Floor Area provided in Land Use applications.
Story, Building	That portion of a building, other than a completely buried basement, included between the surface of any floor and the surface of the floor or ceiling above, that could be used by people

(e.g., for living, work, storage, parking, etc.).

Story, Height	Unless otherwise provided for in Appendix C (Land Use), the height of each story is based on the ceiling height of the rooms plus the thickness of the floor materials. Generally this is around 10 feet, however it may vary widely from just under this figure to well over it. For the purposes of this Agreement, a story may vary in height so long as the total height in each building does not exceed 12 feet times the number of stories allowed.
Street	A public or private way within the Project open to general public use including thoroughfares designated by City Ordinance, or as identified in Appendix D (Circulation) of this Agreement, excluding alleys and driveways
Streetwall	That portion of the building base which is directly adjacent to the street right of way and provides a sense of enclosure to Public Space. Where a building is not present, the Streetwall may be established by other architectural or vertical landscape elements.
Structure	Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
Suburban	A predominantly low-density area located immediately outside of, and physically and socioeconomically associated with, an urban area or a city.
TDR	Transfer of Development Rights, per IMC 18.10.2005-2090.
TDR, fully-mitigated	TDR whose purchase price includes all impact fees and charges for impacts related to: traffic, water (City only), sanitary sewer (City local charges only), parks, general government, police and fire protection, and City local water system connection charges.
Trail	Hard- or soft-surfaced pedestrian ways, separate from vehicular routes, but which are necessary to create a connected, direct, easy to use pedestrian friendly community.
Transfer	The sale, assignment, or other conveyance or transfer (including but not limited to transfer via judicial or non-judicial foreclosure or via probate or intestacy) of one or more undeveloped or partially-developed parcels, rights or obligations, created by this Agreement to persons or entities other than the Property Administrator.
Tread	The surface upon which trail users are intended to travel. Tread does not include Borders or other elements that are not intended to be directly traveled on.
Trellis	A vertical architectural feature, either free standing or connected to another structure, that is often utilized to support climbing plants.
Urban Village	A highly developed area that includes, or is appurtenant to, a central city or place, and contains a variety of commercial,

residential and cultural uses. The concept uses the social and physical [morphology](#) of the traditional rural [village](#) as an inspiration for creating better functioning communities. Urban design techniques such as combining different land uses, incorporating public spaces, and pedestrianization are employed to facilitate the development of community by encouraging human interaction.

Urban Village Design Guidelines

Also referred to as “Design Guidelines” and are contained in Appendix B.

Village Center

The mixed-use heart of this Village.

Village Square

An open public space used for community gatherings and serving as the heart of the community. Most squares are [hardscape](#) suitable for open [markets](#), [music concerts](#), and other events that require firm ground. Being centrally located, squares are usually surrounded by small shops, contain seating and often are anchored by a central item such as a [fountain](#), [well](#), [monument](#), large tree, or [statue](#).

Water-wise

Plantings and irrigation practices that conserve water usage and help protect the aquifer and natural surface waters.

Wayfinding

The techniques used to find one’s way often including the use of signage and other graphic communication as well as intuitive site planning and visual markers and cues.

Western Parcel

That portion of the Property of approximately 103 acres as shown on [Figure 3](#), and represents Neighborhoods B thru F.

## **Attachment 2 Designated Official**

### Key Responsibilities

- Provide leadership for City staff and consultants
- Provide creativity and dependability to Land Use Planning and Permitting of entitled development
- Foster positive relationship with the Property Administrator and Issaquah Community

### Desired Qualifications

- Bachelor's degree in Urban Planning, Economic Development, Engineering, Public Administration or their equivalent, with a preference for a candidate with a related Master's Degree as well
- A minimum of 5 years experience in complicated development permitting
- Experience conducting public hearings and making presentations publicly
- Solid understanding of local and state regulations

### Values

- Trust of Mayor's Office, Community and City Council
- Believes value comes from the Public/Private Partnership
- Believes in win-win opportunities

## Attachment 3

### The Cascade Agenda

#### *A 100 Year Vision for King, Kittitas, Pierce and Snohomish Counties*



The Cascade Agenda is a 100 year action plan for the lands and communities of our region. It is based on the input of thousands of residents across our region and offers pragmatic solutions to the challenges and opportunities created by our tremendous population growth. The Cascade Agenda’s collective vision is grounded in the belief that a broad coalition can achieve fundamental change. It is a balanced approach to conservation and community building that encourages collaboration across all sectors and considers environmental, social, and economic needs.

The Cascade Agenda brings together business, civic and government leaders to accomplish two big goals:

- 1. Our Lands:** Protect 1 million acres of working forests (93% of existing timberland) and farms (85% of current agricultural lands) and 265,000 acres of shorelines, natural areas and parks.
- 2. Our Communities:** Maintain our rural economies and way of life and enhance the vibrancy and livability of our cities and towns.

#### *A Critical Moment in History*

The Cascade Agenda is a recognition that the Puget Sound region is at a critical moment in history. Locally, we expect our population to double in the next century, growing to more than 8 million people, about the size of New York City today. Globally, we know that climate change threatens our natural environment, economy and standard of living.

In May 2005, Forterra created The Cascade Agenda as a call to action and an opportunity to envision the communities, natural environment and economy that will sustain us, our children and our grandchildren for the next 100 years.

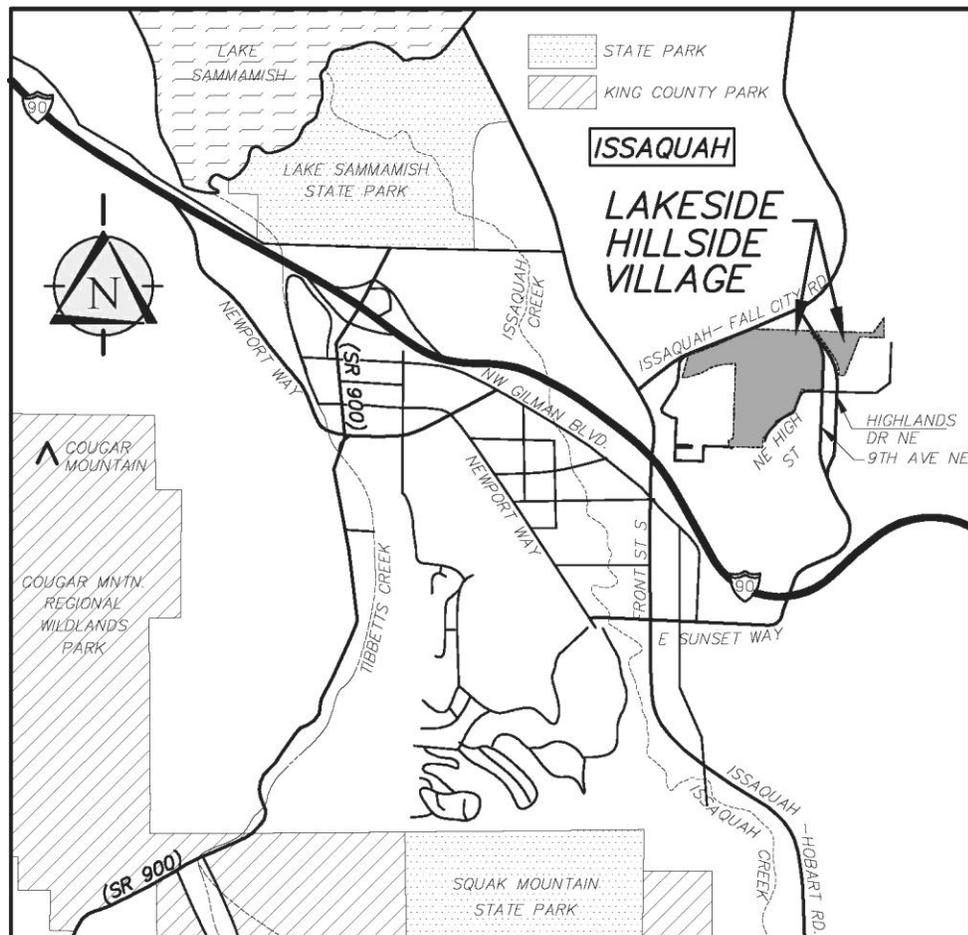
### *Our Shared Vision*



The Cascade Agenda is a collective vision for the region. It is grounded in the belief that a broad coalition can achieve fundamental change. Led by Forterra, nearly 100 businesses, organizations and government agencies and more than 750 community leaders and passionate citizens from King, Kittitas, Pierce and Snohomish Counties stand behind The Cascade Agenda. Supporters range broadly from farmers, foresters and tribes to housing, arts and cultural interests.

Accomplishing the Agenda’s bold goals will require leadership from every sector and a voice from every constituency. The Agenda’s collaborative, “big tent,” a key precept from the beginning, continues to offer the best way forward. And the tent is growing.

Figure 1 Vicinity Map



**VICINITY MAP**  
NOT TO SCALE

## Figure 2 – Legal Description

**LAKESIDE INDUSTRIES**  
**LEGAL DESCRIPTION: LAKESIDE URBAN VILLAGE**

**TRIAD JOB #10-087**  
**OCTOBER 12, 2012**

LOT 1, CITY OF ISSAQUAH SHORT PLAT NUMBER SP-02-001-IH, RECORDED UNDER RECORDING NUMBER 20021028900001, IN KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION THEREOF CONDEMNED BY DECREE OF APPROPRIATION FILED IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 01-2-2998-5 SEA AND PROVIDED FOR IN KING COUNTY ORDINANCE NUMBER 14239;

AND EXCEPT THAT PORTION THEREOF, IF ANY, CONVEYED TO THE CITY OF ISSAQUAH BY DEED RECORDED UNDER RECORDING NUMBER 20030110002529;

TOGETHER WITH THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 24 NORTH, RANGE 6 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER;  
THENCE NORTH 88°11'17" WEST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, 240.00 FEET;  
THENCE NORTH 36°19'02" EAST, 412.51 FEET TO A POINT ON THE EAST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER DISTANT 340.00 FEET FROM THE POINT OF BEGINNING;  
THENCE SOUTH 00°44'49" WEST ALONG SAID EAST LINE, 340.00 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 24 NORTH, RANGE 6 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

TOGETHER WITH THE SOUTH HALF THE SOUTHWEST QUARTER OF SAID SECTION 22;  
EXCEPT THAT PORTION THEREOF CONVEYED TO KING COUNTY FOR S.E. ISSAQUAH - FALL CITY ROAD (FORMERLY KNOWN AS VAUGHN HILL ROAD), BY DEEDS RECORDED UNDER RECORDING NUMBERS 83155, 131018, 2698117, 7705250890 AND 8209200696;  
AND EXCEPT THAT PORTION THEREOF LYING NORTHWESTERLY OF THE SOUTHEAST ISSAQUAH FALL CITY ROAD IN SAID SECTION 22; AND

TOGETHER WITH THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION-27, TOWNSHIP 24 NORTH, RANGE 6 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, LYING SOUTHEASTERLY OF S.E. ISSAQUAH - FALL CITY ROAD (FKA NEW VAUGHN HILL ROAD) AS ESTABLISHED BY DEED RECORDED UNDER RECORDING NUMBER 2704312; WESTERLY OF COUNTY ROAD NUMBER 272 (ALSO KNOWN AS OLD VAUGHN HILL ROAD) AND NORTHERLY OF S.E. 66TH STREET, AS ESTABLISHED BY KING COUNTY SUPERIOR COURT CAUSE NUMBER 688884;



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TOGETHER WITH THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27, LYING EASTERLY OF COUNTY ROAD NUMBER 272 (ALSO KNOWN AS OLD VAUGHN HILL ROAD);  
EXCEPT THAT PORTION THEREOF CONDEMNED FOR ROAD IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 688884;

AND TOGETHER WITH THAT PORTION OF 230TH AVENUE S.E. (FORMERLY KNOWN AS OLD VAUGHN HILL ROAD), VACATED UNDER KING COUNTY ORDINANCE NUMBER 3185 AND RECORDED UNDER RECORDING NUMBER 7705190604, LYING WITHIN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27;

EXCEPT THAT PORTION OF THE ABOVE-DESCRIBED PROPERTY CONDEMNED BY DECREE OF APPROPRIATION FILED IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 01-2-29987-5 SEA AND PROVIDED FOR IN KING COUNTY ORDINANCE NUMBER 14239;

TOGETHER WITH A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 24 NORTH, RANGE 6 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 24 NORTH, RANGE 6 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

ALONG WITH THE WEST 2.00 FEET OF THE NORTHWEST QUARTER OF SAID NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 24 NORTH, RANGE 6 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON;

EXCLUDING THEREFROM A STRIP OF LAND 2.00 FEET IN WIDTH IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 24 NORTH, RANGE 6 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER;

THENCE NORTH 01°42'37" EAST ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION 27, 198.83 FEET, MORE OR LESS, TO A POINT WHICH LIES 1518.93 FEET NORTH OF THE CENTER QUARTER CORNER OF SAID SECTION 27;

THENCE LEAVING SAID NORTH-SOUTH CENTERLINE, NORTH 42°03'13" EAST, 3.09 FEET TO A POINT WHICH LIES 2.00 FEET EAST OF, WHEN MEASURED AT RIGHT ANGLES TO, SAID NORTH-SOUTH CENTERLINE;

THENCE SOUTH 01°42'37" WEST, PARALLEL TO SAID NORTH-SOUTH CENTERLINE, 201.18 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER;

THENCE NORTH 88°16'19" WEST ALONG SAID SOUTH LINE 2.00 FEET TO THE POINT OF BEGINNING;



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TOGETHER WITH A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 24 NORTH, RANGE 6 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER;  
THENCE SOUTH 87°59'44" EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER, 835.13 FEET;  
THENCE LEAVING SAID LINE SOUTH 20°35'43" WEST 498.11 FEET;  
THENCE SOUTH 58°57'43" WEST 455.57 FEET;  
THENCE SOUTH 31°10'28" WEST 199.44 FEET;  
THENCE SOUTH 42°03'13" WEST 297.57 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER;  
THENCE NORTH 01°42'37" EAST ALONG SAID WEST LINE 1122.47 FEET TO THE POINT OF BEGINNING;

EXCLUDING THEREFROM THAT PORTION LYING WITHIN THE WEST 2.00 FEET OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER.

(ALSO KNOWN AS PARCEL B, KING COUNTY BOUNDARY LINE ADJUSTMENT NUMBER L95L0158 (REVISION), RECORDED UNDER RECORDING NUMBER 9701029001, BEING A REVISION OF KING COUNTY BOUNDARY LINE ADJUSTMENT NUMBER L95L90158, RECORDED UNDER RECORDING NUMBER 9602159003.)

AND EXCEPT ANY PORTION THEREOF LYING WESTERLY AND SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHEAST CORNER OF LOT A, ISSAQUAH BOUNDARY LINE ADJUSTMENT IH-LLA 97-02, AS RECORDED UNDER KING COUNTY RECORDING NUMBER 9710209018, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27;  
THENCE NORTH 88°28'47" WEST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 758.76 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIBED LINE;  
THENCE NORTH 01°30'56" EAST, 130.21 FEET;  
THENCE NORTH 60°51'15" EAST, 116.97 FEET TO THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID NORTHWEST QUARTER OF SAID SECTION 27;  
THENCE NORTH 01°44'25" EAST ALONG SAID WEST LINE, A DISTANCE OF 1,132.18 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 22;  
THENCE NORTH 01°33'09" EAST ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, A DISTANCE OF 529.36 FEET;



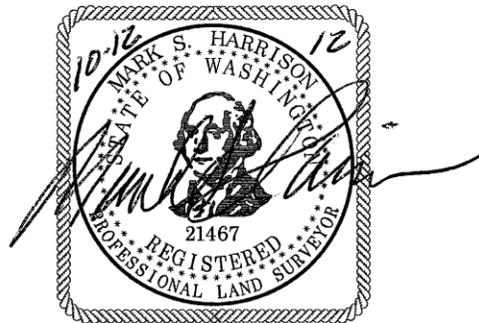
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THENCE SOUTH 87°09'15" WEST 113.81 FEET;  
THENCE SOUTH 86°39'50" WEST 132.85 FEET;  
THENCE SOUTH 81°04'30" WEST 75.37 FEET;  
THENCE SOUTH 77°13'21" WEST 128.27 FEET;  
THENCE SOUTH 79°51'08" WEST, 20.21 FEET;  
THENCE SOUTH 70°11'04" WEST, 69.63 FEET;  
THENCE SOUTH 66°37'30" WEST, 82.42 FEET;  
THENCE SOUTH 31°35'06" WEST, 29.40 FEET;  
THENCE SOUTH 64°34'54" WEST, 66.13 FEET;  
THENCE SOUTH 66°38'15" WEST, 71.56 FEET;  
THENCE SOUTH 67°25'07" WEST, 48.43 FEET;  
THENCE SOUTH 69°47'03" WEST, 80.19 FEET;  
THENCE SOUTH 76°54'51" WEST, 58.17 FEET;  
THENCE SOUTH 69°35'25" WEST, 51.98 FEET;  
THENCE SOUTH 73°38'32" WEST, 33.20 FEET;  
THENCE SOUTH 74°00'58" WEST, 63.72 FEET;  
THENCE SOUTH 73°12'43" WEST, 34.47 FEET;  
THENCE NORTH 84°01'04" WEST, 85.30 FEET;  
THENCE NORTH 15°22'17" EAST, 510.69 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SE  
ISSAQUAH FALL-CITY ROAD;  
THENCE NORTHEASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 1,485 FEET TO THE  
NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 22 AND THE  
TERMINUS OF THIS DESCRIBED LINE;

ALL SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.



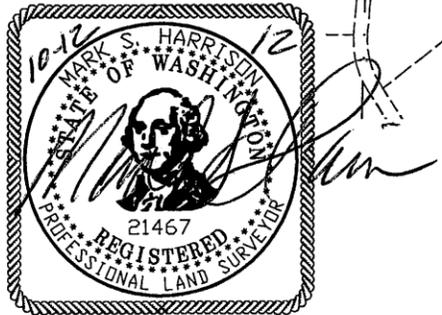
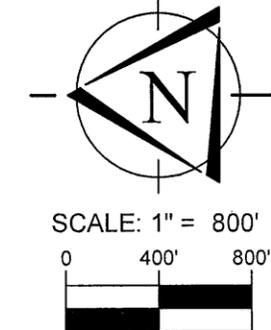
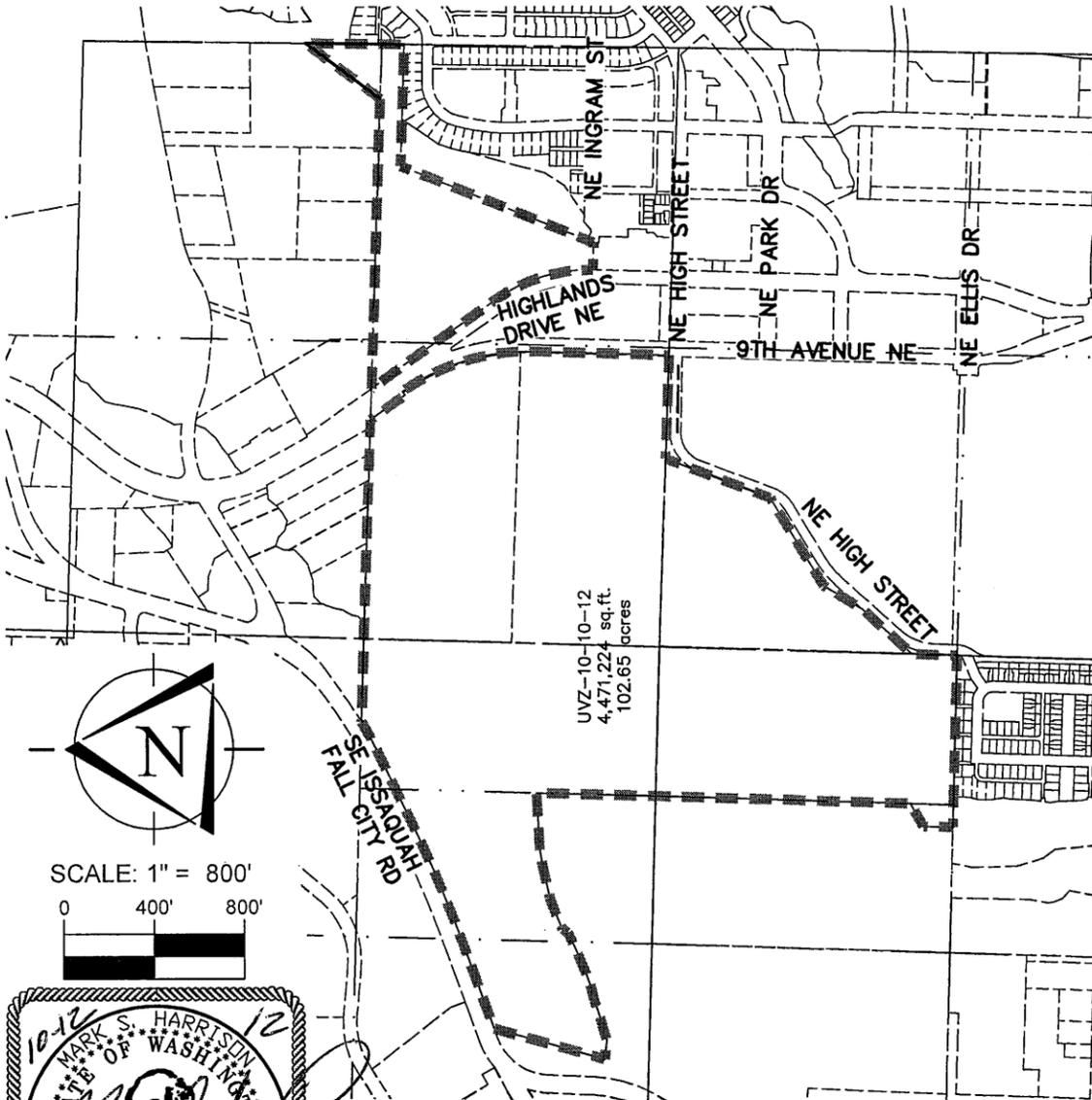
WRITTEN BY: RVJ/MSH  
CHECKED BY: MSH



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**EXHIBIT DISCLAIMER**

THIS EXHIBIT HAS BEEN PREPARED TO ASSIST IN THE INTERPRETATION OF THE ACCOMPANYING LEGAL DESCRIPTION. IF THERE IS A CONFLICT BETWEEN THE WRITTEN LEGAL DESCRIPTION AND THIS SKETCH, THE LEGAL DESCRIPTION SHALL PREVAIL.



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## APPENDIX A – Goals

### Section 1.0 Purpose and Intent

### Section 2.0 Goals

#### 1.0 Purpose and Intent

The purpose of this Appendix is to supplement the City Comprehensive Plan by providing Project-specific goals. These goals and their objectives shall be used in the review of each land use and construction permit and shall guide the designers and City in developing plans for this area. The Design Guidelines in Appendix B contain illustrative examples, general performance criteria, standards, and design objectives that are also to be used by the City when evaluating individual development proposals within the project boundaries. The Project Goals are used to establish a common vision for the long-term form and character of the Project; create a framework for the guidelines and standards in subsequent Appendices; recognize that this is a long-term redevelopment of an active gravel mine, and guide implementation in incremental steps over the Build-out period of the Development Agreement; allow flexibility to adapt to changing market needs and consider changing community priorities over the span of a multi-decade Development Agreement; and, serve as one of the tools for project-level reviews.

Following these two appendices (A and B) are development standards that, together, provide the context within which the City shall review all Implementing Approvals.

**Guiding Principle:** As mining is completed, repair this area of Issaquah through a partnership that builds a compact, connected, mixed-use development that:

- Creates a separate Urban Village that harmonizes with Issaquah Highlands by extending the character of adjacent Issaquah Highlands residential areas and complementing Issaquah Highlands retail center;
- Creates a mix of uses allowing for an alternative to traditional suburban living;
- Is oriented to the pedestrian and bicyclist;
- Embraces pedestrian priority;
- Incorporates a broad view of sustainability;
- Promotes diversity in housing;
- Takes advantage of proximity to transit;
- Responds to western view opportunities; and,
- Develops a sociable public realm appropriate to each neighborhood in the Project.

## 2.0 Goals

**Goal 1.** *Transform mined lands over time into a new urban village with neighborhoods that are integrated into the City, especially the existing, adjacent neighborhoods of Issaquah Highlands.*

### Objectives

- 1.1 Develop a reclamation plan that will guide mining and subsequent filling operations that will achieve the Project vision.
- 1.2 Reclaim mined areas in a manner that is suitable and safe for compact, connected urban development.
- 1.3 To the maximum extent feasible, limit large, unbuildable slopes to encourage integration with adjacent existing or future planned non-industrial uses. Where slopes at project edges are unavoidable, encourage practical off-site connections so that the Project does not exhibit characteristics of an enclave.

**Goal 2.** *Design the new neighborhoods to be compatible with the continuing industrial uses on the valley floor outside of the Project area which are expected to continue beyond the Term of this Development Agreement.*

### Objectives

- 2.1 Physically separate (e.g., a slope, fence, or wall) and buffer (e.g., vegetation, berms, enhanced building construction, etc.) the Project from adjacent on-going industrial uses, to improve the compatibility and ensure safety, while maintaining views out from the project.
- 2.2 Provide notice to homeowners, via onsite posting, educational materials, and other practical means, of the ongoing industrial activity and possible impacts and mitigations homeowners may undertake.
- 2.3 Incorporate viewing opportunities and education materials of the adjacent industrial uses. The purpose is to safely accommodate interest and curiosity, while excluding people from areas that are not suitable for casual visitors.

**Goal 3.** *Enhance views to and from the hillside by reclaiming and restoring it with urban development and appropriate landscape.*

### Objectives

- 3.1 Make design choices (e.g., building placement, building design, lighting design, placement of retaining walls, and vegetation) that result in interesting and appealing views of the Hillside Village from offsite.

- 3.2 Incorporate public and private opportunities for views to the west. Public prospects rely on community space placement and alignment of circulation, which responds to view opportunities. Private views will typically be from residential or commercial buildings and associated private yards and spaces.
- 3.3 Vegetate reclaimed slopes by incorporating a variety of landscaping to achieve other Project goals such as visual interest, wildlife habitat, slope stability, views and sustainability. Selected landscape materials must be suited to their chosen location (e.g., steepness, solar orientation, view impacts, etc.).

**Goal 4. *Provide for a flexible and broad range of urban uses that are organized by topography and infrastructure.***

#### **Objectives**

- 4.1 Allow for a range of land uses and densities within each neighborhood which are consistent with an urban village.
- 4.2 Flatter areas, close to transit and high-capacity infrastructure, should be used for denser development. While it is likely that the sloped areas away from major infrastructure will contain less dense uses, land use flexibility will be supported by the standards in Appendix C (Land Use).

**Goal 5. *Design a Project that reflects and complements its location adjacent to Issaquah Highlands.***

#### **Objectives**

- 5.1 Ensure design consistency with Issaquah Highlands by utilizing the Hillside Village Architectural Review Committee (ARC) and the Project’s Design Guidelines to review site planning, building design, landscape materials, etc.
- 5.2 Land uses and densities should extend and complement those at Issaquah Highlands. Non-residential uses should provide the “heart” of the Project while not detracting from the Issaquah Highlands’ Town Center.
- 5.3 While creating distinct Urban Villages, avoid the appearance of unrelated subdivisions or an abrupt edge to existing adjacent neighborhoods.
- 5.4 Look for opportunities to connect to and extend Issaquah Highlands’ circulation network.

**Goal 6. *Design and build an intelligible, attractive, pedestrian-friendly circulation system that favors walkability, connectedness, and non-motorized or transit options.***

#### **Objectives**

- 6.1 Create a pedestrian-friendly community through the layout and design of the Circulation system. Its design should reduce the need for and reliance on single occupancy vehicles.
- 6.2 Connect the Project's neighborhoods to open space areas, community spaces, and adjacent non-Project areas for ease of access and to be intuitively understandable. The design of the connections should encourage non-motorized use by residents and employees. Where possible, provide more than one multi-modal entrance to each neighborhood. Provide connections between each neighborhood, recognizing this may not be possible for all neighborhoods due to topography, private property limitations, and other natural constraints. Where it is not possible to provide vehicular connections, non-vehicular connections should be sought.
- 6.3 Give priority consideration to pedestrians and bicycles. Use the design of the Circulation system to influence traffic volumes and speeds to improve safety for all users.
- 6.4 Provide convenient connections to the Issaquah Highlands Park & Ride and encourage the incorporation of transit or alternative transit-serving facilities in each neighborhood.
- 6.5 Design the Circulation system to be an integral part of and a key contributor to the character and cohesiveness of the Project as a whole as well as each individual neighborhood.
- 6.6 Design the Circulation system to provide safe and attractive facilities, enhance social interaction, and reflect adjacent land uses.
- 6.7 Build a practical and safe trail connection to the Valley floor.
- 6.8 Design Circulation facilities to encourage use by making them comprehensible, convenient and by including amenities such as benches and bicycle racks.
- 6.9 Provide for trails and recreational opportunities for a wide range of users and activities.

**Goal 7.** *Integrate diversity to enhance the richness of peoples' lives and the character of the community.*

### **Objectives**

- 7.1 Provide a variety of housing types that serves a wide range of income levels, including affordable housing and accessory dwelling units.
- 7.2 Provide the opportunity for creative integration of secondary units such as accessory dwelling units, within the residential development parcels. Secondary units contribute to the diversity of housing types and variety of income levels served within the Project.
- 7.3 Design a diversity of community amenities to provide a range of recreational opportunities, activities, opportunities to create community, and possibilities to engage

in social interaction. They should serve people of all ages and abilities as well as both residents and employees.

- 7.4 Provide a diverse mix of uses. Integrate working, living, shopping, and recreational opportunities within the Project, and utilize nearby opportunities, to provide residents, customers, and workers the opportunity to interact during daily routines, and reducing the reliance on single occupancy vehicles to access daily needs.
- 7.5 Encourage individual architectural creativity and site planning with an emphasis on individual home differentiation, while at the same time providing for seamless transition from one neighborhood to another, and from one builder's design to another. As possible, differentiate each Neighborhood so that while the Project is cohesive, it isn't monolithic or monotonous.
- 7.6 Encourage the use of artwork within development parcels. Artwork can contribute to neighborhoods in many ways, including providing neighborhood focal points, establishing entryways, and providing visual interest within Public Space.

**Goal 8.** *Create a Sociable Public Realm to provide a livable and vibrant community while respecting individual privacy.*

### **Objectives**

- 8.1 Create a successful Sociable Public Realm by thoughtfully selecting and designing the elements that contain, form, and reside within it. Define and contain a common space for residents, employees and visitors to enjoy.
- 8.2 Orient adjacent buildings and activities to the Sociable Public Realm. Design the portion of buildings and activities adjacent to Public Space to contribute to its social, community-oriented atmosphere.
- 8.3 Promote a sense of arrival and welcome. Through the design of the Sociable Public Realm, invite residents, employees and visitors to explore Public Space within and throughout each neighborhood.
- 8.4 Design and site support activities such as services, loading, trash collection, and parking to minimize their impact on the public realm.
- 8.5 Prioritize urban design over engineering, unless this would significantly compromise the function of the utilities or infrastructure.
- 8.6 Scale and select elements within and adjacent to the Sociable Public Realm for the pedestrian and bicyclists to contribute to a Pedestrian and bike Friendly Project.
- 8.7 Provide the Hillside Village ARC with tools such as standards and guidelines to review implementing approvals (e.g., building permits, site plans, and landscape designs) that encourage social interaction and enhance the pedestrian experience.

**Goal 9. *Incorporate community spaces into each neighborhood as a focal point and organizing element.***

**Objectives**

- 9.1 Locate and design each neighborhood’s Community Space(s) as a neighborhood design feature, organizing element and focal point. Encourage their year-round use through the design and selection of amenities and activities. They shall not be afterthoughts or located on “leftover” property.
- 9.2 Ensure that Community Spaces serve a range of ages, including being accessible to the elderly, offering safe and interesting play opportunities for children, and providing recreational opportunities for adolescents.
- 9.3 Design many Community Spaces for year round activity and use into the evening by, for example, incorporating weather protection, lighting, etc.
- 9.4 Incorporate educational opportunities into Community Spaces, when and where appropriate.
- 9.5 Minimize the impacts of Community Spaces on adjacent residences through careful consideration of design and siting.

**Goal 10. *Embrace sustainability through education and developer-initiated site planning and green building techniques.***

**Objectives**

- 10.1 Incorporate new and evolving sustainable technologies in a way that benefits the environment, the community, and the Project’s residents and employees as well as being economically practical.
- 10.2 Adopt standards and guidelines that reduce resource consumption, pollution, and waste; utilize land efficiently; protect the environment and natural areas; adopt landscaping and water conservation standards; and create environmental performance standards for buildings and landscape.
- 10.3 Reduce the need to depend on the automobile. For example, proximity and convenient access to the Issaquah Highlands Park & Ride, locating daily services within walking distance of most residences, and incorporating high-tech infrastructure into the design of the community to support community-based work teams and home-based work places will encourage the use of non-motorized circulation and improve air quality.
- 10.4 Provide a wide variety of educational opportunities and tools relating to sustainability that reinforce and raise both community and individual awareness of responsibilities as stewards of their environment. Examples include signage, *Hillside Village Homeowner’s Manual*, website information, and links to City and other programs.

10.5 Support the City in the achievement of Comprehensive Plan Goal L8 to reduce Carbon Emissions.

10.6 Support the City's TDR program through the implementation of this Agreement.

***Goal 11. Build respect for and a healthy relationship with natural and critical areas by providing for view areas, enhancements and educational opportunities.***

**Objectives**

11.1 Respect and respond to the Property's natural context and invite nature into and throughout. Promote open space corridors and controlled viewing opportunities into natural areas.

11.2 Encourage opportunities to preserve existing geologic features which could help explain historical context as well as the glaciations and mining activities that occurred.

11.3 Ensure harmony and compatibility of design with the natural environment. Use site planning and architectural standards consistent with the natural constraints of the site.

11.4 Educate community members through the use of signage, website, the Hillside Village Homeowners' Manuals, Best Management Practices, CC&Rs, and other appropriate tools regarding critical areas and how to limit impacts emanating from urban development. For instance, providing information about the effects of fertilizers, pesticides and other substances that are toxic to the environment in order to reduce inappropriate and excessive use; or, how to react to a wildlife encounter.

11.5 Identify and remove dying and hazardous trees adjacent to development parcels. Develop a program to continue the monitoring and maintenance of the transition zone between development parcels and natural open space to protect people and buildings from dying and hazardous trees.

11.6 Minimize the establishment of invasive plants by restoring, replanting and maintaining areas disturbed during construction.

11.7 Use primarily native plants to transition urban areas to natural or manmade critical areas.

11.8 Minimize unintended incursions into natural protected areas through the provision of informational signage and vegetation or limited open fencing.

11.9 Design neighborhood amenities and site plan community elements to avoid conflicts between humans and wildlife.

***Goal 12. Adopt a streamlined and effective permitting process that implements the project vision.***

**Objectives**

12.1 Establish an integrated multi-disciplinary team to work on permits and implementation.

- 12.2 Use a permitting process that is streamlined, reasonable, collaborative, simple, flexible, predictable, effective, and efficient. The purpose is to both allow for the realization of the Project vision and encourage smart, creative, and innovative solutions.
- 12.3 Find an appropriate balance of flexibility and predictability.
- 12.4 Provide a process for review of and improvement in permitting processes.

**Goal 13. *Build a collaborative partnership that supports City and Lakeside goals and the Project vision.***

**Objectives**

- 13.1 Partner to allow future interests to adapt and harness better solutions than could be initially imagined.
- 13.2 Fairly apportion economic responsibilities.
- 13.3 Share information and explore the best and most effective methods of implementing the City’s and Property Administrator’s vision for sustainability.
- 13.4 Grow a partnership that encourages ideas and solutions that are collaborative, efficient, smart, creative, proven, effective and innovative.

**Goal 14. *Build the new neighborhoods as compact, purposeful, urban development.***

**Objectives**

- 14.1 Vehicular areas (Circulation and Parking facilities) should be as narrow as possible in order to reduce the amount of impervious space dedicated to motor vehicles while still providing for safe and adequate travel ways.
- 14.2 Consider using shared surfaces where pedestrians have the priority, but vehicles are still allowed to travel. This reduces the overall width of the street, while providing a unique and engaging space for pedestrians. Generally this is appropriate where average daily trips (ADT) would be limited.
- 14.3 Take advantage of opportunities to use the land for more than one purpose; that is, to contain multiple functions, thus using land efficiently, thoughtfully and purposefully.
- 14.4 Disperse and design parking to eliminate or minimize the “sea of parking” and to utilize the land efficiently, such as in private garages, on-street, small surface lots, and structured parking lots.

## **APPENDIX B – DESIGN GUIDELINES**

<b>Section 1.0</b>	<b>Introduction</b>
<b>Section 2.0</b>	<b>Site &amp; Building Design</b>
<b>Section 3.0</b>	<b>Circulation</b>
<b>Section 4.0</b>	<b>Parking</b>
<b>Section 5.0</b>	<b>Community Spaces</b>
<b>Section 6.0</b>	<b>Landscaping</b>

### **1 Introduction**

This Development Agreement is comprised of several pieces: Goals which describe the grand intentions of the Project’s vision and Standards which often prescriptively direct the implementation of the vision. In between the Goals and Standards, rests the Design Guidelines. The purpose of the Design Guidelines is to tie the many ideas and requirements together with guidelines that direct actions, rather than require them, in the form of performance standards.

The Design Guidelines recognize the incremental nature of achieving the vision and the need for flexibility, innovation, and adaptability while ensuring the vision is maintained throughout the Project, its build-out, and market cycles. To do this the Design Guidelines focus on the spaces we share, and the shared responsibility to streets, public spaces, Neighborhoods, and the community. The intent is to create a complete, compact, and connected Project that is livable, vibrant, and Pedestrian Friendly, and in which people can play, relax, and interact. A successful Project will incorporate a mix of uses which generate a sense of belonging and community by mixing uses, activities, people of all ages and cultures, while respecting the need for individual privacy.

The City and Property Administrator will use the Design Guidelines, as well as the balance of the Development Agreement, to prepare and review land use and construction permits. Specifically, the Design Guidelines propose and describe ways of implementing the vision, sometimes with specific examples. However, there are likely to be design solutions that have not been anticipated by these guidelines. This is welcomed as long as the proposed design fulfills the intent of the Project vision and Design Guidelines. In other words, the vision is fixed as represented in the Goals (Appendix A) and these Design Guidelines (Appendix B), but the method for implementing the vision may vary in response to many different needs as the community and these new Neighborhoods evolve over time.

In addition, the Property Administrator will use architectural standards to further define the implementation and design of each Neighborhood. These will contain detailed standards that spring from the Development Agreement, and cover aspects such as color, materials, and architectural style.

## 2 Site & Building Design

To achieve the vibrant, mixed use Neighborhoods which are Pedestrian Friendly and have a Sociable Public Realm, requires thoughtful urban design decisions as each part of the Project is developed. Decisions cannot be made based only on functionality, but must also consider how to make the Project memorable, identifiable, livable, and comprehensible. The Site Design guidelines address actions that apply throughout the Project and to all of the Design Guidelines sections within this appendix and Lighting Guidelines, Appendix I.

### 2.1 General Site Design Guidelines

2.1.1 Prioritize pedestrians and bicycles over motorized transportation when making decisions, but also ensure that the site functions well.

2.1.2 Public Spaces should provide safe and attractive designs, where the whole composition of streets, trees, lighting, street furniture, walks, landscape areas, building massing and detailing define a place for employees, residents, and visitors to stroll, meet, play, and socialize.

2.1.3 Design the Project to generate a sense of belonging, community, and interest by mixing uses, activities, people of all ages, while respecting privacy.

2.1.4 Design the Project to be intuitively comprehensible so people can easily orient themselves, understand how to move to and through it, where they are, and how to use it. Create an interconnected Project that provides Circulation facilities that directly and easily connect where people are likely to want to go.

2.1.5 Incorporate elements that make the Project memorable and identifiable.

2.1.6 Employ universal design, creating a Project usable by and useful to the widest possible range of people.

2.1.7 Design Public Space for year-round outdoor activity. At a minimum this should mean generally continuous (50-75% depending on the level of pedestrian activity and building's use) weather protection along retail streets. Gazebos or pavilions could be incorporated into Community Spaces. Consider using



This view exemplifies the approach taken by the Hillside Village – buildings are visible but their architecture, siting, and landscape create a pleasing composition.



Markers do not have to be as literal as this one, but piers and other identifiers that mark entry to the Project and/or a Neighborhood can be important to creating memorable and identifiable places. Other elements may be used throughout the Project to achieve the same goal, rather than just marking entry points.

materials that allow light to penetrate the weather protection.

2.1.8 Site design should respond to axial views, vistas, and the elements that terminate them. Use Issaquah’s natural context to create a sense of place and orientation by connecting to local context as well as connecting people to the natural areas surrounding the site. These might include street-end and peek-a-boo vistas of or outlooks to treed hillsides, territorial views, and mountains and lakes in the distance. Where views do not extend to the natural edges on and off site, terminate views and vistas with buildings, Community Spaces, axial nodes, focal points, art, or other natural features which are selected to orient and entice people. Avoid service, loading, waste collection, garages, utilities, mechanical and electrical equipment, and such uses at view termini.

2.1.9 Design the site in response to solar orientation and exposure especially in consideration of Public Spaces.

2.1.10 Provide site amenities and street furniture in Public Spaces to support its uses and create a public living room. To that end, site amenities and street furniture should be attractive and comfortable, and



When streets ‘dog leg’ or ‘T’ and the view is terminated, carefully select what will be placed at the end of the axis, such as a park, plaza, building. In this case a building terminates the view and the architecture responds to the vista.



This street terminates with a view of Tiger Mountain in the distance. Here street trees also help to frame the view.



This gazebo is an example of weather protection in a park and its design relates to both the park and nearby houses.



Street furniture is used in Public Space to assist its users and make the Project more livable. These examples show how pairing amenities makes each potentially work better, i.e. benches paired with trash receptacles, dog fountain with human fountain.



contribute to the character of the Neighborhood. Amenities can include benches, pet pickup stations, bike racks, art, bollards, drinking fountains, overlooks, informational and directional signage, interpretive kiosks, waste receptacles. Amenities should be easily accessible to pedestrians and not impinge on the pedestrian routes.

2.1.11 Encourage art, whimsy, surprise, and delight throughout the Neighborhoods.



2.1.12 Use special and varied paving materials to create visual interest and highlight areas of importance. This might be at key locations in Community Spaces, Circulation facility intersections, important pedestrian crossings of vehicular routes.

2.1.13 Design and placement of above-ground facilities, such as buildings, walkways, significant plant materials, etc., should take priority over the convenient location of utilities.

A whimsical bike rack shaped like a fish provides an appropriate place to store bikes. Different paving material also indicates a different use for the space

2.1.14 Incorporate surficial and above-ground utilities, mechanical and electrical equipment into buildings or facilities to eliminate their visual impact. Where utilities cannot be incorporated into buildings or facilities, place them underground. If they cannot be in buildings or underground, site and screen them to minimize their presence, preferably located along alleys. Screening should be architectural, or possibly landscape, depending on the size and location of the utility.



Contrasting pavement has been used to both identify important pedestrian crossings and also to direct vehicular movements. The circle can be driven over by fire trucks, but tends to slow private cars who drive around it.

2.1.15 Take advantage of opportunities to have multiple uses in certain areas, or multi-functionality. In some cases this diminishes the presence of less desirable uses; in all instances, this uses the land more efficiently. In other words, all land is used thoughtfully and purposefully. For instance: raised planters and walls can be used for seating, planter strips may accommodate bioswales, raised utility vaults can be an opportunity for a playscape, an Eastside Fire and Rescue



An example of an architectural screen tucked along a retail frontage, where buildings have to be ‘four sided.’



A slide tops a mechanical room for underground parking, a creative and multi-functional use of the structure. The multiple uses enhance its appearance and make it useable for more than just the mechanic.



This 'cargotecture' provides a pop-up Christmas store in a popular retail area. However, they can also be used to introduce new uses in lower activity areas before retail is able to get established.

(EF&R) staging area can be used for recreation or informal gathering the balance of the time, EF&R turnarounds can be integrated into plaza/trail/road configuration, parking lots and garages can be used as off-peak markets, low volume driving surface can be shared with pedestrians and bicyclists, nature trails and utility corridors can be combined, art that is also a stormwater management device, play elements that also educate, swales or pavers that manage stormwater and create Community Space opportunity, utility and infrastructure cabinets can be surfaced with art, information, and maps.

2.1.16 Provide opportunities to energize and activate areas as the Project incrementally redevelops, such as kiosks, temporary uses, pop-ups, markets, and art installations. One opportunity is to locate these temporary uses, such as carts or kiosks, to activate Circulation facilities adjacent to parking facilities.

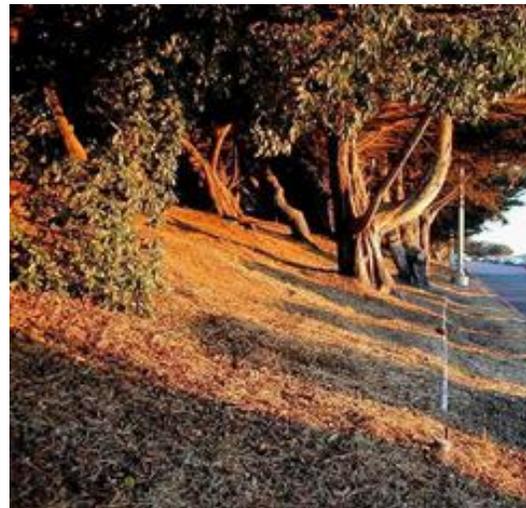
2.1.17 Encourage private Circulation Facilities and Community Spaces to use the techniques of the Right-of-Way Use Standards and Guidelines in Appendix D (Circulation), Section 7.0 to improve and enhance Public Space and Pedestrian Friendliness. A good walking environment is a key aspect of a strong

pedestrian system. In particular, providing services and uses on or above pedestrian facilities, such as café seating or balconies, gives them a stronger sense of life and vitality.

2.1.18 Consider impacts to wildlife in the siting and design of facilities. For instance, lighting should not spill in to natural habitat areas such as the North Fork Issaquah Creek and waste enclosures and receptacles should be designed to discourage wildlife access.

2.1.19 The development on this hillside will be visible from areas within the City, and this should be taken into consideration as development proceeds. The Hillside Village will include a mix of uses, architecture, building materials and built form, and landscaping to make the Project interesting and attractive while also helping soften the visible bulk and form of the built environment.

- 2.1.20 Design distinct buildings, rather than distinct projects, so that each Neighborhood is cohesive and yet distinct from others. Each builder's project should flow into the next, and not use elements such as walls, backs of buildings, monotonous architecture, etc. to cut off one property from the next.
- 2.1.21 Grading should provide building pads that accommodate urban density buildings, while recognizing that as the Neighborhoods get steeper, densities will likely decrease.
- 2.1.22 Locate steep slopes on the edges of the Project, such as to provide a safe and distinct separation between the industrial uses and the Project's Neighborhoods. Steep slopes may also be necessary internal to the project between Neighborhoods B/C/D and Neighborhood F. Steep slopes should not be located along existing roads and adjacent neighborhoods such as Highlands Drive, 9<sup>th</sup> Avenue, High Street, and West Highlands Park. Where slopes limit the range of circulation that can connect, provide at least trail such as between Neighborhood A and Vista Park, Neighborhood F and West Highlands Park, and the Project to the valley floor.
- 2.1.23 Design and construct the site to shield the new neighborhoods from both views and sounds of the industrial uses below so new neighborhoods are compatible with the existing industrial uses, and the industrial uses do not appear to have an impact on the new neighborhoods. However, provide appropriate opportunities to overlook the industrial activities for educational and general interest purposes while ensuring safe viewing.
- 2.1.24 Residential uses along the top of slope should have abatement to lessen noise and other industrial activity impacts. Berms with vegetation may be the appropriate technique to achieve this. If uses other than residential are proposed, then berming or building construction methods may be more effective in noise abatement for these uses.
- 2.1.25 Limit the length and visibility of retaining walls. Landscaping, materials and modulation may be necessary to reduce the visual impact of retaining walls.



Though there are many ways to deflect sound, such as walls and berms, landscaped berms are likely to be the least unsightly. This berm is landscaped to both visually screen the road while deflecting sound.

## 2.2 Neighborhood Guidelines

The Project contemplates three Neighborhood types: Village Center, medium density, and low density. See Appendix C – Land Use for more information on each Neighborhood.

*Village Center:* Neighborhood B is required to have a mix of uses, of which a portion of the non-residential must be fulfilled before or concurrent with residential permitting. The location between the Project’s Highlands Drive entry and the intersection of High Street and 9<sup>th</sup> Avenue will give these uses high visibility and a unique presence, focused on the buildings adjacent to 9<sup>th</sup> Avenue and surrounding the Village Square. In addition its central location within the Project, and proximity to Issaquah Highlands’ town center, will create a complementary neighborhood heart, called the Village Center.

*Neighborhoods A-1 thru D:* These neighborhoods, Neighborhoods A-1, B, C, and D have medium density residential. They will likely have a mixture of housing including single family detached, attached, and multi-family as well as a mixture of lot and parcel sizes and setbacks. In addition to the Village Center in Neighborhood B, Neighborhoods A-1, C, and D allow a neighborhood scaled non-residential component. While non-residential uses are encouraged, the proximity of these neighborhoods to the Village Center (easily within a quarter mile and fairly flat), which must contain non-residential uses, means they may choose to rely on Neighborhood B for their non-residential needs. Allowable heights vary with the neighborhoods on either side of Highlands Drive allowing somewhat taller buildings than the neighborhood away from the existing arterial.

*Neighborhoods A-2, E, & F:* The three remaining neighborhoods are primarily residential, where Neighborhoods E and F allow for a limited allocation of potential non-residential. All three neighborhoods are planned to have steeper topography. In these hillside neighborhoods, buildings are nestled into the slopes and step down as the topography moves toward the Valley Floor. Retaining walls may be used to accommodate grade; see [Section 5](#) of this Appendix for guidelines. Other constraints, such as parcel size and shape, also factor into how the neighborhoods are developed. Neighborhood E is larger in size, and of a somewhat uniform shape, while Neighborhood F is a small triangular shape and Neighborhood A-2 is a ‘panhandle’ east of Neighborhood A-1.

### 2.2.1 Village Center

The Village Center acts as the heart of the Hillside Village, providing vibrancy and a sense of place. It will provide a place to gather and enjoy a lively, bustling atmosphere. Residents, visitors, and workers will visit the Village Center to enjoy opportunities provided there.



As the heart of the Hillside Village, the Village Square should have a well defined Public space with trees, street furniture, and seating to facilitate its use as the Project’s living room.

It may offer the ability to run errands, browse in the shops, meet for meals, have coffee, watch people, and partake in community events. The visual prominence and convenient access for pedestrians, bicyclists, and drivers necessitates that the Village Center be located in close proximity to 9<sup>th</sup> Avenue NE.

The Village Center is designed for the comfort and convenience of pedestrians. It is physically connected to the rest of the Hillside Village through a network of roads, stairs, and trails. The network of sidewalk and trail systems provides easy access for pedestrians and cyclists to the Village Center from all of the neighborhoods in the Hillside Village. Several elements work together to create a pedestrian friendly atmosphere along the Village Center streets and Village Square. The multi-story, architecturally varied and articulated, often mixed-use buildings relate to one another to form the boundaries of the shared Public Space. Building setbacks are minimal, and at street level, buildings contain active uses such as shops, lobbies, or courtyards to create an extension of the Public Space. Entrances to buildings will be from streets, plazas, or similar public areas; secondary entrances may face parking lots, garages, or other interior elements.

Landscaping and lighting enhance the pedestrian scale of the Village Center. Street trees are spaced uniformly, and their height and mass reflect the height of the adjacent buildings and the significance of the area. Lighting standards are of pedestrian scale and spaced uniformly. The area will be well lit to accommodate pedestrian activity and promote use of the space during darker winter evenings. User friendly amenities such as wide sidewalks adjacent to retail and commercial uses, street furniture, and weather protection in the Village Center create a pleasant and comfortable atmosphere and draw people to the area year-round.

In addition to the Neighborhood A thru D and other relevant guidelines provided below in this Section, the Village Center should be designed with the following guidelines. (Note that Village Square guidelines are provided in Community Spaces section.)

- a. Orient buildings and ground floor uses to the public and semi-public spaces, such as 9th Avenue NE and the Village Square. Neither should have the “backs” of buildings placed toward them. Use building design, prominent entry ways and the Circulation system to form strong relationships, and establish an active streetscape and Sociable Public Realm.
- b. Provide a design along the street that provides the feel of a continuous street wall.
- c. Place building entries off of the street, park, plaza, or similar public space; secondary entrances may face parking lots, garages, or other interior elements. Buildings that face more than one Circulation facility or plaza will provide “fronts” to these.



Where a streetwall isn't present, but is needed, this technique provides a visually permeable edge to both sidewalk and adjacent plaza.

- d. Design buildings to allow for shared walkways to parking areas located behind or under buildings.
- e. Encourage architectural elements that provide interest, pedestrian scale, and social interaction. Examples include:
  - i. large street-level windows that allow pedestrians to see activity within shops
  - ii. well defined entrances to retail shops and offices
  - iii. traditional ground level modules for buildings especially that have non-residential uses
  - iv. differentiated window patterns in multi-story buildings to distinguish retail, office, and residential uses
  - v. architecturally distinctive entries to attract and visually orient pedestrians
  - vi. balconies
  - vii. weather protection
- f. Strengthen the pedestrian connections from Neighborhoods to the Village Center.



This mixed use building incorporates a number of successful elements; it uses a variety of architectural elements, provides café seating outside a deli store, and breaks up wall space with color and landscaping.



This example of a shared walkway from a sidewalk to parking behind shops, conflicts with many guidelines: the walls are blank, and the overall experience is bland and lifeless. However, the connection is direct and clear, there are planting beds on the last half of the walk which both improves the experience and leaves a wider area for potential future uses near the sidewalk such as café seating. Providing windows adjacent to the shared walkway also improves the experience.

## 2.2.2 Neighborhoods A-1 through D

- a. Locate buildings to have a strong relationship to the adjacent Circulation facility or Community Space and to create the presence of a street wall. The higher density the uses, the more continuous the street wall. To ensure the pedestrian environment is interesting, balance the street wall with the need for variations in scale, plane, materials, character as well as opportunities for gathering, greenery, and light.
- b. Incorporate informal gathering areas and opportunities for social interaction in addition to the required Community Space in each neighborhood.
- c. Buildings are encouraged to encroach into and engage with the “sidewalk zone” and



In contrast, this shared walkway is consistently and thoughtfully detailed from the sidewalk to the parking area. Being covered is an added bonus.

“aerial zone” to bring visual interest, variation, and intimacy to the Circulation facility or Community Space, while maintaining the pedestrian through route.

- d. The ground floor should have active, visible uses (e.g., retail) or other visible uses that engage the pedestrian (e.g., residences, living spaces, meeting rooms, lobbies, live/work). In some cases, buildings may be initially constructed without the active uses present, but should be designed so they may be modified to incorporate them when the uses can be supported.
- e. Design buildings to form the container of Public Spaces and the Sociable Public Realm; establish an active, interesting, and Pedestrian Friendly streetscape; and create an urban environment. Elements include:

- i. Windows facing Circulation facilities. For retail uses, large street level windows that allow pedestrians to see activity within shops.
- ii. Numerous, rather than consolidated entrances for non-residential or multi-family buildings as well as use of “main street modules,” i.e. regular use of individual entrances to businesses and residences, reinforced with repeated architectural elements such as windows, weather protection, piers, and other architectural elements.
- iii. If there are gates or fences, use an open design to allow social interaction.
- iv. For townhouses and single family detached residential, entrances and ground floor living space should be the dominant feature of the ground floor. Structured and private garage entrances should be placed away from the entry side of the building or where that is not possible, their presence should be minimized. See Parking guidelines below for more information.



This mixed use building includes accents at the individual business entries on the ground floor. Numerous windows, weather protection, and balconies encroach into and engage with the sidewalk, making the street more interesting for pedestrians.



This building exemplifies many of the guidelines for Village Center buildings: the street level has large windows for the retail while the windows on the residential level are finer grained, communicating the different uses inside. The street-level has ground level ‘modules’ similar to traditional main street buildings. There’s weather protection for the pedestrians and balconies for the residents. The entries that are shown are not well expressed however.

- f. Design single family attached or multifamily units to complement the surrounding single family homes, if they are mixed together.



This central common space provides an important place for residents when individual outdoor space is limited. The space is shared by mail boxes, barbecues, and tables for use by all residents. There are excellent off-site views from here as well.



This project has ground floor residential adjacent to the sidewalk with parking located elsewhere. The use of steps and landscape creates a series of layers that transition from fully public space (the sidewalk) through semi-public space to the interior private space.

abutting a street, trail or common space should be separated through physical elements such as open style low fencing, screens, and low hedges or walls.

- j. Provide wayfinding, kiosks, maps, etc. to facilitate movement to and through the neighborhoods.

### 2.2.3 Neighborhoods A-2,E & F

Due to steeper topography and/or constrained parcel shape, these neighborhoods will likely have lower densities and/or larger lots. Homes in Neighborhoods F and possibly E may be set farther back from the street than in the medium density neighborhoods or Neighborhood A-2.

- g. Provide shared common areas, such as picnic areas, barbecue areas, courtyards and patios, play areas, or open lawn, especially when the residences have little to no space associated with their unit. Common space should encourage interaction of neighbors and provide space that is useable, such as mailbox kiosks, play areas, barbecues, neighborhood gatherings, open areas for kicking a ball or tossing a Frisbee.

- h. Site homes so that living spaces face a Circulation facility or Community Space. When multiple sides of a home or building are visible to pedestrians or bicyclists, provide architectural treatment on all applicable sides. Provide homes and living units with elements that relate them to the street and encourage interaction such as front porches or stoops, entry courtyards, small lawns or planted areas, front walks that directly connect to the sidewalk and are separate from driveways.

- i. To maintain a sense of privacy yet allow for interaction between private and public spaces, neighbors, residential yards and entry courtyards when

Regardless, defined pedestrian connections to front doors are expected, while orienting multi-car garages away from the street is preferred.

a. Locate buildings to have a strong relationship to the adjacent Circulation facility or Community Space. Living space should be the dominant feature of the groundfloor. Private garage entrances should be placed away from the entry side of the building or where that isn't possible, their presence should be minimized. See Parking guidelines below for more information. Rear yards should not face the street.



Single family homes step down a home while also facing a green space. This creates a strong sense of community. In some Neighborhoods this might even be the required Community Space.

b. Include elements that encourage social interaction, such as front porches or stoops, balconies, patios, and direct front walks from the sidewalk to the front door, separate from the drive. If there are gates, fences, or hedges, use an open and/or low design to allow social interaction.

c. Though larger lots are likely in these Neighborhoods, slope may limit the amount of private outdoor space available to each home in all these neighborhoods. Incorporate informal gathering areas and opportunities for social interaction in addition to the required Community Space in each Neighborhood. For example, appropriate common elements might be mailbox kiosks, play areas, neighborhood gatherings spots.

d. Where unusual parcel shape and topographic constraints hamper a strong relationship between the street and residence, introduce elements that compensate for this. For instance, if a lot is tucked into the corner of a parcel, away from a Circulation facility, use an access tract to continue the street presence and pedestrian access. Avoid flag lots and other configurations that impair the potential relationship of the residence to the Circulation facility.



There are situations like this one where the corners of a parcel are developed with houses. To maintain the streetwall and presence of the houses, a shared surface provides access for both people and cars.

e. Where multi-family residences are located adjacent to single family detached residences or duplexes, located both within and outside the Project, design the adjacent multi-family buildings with periodic breaks to allow sightlines through and to provide buildings that transition from the lower to higher densities.

## 2.2.4 Hillside Residential

In addition to the Guidelines contained above in 2.2.2 and 2.2.3, additional consideration is necessary when designing neighborhoods that are situated on slopes 12% or greater, which creates additional opportunities that must be considered. These guidelines would also apply to any other buildings where slopes or site design create bare foundations or significant exposed building facades, especially those visible from off-site.

- a. In areas where buildings are built on slopes, use techniques to minimize the building's impact to others' views.
- b. Articulate and detail buildings and their elevations, even on the downhill side where facades and/or foundations are visible primarily from a distance. On downhill, elevations articulate and detail elevations; blank walls shall be avoided, especially where visible from off-site. Articulation would incorporate tiering, building offsets, and/or other means to soften the building's form. Appropriate features would include doors, windows, building articulation, and/or other architectural features to create a visually interesting presence.
- c. The side of the homes visible from off-site may have open-style fences up to 4 feet in height. The appropriate amount of fence openness will be evaluated in combination with the landscaping and building architecture as viewed from off-site. Solid fences or solid monolithic shrubbery plantings should not be used.
- d. The prominent finish of building facades visible from off-site shall be muted, non-reflective material.



Where foundations are potentially exposed use the techniques shown here: modulation of the building form, detailing the foundation, add trellises to grow vines, continue building siding and detailing as far down as possible, add grills to foundation openings. These techniques are also useful with blank walls.



Buildings at the top of slopes should be detailed and use open fencing, even if this is the back of the home. This example shows both; however, the landscape on the slope is insufficient given the slope's visibility.

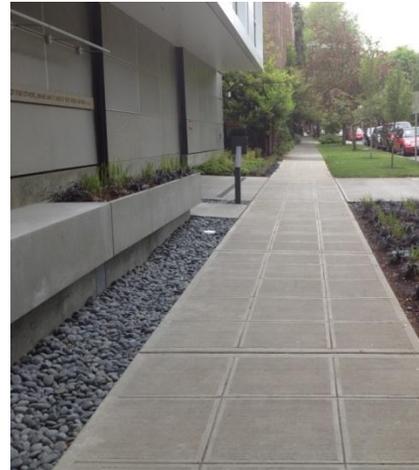
## 2.3 Buildings and Materials

To create the vibrant, compact Neighborhoods envisioned by the Project, buildings should be designed to frame and engage the Circulation Facilities and Community Spaces, creating a Pedestrian Friendly and successful Sociable Public Realm. Buildings will contribute to a livable environment that attracts residents and, in particular, businesses to the Hillside Village. In areas where mixed uses are provided, they may be mixed vertically (e.g., ground floor retail with commercial or residential above) or horizontally with buildings housing different uses located in close proximity. Building styles, materials, colors, and heights will be varied; all but heights are controlled by the Architectural Review Committee.

- 2.3.1 Vary the character and height of buildings for visual appeal and functional interest. Take into consideration building materials and colors, especially when considering views from off-site. Care should be taken to avoid monotony in color and architectural relief, such as the pitch and color of materials used for roofs.
- 2.3.2 All buildings should be designed with detail and interest with the purpose of creating an interesting and varied environment. Blank walls should be avoided, especially where pedestrians and Circulation facilities or Community Spaces are in proximity to them. If windows and doors are not present, articulation or other techniques should be used. These could include additional building elements such as piers, modulation, and detailing; combinations of materials and



Different colored roofing materials as well as different roof pitch and orientation provide appeal and interest when looking at the view of development from off-site.



Material selection and detailing, overhangs, art, and landscape provide an interesting screen for ground floor parking.



This building has two stories of commercial with additional residential above, which is setback from the front of the building. Several other features contribute to the Sociable Public Realm, although the traffic cabinet was not appropriately integrated.

textures as well as their detailing; applied elements such as art and trellises. Buildings will not have a “back side” to areas where pedestrian or bicyclists will be, but might to vehicle-only areas such as alleys.

- 2.3.3 To provide sunlight at street level, thoughtfully locate building height. Particular attention should be given where building height would shade a required Community Space, between 10:00 A.M. and 3:00 P.M. Also, carefully shape heights on the south side of streets to maximize sunlight on the sidewalk.
- 2.3.4 As they are often more exposed, thoughtfully design building corners. Visible corners of buildings at key intersections should be given special design attention through unique design elements, changes in building height, materials, etc. (e.g., towers, lanterns, building corner cut away for an entry, etc.) This may mean added detail, design, and building form, or conversely cutting away the corner for a special entry, gathering spot, café seating, sidewalk vending, art, or a signature fountain.



These buildings illustrate two of many ways to handle building corners especially when they are prominent: cut the corner off and add a taller element or extend the corner and step the building back, though they can be combined in other ways.

- 2.3.5 Long façades require extra attention. This may necessitate modulation of the street wall, changes in character, materials, or height, and/or designing the façade as if it is composed of several buildings.
- 2.3.6 When parking facilities are located behind buildings, provide walkways or access to the facilities. Walkways may be shared.
- 2.3.7 Private and semi-private spaces, such as terraces and balconies are encouraged for residences.



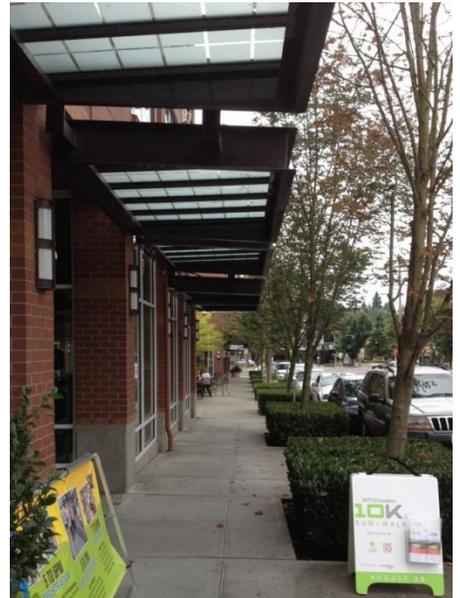
Due to the reuse of a historic building, the setback and front space is narrow; however, this entry illustrates the important components of semi-private outdoor space and residential entries: weather protection at the door, a clear edge defining the boundary of the public space, a bit of room to sit or barbecue, and watch the world go by.

2.3.8 For multi-family or single family attached residential, provide ground-related residences when possible to improve the experience for pedestrians and offer the opportunity for semi-private space to the residence. Balance the need for activity adjacent to Public Space and “eyes on the street” with a sense of privacy. This might include stoops, private or common gardens or courtyards, elevated first floor units. Delineate semi-public and semi-private space from public areas with railings or fences 3 ft tall (unless fall protection is required), planters, overhead elements, etc.



These ground level units have access directly to the sidewalk which can be advantageous to both the pedestrian and the resident. The building has used a series of landscape and architectural elements as multi-dimensional layers to transition from public to semi-public to private.

2.3.9 Weather protection associated with buildings should be a minimum of 8 ft above the sidewalk with protection that extends at least 6 ft over the sidewalk, and up to protection 12 ft above the sidewalk which extends at least 8 ft over the sidewalk. For heights in between 8 ft and 12 ft above the sidewalk, the minimum extension over the sidewalk would be extrapolated between 6 ft and 8 ft of extension. The location of street trees and the edge of the driving surface may require adjustments to these dimensions. But in all cases, the height and depth of the weather protection should prioritize providing protection to the pedestrian over architectural enhancement. Weather protection can be awnings, canopies, building overhangs, etc.



This canopy is scaled for the pedestrian and the sidewalk to ensure that a person walking here is generally protected.

2.3.10 Consider making some rooftops accessible to the public.

2.3.11 Rooftops that can or are likely to be seen, should be designed to be attractive. Utilities, infrastructure housing, HVAC, etc. should be screened with architecturally compatible elements from all reasonably visible vantage points, including above.

2.3.12 Consider passive activities on rooftops, such as green roofs to partially address stormwater, solar panels, art and/or design to make them visually interesting, as well as a means to allow access to light and air for adjacent occupied space.

2.3.13 Pedestrian access to primary building entrances should be close to and visible from Circulation facilities that include a pedestrian component such as a sidewalk or trail. Each

primary building entrance should be attractive and have weather protection and highlight the presence of the entrance to pedestrians through the use of architectural treatments such as changes in the streetwall and lighting. Primary pedestrian entrances should be visually more prominent than parking facility entrances.



Rooftop screening not only hides mechanical equipment from people on the ground, but also screens it from above. This is particularly important on a hillside where people may look down on the roofs.



This green roof is an attractive alternative when people look across or down on roofs.



This entry to a residential building helps both residents and guests identify where it is, provides light and shelter, while people wait to enter.

## 2.4 Building Setback Guidelines

Building Setback Guidelines apply only to setbacks from Circulation facilities and Community Spaces, not to side and rear interior setbacks.

- 2.4.1 Provide a building setback only when they will be useful and meaningful to both the adjacent building and the Public Space. Avoid buffering uses or needlessly and inefficiently using land.
- 2.4.2 For commercial or retail uses, only provide setbacks if the adjacent uses are likely to use them. For instance a restaurant or café may use the area for outdoor seating, a shop for retail displays, or office buildings could use the setback for an entry court, seating, fountain, or retail kiosks. Size the setback for the likely need and level of activity. If buildings are setback, use elements that maintain a strong connection to the street and support a Pedestrian Friendly environment.
- 2.4.3 For residential uses, provide an adequate setback to offer privacy and individual outdoor space for homes and ground floor units.
- 2.4.4 Buildings adjacent to public gathering spaces may be setback from the property line if the setback is designed in such a manner as to integrate with and contribute to the adjacent Public Space. This will allow for uses such as outdoor seating areas, courtyards, small plazas. These areas contribute to the Sociable Public Realm and support adjacent business.



This setback provides for seating and a rain garden adjacent to the street and the building itself creates the weather protection with overhangs. Normally the seating would be placed away from the street, but on the north side of the building, this location will provide the best light.



No setback is necessary but where one is chosen it should either be useable (e.g., café seating or benches in a thoughtful location) or it should be structured with low walls and plantings, such as these.

2.4.5 Village Center buildings will have minimal or no building setbacks from either 9<sup>th</sup> Avenue, High Street, or the Village Square. If buildings are setback, use elements that maintain a pedestrian friendly environment. Landscaping between streets and buildings, if provided, should support the urban village character and the pedestrian nature of the Project.



Unlike the historic building, this new building provides a larger setback for semi-private outdoor space and entries to the ground floor units. The building overhang provides weather protection for the outdoor spaces.

## Service, Loading, Waste Enclosure Guidelines

2.4.6 Share and consolidate service and loading areas among users or needs, wherever practical. Locate on alleys when possible. Likewise, use on-street loading when possible to meet some or all of a use's loading and service needs.

2.4.7 Place service, loading, and waste enclosures within buildings or lidded over within courtyards. When this is not possible, applicants are encouraged to roof them to reduce their presence from above and reduce wildlife access.

2.4.8 Service, loading, and waste enclosures should not be located on the same face of a building as residential uses, if possible.

2.4.9 Minimize the presence of service, loading, and waste enclosures to the pedestrian, Public Spaces, and adjacent occupied uses. For instance, locate them where they are less visible (e.g., away from building corners), minimize number and width, place them on alleys, recess their entrances, screen them with walls and landscape, incorporate art into the design of portions near the pedestrian environment, provide architectural treatments.

2.4.10 Use solid, visually interesting walls to enclose and screen these facilities. Do not solely rely on landscape to screen them.

2.4.11 Screening for service, loading, and waste enclosures should take into account whether visual, aural, odiferous, or other impacts need to be lessened.

2.4.12 Site these facilities so trucks do not block pedestrian or vehicular traffic on-site or in adjacent Circulation facilities.

2.4.13 Service, loading, and waste facilities should not be the terminus of an axial view.



This service area has been set back from the sidewalk which minimizes its presence until the pedestrian is adjacent to it and allows trucks to be fully out of the sidewalk while accessing the area. Also the use of artful gates improves their appearance.



Thoughtful use of simple materials and landscape can diminish one's awareness of the purpose behind the fence.



Attention to the placement of utilities, vaults, equipment, etc. means their presence may be reduced both for the pedestrian and the building's occupants.

### 3 Circulation

Circulation not only provides for the local movement and connectivity of pedestrians, bicycles, and vehicles, but it also has a significant role in establishing the character of the Sociable Public Realm and forming the structure of vibrant Neighborhoods. In addition, Circulation is one of the primary ways people experience the Project. The design of each piece of the system contributes to prioritizing pedestrians and bicycles over vehicles while providing adequate functionality for vehicular needs. Circulation design creates comfortable, safe, and interesting spaces for all, including the young and old, able-bodied and disabled. It will also need to provide shortcuts for pedestrians and possibly bikes, to connect on hillsides where vehicles cannot go. As the network of Circulation facilities is completed, it will improve mobility, such as including access to nearby transit, and create a new street grid in this part of the City. Special techniques will have to be used for roadways on steeper slopes.

Circulation often functions not only as the venue for moving through the Project, but also as a linear room for informal gathering and social interaction. Urban elements, such as lighting, street furniture, landscape, and signage, create an ambiance that encourages these various uses. Infrastructure and utilities should be incorporated in a manner to minimize their impact or contribute to the urban design goals, rather than driving the design, dominating the Sociable Public Realm, or detracting from Pedestrian Friendliness. The following Guidelines cover a continuum of facilities ranging from all pedestrian to all vehicular, and make no distinction between public and private facilities. The Guidelines should be used to support the standards found in Appendix D (Circulation).

### 3.1 General Circulation Guidelines

3.1.1 Select the Circulation facility based on the desired character, type and scale of adjacent uses, context in which the facility will be located, the type of pedestrian and bicycle access necessary, the need for vehicular access, if any.

3.1.2 Use circulation facilities to enhance and capitalize on the natural assets on and near the site, such as, views, critical areas, adjacent retail, and adjacent transit facilities.

3.1.3 Prioritize Sociable Public Realm and Pedestrian Friendliness over motorized transportation and traffic volumes, while ensuring there is vehicular functionality.

3.1.4 Collaborate with the City and other agencies when applicable to improve Pedestrian Friendliness when creating or improving intersections with pedestrian elements on existing streets, such as Highlands Drive, 9<sup>th</sup> Avenue, and High Street. This might include signalized intersections, additional crossings or connections, medians in unneeded turn lanes or lane width, pedestrian refuges, signal timing, etc.

3.1.5 Provide pedestrian and bicycle connections with adjacent properties, such as connections to Issaquah Highlands neighborhoods, the Park and Ride, and to the valley floor as well as between the Project’s neighborhoods and Community Spaces on either side of Highlands Drive/9<sup>th</sup> Avenue.

3.1.6 Incrementally construct an interconnected, intuitive Circulation network with frequent connections that serves pedestrians, bicyclists, and vehicles, but is not monotonous. The new Circulation network should relate to existing City streets, by connecting to them at locations that will provide multiple (when possible), safe connections. If dead-end vehicular configurations are used, continue pedestrian and bicycle facilities to create an interconnected system. Use tools such as off-set intersections and “dog leg” roads to make the Circulation system interesting, while avoiding confusion. Target block length



This street is oriented to take advantage of views.



Though no curbs are used, the bollards and change in materials communicates where cars can drive or stand and which zone is for pedestrians.



This Character Street provides an interesting place to walk even without retail on the ground floor.

should be 300 ft and maximum block length should be 500 ft. Where block length exceeds 300 ft, provide additional pedestrian Circulation facilities to facilitate pedestrian direct access and connectivity.

3.1.7 Provide vehicular routes with a minimum of paving and adequate functionality.

3.1.8 Design Circulation facilities to minimize vehicular speeds.

3.1.9 Provide Circulation facilities to support and ease connections to transit facilities.

3.1.10 Create Circulation Facilities that feel active and interesting even without adjacent retail.

3.1.11 Minimize the number and width of driveways, without compromising functionality, especially into parking facilities.

3.1.12 Design public and private Circulation so there is no perceived distinction between them.

3.1.13 Provide wider sidewalks and pedestrian facilities where there is or is likely to be more activity, such as adjacent to retail, restaurants, gathering spaces.

3.1.14 Where Urban Trails or Multi-Use Trails cross vehicular routes, continue special paving across the vehicular route to highlight the intersection for drivers.

3.1.15 Size planter strips and tree wells to accommodate the mature size of the tree or the uses there, such as rain gardens or café seating.

3.1.16 Incorporate traffic calming measures such as changes in paving, narrowing or strategic necking down of roads, pedestrian tables, etc. Selected traffic calming measures should minimally impact emergency and possible transit vehicle use of the Circulation facilities through placement and design.



Even small spaces can provide opportunities for a variety of activities. This area accommodates pedestrian functions and anticipates that a café might locate here and offers space for outdoor seating. Bike uses are placed nearby but set slightly apart so the space does not feel crowded. Space in front of buildings should be large enough for the uses existing or possible uses while not being so large as to lose their vibrancy.



Design techniques can influence behavior such as in this example. Textured materials, bollards, and necking down of the street help the driver to intuitively understand that this place is not a typical street and they need to slow down. The planter strip is a rain garden, getting multiple uses in each area. This is an example of design techniques that intuitively influence behavior.

3.1.17 The function of the Circulation facilities should be readily apparent to the user through its appearance, design, and other non-verbal tools. Signal transitions to drivers when they are entering a shared or pedestrian priority space. Signals could include changes in materials (type, color, texture) to draw drivers' attention to pedestrian crossings, narrow travel lanes where drivers need to slow down, vertical or horizontal treatments, more detailed materials or art at important pedestrian intersections.



This central pedestrian spine uses consistent materials and stays at a constant grade, even when crossing roads. Though this walkway crosses a road, just past the person, the road is secondary to the walkway so it is difficult to detect in the photo.

3.1.18 Pedestrian routes should be continuous and connected, and be consistent with the Circulation facility type and site location. For instance, curb ramps should be in line with the route of pedestrian travel, pedestrians should not have to randomly switch sides of the road.



Sometimes trails should be inserted as sculptural elements and sometimes tucked into the landscape in subtle ways. See the landscape section for additional examples.

3.1.19 Minimize the presence of drive through facilities as well as their impact on pedestrians and bicyclists.

3.1.20 Use landscape to communicate the importance and relationship of Circulation facilities.

3.1.21 Tree wells will be used in more urban areas such as along Highlands Drive/9<sup>th</sup> Avenue to provide continuity with Issaquah Highlands and in Neighborhoods A, B, and C where a more urban character is appropriate, such as near non-residential uses. In other locations within the Project, use of tree wells is at the discretion

Where there is a higher intensity of uses or a more urban character is desirable, tree wells are appropriate. In this case, tree wells provide spillover space for the potential groundfloor uses and gives bus riders more space to wait.



of the Applicant.

3.1.22 Adjacent Circulation facility improvements should be timed to coordinate with building construction.

### 3.2 Bicycle Circulation Guidelines

3.2.1 Incrementally create an intuitive, safe, and continuous bicycle circulation system. However, every vehicular Circulation facility will not have dedicated, segregated bicycle facilities.

3.2.2 Design a circulation system that accommodates the different types of bicycle users: recreational, commuter, family, and transportation for daily, local needs. One singular circulation facility may not accommodate all of these users.



Detail of a bike rail.

Providing bike rails on stairs helps maintain bike route connectivity in a Hillside Village.



The multi-use trail on the right provides a route for recreational and commuter cyclists who do not want to mix with cars. The middle route, a sidewalk, is for pedestrians only. Some commuting bicyclists may choose to bike downhill, sharing a lane with cars. The diversity of parallel bike routes is unlikely to occur at Lakeside, though this illustrates how to serve the multiple types of cyclists.

### 3.3 Hillside Circulation Guidelines

3.2.3 Hillside Guidelines apply in areas where slopes are 12% or greater. Because of the topography, a street pattern that utilizes either streets that run parallel to the hillside and/or streets that run perpendicular to the hillside is appropriate. These steeper neighborhoods tend to occur at the Project's edges or in less contiguous locations.



This example shows how a woonerf that could not continue was terminated with a trail running parallel to topography, providing connectivity throughout the project.

3.2.4 Some circulation or portions of circulation, in hillside neighborhoods should run parallel to the slope, to provide somewhat flat areas for both neighborhood use and emergency services. When streets run parallel with the contours, the number of parallel streets may be reduced through creative techniques such as constructing buildings that front on both streets.

3.2.5 Some circulation, or portions of circulation, in hillside neighborhoods may run perpendicular or somewhat across the slope. These facilities provide connections that serve both a circulation and an aesthetic purpose: on one hand they can be used as short connecting circulation; and on the other hand, careful placement can result in wonderful territorial views.



The lots for these homes are rotated slightly from being perpendicular to the street. It provides the ability to capture views while creating an interesting and distinct neighborhood.

3.2.6 Consider design techniques to take advantage sloping sites. For instance, when streets traverse slopes, rotate lots to respond to other existing features and context, such as views.

3.2.7 Hillside streets terminating in appropriate focal points or providing views to territorial, natural areas, or distant vistas.



This type of geologic history will hopefully be visible and illustrated as the Project is built.

3.2.8 In addition to the North Fork Overlook, consider providing outlooks along trails at unique, special, interesting, and/or educational locations. These should provide people contained access to locations where the beauty of the creek corridor can be appreciated, and geologic history can be illustrated. Placement

should take into consideration landscape which may eventually block sightlines, and which may not be removed if it is in the critical area.

3.2.9 Introduce staired, pedestrian shortcuts and direct alternative connections for pedestrians, in addition to more circuitous, though flatter routes. Provide resting spots, overlooks, etc. along steep or staired pedestrian routes. The design of the stairs should provide urban design opportunities (materials selected, route, stair tread rise to run, handrail and balustrade design, etc.) and not construct stairs that are wholly utilitarian.

3.2.10 Just as with other circulation facilities, staired and hillside circulation facilities should have different hierarchies based on the kind of facility they are located in, adjacent uses, its relationship to on-site and off-site views.

3.2.11 An interconnected and comprehensible system of circulation facilities should be provided, in possibly a warped, not necessarily orthogonal grid.

3.2.12 Circulation facilities at the Project's edges should loop or connect off-site, rather than dead end.



An overlook to western views may not be large; however, if well sited, will provide key opportunities to access and enjoy viewing opportunities.



These stairs provides a mid-block connection where topography prevented a street connection. It includes wide stairs, indicating its importance in the pedestrian network, and landings where off-site views can be enjoyed.



The design of a stair should further the character of the area. For instance, the wooden stair blends with the wooded hillside. Its steep rise, makes the overlook an important viewpoint and resting spot. The stair from a park is designed to reinforce the area's more urban character while gracefully transitioning up the slope using Landscape Steps and detailed sidewalls.

## 4 Parking

Parking has a key role in creating a vibrant, mixed use Neighborhood, a Pedestrian Friendly and Sociable Public Realm that has buildings engaged with the Street. This can mean tucking parking and garages out of site, screening them, and/or making parking structures into visual assets. While structured parking is ideal in compact urban development, economically it does not always make sense. The following Guidelines should be used to support the standards found in Appendix E (Landscape) and Appendix H (Parking). In these guidelines, the use of the term Parking Facilities refers to all parking methods including structured parking, private garages, surface lots, etc.

### 4.1 General Vehicular Guidelines

4.1.1 Locate Parking Facilities to minimize their detrimental impact on pedestrian Circulation facilities and Public Spaces. For example, parking could be located behind buildings, above the ground floor, or wrapped with active uses.



This screening uses both a Green Wall as well as the street trees to visually diminish the impact of the garage.



The street level of this garage has both active uses and Pedestrian Friendly design through the use of pedestrian scale materials, weather protection, windows, etc. The weather protection hides the garage from pedestrians alongside the building, and the trellis is an armature for a Green Wall, reducing the presence from other vantage points.

4.1.2 Where there are exposed expanses of parking (garage rooftops or surface lots), use elements to break up the expanse, shade the surface, screen views from above.



This aerial view shows active uses wrapping a structured parking garage, eliminating its impact on the Circulation facilities and pedestrians.



Greenery reduces the visual impact on the street.

- 4.1.3 Parking facilities should have good sightlines into and out of the facility to improve the user's sense of safety.
- 4.1.4 Vehicular entrances and exits from parking facilities should be clearly visible from the Circulation facility that serves it; however, entrances and exits should also be designed so they do not visually dominate the façade of a building or Public Space, or significantly compromise the pedestrian environment. This can be done using techniques such as setting them back from the primary plane of the façade, placement away from street corners, architectural treatment of the openings, incorporating art and landscaping. Vehicle entrances and exits should be of minimal number and width, and not located at intersection corners.



This residential garage is setback with splayed walls that reduce the garage's presence while improving driver's sightlines to oncoming pedestrians. Vines and trellises soften the walls.



Along with separating the entrance and exit, the artwork above the openings creates a focal point that lessens the visual impact of the garage.



Elements of the building overhang the garage entries reducing the presence of the openings. In addition, by separating the entrance and exit, the post improves the pedestrian experience and decreases the impact of the automobile area.



The building is designed with a series of projections that extend in front of the garage entry, minimizing its presence to a pedestrian using the sidewalk, while not obscuring its presence to the driver. Residential buildings such as this one may have gated garage entries.

- 4.1.5 Where pedestrians are in proximity to parking facilities, humanize and make them visually interesting by using Pedestrian Friendly techniques such as varied, textured, and/or detailed materials, incorporation of architectural features and elements (low or open walls, screens, piers, trellises, arbors, etc.), and weather protection. Add landscape or architectural elements to provide layers, additional vertical elements, and supplementary colors and textures that may change through the seasons. The treatment selected should be related or complimentary to nearby buildings. The lengthier the parking facility, the greater the need for streetwall replacement or enhancement.
- 4.1.6 Provide convenient pedestrian connections from parking facilities to, through, or between buildings and/or Public Spaces.
- 4.1.7 Preferably place parking facility vehicular entrances on alleys.



Artwork and landscape have been used to screen the blank walls of this structured parking.



Garage openings have been screened with trellises and greenery that responds to the buildings architectural structure.



Adjacent to the garage is a plaza. The screens on the garage provide a framework for vines to screen the parking while accommodating natural ventilation and aural connections, improving the sense of safety. Also, architectural elements have been incorporated.



Artwork can be added to screen vehicles in structured parking while maintaining sufficient openings to allow for natural ventilation and good sightlines for security.

## 4.2 Guidelines for Structured Vehicular Parking

- 4.2.1 Take advantage of parking garage roofs. This may indicate using them for parking; or in some cases it may mean an alternative use such as active or passive recreation, green roofs, plazas or courtyards, etc.
- 4.2.2 When a parking structure abuts street-level retail or commercial uses or is within an area containing street-level retail or commercial uses, retail and commercial uses should be continued on the portions of the parking structure facing Circulation facilities or Community Spaces. This may be phased, in that the garage may be built before the active uses that wrap it.



Garage rooftops can be used for other purposes such as recreation.



The ground floor retail appears to be built into a green hillside, which in fact is a densely screened parking garage.



Screening and shading of garage roofs can be provided by solar panels.



Garage rooftops that are used for parking need to be treated as surface parking lots but the elements do not have to include landscape. Architectural elements can substitute and add to the building's character.

- 4.2.3 Pedestrian entrances into a garage should be designed to highlight the presence of the entry. This could include architectural treatment, change in streetwall, or another response. Weather protection should be provided at every pedestrian entry.
- 4.2.4 Use natural ventilation and daylight for parking structures where possible.

### 4.3 Guidelines for Individual Private Parking Garages

These guidelines apply to private garages, likely associated with single-family attached and detached homes. Generally the guidelines will be used for homes where the garages are placed facing Circulation facilities with a pedestrian component, such as a street. They do not apply if garages are accessed off an alley unless the garage faces Public Space on the other side of the alley.

- 4.3.1 Reduce the impact the garage has on the Sociable Public realm. This can be done by placing garages off the alley, setting the garage back from the front plane of the home, or reducing the visible bulk of the garage door by using two single doors instead of one double bay door.
- 4.3.2 Maximize the proportion of lineal feet of occupied house frontage, minimize the proportion of garage frontage.
- 4.3.3 Garages are tucked under homes or setback from the front facades of homes by either recessing the garage or using living space to overhang the garage. Additional elements above the garage which shade the door, such as a trellis, also assist in diminishing the door's presence.
- 4.3.4 Where driveways are tightly and repetitively spaced, such as serving a series of townhouses, a solution that maintains the pedestrian priority is necessary. For example, consolidate and enhance the pedestrian facilities to the other side of the street; however, each townhouse would still require a walk to the front door separate from the drive.
- 4.3.5 Private garages will be designed to accommodate waste cans for the number of waste streams the City collects (currently 3). Alternatively, sheds or other fully enclosed collection areas can be provided on site in locations acceptable to the ARC.



Street facing garages need to be sited and designed to minimize their impact on the pedestrian. For instance, in the upper photo, the groundfloor living space is forward of the garage, and creates a stronger presence than the garages. Furthermore though it's a three-car garage, the use of single garage doors, architectural detailing of the doors and surrounds, and careful roof design lessens their impact and integrates them into the house. The lower photo uses many of the same techniques, but by placing living space (both indoor and outdoor) overhanging the garage, its doors are shaded and the living space deflects the eye from the garage.

## 4.4 Guidelines for Surface Vehicular Parking



This store has extended the streetwall past the building to frame the sidewalk and reduce the presence of the parking lot, which is located to the side of the store.



A mixture of walls and landscape creates texture and layers that make a more visually interesting parking screen for the pedestrian. Also some of the landscape changes through the seasons, making this a dynamic screening element.



This example shows how the placement of trees frames and identifies the pedestrian route while diminishing the presence of autos in this parking lot. However, surface parking would not be allowed in front of a building and the tree wells are likely too small.

4.4.1 Screening elements along the edge of surface parking should both separate and screen the parking from pedestrians, but also continue elements of the streetwall, frame the pedestrian way, and provide a human scale to the walk.

4.4.2 If surface lots cannot be located behind buildings, prioritize their placement away from the corners of the block and/or between buildings. Preferably place the short dimension of the parking lot adjacent to the Circulation facility.

4.4.3 Locate required pedestrian routes with landscape beds, trees, or other Pedestrian Friendly elements to identify and improve the pedestrian experience within the surface lot. Also take advantage of opportunities to introduce pedestrian oriented quirks into surface parking lots, such as the use of bumper overhang space for rain gardens or landscape.

4.4.4 Provide frequent, convenient, and identifiable pedestrian physical connections from surface lots to surrounding buildings and Circulation facilities.

4.4.5 Use landscape in parking lots to help identify the structure and use of the lot, such as pedestrian ways. Landscape can also be placed and distributed to minimize the presence of cars.



Architectural elements are used in this example to screen surface parking from the sidewalk as well as provide pedestrian scale and protection by framing the sidewalk.



Bumper overhang areas can be planted to reduce impervious surface and add interest to parking lots.

## 4.5 Guidelines for Bicycle Parking

Bike parking should be located in safe, visible, and easily accessible locations, distributed near the various activities generating the bike parking demand, and placed in spots useful to the diversity of likely users, such as employees, visitors, customers, and residents. Parking is visible when it is both easy for a user to locate and when it has visual surveillance from adjacent businesses and/or residences.

- 4.5.1 A portion of the bike parking should be in covered locations.
- 4.5.2 The applicant should consider providing secured parking or bike lockers.
- 4.5.3 Consider providing supporting facilities, such as showers and lockers, to make bicycle transportation more convenient.



In this location, bicycle racks have been placed in a covered and visible location, adjacent to the uses they serve.

## 5 Community Spaces

The Community Space in a compact community serves many functions: it is an outdoor room where social interaction creates a sense of belonging, provides variety in the built environment, and employees and residents can get outside even if their building does not have its own outdoor space. It provides the “third place,” neither work nor home, which is an essential component of Neighborhood livability.

Community Space is a cornerstone of Neighborhood character, integral to the Neighborhood organization, serving as a focal point, and assisting in orientation. They do not have to be in a central location to do this, but they cannot be an afterthought. Community Space will be the center of its community activities. Its design should be Pedestrian Friendly, create meaningful Public Space and Sociable Public Realm, which invites use. Adjacent buildings should engage with the space, to ensure it is vibrant and lively.

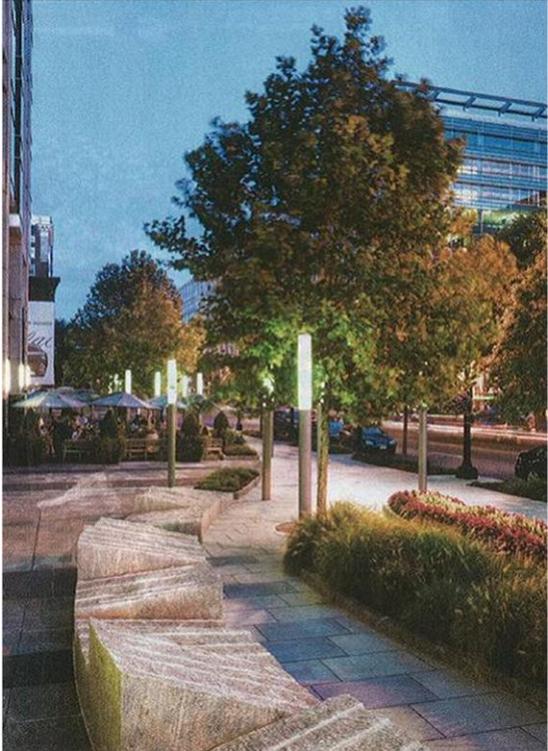
Appendix F (Community Spaces) creates two types of Community Spaces: required and encouraged. Each Neighborhood will have a required Community Space, while encouraged Community Spaces will be constructed in response to additional activities needed. The required Community Spaces in particular need to be multi-functional, optimizing the benefits and activities for all members and users of the Neighborhood. The following Guidelines should be used to support the standards found in Appendix F (Community Spaces).

**5.1 General Guidelines**

- 5.1.1 At a minimum, each neighborhood shall have at least one memorable and inviting Community Space that captures its character and focuses energy in a location that organizes the Neighborhood and serves as a focal point. Make it easy for people to navigate to them, design them to be Pedestrian Friendly, and an integral part of the Sociable Public Realm. Additional Community Spaces in a Neighborhood are welcome and should equally be thoughtfully sited and designed, but can serve smaller segments of the Neighborhoods residents and their needs.
- 5.1.2 Design spaces to be multi-functional and make the most of every square foot. Accommodate flexible programming and activities.
- 5.1.3 Each Community Space should accommodate children’s play without inserting ‘big toys’ or obvious play equipment, though the equipment may be appropriate in some Community Spaces.
- 5.1.4 Frame Community Spaces by placing a building or strong edge on at least one side, preferably more. Where they cannot be framed by buildings, provide an active use, architectural elements, or possibly landscape to create an appropriate sense of enclosure.
- 5.1.5 When Circulation facilities are adjacent, consider if the Circulation facility and



This park is designed for many community users: a contained grass area, play equipment tucked around its edges, a sitting plaza, and pergola (out of view).



An informal gathering area combining lights, landscape, textures, and lighting to create an urban feel, yet provide a connection to nature.

Community Space should be distinct or integrated. Circulation facilities may expand or supplement the Community Space through the selection and placement of paving, street trees, lighting, art, etc.

- 5.1.6 Minimize the number of edges with adjacent Circulation facilities that include vehicular components.
- 5.1.7 Locate required Community Spaces away from surface parking lots. Encouraged Community Spaces will be located away from surface parking when possible; if they are adjacent, provide screening as appropriate to the setting.



Landscape can be used to separate pedestrian corridors from reserved seating, while also creating a more interesting and pedestrian scaled environment in which to walk.



Though this sitting area is adjacent to a surface parking lot, the raised planters with full plantings provide an attractive screen to the parked cars.

5.1.8 Consider solar orientation in locating and designing Community Spaces. Incorporate the opportunity for both sun and shade as well as providing wind protection.



Fun frogs fill this plaza, creating visual whimsy and children’s play.

5.1.9 Ensure that the scale is appropriate to the Community Space’s function and adjacent uses. They should not feel empty, barren, or too big when not in use.

5.1.10 Provide places where people can be outdoors and places that provide opportunities for people to connect with nature.



A wide variety of coordinated materials communicate various uses: the dark tiles in the foreground are for cars and mimic asphalt’s color while identifying that this is a special area; the brick colored tiles in the mid ground identify the pedestrian crossing; various patterns of concrete, in a single plane, identify the many types of uses. From left to right they are through traffic, parked cars and pedestrians.

5.1.11 Create spaces that appeal to the senses: the sound of water, the smell of plants, the heat of fire. Sensory experiences may vary with the season, with water being present in the summer and a fire lit in the winter.

5.1.12 Include both hardscape with softscape, with consideration of the uses, activities, and variety of other Community Spaces nearby. Provide unique and fun experiences such as fountains, sculptures, and/or other artwork. Consider spaces that can accommodate special events, and other spaces that are more intimate. The range in a Neighborhood should include active and passive, small and large, reflective and recreational, trails for moving along and spaces for lingering.

5.1.13 Use landscape, lighting, architectural elements,

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This hardscape and grass combination makes it appear that nature is creeping into the built environment.



Look for opportunities to engage the senses so amenities are not just visual, such as a water feature or a wall of water.

natural looking materials, and/or amenities to structure and define Community Spaces as well as make them comfortable, functional, and provide a sense of safety. In addition to the amenities discussed elsewhere in this Appendix and Appendix F (Community Spaces), provide water and electrical outlets to facilitate use for a variety of events and users. Locate Community Spaces where they will be visible from adjacent units or occupied spaces to ensure safety.

5.1.14 Make some portion of the Community Spaces in each Neighborhood usable year round. For outdoor spaces, this may be a pergola or gazebo where there is space with weather protection and a hardsurface rather than grass, and/or provide indoor spaces.

5.1.15 Consider design elements that extend a Community Spaces' hours of use, such as lighting and weather protection.

5.1.16 Provide a variety of seating opportunities, especially in larger Community Spaces. This should include moveable and fixed seating as well as seat walls, steps, boulders, and other multi-use objects.

5.1.17 Incorporate viewing areas where viewpoints allow pedestrians to pause and enjoy the expansive views to the west. Viewing areas should include seating, and may provide informational plaques where appropriate.

5.1.18 A portion of required Community spaces may be reserved seating for restaurants, cafés, espresso



Weather protection can be provided in some Community Spaces. This may come from freestanding structures, such as this pavillion which can also be used after dark, or less formal options such as a pergola.



Festive winter elements attract people with seasonal lights and a table with a central fire element.



This sizable overlook plaza includes raised landscape planters, seating, and art. It takes advantage of sweeping view of downtown Seattle and the Space Needle. Landscaping beyond the view area is kept low to preserve these views.

stands, etc. Ensure that clear, direct pedestrian routes remain at least 5 to 8 ft wide, depending on the level of pedestrian activity, the destinations, and scale of the Community Space.

5.1.19 Consider incorporating temporary or small permanent structures such as kiosks, food trucks, vendor carts, concessions.



A variety of seating options should be provided to allow Community Spaces to be used in many ways. For instance this example has seating both on walls and in moveable chairs.



Food trucks can quickly provide food and activity in a space, before more permanent uses are established.



This arc of individual seats creates the effect of a continuous bench while giving everyone their own seat. Its placement along the edge frames the space and gives people a full view of the adjacent activity.

## 5.2 Playscape Guidelines



Provide opportunities for sensory experiences.



Look for opportunities for children to learn in many ways.

5.2.1 Include measures necessary to protect children's safety from vehicular traffic such as low fencing or landscaping to provide a physical barrier.

5.2.2 Incorporate shade and rest areas for supervision through the use of deciduous landscaping, architectural elements, temporary structures, or other means.

5.2.3 Provide natural, creative play elements for free and/or structured play. These elements do not have to be overtly for play but should support, allow, and even encourage play by children. For instance, ground slides from one level to another, tricycle tracks, swings hung from arbors or trees, paths that meander and are of varying materials and widths, water that can be manipulated, outdoor rooms made from landscape or rocks, berms and hills. This allows the space to be enjoyed by everyone, even adults, when not in use by children.

5.2.4 Design play areas for a variety of ages, activities, fine and gross motor skills.



Consider incorporating water and other unique features that children can interact with.



Materials that are natural or mimic nature, may be appropriate for some play spaces. Encourage the imagination. Elements that are for children's play may be used by adults at other times. This stack could be a bench or table.



This park integrates kids activities into the topography with ground slides and climbing walls, as well as stairs, looping routes, and games in the pavement. The extensive use of gravel as a groundcover is not appropriate.



Provide places where children can connect with nature and use their imagination.



Children's play may be integrated into Community Spaces in subtle ways.



Provide spaces for adults to play as well.



Whimsy can be incorporated into children's play, too.

### 5.3 Plaza Guidelines

#### General Plaza Guidelines

- 5.3.1 Plazas may be constructed with concrete, pavers, or special paving material. Asphalt is not encouraged, except as a paving accent material.
- 5.3.2 Root barriers should be provided for all trees planted within Plazas.
- 5.3.3 Provide a mixture of paving and materials, changes in plane, landscape, and art to soften and make the space interesting.
- 5.3.4 Seating should be provided. The seating may be fixed or moveable, or a combination of both. Seating may be provided by ledges, fountains, sculptures, benches, chairs, stairs, etc. At least two of the seats should meet ADA standards.
- 5.3.5 Provide street furniture that makes plazas human scaled, attractive, and convenient, such as trash receptacles, tables, street tree grates, bike racks, information kiosks, maps, drinking fountains, clocks, art, etc. Site the street furniture in locations that support the use of the plaza, such as benches near views, play space, or retail, trash receptacles near stores or high activity spots.
- 5.3.6 The spacing, location and type of required street trees may be modified when adjacent to a Plaza.
- 5.3.7 Plazas may have reserved seating so long as the main purpose of the plaza is not compromised. Even an encouraged Community Space should have at least some area for community use. For example, a plaza that is intended solely for reserved restaurant seating is allowed but would not be considered an encouraged Community Space.
- 5.3.8 Permanent structures may be provided within a Plaza, provided they do not preclude use of and access to the Plaza by the general public. Structures may be enclosed or open air and may be leased for commercial use.



The variety of paving playfully ties with the plaza shape. The river rock benches offer both seating and an edge to the plaza that does not block sightlines in and out of the park. A ‘stream’ runs from the pole to the plaza’s edge, and hosting children’s play.



This plaza provides an intimate connection with nature, without weather protection.



The corner of this plaza contains both a small restaurant as well as tables and chairs. The tables are available to everyone, not just restaurant users. A large canopy that changes color at night covers this entire corner of the plaza.

- 5.3.9 Physical obstructions between a plaza and a Circulation facility or park shall be designed to provide sufficient visibility to protect the public safety of the users of the plaza and to ensure that pedestrian access to the plaza is convenient, obvious, and welcoming. No walls or structures should exceed 36 inches in height above the abutting Circulation facility or park for a total of more than 50% of the lineal footage along one side of a plaza that abuts a Circulation facility or park.



This plaza uses changes in materials, art, pots, and other design features so it does not feel empty when it is not being actively used.

**5.4 Village Square Guidelines**

A major component of the Village Center is the Village Square. The Village Square, described in further detail in Appendix C (Land Use), is an area primarily constructed with a hard surface and weather protection over some portion of it to ensure its usability year-round. The Village Square is the most formal, structured space in the Project, though the space does not have to have an air of formality to it. In addition to the guidelines pertaining to Plazas found in above Section 5.3, the following guidelines apply to the Village Square.

5.4.1 Site the Village Square in a prominent location within the Village Center. If possible give it a presence both to 9<sup>th</sup> Avenue and the western views.

5.4.2 Each use fronting on the Village Square should have at least one of their entrances onto the plaza.

5.4.3 Landscape within the Village Square should provide visual interest, shaded areas, structure to the space, and variety while ensuring the space can serve as a gathering space for the community. Trees should be deciduous with excellent fall color.

5.4.4 Reserved seating, as part of eateries, for example, is allowed as provided in Appendix C. However, reserved seating should be located to serve both the business and to ensure that the remaining space in the Village Square is useful, attractive, and conveys the intent that the Village Square is a central gathering space serving the whole community.

5.4.5 Preferably the minimum square footage of the Village Square will be provided in a single plane; however, if to accommodate it or achieve the vision, the Village Square needs to be constructed on separate grades, they should each be of a size and interrelatedness to improve their usability for community events. This might for instance indicate that the Village Square separate spaces were connected by broad, wide stairs. Other configurations are acceptable if they achieve the intent of a single gathering space or that of a series of spaces, visibly and physically connected.



A strong, structured groundplane of paving, patterns, and grass provide the framework to host trees in more random patterns. The far edge is defined by the building, outdoor eateries, and pairs of trees framing a walkway.



Changes in grade can help to define public from reserved seating, while providing both with good solar exposure.

- 5.4.6 Provide stairs and ramps that create visually prominent and interesting travel and entry ways while taking up grade. Only stairs that are designed as Landscape Steps may be counted towards the overall size requirement for the Village Square. Other more utilitarian stairs shall not count towards the size requirement.
- 5.4.7 Weather protection may be either attached to the adjacent buildings or freestanding.
- 5.4.8 Incorporate temporary seasonal, festive, and holiday elements into the Village Square such as decorations, lightings, activities, etc.



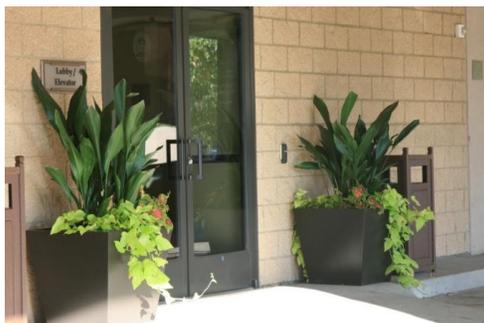
If the Village Square is constructed on multiple levels, the stairs should be linked with Landscape Steps, interrelated, and the various levels visually connected as shown..

## 6 Landscape

Landscape is an essential element of a great Sociable Public Realm. It is also an effective tool in connecting people with nature, especially as an area urbanizes. Landscape creates a Pedestrian Friendly environment; enhances Public Space; provides opportunities for transitions from the natural edges into the built areas; ensures that the community is livable, attractive, and urban spaces are humanized; and is an important component of establishing unique character for each Neighborhood. It will be vital, as development commences, to integrate landscape in a manner that is strategic and responds to the context, and avoids using space inefficiently or unnecessarily buffering activities or buildings. Overall, the desire is to create a verdant, vibrant, urban character in part by integrating nature into the design of buildings, Circulation facilities, and Community Spaces. The following Guidelines should be used to support the standards found in Appendix F (Community Spaces) and Appendix E (Landscape).

### 6.1 General Guidelines

- 6.1.1 Add green elements to buildings, Circulation facilities, and Community Spaces.
- 6.1.2 Draw the natural context of the North Fork and surrounding hills and mountains into the site and Public Spaces where possible, and visually connect to, essentially “borrow,” the surrounding natural features where it is not.
- 6.1.3 Use a variety of plants and containers, such as pots, beds, raised planters.
- 6.1.4 Use landscape to add greenery, “softness,” and structure to small or generally hardscape spaces. In some instances, use landscape to create variety or even separate “rooms” within spaces.
- 6.1.5 All pedestrian facilities should have plant material, appropriate in size, scale, and character to the type of facility. In some narrow and/or intimate locations, this may be only plants in pots, or green walls.



Pots can be used to incorporate greenery into hardscaped areas.



Landscape and art can be combined to make visually interesting elements.



These trees provide privacy between buildings as well as create a sense of scale for pedestrians and buildings. The trees also create a “room” in between the walkways.

- 6.1.6 Landscape associated with a trail and the trail surface should relate to the adjacent uses and Neighborhood. For instance, in the Critical Area it should reflect native plants and natural materials; whereas when it is adjacent to or through a Neighborhood, it should relate to that Community Space’s or adjacent land use’s character.



These trail/bridge has been tucked into the landscape.

- 6.1.7 Where a setback between Circulation facilities and buildings is appropriate, especially in residential areas, use landscape to transition between public and semi-public or semi-private spaces. Use landscape and possible walls, to create layers, visual interest, and semi-private a



A narrow area can add green and a transition in residential areas. The image on the left is a more formal landscape edge while the one on the right layers different plants in a raised planter to create privacy and separation. Both of these do this in a narrow width.

individual residential use, while ensuring a pleasant, comfortable environment for pedestrians.

- 6.1.8 Consider incorporating edible plants or providing kitchen gardens near restaurant areas.
- 6.1.9 Use native plants adjacent to critical areas. Consider incorporating some native plants in built areas, recognizing the limited plant palette available.

6.1.10 Select plant materials with low to moderate water needs, after establishment. Allow limited areas of high water use landscape in high visibility or high impact locations.

6.1.11 Consider using Green Walls as one of the tools to soften and green urban areas. When employed, Green Walls should add structure, depth, and interest to walls and outdoor spaces in addition to enhancing the architecture.



Green wall as art.



This green wall is designed to enhance and respond to the architecture of the building.



This plaza has a green wall to hide a garage. The green wall adds a backdrop to the plaza and the addition of the columns provides depth and interest to the space.

6.1.12 Consider the context in which the landscape will be located and how it will integrate with the buildings, Circulation facilities, Public Space, and any setback present.

6.1.13 Landscape adjacent to parallel parking should be easily traversable by pedestrians and hardy.

6.1.14 Landscaped areas may contain, but not be exclusively, non-living materials such as rocks. When non-living materials are used, they should compliment the area's character. Mulch should be limited to the area immediate around plants for purposes of water retention and weed reduction; it is not otherwise a landscape feature. Other than approved pathways, gravel is not appropriate as a landscape element.

6.1.15 Strategically incorporate annual and colorful plantings for maximum effect.

6.1.16 Use lawn where it can and will be enjoyed by adjacent or Neighborhood uses, and not just to fill space.

6.1.17 Use evergreen trees where there is space for their mature width and the permanent shadow will not negatively impact adjacent uses. Do not use them in tight spaces or small yards where they may be overbearing.

6.1.18 Bumper overhang areas should be incorporated into adjacent walkways, landscape beds, rain gardens, etc. and not be designed as extensions of the vehicular zone, unless wheel stops are used.

6.1.19 Use landscape, especially trees, to create a sense of scale for the pedestrian. Also, adjacent to large buildings moderate the building's height such as employing trees and other strategies.

6.1.20 Consider wildlife habitat when selecting plant materials. Also, provide wildlife enhancement features such as snags, loafing logs, frog bridges, and other natural features.

6.1.21 Look for opportunities to incorporate natural drainage practices, Low Impact Development, and rain gardens.

6.1.22 Control invasive plants through maintenance and the use of interim plantings.



Planting in parking lots should be interesting and may be multi-functional where possible, such as this one used for a rain garden.



Landscape is designed to accommodate bumper overhangs. The planted area is more attractive than wheelstops whether cars are parked there or not.



On the west side of an office a meadow provides places for walking, sunning, and even active pastimes.

6.1.23 Stormwater ponds should be designed to compliment adjacent areas. The pond's appearance should be as an amenity and not solely an engineered facility.

6.1.24 At stormwater ponds and with critical areas, provide passive recreation, such as picnicking or bird watching, as well as low impact active uses such as trails and overlooks. Site trails and overlooks so they provide access to highlights of the critical

areas, while containing human and pet impacts. Furnish these areas with interpretive educational exhibits.

- 6.1.25 For elements that include standing water such as fountains and ponds, incorporate devices to minimize water-borne pests.



The edge of a more naturally designed stormwater pond makes a pleasant landscape adjacent to the trail. Additional plantings on the slopes would soften the boulders' presence but typically water heights preclude their survival.



This planting strip has been designed to accommodate both landscape for the Circulation facility and a rain garden.



This rain garden is sloped so not only does it hold water but weirs have been used to slow the water's flow.



This rain garden is placed along the sidewalk, between it and a residence. This is an example of multi-functionality that gives the residence some privacy, helps with stormwater, and improves the streetscape.

## 6.2 Hillside Guidelines

- 6.2.1 The steeper the grade, the more the landscape should be thoughtfully sited to both frame the views from the Project and soften, though not screen, the off-site views of the Project and its buildings. Techniques include concentrating evergreen tree clusters at the base of slopes, providing transitional plantings at the base of buildings, and using trees which are tolerant of appropriate pruning, but do not require topping to preserve views.
- 6.2.2 Use native and/or drought tolerant plant material on slopes exceeding 15% to avoid using water and its runoff when used.
- 6.2.3 Plantings along the transition zone between the industrial uses and the Project should be chosen and installed in a way to shield views of the industrial site from the property above but also should not obstruct views to the west off-site. Likely this would mean lower growing plant material immediately adjacent to the development, and trees of graduating height getting taller as the slope descends.
- 6.2.4 Incorporate seasonal variation in the hillside plantings for the benefit of both on-site and off-site views of the Project. For example, the landscape could include flowering ground covers and deciduous trees or vines with great fall color as well as interesting branching patterns.
- 6.2.5 When revegetating hillsides, use a variety of plants to create interest and visual relief. Take into consideration mature plant height, the surrounding context, and the need to buffer views, or preserve and frame views.



Incorporate meadow plantings within hillside revegetation areas to create visual interest and allow seasonal color.



Here, lower landscaping surrounds the house, framing views, while larger landscape, planted in groves around the house, provides additional screening and relief.



The hillside's plantings soften the architecture and integrate it into the view.

**6.3 Fence and Walls Guidelines**

- 6.3.1 Fence and wall design should complement the character of the area. For instance, split rail or informal fencing in natural or transition areas, more urban, formal fencing in developed areas.
- 6.3.2 Fence and wall heights should be based on the nature of the adjacent facilities. That is, fences adjacent to pedestrian facilities, Community Spaces, and Public Spaces should be low and open (less than 4 feet in height). Fences screening utilities, service, loading, waste, etc. should be taller and substantial, while complimentary to the architecture and character of adjacent areas.
- 6.3.3 Fences and walls should avoid creating a canyon effect especially adjacent to pedestrian ways.
- 6.3.4 Through the fence style (e.g., split rail when appropriate) or articulation and/or modulation of large or long expanses of fences and walls, provide visual relief and reduce visual bulk and size. If the wall or fence cannot be articulated and/or modulated, use a combination of articulation and landscape, if the style alone is not sufficient.
- 6.3.5 When large fences or walls are used, provide articulation, artwork, and/or landscape plantings to soften the visual effect of the structure. The closer to areas used by pedestrian, the more important it is to ensure walls are pedestrian friendly, especially through the design of the wall. Terracing retaining walls to limit the height adjacent to pedestrian facilities as well as the selection of materials and detailing of the wall can



Large blocks of local stone terrace up, holding a steep hill while offering planting beds that soften the walls' mass. An overlook is located atop the wall.



Tall, solid walls screen this waste enclosure. The materials are similar to the building it



Two different types of fencing: the formal metal fencing frames a park and defines the sidewalk's edge while maintaining good sightlines in and out of the park. The split rail fence assists in the transition from natural open space to a more highly developed area.

ensure pedestrian friendly walls. Likewise, the design of tall walls that will be visible from off-site should reflect their impact on views. For instance, by again terracing and screening; however, the design should balance the advantages of a tall wall's minimal footprint versus the visual impact of the tall wall. Each can work in the appropriate setting.

6.3.6 Use full height walls (6 feet tall) to screen unsightly facilities such as waste collection areas.

6.3.7 No chain link fencing should be used unless it is vinyl coated and used in non-utilitarian way, except if for its use as security fencing in low visibility locations.



Vines on the walls make a more attractive surface both with and without leaves, adding interest throughout the seasons.



Where fences are needed atop tall walls, use a fence design that compliments and lightens the wall, rather than making it more massive.



Though the wall materials are inappropriate, the terracing makes a tall wall more appropriately scaled for the adjacent pedestrian while providing key planting opportunities.



This wall has been terraced in such a way to place the pedestrian scale wall close to people and the taller wall further away. Trees, and trellises for growing vines, soften the taller wall.



Complimentary techniques can be carefully combined. In this case trailing vegetation softens a simple wall while the upper wall has a bold, though too literal, pattern.

## 6.4 Community Gardens and P-Patch Guidelines

- 6.4.1 Provide sheds and storage for tools, wheelbarrows/wagons, and materials, such as compost.
- 6.4.2 Provide access to water such as hose bibs and rain barrels.
- 6.4.3 Provide signs that include rules of use and P-Patch etiquette, including restricting pesticide use.
- 6.4.4 Supply electricity.
- 6.4.5 Site with good sun exposure.
- 6.4.6 Fence or locate Community Gardens to reduce wildlife access.
- 6.4.7 Providing vehicular access to facilitate delivery of materials and unloading.
- 6.4.8 Providing composting facilities.



The garden has high fencing to keep out wildlife and amenities for the users: tables, lights, hoses, and pleasingly organized design.

## APPENDIX C – Land Use

<b>Section 1.0</b>	<b>Purpose and Intent</b>
<b>Section 2.0</b>	<b>Applicability</b>
<b>Section 3.0</b>	<b>Land Uses Established</b>
<b>Section 4.0</b>	<b>Development Standards</b>
<b>Section 5.0</b>	<b>Administrative Modification of Standards</b>
<b>Exhibit C-1</b>	<b>Neighborhood Map</b>

### 1.0 Purpose and Intent

The objective of this Appendix is to establish standards that will:

- a. Create a vibrant, livable, sustainable urban community.
- b. Provide distinct Neighborhoods.
- c. Provide a strong street edge on 9<sup>th</sup> Avenue, north of the new signalized intersection, and on High Street.
- d. Provide for a general form of development that includes a variety of building forms and prioritizes walkability.
- e. Develop six (6) neighborhoods (A thru F) with a shared sense of community and identity.
- f. Provide for a transition of densities with lower densities found in the western Neighborhoods, away from 9<sup>th</sup> Avenue.

Development Standards provide the dimensions for building envelope and site planning requirements. Standards are established in Section 4.0 of this Appendix. These Standards are coordinated with Appendix B (Design Guidelines) and Appendix F (Community Spaces) for public gathering areas. Design Guidelines (Appendix B) provide Project vision and illustrate performance standards to achieve a well-integrated, safe and dynamic public realm.

### 2.0 Applicability

The provisions of this Appendix shall apply to all properties within the Project.

### 3.0 Land Use Established

The Project Neighborhoods are intended as vibrant neighborhoods with land uses divided into three categories: Residential, Non-Residential and Community. Project entitlement as established in Section 7 of the Main Body (up to 1,200 ERUs) will be allocated within each Neighborhood as specified in Exhibit C-1. The Neighborhoods closest to Highlands Drive (Neighborhoods A and B) are expected to be the densest Neighborhoods within the Hillside Village with densities decreasing to the west. However, a range of land uses and densities and designated building heights have been established in this Appendix.

#### 3.1 Village Center and Square

Although all Neighborhoods allow for non-residential uses, only Neighborhood B must contain non-residential space as part of its development. Neighborhood B will be developed as a Village Center anchored by a Village Square as a focal point. The attributes of these are described below:

### **3.1.1 Village Center**

The Village Center is comprised of a building, or preferably multiple buildings, whose ground floor(s) have a relationship to the Square. The abutting ground floor space will have doors onto the Square and will be designed to actively engage the space by providing amenities such as eateries with outdoor seating, or outdoor displays for retail space, or mobile vendors such as espresso and food carts if used for commercial purposes. See [Section 4.5.2](#) of this Appendix C (Land Use) for other requirements.

### **3.1.2 Village Square**

A public gathering space of 12,000 to 15,000 square feet will be provided that is anchored by a focal point (e.g., fountain, artwork, specimen tree) and includes weather protection and various seating opportunities, both fixed and movable.

The Village square will be comprised of one singular space in a single plane or on more than one level, that are visibly and physically connected and which all promote the value of a public gathering space. (See Appendix B, Design Guidelines, for additional information.) The area may contain, at the discretion of the Property Administrator, up to 2,000 square feet of private area to benefit adjacent retail use(s) and eateries with outdoor tables and reserved seating. Outdoor stairways may be counted toward the minimum required square footage so long as they are designed as Landscaped Steps which are wide enough to allow for pedestrians, accent landscaping and seating and have a rise of 5 inches and run of 16 inches, or other combinations where the additive of the rise and run is equal to 21. Landscaping will accent the Village Square to make it an inviting place for the community to interact. Landscape will be designed as useable areas, and lawn, if selected, will be limited. The Village Square must be constructed prior to the first occupancy of Neighborhood B.

## **3.2 Allowed Uses**

### **3.2.1 Residential Use**

- A. Single family Residential
- B. Multi-family Residential
- C. Senior or other specialized housing
- D. Group Living
- E. Interim Housing
- F. Live/Work or Accessory Dwelling Units
- G. Home Occupations

### **3.2.2 Non-Residential Use**

- A. Service Retail
- B. Live/Work

- C. Personal Services
- D. General Commercial
- E. Entertainment
- F. Professional Office
- G. Hospitality
- H. Medical Clinics
  - I. Veterinary Clinics
- J. Specialty Retail
- K. Research and Development
- L. Care facilities
- M. Community Center
- N. Church or other religious institutions
- O. Memorial Chapel
- P. Private/Public Non-Profit Organizations
- Q. Private Community Organizations/ Foundations
- R. Social Services Organizations
- S. Educational Uses: Pre-school, Primary, Secondary or Post-Secondary, Vocational and Technical, College, University, Business
- T. Religious facilities with or without accessory day care
- U. Gym
- V. Pop Ups

### **3.2.3 Community Uses**

- A. Festivals
- B. Vendor carts and trucks
- C. Fairs, e.g., craft and art
- D. Markets, e.g., Farmer's or Flea
- E. Food stalls
- F. Christmas tree lot
- G. Performances and concerts
- H. Indoor recreational activities (i.e. bowling alley, skating rink, etc.)
- I. Seasonal activities
- J. Parks, plazas and trails
- K. Utilities (both public and private)
- L. Art Gallery or Museum
- M. Cultural Facilities
- N. Government facilities (fire/police station, offices, maintenance site)

## **4.0 Development Standards**

### **4.1 Setbacks**

There are no required setbacks from property lines except for those necessary to maintain safety for traffic, to meet the Project vision as described in Appendix A (Goals) and Appendix B (Design Guidelines) and to meet separation requirements dictated by the building code; and, as specifically identified below:

Neighborhood A1:

Building Setback: 10 feet from north Project property line

Height Setback: Buildings limited to 4 stories (48 feet) within 50 feet of north Project property line

Neighborhood A2:

Building Setback: 10 foot from north Project property line; 4 foot building setback to the south and east edge of the property

Neighborhood C

Building Setback: 10 foot from north Project property line

Height Setback: Buildings limited to 4 stories (48 feet) within 50 feet of north Project property line

Neighborhood F

Building Setback: 4 foot from south Project property line (adjacent to West Highlands Park)

**4.2 Lot Size**

There is no minimum lot size within the Project. Lots will not be divided for the sole purpose of creating small parcels to avoid Commission review.

**4.3 Height Limitations**

Building Heights are limited by Neighborhood. Except as provided for in Section 4.1 (Setbacks), the following height limits have been determined for the Project:

**4.3.1 Neighborhood A**

4.3.1.1 Neighborhood A-1: 7 stories (approximately 84 feet)

4.3.1.2 Neighborhood A-2: 3 stories (maximum building height)

**4.3.2 Neighborhood B**

7 Stories (approximately 84 feet)

**4.3.3 Neighborhood C**

7 Stories (approximately 84 feet)

**4.3.4 Neighborhood D**

5 Stories (approximately 60 feet)

**4.3.5 Neighborhood E**

4 Stories (approximately 48 feet)

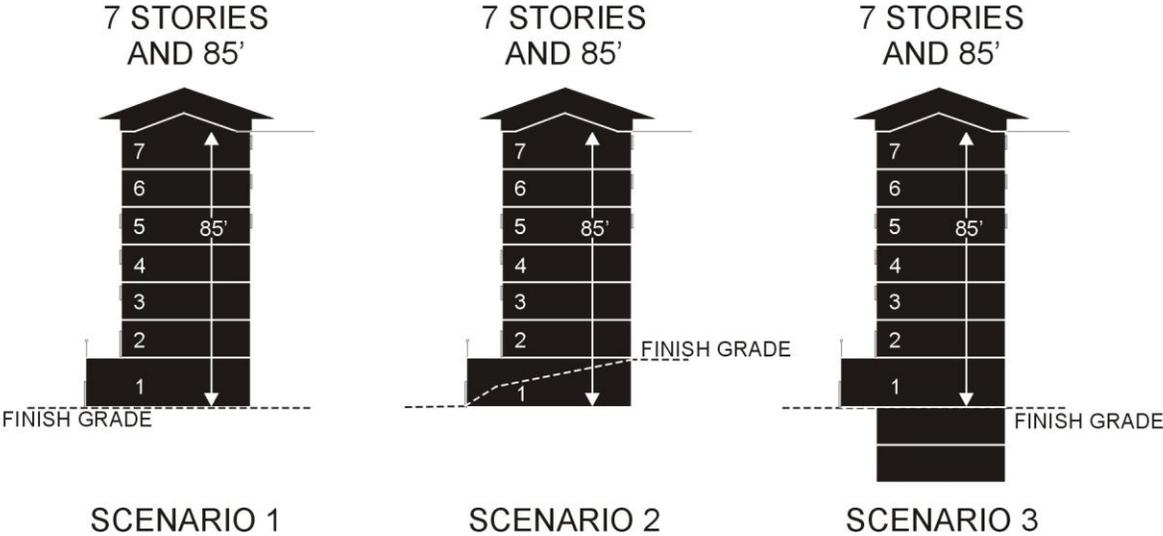
**4.3.6 Neighborhood F**

4 Stories (approximately 48 feet)

**4.4 Height: Measurement and Exceptions**

**A. Measuring Stories and Height.** The height of each building will be limited by the number of stories identified in Section 4.3 of this Appendix. For Buildings within the

Village Square (Neighborhood B), the number of stories will be based on the number of exposed (fully or partially) stories perceived from the 9<sup>th</sup> Avenue and/or High Street frontages.



Each story is based on the ceiling height of the rooms plus the thickness of the floor materials. Generally this is around 10 feet, however it may vary widely from just under this figure to well over it. See [Section 28, Definitions, Story, Height](#)

**B. Exceptions:** The following non-building uses and features shall not be subject to the height limitations listed in [Section 4.3](#). These items shall be reviewed by the ARC as part of the Building elevations.

1. Water Tanks
2. Greenhouses
3. Solar Collectors
4. Wind turbines
5. Art pieces
6. Other incidental, non-occupied roof-top structures, (e.g., HVAC, antenna, etc.) roofing and architectural embellishments

**4.5 Density**

The amount of development allowed in each neighborhood is expressed in terms of an Entitlement target per area. The minimum residential density requirements shall apply to the average density of the entire built-out neighborhood, not measured application by application. If, prior to build out of all neighborhood areas as shown below, the Property Administrator exhausts its Entitlement as allowed in [Section 7](#) of the Main Body, then the

Property Administrator will apply for a Major Modification to add ERUs and continue development on the remaining neighborhood areas. The allocations are as follows:

**4.5.1 Neighborhood A (approx. 13 acres)**

4.5.1.1 A-1

Non-Residential: 0-50,000 square feet  
Residential: 100-325 Residential Units  
Community: unlimited

4.5.1.2 A-2

Non-Residential: none  
Residential: 0-50 Residential Units  
Community: unlimited

**4.5.2 Neighborhood B (approx. 6.5 acres)**

Non-Residential: 20,000 – 600,000 square feet (see [Section 3.1](#) for further requirements)

Residential: 125-500 Residential Units

Community: unlimited

Purpose: Village Center and Square

Sequence: the Village Center (Phase 1, see below) and the Square must be constructed before occupancies will be allowed on the 3<sup>rd</sup> Neighborhood.

A maximum of 75 housing units will be allowed with the construction of a minimum of 10,000 square feet of non-residential (Phase 1) so long as this first phase of development does not encumber more than three (3) acres of Neighborhood B.

**4.5.3 Neighborhood C (approx. 17 acres)**

Non-Residential: 0 – 15,000 square feet

Residential: 300-500 Residential Units

Community: unlimited

**4.5.4 Neighborhood D (approx. 12 acres)**

Non-Residential: 0 - 10,000 square feet

Residential: 200-400 Residential Units

Community: unlimited

**4.5.5 Neighborhood E (approx. 27 acres)**

Non-Residential: 0 – 5,500 square feet

Residential: 100-200 residential units

Community: unlimited

**4.5.6 Neighborhood F (approx. 5.5 acres)**

Non-Residential: 0 – 5,500 square feet

Residential: 10-50 Residential Units

Community: unlimited

#### 4.6 Accessory Dwelling Units

- A. Purpose: The purpose of permitting Accessory Dwelling Units (ADUs) in the Project is to implement the Goals (Appendix A) by, for example, providing additional opportunities for Housing, a variety of housing opportunities that serve a broad range of age, family makeup, lifestyle and income, and varied housing solutions within residential neighborhoods.
- B. Permitted ADUs: These units shall not be counted when calculating overall Project dwelling units.
  - 1. Single Lot: A single family detached or attached lot may have one primary dwelling units and one ADU, with no more than one (1) ADU per single lot.
  - 2. Subdivision: ADUs shall not be subdivided or otherwise segregated in ownership from the primary dwelling unit during the Buildout period.
- C. Design/Occupancy Requirements
  - 1. Design/Location: The ADU may be designed and constructed within or separate from the main residence, subject to approval by the Architectural Review Committee.
  - 2. Home Occupation: An ADU may have a permitted home occupation, pursuant to this Appendix.
  - 3. Limitation on Occupancy: The total number of occupants in both the primary residence and ADU combined may not exceed the maximum number allowed in two single households, as established by the following definition of “single household”. “Single Household” is defined as the occupancy of a single dwelling unit limited to family or cohabitants, or persons who have obtained a grant of reasonable accommodation, as defined in the Issaquah Municipal Code.
  - 4. Owner Occupied: An owner of the property must occupy either the primary residence or the Accessory Dwelling Unit.
  - 5. Size Limits: The ADU may contain up to 1,000 square feet; encompass a full floor; or encompass up to 125% of the garage, if over the garage.
  - 6. Parking: See Appendix H (Parking).
  - 7. Mitigation: No mitigation fees are due for the provision of an ADU.
  - 8. Review Process: Architectural Review Committee and Building Permit.

#### 4.7 Home Occupation

- A. Locations: Home Occupations are permitted in the Project.
- B. Design/Occupancy Requirements:  
Home Occupations shall meet all of the following criteria:
  - 1. Number of Employees: Maximum 1 person from outside the residential unit
  - 2. Gross Floor Area: No maximum
  - 3. Sign/Nameplate: Per Signs (Appendix J)
  - 4. Outside storage or display: None permitted
  - 5. Off-street parking: None required (except as required for residential uses)
  - 6. Deliveries to site: Permitted, provided that the quantity of deliveries and the type of delivery vehicle do not negatively impact the neighborhood in which the home occupation is located.

7. Customers: Maximum 1 customer vehicle at any given time
8. Other requirements:
  - a. Owner/operator of the home occupation must reside on site
  - b. Business area will not be counted toward commercial cap on Allowable Development
  - c. A Business License issued from the City of Issaquah shall be required and the type of business shall be as described in IMC Section 18.07.470. Bookkeepers and accountants are allowed business types provided that all of the Home Occupation criteria listed above are met, even though these business types are not listed in IMC Section 18.07.470. Additional business types not listed in the IMC shall be allowed subject to approval by the Designated Official, as determined by:
    - i. Client parking demand;
    - ii. Nuisance characteristics (e.g., air emission, vibration, noise, heat, light and glare); and,
    - iii. Conformance with the Home Occupation criteria listed above.

#### **4.8 Live/Work**

- A. Locations: allowed in all Neighborhoods.
- B. Design/Occupancy Requirements: see Section 28, Definitions

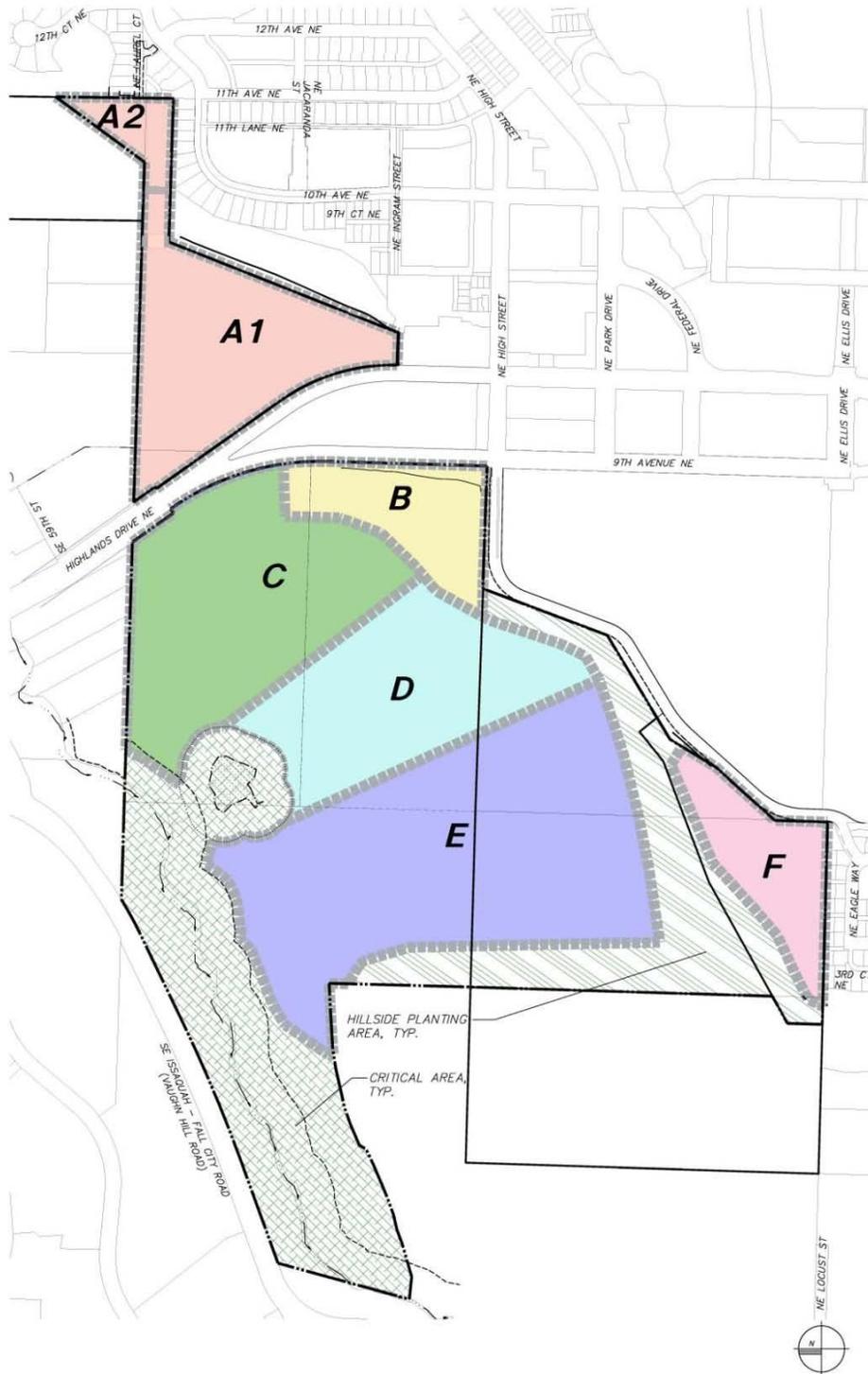
### **5.0 Administrative Modification of Standards**

#### **5.1 Criteria**

Approval must be based on a determination that the modification is consistent with the purpose and intent of this Appendix. The following approval criteria shall be used, in conjunction with Appendix L (Permitting), to determine whether an Administrative Modification shall be granted:

- A. The modification(s) will be equal to, or superior in, fulfilling the intent and purpose of this Appendix and Appendices A (Goals) and B (Design Guidelines);
- B. The modification(s) does not have a significant adverse impact on adjacent or neighboring properties;
- C. The modification(s) does not create significant additional impacts on public services; The granting of the modification(s) does not negatively impact any safety features of the project nor create any hazardous features; and,
- D. The modification to the specifically listed uses in Section 3.1 is considered compatible with the uses listed.

# Exhibit C-1 Neighborhood Map



## **APPENDIX D – Circulation Standards**

<b>Section 1.0</b>	<b>Purpose, Intent and Guidelines</b>
<b>Section 2.0</b>	<b>Applicability</b>
<b>Section 3.0</b>	<b>Master Circulation Plan</b>
<b>Section 4.0</b>	<b>Circulation Requirements</b>
<b>Section 5.0</b>	<b>Circulation Types and Descriptions</b>
<b>Section 6.0</b>	<b>Circulation Users, Surfaces, Amenities</b>
<b>Section 7.0</b>	<b>Right-of-Way Use</b>
<b>Section 8.0</b>	<b>Administrative Modification of Standards</b>
<b>Exhibit D - 1</b>	<b>Master Circulation Plan – Trails</b>
<b>Exhibit D - 2</b>	<b>Master Circulation Plan – Bike Routes</b>
<b>Exhibit D - 3</b>	<b>Master Circulation Plan - Streets</b>

### **1.0 Purpose, Intent and Guidelines**

#### **1.1 Purpose and Intent**

The purpose of this Appendix is to establish standards for the design, configuration and performance of circulation within the Project; to support the overall vehicular mobility of the City and to provide a detailed bike and pedestrian connection plan for the Property that supports the City’s goal to plan for citywide bicycle and pedestrian mobility. Circulation encompasses all public and private facilities necessary for motorized and non-motorized movement including pedestrians, bicycles, and vehicles. Circulation is intended to:

- A. Ensure adequate, safe, and reasonable access and connectivity to and through the Project;
- B. Allow for flexibility in the design and location of circulation facilities;
- C. Establish a Sociable Public Realm that helps to define the character and image of the Project;
- D. Establish criteria that clearly identifies that pedestrians and non-motorized transportation as well as street character are prioritized over motorized transportation and traffic volumes;
- E. Provide a variety of facilities that accommodate the multiple functions that may occur within Circulation Facilities such as connectivity, recreation, passive use, informal gathering, stormwater, and view preservation;
- F. Accommodate incremental and phased development;
- G. Promote the use of circulation facilities as stormwater management facilities;
- H. Provide facilities appropriate for the anticipated use with a minimum of paving;
- I. Allows flexibility to adapt to changing market needs and implement changing community priorities over the span of a multi-decade Development Agreement.

## 2.0 Applicability

These standards apply to all new vehicular (streets, alleys, private drives and other vehicular access ways) and non-vehicular (trails, sidewalks, shared surfaces, and other non-motorized pedestrian and bike ways except as noted below) routes proposed within the Project. Public and private facilities regulated by this Appendix will be built to the same standards. The Designated Official shall ultimately determine whether certain types of non-motorized connections, as noted below, are exempt from the provisions of this Appendix.

- A. Regulated pedestrian routes, often trails or sidewalks, are those which are necessary to create a connected, direct, easy to use pedestrian friendly community. They are regulated by this Development Agreement's standards and guidelines.
- B. Non-regulated paths are informal routes added for convenience but not necessity. However, it is at the Property Administrator's discretion which Circulation facility is used.

## 3.0 Master Circulation Plans

Master Circulation plans that indicates Trail, Bike and Street connection and Circulation Facilities is shown in this Appendix's **Exhibit D-1 through D-3** (Master Circulation Plans). Plats, land use, building, or other construction permits will not be issued if they are not consistent with the Master Circulation Plans. Minor modifications and significant revisions shall be reviewed consistent with the provisions of Section 8 of this Appendix and Appendix L (Permitting) as well as consistency with the Development Agreement including the Project's Goals (Appendix A) and Design Guidelines (Appendix B). The submittal requirements shall be established by the Designated Official.

## 4.0 Circulation Requirements

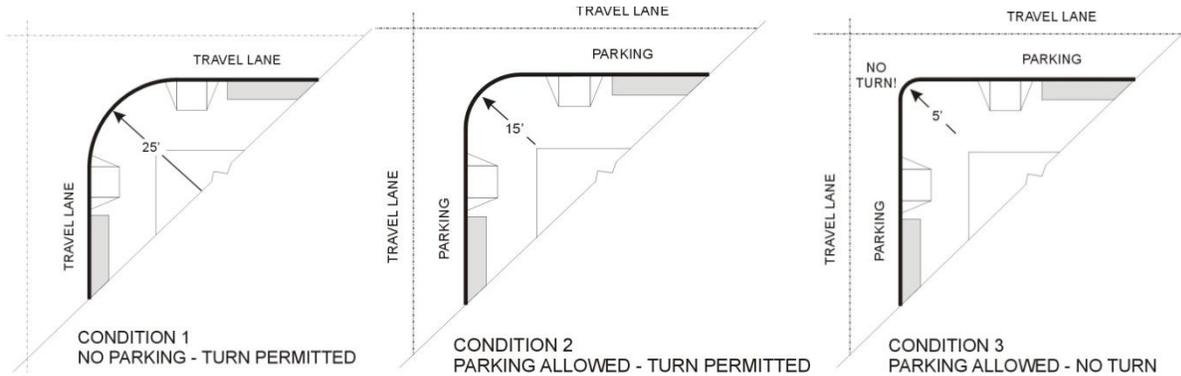
Section 4.0 describes the general requirements for Circulation incorporated into the Project. The following requirements apply to all circulation types, unless explicitly indicated otherwise:

- A. **Bike Lanes:** Designated bike lanes will be a minimum of five (5) feet in width.
- B. **Bike Rail:** May be required in association with stairs where they are part of a bicycle route.
- C. **Boardwalks:** Signs requiring bicyclists to dismount on boardwalks shall be provided unless the Tread is a minimum of eight (8) feet wide.
- D. **Building Entrances:** Primary building entrances may not be accessed from Alleys, Secondary Walks, Critical Area Trails, Paths, or non-pedestrian oriented Circulation Facilities or parking lots, though secondary pedestrian entrances may be located from these facilities.
- E. **Closures:** Circulation facility closures may occur as long as local emergency services are maintained and alternative access is identified and provided:
  - 1. Privately owned Circulation Facilities may be temporarily closed at the owner's discretion.

2. Publicly owned circulation facilities may be periodically closed for maintenance or special events, as approved by the Designated Official.

F. **Critical Areas:** Trails located within Critical Areas shall comply with the standards set forth in Appendix G (Critical Areas) as well as this Appendix D.

G. **Curb radii:** Curb radii for vehicular circulation are:



H. **Curb ramps:** Curb ramps for pedestrians shall maintain the direction of travel and point a user at the opposite ramp, and not into a travel lane.

I. **Curbs:** Where curbs are required, all curbs shall be vertical, except where the Designated Official determines alternative curbs are necessary for unique access requirements such as fire or garbage truck turning movements on narrow streets. No extruded curbs are allowed.

J. **Drainage:** Adequate drainage shall be provided without directing stormwater from circulation facilities onto private property.

K. **Driveway Design:** see Appendix H (Parking), [Section 8.2](#).

L. **Easements:** Private circulation facilities may require easements to the City to maintain utilities, access, pedestrian connections, etc.

M. **Fences:** Open, low fences may be constructed at the outside edge of pedestrian circulation facilities, such as a trail border or sidewalk. Fences may not be located within required landscape such as Borders.

N. **Grades:** Grades up to and including 12% are allowed on all streets and alleys. Grades up to 15% are allowed on alleys and neighborhood streets when the 15% section is no more than 300 feet long and is broken by a transition that is 12% or less for at least 50 feet. Grades up to 20% are allowed on Hillside Streets. Intersections with streets steeper than 10% may deviate from conventional vertical curve requirements when, in the opinion of the Designated Official, the intersection design has been mitigated through other design elements.

O. **Intersections Landings:** Street intersection landings may be modified for low volume street intersections and as approved by the Designated Official. The

modification should consider the benefits of a reduction in maximum and average road grade in relation to the benefits of the landing.

- P. **Lighting, Circulation Facilities:** See Appendix I, for Lighting standards and guidelines.
- Q. **Ownership:** Roadways may be privately owned or publically owned. Whether public or private, roadways shall be built and maintained to the same standards. Private roads shall include easements to allow public access.
- R. **Paving Type:** Asphalt and concrete pavement may be pervious in order to control stormwater and meet sustainability objectives. Pervious paving must be supported by geotechnical analysis that it will not result in a public or private property nuisance or destabilize adjacent hillsides.
- S. **Pedestrian Access to Buildings:** Pedestrian access shall be directly from Circulation Facilities that include a facility provided for pedestrians such as a sidewalk or trail.
- T. **Pedestrian Crossings and Routes:** The design of pedestrian crossings should convey that pedestrians have priority. Pedestrian routes shall maintain a generally direct route.
  - i. This would necessitate that the design of vehicular circulation minimize the distance that pedestrians have to cross vehicular circulation areas. Techniques might include bulb outs, medians, refuges, or special treatments and enhancements at intersections, mid-block, or other pedestrian crossings.
  - ii. Where pedestrian-only circulation facilities, such as trails, cross vehicular circulation facilities (such as streets) the crossing shall be designed to draw the driver's attention to the possible presence of pedestrians. For example, these crossings might use pedestrian tables or changes in material (e.g., concrete, pavers; not solely paint or striping). Raised crosswalks shall not be used.
  - iii. Where pedestrian facilities cross driveways, all grade transition shall occur in the planter strip area and outside of the sidewalk area or pedestrian route. The sidewalk or trail shall be continuous, with no perceived grade change.
- U. **Phasing:** In the event a Circulation Facility is phased, the Designated Official may elect to apply additional conditions to ensure each phase complies with the Development Agreement, such as but not limited to, access, safety, fire, parking, etc.
- V. **Routes:** To the extent possible, multiple routes shall be provided to each land use and building. On-site connections should be configured to allow multiple routes to any destination and to minimize, for vehicular routes, the length and number of queuing lanes needed for signalized intersections.
- W. **Sidewalks, minimum width:** Sidewalk widths vary depending on the neighborhood type. Where sidewalk widths are shown on the sections they are noted as "6/5'\*" and this designation should be interpreted as: 6 feet required in Neighborhoods A, B, and C; and 5 feet required in Neighborhoods D, E, and F.
- X. **Sight distance, non-vehicular:** Corridors shall allow for adequate sight distances, based on use(s) and locations.

- Y. **Sight distance, vehicular:** Sight distance is not regulated for private roads and controlled intersections. Site distance on public ways shall be 150 feet entering and stopping.
- Z. **Signage:** Provide signage or other indicators for user navigation, wayfinding, and safety where appropriate. See Signs (Appendix J) for available sign types.
- AA. **Signage Design:** Design signage that is compatible with the character of the community. See Design Guidelines (Appendix B).
- BB. **Slopes:** Non-motorized circulation shall be located in areas with minimum slopes, where possible, to provide access to people of various age groups and abilities. Where slopes cannot be avoided, non-motorized surfaces up to 12% may use soft surfaces where that surface type is allowed by Table 6.1. Slopes between 12% and 15% must be hard or stabilized surfaces as appropriate for the trail type (e.g., hard surfaces may not be used in Critical Areas). Where slopes are 12% or greater, stairs shall be considered. Where steps are used, there must be a minimum of two steps, and they must be generally level.
- CC. **Street Trees:** Except for Critical Area trails, all Circulation Facilities with borders in excess of three feet will contain regularly spaced street trees. Trees will generally be placed every 30 feet.
- DD. **Traffic-calming:** For vehicular routes and/or where pedestrians mix with non-motorized, wheeled equipment such as bicycles, roller-bladers, skate boarders (the specific solution shall be reviewed on a case by case basis), the following traffic-calming techniques are encouraged: chicanes, traffic circles, special striping, special paving, pedestrian tables.
- EE. **Vehicular Control:** Bollards or other devices shall be used where it is necessary to control or direct vehicular access, or segregate pedestrians and vehicular uses. Examples are where a street transitions to a trail, or where vehicular access is limited to emergency and maintenance vehicles. Bollards shall be designed to be removable where vehicular access is required or desirable. Bollards may be internally illuminated (see Appendix I) and should be well-marked and visible during day and night.
- FF. **Vehicular Speed:** all Facilities intended for motorized vehicles will be designed for a travel speed of 25 miles per hour.

## 5.0 Circulation Types and Descriptions

This section describes the types of non-motorized and motorized connections, and their associated performance and design standards. The purpose of developing different circulation facilities is to provide the community with a variety of pedestrian oriented, environmentally sensitive, and practical tools to respond to the various neighborhoods,

intensities of use, and context where the circulation facility will be used. There are nine types of circulation facilities as follows:

- 5.1 Critical Area Trail
- 5.2 Urban Trail
- 5.3 Urban Walk
- 5.4 Multi-Use Trail
- 5.5 Community Connector
- 5.6 Neighborhood Street
- 5.7 Character Street
- 5.8 Hillside Street
- 5.9 Alley

Note: In these standards, Corridor Width is the total sum of the elements including vehicular and pedestrian facilities. The dimensions of the elements shall not be increased or decreased except with the approval of the Designated Official and the Designated Official will determine if an Administrative Modification is necessary. Only pedestrian, bicycle or landscape element widths should be increased.

See **Section 6.0** for additional provisions.

## 5.1 Critical Area Trail

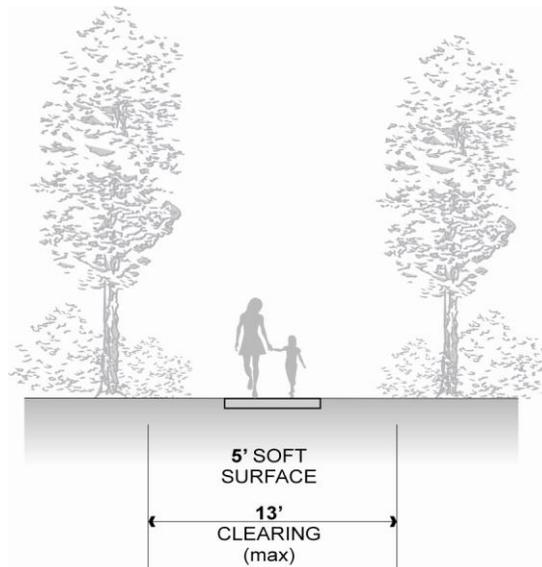
Corridor Width: 13 feet

Trail Width: 5 feet (soft surface only)

Vehicular Pavement: 0 feet (vehicles are restricted)

Landscaping: 4 foot border each side, compatible with the existing adjacent vegetation

Critical Area Trails are non-motorized trails used in Critical Area Buffers and provide connectivity, recreational, and educational opportunities. The design anticipates a trail that will have a high level of pedestrian use, but it is too narrow for bicycle use and too soft for small wheeled strollers. The primarily soft surface trail offers controlled access to critical areas. In addition, overlooks and similar gathering spots may be provided to accommodate vistas and other unique opportunities. Fencing or other barriers may be necessary so people and pets know where they can and cannot go.



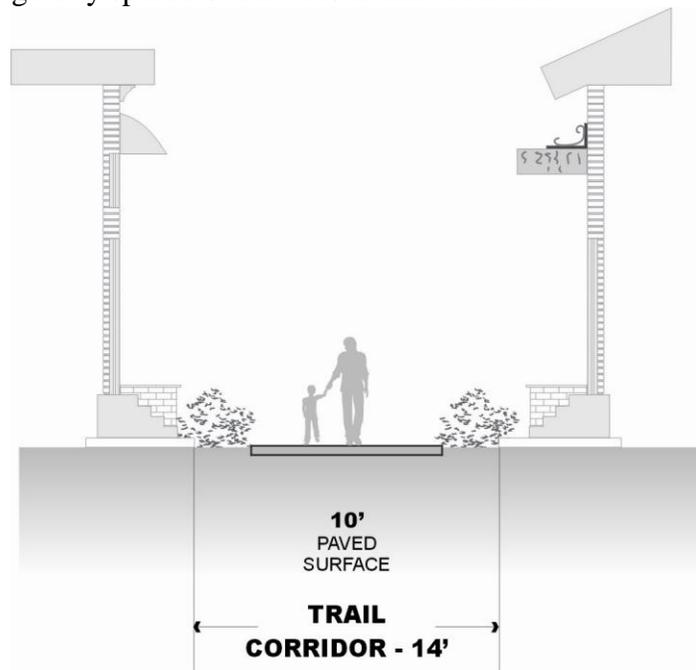
## 5.2 Urban Trail

Corridor Width:	14 feet
Trail Width:	10 feet
Vehicular Pavement:	0 feet (restricted use, except Fire and emergency uses)
Bike Lane:	None
Landscaping:	2 foot border each side, Corridor may be widened for open space and gathering areas.

Urban Trails are pedestrian-scale non-motorized corridors for pedestrians (and possibly bicyclists) that provide connections between vehicular or other trail corridors, reduce block lengths and increases block permeability, and create usable outdoor spaces.

Urban trails have informal plantings in a continuous border, may have a variety of non-asphalt hardscape, and may be intimate connections or overt access routes. They may be used to provide primary pedestrian access to residential, commercial and retail spaces. Trail width may increase depending on the adjacent uses, user demand, topography, and site design. The trail may also be widened where it is appropriate to incorporate a gathering space, outdoor dining area, corridor character, or similar uses. In any setting, the Urban Trail must, however, contain legible and direct through-route along the corridor length.

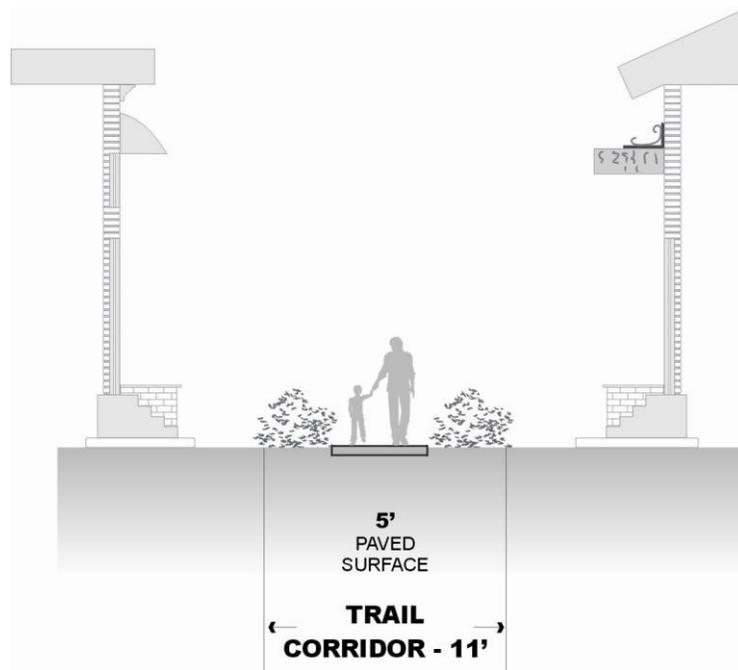
A minimum Border width is required for Urban Trails but it may increase beyond the minimum width in response to the adjacent uses. At the edge of the border, designs should use elements such as hedges, raised patios, or dense plantings to delineate individual spaces, such as residences or businesses. The border usually includes regularly spaced street trees to frame the trail.



### 5.3 Urban Walk

Corridor Width:	11 feet
Trail Width:	5 feet (paved concrete (may be pervious) or special paving)
Vehicular Pavement:	0 feet (restricted use)
Bike Lane:	None
Landscaping:	3 foot border each side, Corridor may be widened for open space and gathering areas.

Urban Walks are required pedestrian routes, essentially sidewalks, which are not associated with vehicular facilities. They differ from Urban Trails in that they are used when a narrow, pedestrian only facility is necessary, rather than a wider pedestrian facility that also accommodates bikes, emergency vehicle access, adjacent uses (e.g., cafe tables, plazas) and/or general place-making.



## 5.4 Multi-Use Trail

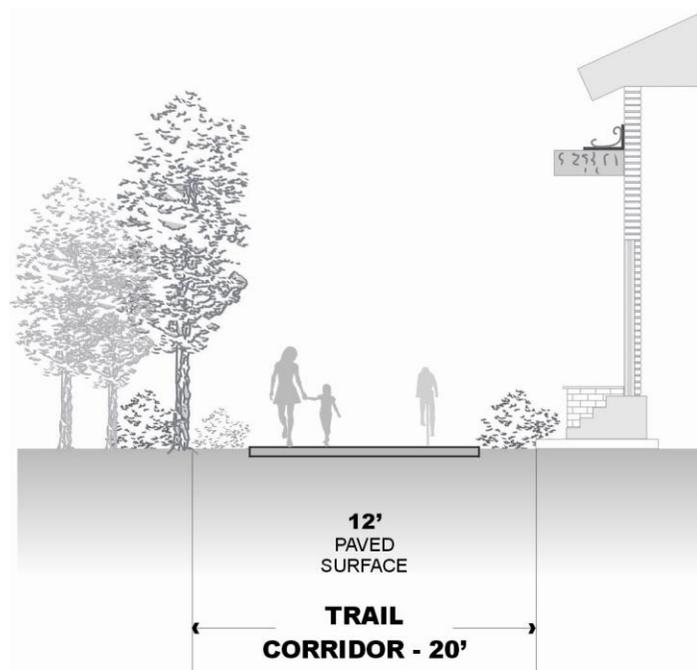
Corridor Width:	20 feet
Trail Width:	12 feet (paved asphalt, concrete or pervious)
Bike Lane:	Shared with pedestrians
Vehicular Pavement:	0 feet (restricted use, except Fire and emergency uses)
Landscaping:	4 foot border each side

A Multi-Use Trail is primarily for pedestrians and bicycles within open space areas, but its width and design may accommodate emergency vehicles when necessary. Bicycles may be integrated into the pedestrian spaces or on a separated section. Multi-use trails should be used in open spaces, or possibly at the edge of open spaces, and not through neighborhoods.

The Multi-Use Trail may be paved with asphalt, concrete or pavers and may be porous or impervious. However, the paving and design must communicate the predominate pedestrian and bicycle use, and should encourage bicyclists to move slowly along the corridor, preferably at no more than 15 mph.

Borders should respond to adjacent land uses and the existing or proposed landscape. The trail should provide a distinctive edge and transition between “natural” and “developed” or “public” and “private”.

The distinction between Urban Trails and Multi-Use Trails is slight with different allowances for location, materials and bike usage.

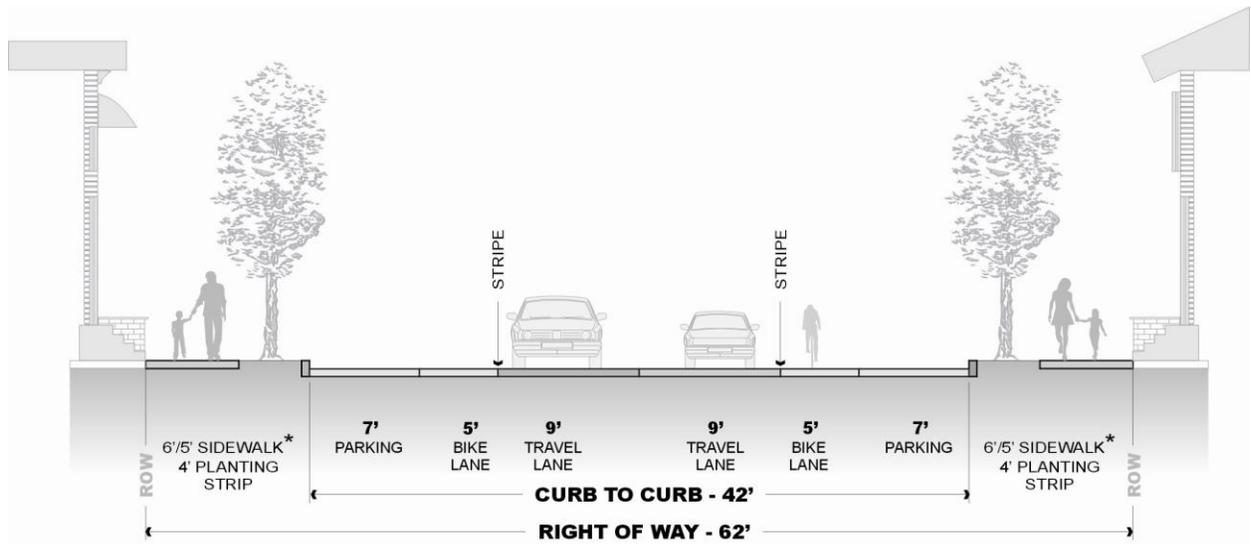


## 5.5 Community Connector

Corridor Width:	60-62 feet
Sidewalk Width:	5 or 6 feet (one each side), depending on Neighborhood
Vehicular Pavement:	18 feet
Number of Lanes:	2 (one each way)
Bike Lane:	5 feet (one each side)
On-Street Parking:	7 feet (each side)
Landscaping:	4 foot planting strip

The Community Connector is a shared use corridor accommodating a mix of pedestrians, bicycles and vehicles. It is the spine of the Project, connecting the neighborhoods, allowing up to 15,000 ADT, and including bike lanes, on-street parking (both sides) and sidewalks with planting strips (both sides). Community Connectors differ from Neighborhood Streets (the other allowed street type) in that they provide continuity, visual and design cues, and a direct spine route for all users to connect from most neighborhoods directly to Highlands Drive. Bike lanes must be provided on the Community Connector and may not be removed. Either tree wells or continuous landscape may be used in the planting strip, depending on the character and adjacent uses. See Appendix B for more information.

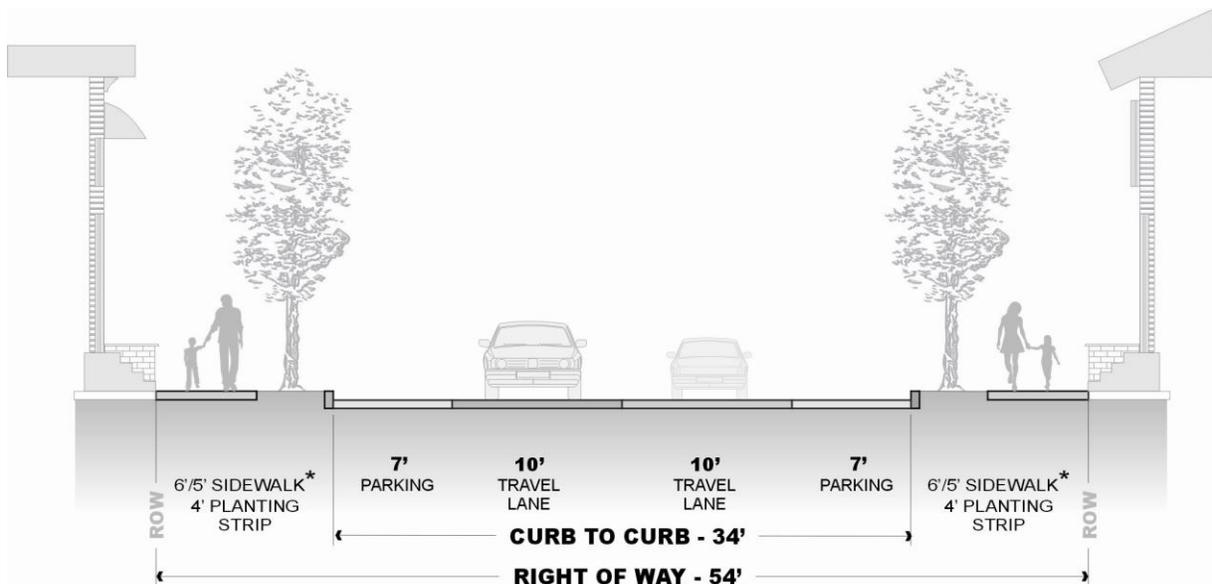
The planting strip has a minimum width but the width may increase in response to a variety of uses, such as rain gardens, more intense pedestrian activities, and outdoor uses spilling from adjacent buildings.



## 5.6 Neighborhood Street

Corridor Width:	54 feet (40' w/o on-street parking)
Sidewalk Width:	5-6 feet (one each side), depending on Neighborhood
Vehicular Pavement:	20 feet (28 feet with bike lanes)
Number of Lanes:	2 (one each way)
Bike Lane:	Optional (depending if on bike route). 5 feet if provided
On-Street Parking:	7 feet (each side)
Raingardens:	11 feet. Takes the place of the on-street parking and the adjacent planting strip where provided. May be used at a ratio of 5:1 (one parking space may be used for every 4 spaces provided, or the fifth parking space may be used for a rain garden)
Landscaping:	4 foot planting strip

Neighborhood Streets connect the houses, public spaces and businesses with the Community Connector. Neighborhood streets are designed to be a part of an interconnected and comprehensible circulation network, providing connectivity for pedestrians, bicycles, and vehicles. Bicycles will either be integrated into the travel lanes or be separated in bike lanes. This will be determined based on the Master Circulation Plan as well as factors such as vehicular traffic volumes and speeds, the types of vehicles likely to use the street, existing or anticipated bike lanes or trails to ensure clarity and continuity of bicycle circulation.

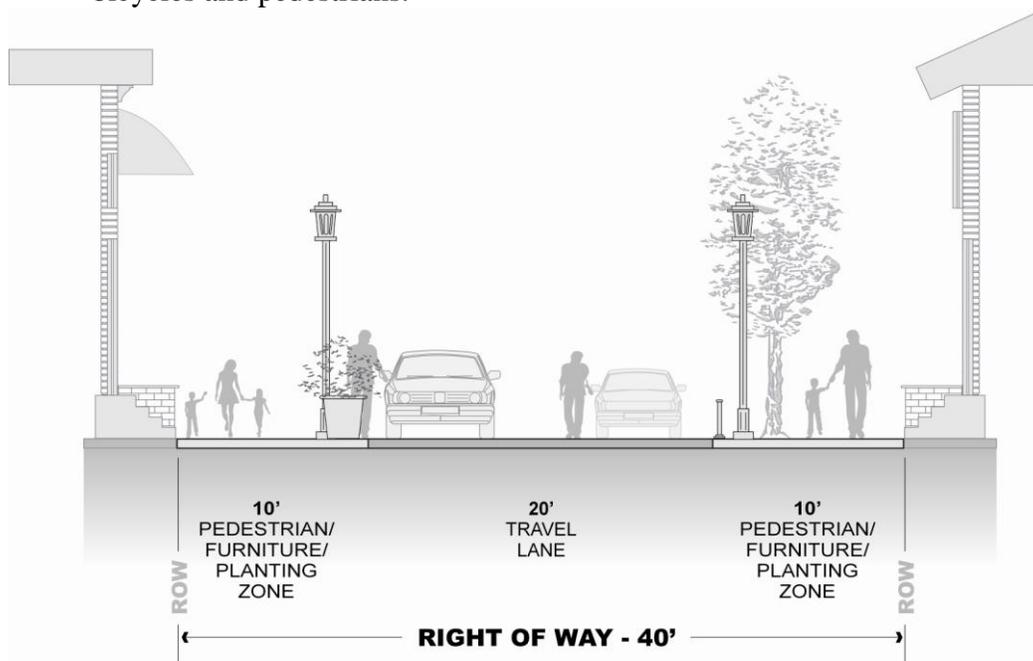


## 5.7 Character Street

Corridor Width:	Variable, 38 feet minimum
Sidewalk Width:	10' Pedestrian Zone each side (minimum)
Vehicular Pavement:	18 feet
Number of Lanes:	2 (one each way)
Bike Lane:	None
On-Street Parking:	As Appropriate (7 feet in width if provided)
Landscaping:	4 feet minimum, with Street Trees in the Pedestrian Zone

A Character Street is a special use street that is synergistically designed with the architecture and street wall to form an integrated, intimate space that includes the adjacent buildings, the vehicle driving areas and the pedestrian walking areas. Character streets are as narrow as possible to form intimate and memorable spaces. They feature a continuous surface throughout the paved portion of the corridor section, thus pedestrians and vehicles zones are defined by vertical elements such as bollards or raised planters and changes in paving materials, color, and/or texture, rather than the use of vertical curbs. Flush curbs may be used. To create the character and convey the pedestrian priority of the space, Character Streets are constructed in concrete or other non-asphalt paving. Materials may include pervious or porous materials.

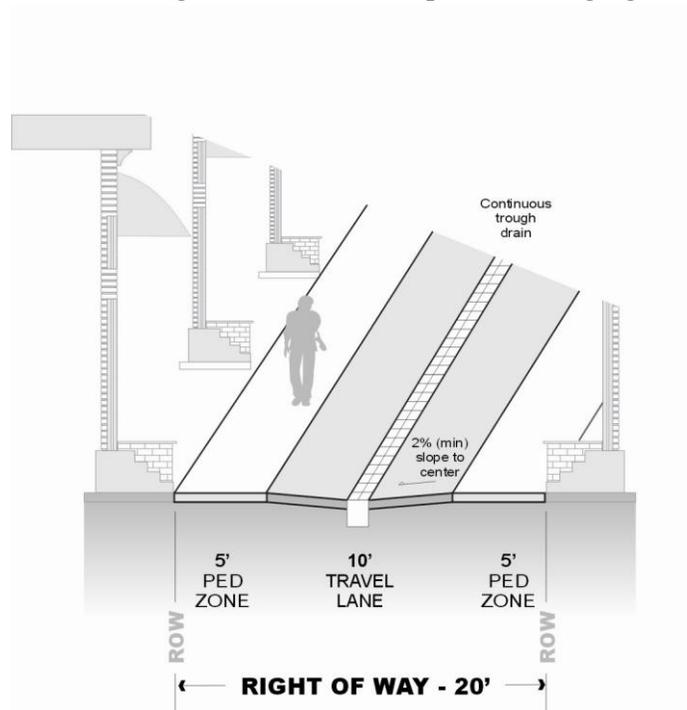
Pedestrian and vehicular areas might be combined or they might be separate. Where they are combined into a Shared Surface, certain design requirements are necessary to clearly indicate to drivers that they are to share the facility with bicycles and pedestrians.



## 5.8 Hillside Street

Corridor Width:	20 feet
Pedestrian Width:	10 feet
Vehicular Width:	10 feet (sloped to continuous center trough drain)
Bike Lane:	None (bikes must be dismounted and walked)
Landscaping:	Provided in easements on private property where possible

Hillside Streets are pedestrian and vehicular areas used to connect steep portions of the neighborhoods. These streets may only be used when the street is between 12% and 20%, may not be more than 300' long without an interconnecting intersection, and may only be used in Neighborhood E. Because they are steep, special paving and special design (such as aggressively cross-scored concrete or heated subgrades), are required to prevent slipping. The corridor is wide enough to provide primary emergency vehicle and residential access with the following limitations; buildings that receive fire access from a Hillside Street must be no more than three stories tall and are sprinklered, street length is limited to 300', another roadway must serve the neighborhood that is less than 15% grade, hydrants must be spaced every 100' maximum and a maximum number of 30 residences are accessed from the Hillside Street. Hillside streets may only be used after a secondary emergency route from the valley floor to Neighborhood E, with a slope less than 15%, is provided for emergency vehicles. Hillside streets may be designed with a discontinuous centerline, a “dogleg”, that serves as a place to flatten grade or provide a barrier to catch a sliding car and for fire department staging.



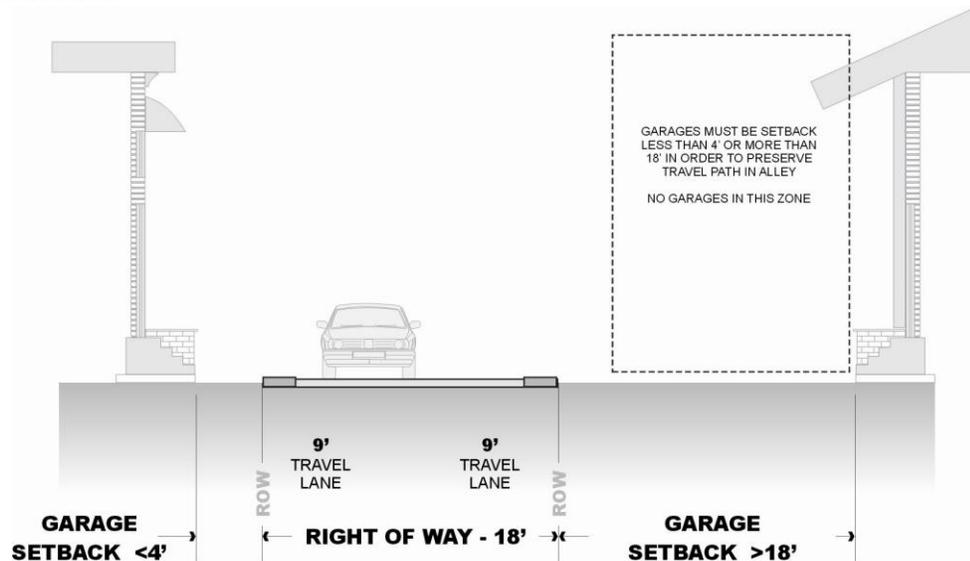
## 5.9 Alley

Corridor Width:	18 feet
Sidewalk Width:	None
Vehicular Pavement:	18 feet (12 feet asphalt, maximum)
Number of Lanes:	NA
Bike Lane:	None
On-Street Parking:	None
Landscaping:	None required, but encouraged on adjacent private property

Alleys are predominately vehicular corridors located behind residential, commercial, or retail uses. Alleys provide vehicular access to service facilities and parking, reduce the number of driveway entrances, enhance the streetscape by eliminating driveways and increasing the amount of landscape area, and provide the primary vehicular access to the parcels served by the alley. Main pedestrian building entries may not be located on alleys, but secondary ones may be located there.

The edge of the alley paving has no curb and no parking is permitted within the alley, though this may be modified when storm drainage curbs are useful or additional parking may be appropriate. The alley may also be widened adjacent to and to facilitate placing services such as loading, and waste enclosures on it. All alleys must have an inverted crown section unless approved by the Designated Official.

Generally buildings are setback from alleys to provide landscape and ensure vehicular turning movements can be accommodated. The appropriate setback will be determined based on the adjacent land use, the size of delivery and/or service vehicles likely to use the alley, the anticipated times and frequency of use of the alley, the desired character of the alley, and sightlines for vehicles entering or exiting garages, service, and/or loading facilities. Overall the alley should be clean, neat, and attractive.



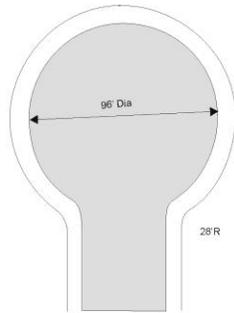
### 5.10 Path

Paths are redundant, optional, unregulated routes provided at the applicant's discretion. Paths are subject to the Design Guidelines of Appendix B regarding pedestrian facilities as well as best practices, but because they are redundant and optional, they are not regulated by standards.

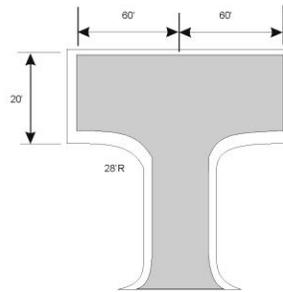
### 5.11 Fire Turnaround

Fire Turnarounds are provided at the end of emergency access routes to facilitate emergency vehicle egress. The Fire Turnaround dimensions should be embedded into another facility such as a plaza, alley, or a shared surface so that they do not appear to be accessible to most vehicles. Curbs are not required and will be considered based on the area's uses.

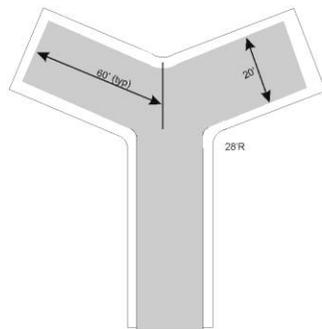
#### FIRE APPARATUS TURNAROUNDS\*



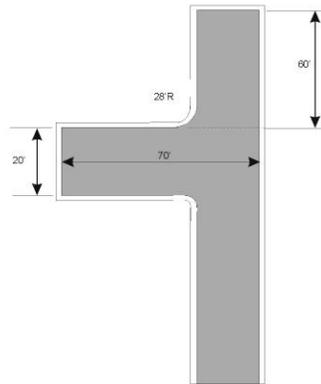
Cul-de-sac



Hammerhead



"Y" Hammerhead



Right-Angle Hammerhead

\*Other solutions may be acceptable subject to Fire Department review. Drawings are not to scale.

## 6.0 Circulation Users, Surfaces, and Amenities

### 6.1 Dimension Table

The following table identifies the dimensional requirements of each Circulation type:

Facility	Corridor Width (min)	Sidewalk /Width (min)	Vehicular Pavement Width	Number of Lanes *	Bike Lane	On-street Parking (7 feet )	Landscape	Material ***
<b>Critical Area Trail</b>	13 ft	5 ft	None	NA	None	No	4 ft border ea. side	Soft Surface Only
<b>Urban Trail</b>	14 ft	10 ft	None	NA	Shared	No	2 ft min border ea. side	Concrete or pavers only
<b>Urban Walk</b>	11 ft	5 ft	None	NA	No	No	3 ft min border ea. side	Concrete or pavers only
<b>Multi Use Trail</b>	20 ft	12 ft	Shared	NA	Shared	No	4 ft border ea. side	Hard surface only, no soft surfaces
<b>Community Connector</b>	62 ft*	5-6 ft	18 ft	2	5 ft, each side	Yes	4 ft ea. side	Asphalt, concrete or pavers
<b>Neighborhood Street</b>	54 ft*	5-6 ft	20 ft or 18 ft	2	Optional	Optional	4 ft ea. side	Asphalt, concrete or pavers
<b>Character Street</b>	38 ft min	10 ft ea side	18 ft min	2	None	Optional	4 ft ea. side	Concrete or pavers only
<b>Hillside Street</b>	20 ft	5ft ea side	10 ft	1**	No	No	No	Special non-slip concrete
<b>Alley</b>	18 ft	None	18 ft	NA	No	No	No	Asphalt with concrete shiners

\* Width based on 6' wide sidewalk requirement in neighborhood A, B and C. Width is 2' less for neighborhoods D, E and F.

\*\* One 10' lane provided, however, two-way traffic is supported by allowing vehicles to borrow space from the pedestrian zone when passing.

\*\*\* Materials noted for vehicular Circulation Facilities refer to the driving surface only. Adjacent sidewalks must be concrete, pavers or similar material, no asphalt allowed.

#### Dimension Table Notes:

1. Corridor Width is the total sum of the elements. The dimensions of the elements shall not be increased or decreased except upon request by the Applicant and with the approval of the Designated Official. The Designated Official will determine if an Administrative Modification is necessary. Only pedestrian, bicycle, and landscape elements should be increased.
2. Stairs, ramps, and similar facilities may be required for safety reasons or as prescribed in other Sections.

## 6.2 Corridor Users Table

The following table identifies the primary (P) and secondary (S) users for all Circulation Facilities. Users prohibited below (X) or not listed in the table are prohibited, unless otherwise approved by the Designated Official.

Facility	Pedestrians	Bicycles	Roller Skates & Blades	Skateboards	Vehicles	Comments
<b>Critical Area Trail</b>	P	X	X	X	X	No vehicles allowed
<b>Urban Trail</b>	P	S	S	X	X	Only Emergency Vehicles allowed.
<b>Urban Walk</b>	P	X	X	X	X	No vehicles allowed
<b>Multi-Use Trail</b>	P	P	P	S	X	Only Emergency Vehicles allowed.
<b>Community Connector</b>	P	P	P	S	P	
<b>Neighborhood Street</b>	P	S	S	X	P	
<b>Character Street</b>	P	P	S	S	P	
<b>Hillside Street</b>	P	X	X	X	P	May be used for primary access
<b>Alley</b>	X	S	S	S	P	

### Corridor User Table Notes:

- P – Primary User for whom Circulation facility is designed
- S – Secondary User(s) are permitted when the facility can be designed to make the secondary uses compatible, safe, and acceptable with pedestrian activity. Secondary users may encounter segments of a corridor which will require caution or a detour due to specific surfacing. In evaluating the inclusion of bicycles, issues such as inconvenient alternative bicycle routes, available tread width, and the ability to ensure pedestrian safety (e.g., site distance, grade) must be considered.
- X – Prohibited User

## 7.0 Right-of-Way Use

Use of the Public Right-of-way is governed by IMC 12.05 (Ordinance 2421), as amended.

## 8.0 Administrative Modification of Standards

### 8.1 Approval Criteria

Approval must be based on a determination that the modification is consistent with the purpose and intent of this Appendix. The following approval criteria, in conjunction with Appendix L (Permitting), shall be used to determine whether an Administrative Modification shall be granted for these Corridor Standards:

- A. The modification(s) will be equal to, or superior in, fulfilling the intent and purpose of the corridor requirements;
- B. The modification(s) will be equal to, or superior in, fulfilling the purpose of this Appendix D (Circulation) as well as the Project Goals (Appendix A) and

Design Guidelines (Appendix B) such as improving pedestrian circulation and safety or creating the Sociable Public Realm.

- C. The modification(s) does not negatively impact the abutting Property Owners in a significant manner;
- D. The modification(s) does not negatively impact water quality in a significant manner;
- E. The modification(s) will not create significant negative impacts on public services; and
- F. The granting of the modification(s) will not be materially detrimental to the public safety.

## **8.2 Case by Case Modifications**

The following potential modifications may be considered by the Designated Official on a case by case basis:

- A. Sidewalk width: Occasionally, a roadway might benefit from a reduction in overall width due to topography or adjacent critical areas. The sidewalk on one side may be reduced (potentially eliminated) when the roadway is adjacent to a Critical Area, there is not enough space to realign the roadway, and the anticipated pedestrian volumes are low and the resulting benefit to the street network or neighborhood is substantial. An estimated low demand for pedestrians is not an acceptable basis for sidewalk elimination. Removal or reduction of parking and/or other vehicular elements should be accomplished prior to reducing or removing pedestrian elements such as sidewalks.
- B. Alley curb: Curbs in alleys could be considered for directing stormwater when an inverted crown cannot be constructed or when parking is allowed adjacent to an alley. Review and approval may occur with the land use permit or with construction permits. The use of curbs does not require a separate modification unless they are proposed for a use other than parking or stormwater, as described above.
- C. Alley parking: based on adjacent uses and to reduce the need for surface parking, parking served by an alley may be allowed when the alley is widened by the appropriate width necessary for the added parking.
- D. Removal of on-street parking, one side or both: On street parking may be eliminated when there are no adjacent street uses or need for parking and when the roadway or neighborhood gains substantial benefit from the elimination.
- E. Multi-use trail, divided to split users: when a high level of bicycle and pedestrian use is present or anticipated, the trail may be divided into essentially two parallel trails separated by landscape.
- F. Center Median: A center median may be added to Community Connectors to enhance traffic calming, to help orient drivers, or to meet a specific neighborhood character. Center medians must be landscaped.
- G. Removal of bike lanes: Bike lanes may not be removed from Community Connectors. Bike lanes may be integrated with traffic lanes on Neighborhood Streets when there is an alternative dedicated bike facility serving the same area. For instance, a bike lane may be removed from one street when an

adjacent parallel street includes a bike lane and can be used to reach the same destinations.

- H. The inclusion of angle or head-in parking may be considered if it can be demonstrated it furthers the Goals, Guidelines and purpose of this Appendix D, such as where buildings have sufficient height and proximity to the street that widening the street to accommodate angled or head-in parking won't impact the Sociable Public Realm or Public Space in a significant and negative manner.
- I. The 4 foot vegetated edges of a critical area trail may be maintained in existing quality native vegetation if shown that can be correctly protected and will thrive.

Exhibit D-1  
Master Circulation Plan - Key Pedestrian Connections

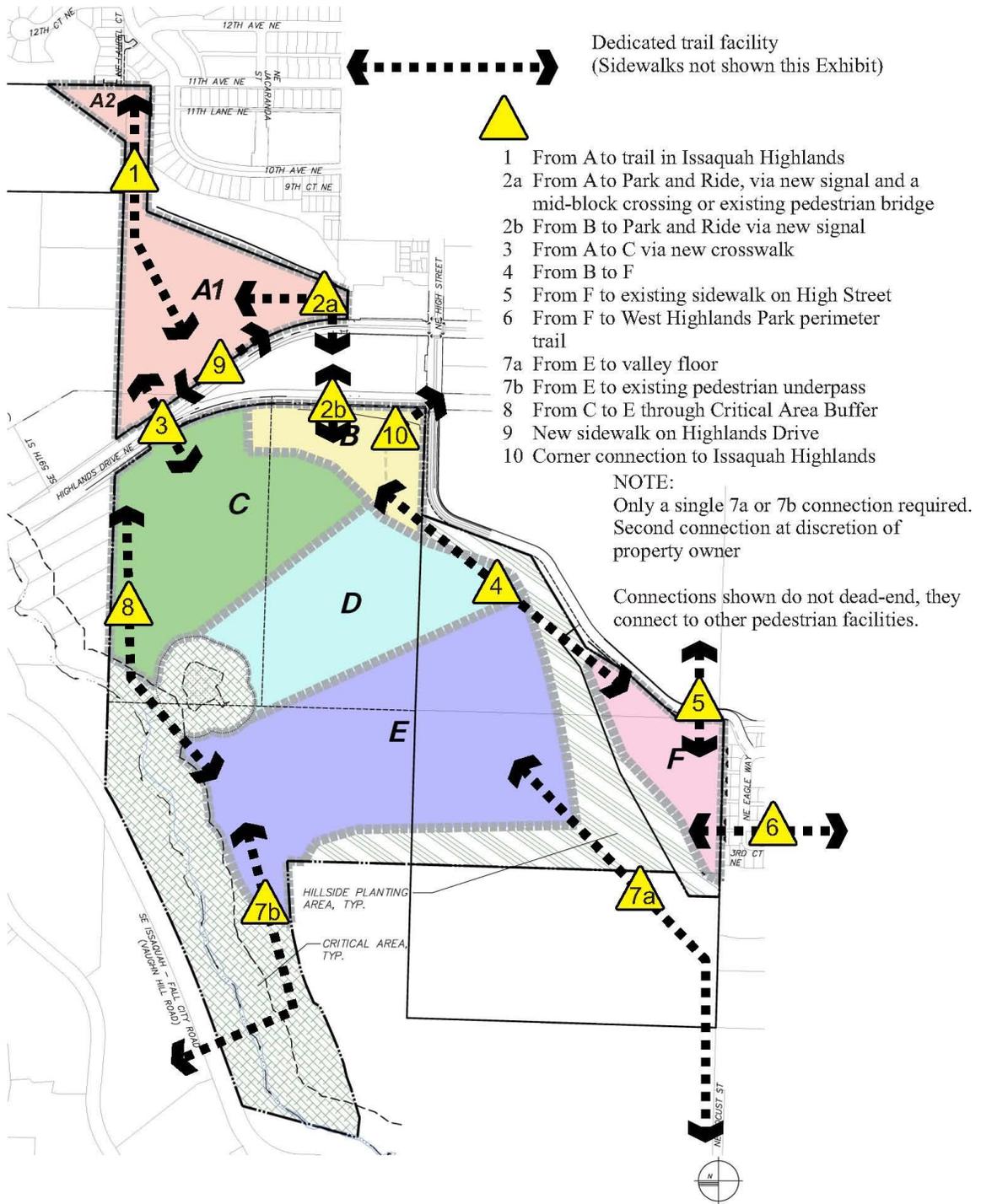


Exhibit D-2  
Master Circulation Plan - Bike Routes

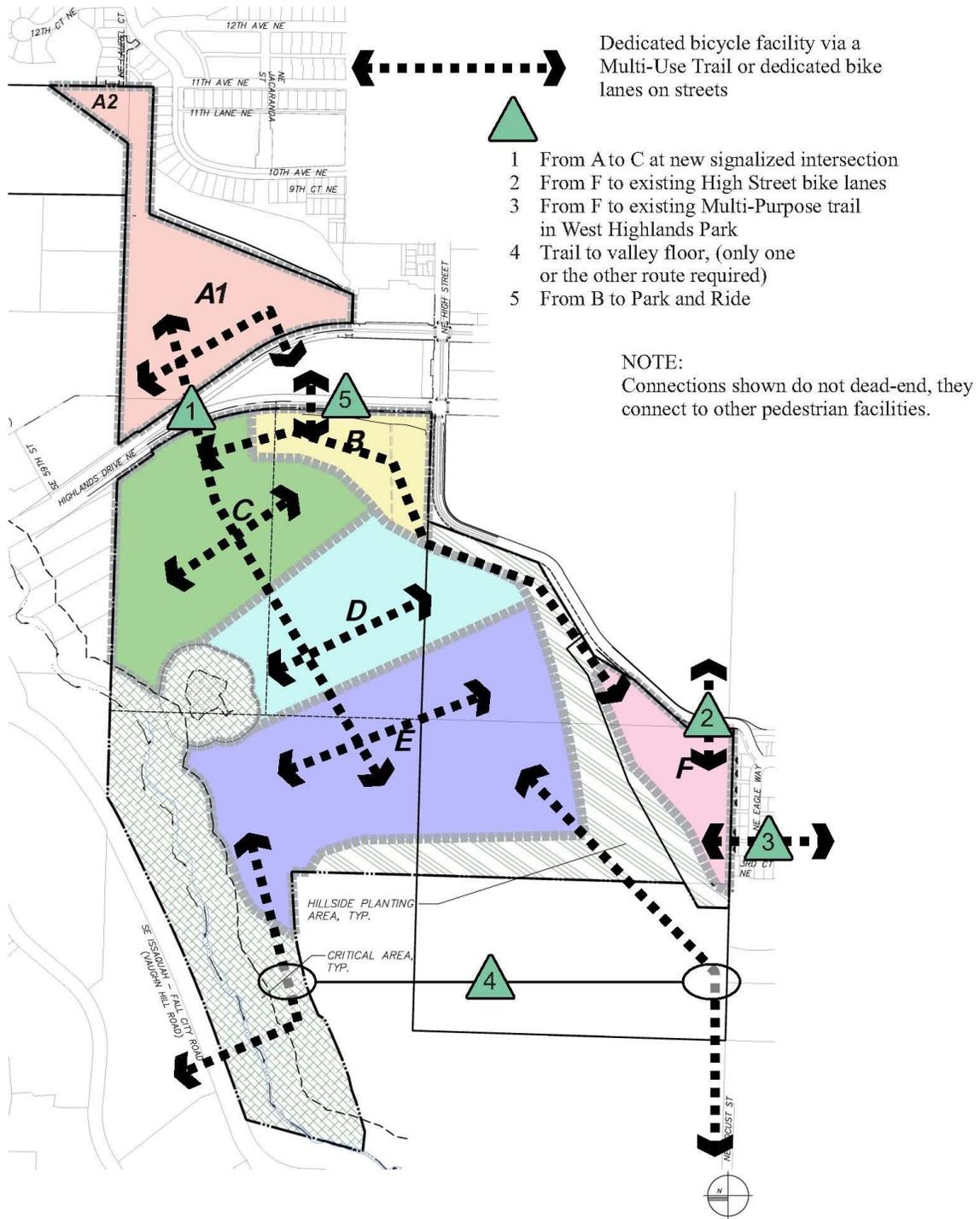


Exhibit D-3  
Master Circulation Plan - Streets

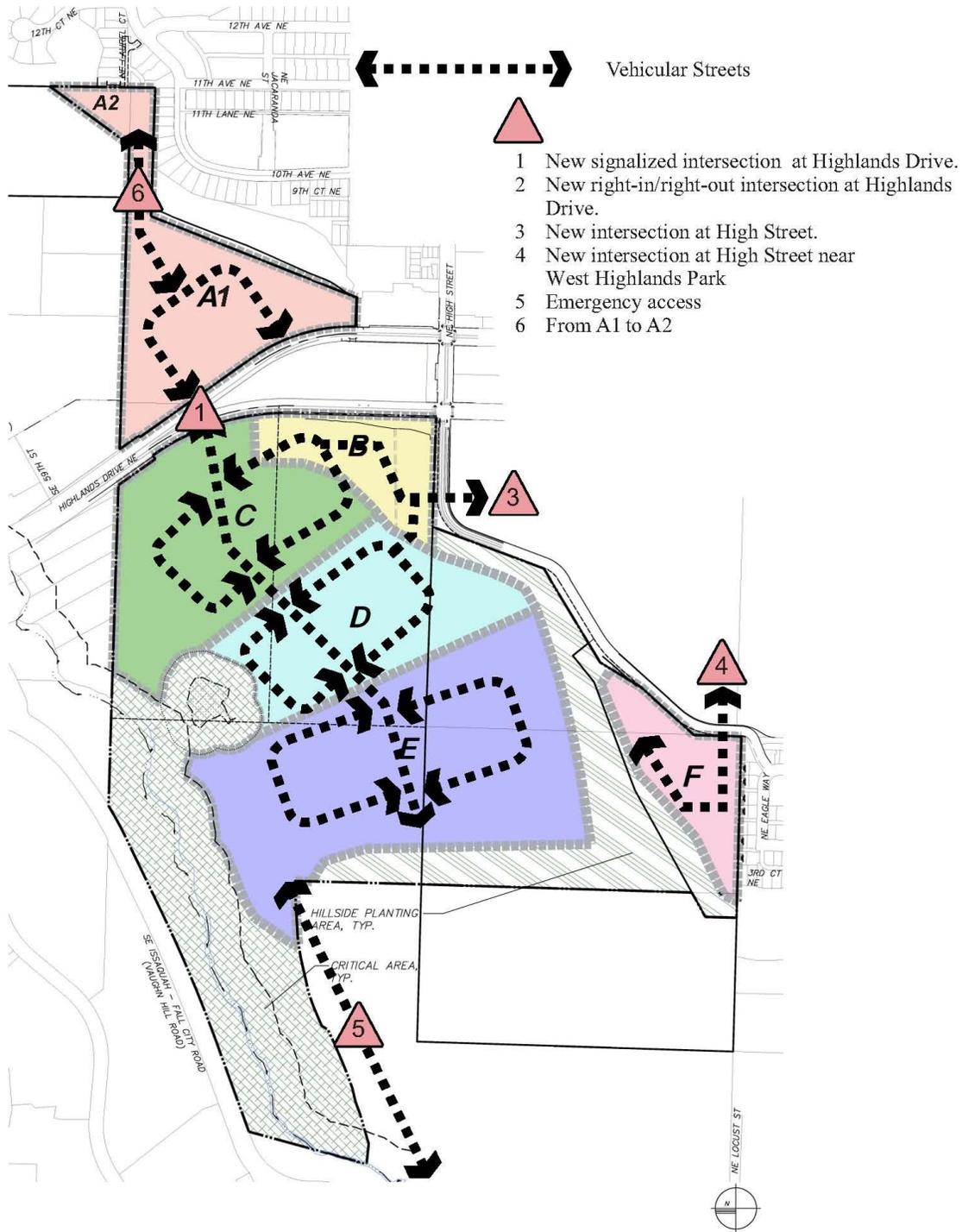
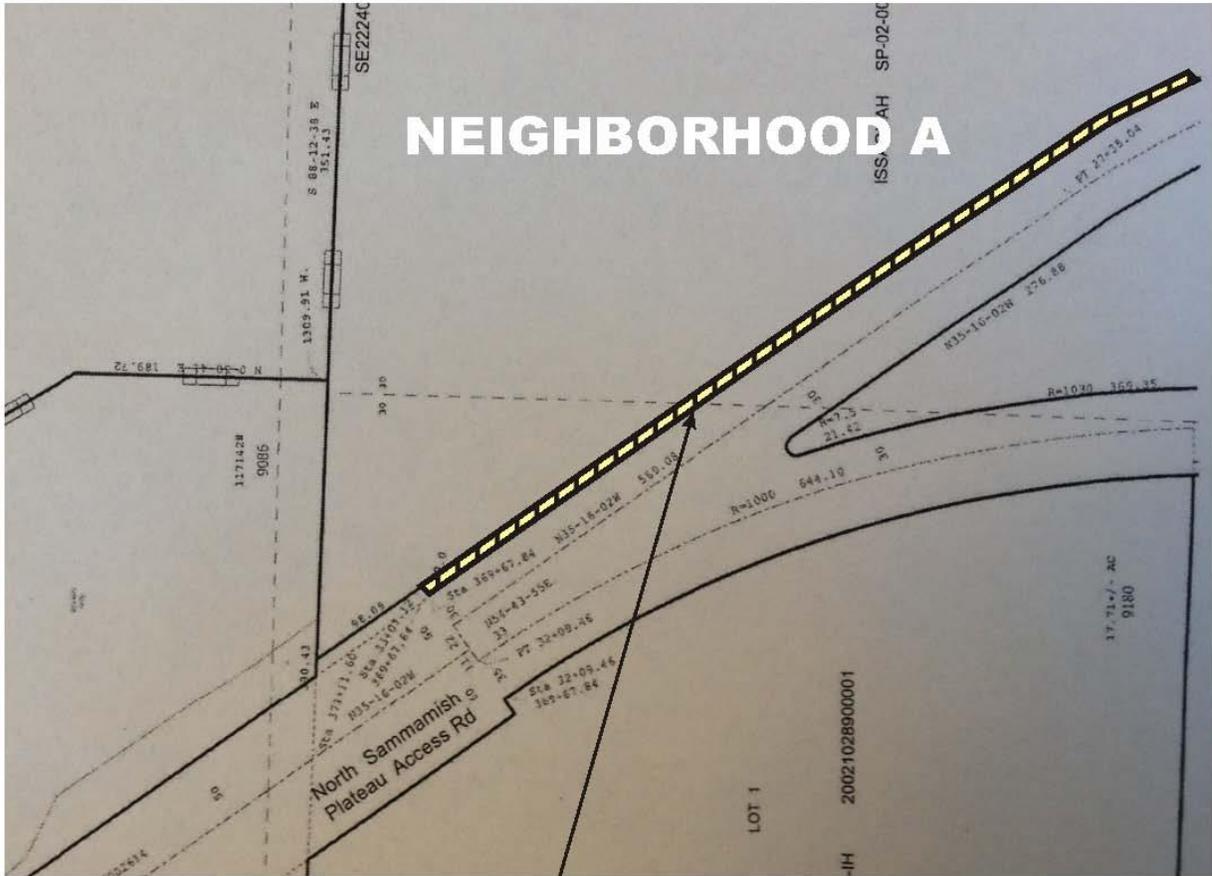


Exhibit D- 4

Highlands Drive Future Right of Way



## APPENDIX E – LANDSCAPING STANDARDS

- Section 1.0 Purpose and Intent
- Section 2.0 Scope
- Section 3.0 Landscape Plan
- Section 4.0 Maintenance
- Section 5.0 Landscape Requirements for Circulation Elements
- Section 6.0 Landscape Requirements for Community Spaces
- Section 7.0 Landscape and Decorative Requirements for Parking Areas
- Section 8.0 Fences
- Section 9.0 Preservation of Trees
- Section 10.0 Landscape Requirements and Specifications
- Section 11.0 Administrative Modification of Standards
- Section 12.0 Conceptual Slope Planting
- Section 13.0 Construction Details
- Exhibit E-1.1 Overall Planting Concept
- Exhibit E-1.2 Typical Planting Plans
- Exhibit E-1.3 Elevation Sketch

### 1.0 Purpose and Intent

The purpose and intent of this Appendix is to create attractive, healthy landscapes on all portions of public and private property in the Project and serve as general minimum standards in describing the extent of beautification desired. These standards are not intended to impose rigid and inflexible standards upon either the designer or the site plan; rather, they are to serve as general minimum standards. This Appendix provides guidance regarding appropriate types of landscaping to achieve the Goals (Appendix A) and Design Guidelines (Appendix B).

Minimum requirements and standards are established to:

- A. Create a Sociable Public Realm that helps to define the character and image of the Project;
- B. Promote safety and provide privacy within the context of a socially gregarious community;
- C. Choose plants for all planting areas that provide year-round beauty and are well suited to the Project site;
- D. Support a pedestrian and bicycle oriented environment;
- E. Provide safety to pedestrian and vehicular traffic.
- F. Promote wise and efficient use of potable water resources;
- G. Protect water quality and quantity;
- H. Re-vegetate disturbed hillsides in a manner that will preserve and frame views, and screen ongoing mining operations from future development parcels in the Project;
- I. Ensure appropriate plant material selection and spacing for proposed locations and uses.
- J. Create an aesthetically pleasing view of the development from offsite.

### 2.0 Scope

#### 2.1 Application of Provisions

The provisions of this Appendix shall apply to all uses in the Project on properties not governed by Appendix G (Critical Areas). This Appendix applies to the Project in lieu of IMC 18.12 (Landscaping and Tree Protection). No other landscape code will be applicable to the Project, except as noted herein, and if consistent with the intent of this

Agreement. See Appendix M (Mining and Grading) for when these standards would apply.

**2.2 Site Stabilization**

- A. Should any construction site covered by the terms of this Agreement remain cleared and unworked for more than 30 days, the Property Administrator shall provide necessary soil coverage to stabilize the site from erosion or the establishment of invasive plants.
- B. Should the site within the Project remain unworked for six (6) months, the site will receive amended topsoil and be revegetated with living groundcover and shrubs. If the area contains open space, trees will be included in the revegetation. Selected plants and maintenance shall remove or prevent the establishment of invasive plants.
- C. In conjunction with the first implementing permit for each adjacent neighborhood, the Conceptual Slope Planting shown in Exhibit E-1 shall be submitted for permit approval and installed.

**3.0 Landscape Plan**

Any surficial or above-grade equipment, utilities, or appurtenances not shown as part of the approved landscape plan shall be considered a significant revision and will require a revision to be submitted and approved. Additional planting or other screening elements may be required.

**4.0 Maintenance**

A. General guidelines for regular maintenance procedures shall be as follows:

TASK	FREQUENCY
Litter Pickup	Weekly <sup>(1)</sup>
Mowing Turf	Weekly, April through October
Weeding Planting Beds	Monthly or as needed
Sweeping	Sidewalks Weekly, Parking Lots Monthly
Tree Replacement	Inventory annually

(1) Litter pickup shall be weekly, unless more frequent litter pickup is necessary to maintain a clean appearance of landscape areas.

The above guidelines are to serve as a standard for normal expected maintenance operations; however, it is also recognized that the Property Administrator will determine the frequency of need for maintenance based on actual conditions, such as variations due to weather conditions, seasonal events, intensity of use, etc. The Property Administrator is also encouraged to seek out methods for reducing the on-going maintenance costs of landscaped areas.

B. Landscaping installed to meet the requirements of this Agreement must be maintained in perpetuity by the Property Administrator or its assignee.

**5.0 Landscape Requirements for Circulation Elements**

Circulation is one of the primary ways people experience a community. Appropriately incorporating landscape into the streets, rails, walks, and other Circulation facilities will both humanize and achieve the urban character established in the Goals (Appendix A) and Design Guidelines (Appendix B) and as further described in Circulation (Appendix D).

## 5.1 Street Trees

Street Trees provide shade, visual amenity, and buffer pedestrians and bicyclists from vehicular movement.

- A. Street Trees shall be determined by the Property Administrator as part of an approved Street Tree Plan. This Plan must be approved by the Designated Official prior to approval of the first permit for a Circulation facility. The Street Tree Plan may be revised as additional or new information regarding the Project is available. Revisions will be handled as follows:
  1. Privately owned Circulation facilities: the Designated Official will be given the option for input on revisions to street tree plans.
  2. Publicly owned Circulation facilities: the Designated Official will have approval over revisions to the street tree plans.
- B. Street trees shall be required, as identified in Appendix D (Circulation). Character, type of facility, adjacent uses, and a sense of overall comfort and urban design, etc., will determine tree appropriateness along other types of circulation facilities.
- C. Where street trees are required, they shall be provided at 30 feet on center; see [Section 11.2.A](#) for circumstances where there may be a modification of tree spacing.
- D. The use of a Root Barrier is encouraged adjacent to privately owned and maintained paved surfaces. The use of a Root Barrier is required adjacent to publicly owned paved surfaces such as curbs, streets, sidewalks, alleys, trails, and similar areas.
- E. Where tree wells are used, they shall be a minimum of 4 foot x 6 foot or equivalent square footage. Where adjacent uses are intense or sidewalks are standard width, tree grates shall be provided; the Property Administrator may also choose to use grates for character purposes. If tree grates are provided, grates shall have knock-out rings.
- F. The Property Administrator may also choose to use raised planters for street trees along Character Streets, as shown in Appendix D (Circulation). The planter size shall be based on mature tree size, root structure, and tree health. Placement and design of the raised planter shall consider safety, functionality, and urban design character, such as door swings, visibility, and adjacent uses. It will be the responsibility of the adjacent property owner to maintain the raised planters, whether they contain trees or solely landscape.

## 5.2 Landscape in Circulation Facilities

The following requirements apply to landscaped areas in Circulation (Appendix D).

- A. Landscape adjacent to Circulation facilities shall be selected and maintained so as to avoid situations that would be hazardous to safety, visibility, and clearances of users.
- B. All pruning shall be done in accordance with the most recently adopted version of the International Society of Arboriculture Standards.
- C. Circulation corridor plantings shall be compatible with adjacent landscaping in terms of irrigation, maintenance, and style.
- D. Border plantings are allowed to count toward other required landscape elements.
- E. All planting areas shall contain vegetation.

## 6.0 Landscape Requirements for Community Spaces

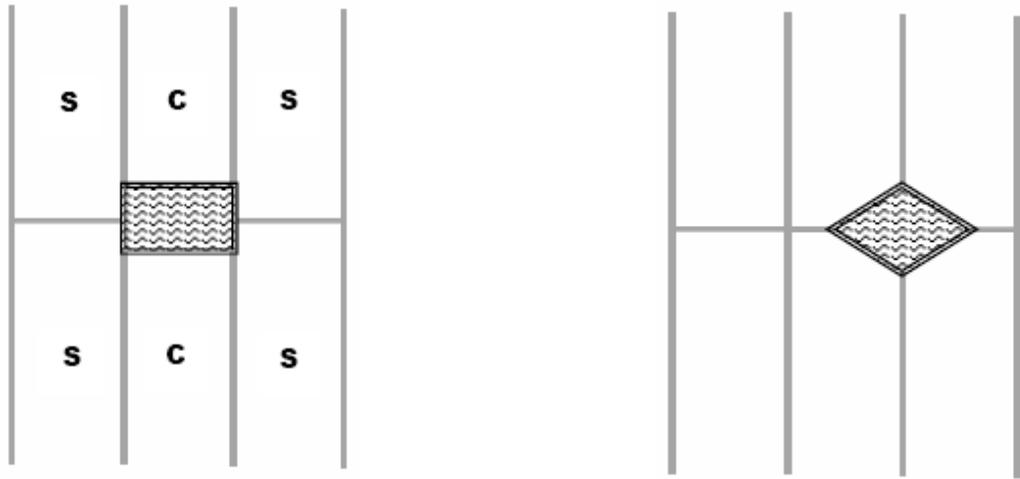
Community Space can be large areas such as lakes, ponds, lawns, or small spots where plant materials have been installed or preserved. Community Spaces can be active or passive areas that provide recreation, screening, storm drainage and wildlife habitat as well as provide a transition from developed more orderly areas to undeveloped natural areas. All planting areas shall contain vegetation, installed based on an approved plan, which is consistent with this Agreement.

## 7.0 Landscape and Decorative Requirements for Parking Areas

The purpose of landscaping or decorative elements in association with parking areas is to soften the visual appearance, reduce the impacts on adjacent pedestrians, screen views of parking, add shade, limit the amount of continuous impervious surface, and reinforce safe pedestrian access to buildings and connecting sidewalks. A variety of deciduous and conifer trees shall be used allowing for shading in the summer and light during the winter months.

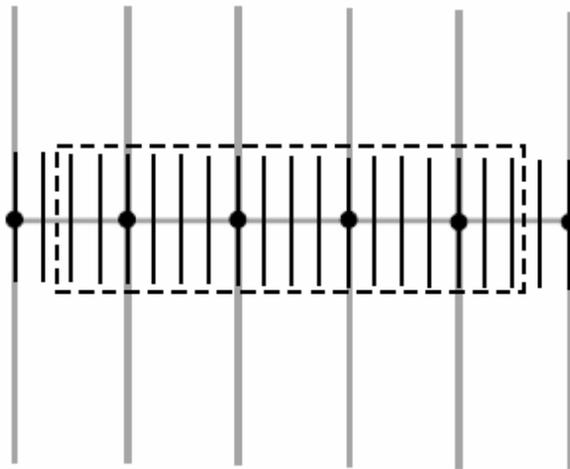
### 7.1 Regulation of Parking Lots

- A. **Small Parking Lots:** Parking Lots less than a total of 2,300 square feet in size may provide required landscaping area along the edges, rather than in the interior, so long as the following are met:
1. At least one tree for every six stalls shall be provided in the edge landscaping; and
  2. No more than four (4) standard spaces, five (5) compact spaces, six (6) micro spaces, or three (3) ADA stalls (with two associated walkways/loading areas) shall be placed in a continuous row.
- B. **Interior Landscape:** Landscaping in the interior of parking lots is intended to diminish the effects of paving and shall consist of all of the following:
1. One (1) tree for every six (6) parking stalls;
  2. The total of all interior landscaped areas, excluding Edge Landscape as required by Section 7.1.C, shall be equal to or greater than ten (10) percent of the Parking Lot area;
  3. Except where pedestrian access is provided, evergreen living groundcover and/or shrubs shall be spaced to achieve 100% Landscape Coverage in three years;
  4. A landscaped area shall be provided at the end of parking aisles.
- C. **Edge Landscape:** Landscaping along Parking Lot edges abutting public rights-of-way, Circulation facilities, or Community Spaces shall be provided to create a Pedestrian Friendly environment and shall consist of the following:
1. Living groundcover planted and spaced to achieve 100% landscape coverage (except for pass-thru spaces for pedestrians) in three (3) years for areas not otherwise planted with shrubs or trees or occupied by non-vegetative improvements; and,
  2. Shrubs, at least two feet high at installation, to provide a continuous three (3) feet height hedge at maturity. These landscaped buffers for parking lot areas shall have a minimum width of three (3) feet; or
  3. 3-foot tall fencing or wall; or
  4. A combination of Section 7.1.C.2 and Section 7.1.C.3.
- D. **Alternatives to Parking Lot Landscaping** To allow for flexibility and improve parking lot efficiency, the following alternatives to Sections 7.1.B and 7.1.C requirements may be selected by the Applicant:
1. Tree wells at the head of a parking stall(s) may be used. Tree wells shall be a minimum of 40 square feet with additional space for root growth provided by structural soils, Silva Cells, or other methods that achieve a similar purpose. See Section 10.4 for more information. The trees shall be located such that they are protected from the cars at the trees' mature size. Protection mechanisms may include the size of planter, size of stall, curbs, tree guards, etc.



Two methods of providing Tree Wells in Parking Lots. [S – standard stall; C – compact stall]

2. Parking Lot Tree Replacement: Architectural elements with horizontal components that visually break up and create shade in a Parking Lot may be substituted for Section 7.1.B.1. Architectural elements could be arbors, trellises, solar panels, etc. Each 500 square feet of horizontal element replaces a required tree. The appropriate height for the horizontal element, relative to surrounding grade, would be determined based on surrounding uses and safety. This would be generally 5 foot of clearance for parked cars and 8 foot of clearance for areas where pedestrians are likely to be.



A method for replacing required trees with architectural elements; the dashed box approximates one tree.

3. Parking Lot Edge Treatment to replace Interior Parking Lot Landscape: Architectural elements at the edge of a Parking Lot may count towards [Section 7.1.B.2](#) if the architectural elements meet the following requirements (This provision may replace the entire requirement in [Section 7.1.B.2](#). Any reduction in required trees must be met separately.):
  - a. The proposed architectural elements shall contribute to a Pedestrian Friendly environment and generally screen the Parking Lot from Circulation facilities or Community Spaces.

- b. Provision of architectural elements which provide weather protection for adjacent pedestrians is encouraged though not required by this Appendix; other Appendices may require them.
- c. All horizontal and certain vertical components of an architectural element at the edge of a Parking Lot will count one for one, (i.e., one square foot of architectural element equals one square foot of required Interior Landscape). Appropriate elements might include walls, trellises, arbors, solar panels, and/or artwork.
- d. Any portion of a vertical component above 3 feet in height may contribute to the landscape reduction, provided the overall height of the architectural element is at least 6 feet.
- e. The height of the horizontal elements must be placed at least 5 feet above the adjacent grade, unless the adjacent area is a walkway or place where people might be; in that case, the horizontal element must be 8 feet above the adjacent grade.
- f. The architectural elements must allow pedestrians frequent physical and visual connections in and out of the parking lot. The frequency of visual and physical connections will be based on factors, such as:
  - the need for connections and access to businesses, uses, activities, etc;
  - the location of Circulation facilities;
  - the level of vehicular traffic adjacent to pedestrian routes;
  - the presence or absence of adjacent street trees and on-street parking;
  - sidewalk width and activities;
  - safety issues such as sight lines at driveways and other vehicular entrances; and
  - the opacity, types, and heights of architectural elements selected.

## 7.2 Regulation of Parking Structures

While structured parking is encouraged, exposed garage structures and rooftop parking have negative impacts that must be minimized without unduly discouraging their construction. Exposed garage walls will be made more Pedestrian Friendly through treatments. Rooftop parking is considered equivalent to a surface parking lot and must be modulated by either landscaping or non-landscaping methods.

- A. Perimeter Requirements: Treatments along exposed Parking Structures abutting public rights-of-way, Circulation facilities, or Community Spaces shall have visually and texturally interesting Pedestrian Friendly treatments, except where there are pedestrian or vehicular entries/exits to the Parking Structure. Treatment options are:
1. Landscape growing on the building or an attached structure, such as, Green Walls; or
  2. A landscape area at least ten (10) feet wide composed of a combination of evergreen and deciduous trees, evergreen shrubs, and groundcover. The landscape materials may be clustered, staggered, or regularly spaced, as long as screening is achieved. The minimum required number of each landscape material is based on the linear footage of exposed Parking Structure frontage as follows: 1 tree per 20 linear feet, 1 shrub per 5 linear feet, and groundcover to provide 100% Landscape Coverage in three (3) years; or
  3. Architectural elements and/or art; or
  4. Any combination of two of the following: Sections 7.2.A.1, 7.2.A.2, and/or 7.2.A.3.

- B. **Rooftop Requirements:** The purpose of architectural elements or landscape for rooftop parking is to soften the visual appearance of the rooftop, screen views of the rooftop, add shade, break up the visual appearance of rooftop parking, and reinforce safe pedestrian access to stairwells and elevators.
1. Interior:
    - a. The square footage of all horizontal architectural elements or landscape interior to the rooftop parking shall be equal to or greater than ten (10) percent of the total rooftop parking area.
    - b. The Applicant may choose to use architectural elements and/or landscape.
    - c. The design, placement, distribution, etc must achieve the purpose stated in Section 7.2.B.
    - d. Horizontal architectural elements shall be 5 feet above areas used only by cars and 8 feet above areas used by people.
    - e. No perimeter treatment may contribute to the 10% Interior requirement, except that portion which is greater than 5 feet in height; however, this provision may not be used to meet more than 50% of the Interior requirement.
  2. Perimeter:
    - a. Architectural elements or landscape shall provide a visual screen at least three (3) feet in height around the entire perimeter of the rooftop.
    - b. On sides of the rooftop parking where adjacent or nearby occupied buildings are tall enough to look across or down upon the roof, architectural elements or landscape shall provide a visual screen at least five (5) feet in height.
    - c. Architectural elements or landscape provided to meet the requirements of this Section, and which are visible from the exterior of the Parking Structure, shall be consistent with and/or complimentary to the exterior architecture.

## **8.0 Fences and Walls**

- A. Fencing and walls shall be subject to the guidelines in the Design Guidelines (Appendix B).
- B. Walls over 4 feet in height shall provide landscape to soften the walls. Typically this would be climbing vines, plants that trail from above (for shorter walls), and possibly landscape whose mature height is tall enough to screen the wall. Walls that will not be visible from pedestrian Circulation facilities, off site, and/or from a building, do not require landscape screening.

## **9.0 Preservation of Trees**

- 9.1 This Section shall apply only after the Buildout Period.
- 9.2 Individual deciduous trees or clusters of trees with outstanding qualities, form and health shall be retained whenever possible. The soil around retained trees shall remain undisturbed with a disturbance-free zone extending beyond their driplines. The soil grade around an individual tree within a cluster designated for retention shall not be altered within the dripline of the tree or within 15 feet of its trunk, whichever is greater. Trees shall not be designated for retention if they are dead or in a declining state, or if they are hazardous.
- 9.3 No tree shall be removed for the purpose of private view enhancement. Trees, not planted as part of a landscape or revegetation plan or protected by a conservation easement (i.e., “volunteers”) may be removed at the discretion of the Property Administrator.

- 9.4** The Designated Official may require certain tree protection measures. These measures may include, but are not limited to: temporary fencing corresponding to the dripline of the trees to be retained or the disturbance-free zone for trees of outstanding qualities, form and health, tunneling instead of trenching, stump grinding instead of stump pulling and traffic routing to prevent excessive soil compaction. The Designated Official may also require the hiring of an Arboricultural Consultant at the Applicant's expense to determine measures that may need to be taken to preserve significant trees.
- 9.5** If a significant tree designated for retention has been removed, the Applicant shall be responsible for the following:
- A. Pay the City the established monetary value of that tree, as determined by the Designated Official, using resources qualified to determine replacement value; or
  - B. Pay for the replacement cost for all trees that are replanted on the property from which the significant tree was removed; or
  - C. Replace the tree according to the following guidelines:
    - 1. The replacement trees shall equal the diameter of the tree removed, i.e. if one twelve (12) inch diameter tree is removed, the required replacements would consist of four three (3) inch trees, three four (4) inch trees, or six two (2) inch trees.
    - 2. All replacement trees that are deciduous must be a minimum of one-and-one-half (1-1/2) inches in diameter and all evergreens must be a minimum of six (6) feet in height.
    - 3. If it is determined that the site does not have the necessary space for the replacement trees, then the Designated Official may require the replacement trees be planted elsewhere within the Project, or that the money for the purchase of the trees be placed in a tree fund, allocated as determined by the Designated Official.
    - 4. If a significant tree designated for retention has been willfully damaged by other than natural causes in the following manner, the Property Administrator shall post with the City an acceptable security, worth the established monetary value of the tree. Willful damage includes:
      - a) Wounding of its trunk;
      - b) Wounding of major structural branches;
      - c) Grading, trenching, or filling of its root zone within the area designated to be disturbance free;
      - d) Soil compaction due to heavy vehicle traffic within its root zone which was designated disturbance free; or
      - e) Change in drainage.

## **10.0 Landscape Requirements and Specifications**

The following landscape requirements and specifications shall apply to all landscaping required under this Appendix. A landscape professional, selected jointly by the Designated Official and the Property Administrator, is authorized to make recommendations for adjustments to the following standards on a case-by-case basis.

### **10.1 Centennial Tree**

"Eddie's White Wonder" Dogwood (*Cornus "Eddie's White Wonder"*) has been chosen as Issaquah's official Centennial Tree. Applicants are therefore encouraged to use it as a single specimen or in small group plantings.

### **10.2 Drainage**

All landscape areas shall be adequately drained, with consideration of existing high water table, either through natural or man-made drainage systems. Where the high water table may interfere with the health and establishment of street trees or other required trees, tree pits may be drained to the storm drainage system.

### **10.3 Fertilizer, Herbicide, and Pesticide Use**

All fertilizer, herbicide, and pesticide applications, including broad spectrum applications, “weed and feed”, and pre-emergent pesticides, shall conform to the Best Management Practices and Landscape Contractor Manual for the Project, distributed by the Property Administrator, following initial review and approval by the Designated Official. Fertilizer, herbicide, and pesticide applications shall be made in a manner that will inhibit their entry into waterways, wetlands, and storm drains.

### **10.4 Structural Soils**

Where small landscape islands (40 square feet or less) or other limited spaces are used for trees, structural soils or a product such as Silva cells shall be provided surrounding the exposed planting area to increase the effective growing area for the tree to at least 100-150 square feet based on the mature size or root structure of the tree. Other methods or products may be proposed and accepted by the Designated Official if they achieve the purposes described here, improve the health and growth potential of the tree, and reduce potential damage to surrounding paving and hard surfaces.

### **10.5 Plant Selection**

All perennial plants shall be adapted to their sites (sun exposure, cold hardiness, hydrozones, soil type, soil pH, etc.). Plants, excluding annuals, with differing environmental/cultural requirements shall not be used together if desirable circumstances cannot be provided for both. New perennial plant materials shall consist of at least one the following: native, drought tolerant varieties, or non-native species that have adapted to the climatic conditions of the greater Issaquah region. All plants shall be selected and sited taking into consideration the mature size of the plant and the space allowed for the plant to grow unobstructed. Plants shall be selected that are appropriate for the provided space in order to minimize persistent pruning, except where regular shearing is a desired appearance and where it is determined by the Designated Official to not be harmful to the plant. Within the first 15 years after planting, trees that create a nuisance (e.g., invasive roots, dripping sap) may be removed and replaced with appropriate trees that meet at least the minimum plant size specified in [Section 10.6](#).

### **10.6 Plant Sizes**

A. Minimum Plant Sizes and Maximum Plant Spacing for Landscape Areas shall be as follows:

1. Groundcovers: 4 inch pot with 12 inch spacing or 1 gallon pot with 18 inch spacing;
2. Evergreen / Deciduous Shrub: 2 or 3 gallon pot or balled and burlapped equivalent;
3. Deciduous Tree: 1 1/2 inch caliper, 10 foot to 12 foot height; and
4. Evergreen Tree: 6 foot height to uppermost branching point.
5. Deciduous and Evergreen Trees planted in Exhibit E-1 Slope Areas, as well as other sloped areas approved by the Designated Official (generally greater than 3:1), may be reduced to 3 feet in height to improve their chances of adapting to their sloped condition.

- B. Plant size or spacing specified above in Section 10.6.A may be modified with a letter from a licensed Landscape Architect indicating that the smaller plant size or larger plant spacing will achieve the same effect and/or coverage within the maintenance period established in Appendix L (Permitting). Consideration of the site topography and wind and sun exposure shall be given when selecting tree size and species.

### **10.7 Plant Standards**

All plant materials used shall meet the most recent American Association of Nurseryman Standards for nursery stock: ANSI 260.1.

### **10.8 Tree Pruning and Landscape Removal**

#### **A. Applicability**

1. This Section shall apply to the removal of landscape material for all landscape areas approved by the Designated Official as part of the permitting process. On properties without a conservation easement and/or that do not contain Critical Areas or their Buffers, pruning for maintenance purposes shall not be restricted by this Section.
2. Any activities undertaken in Critical Areas or encumbered properties shall be consistent with Critical Areas (Appendix G) and the Allowed Critical Area Activities in that Appendix.

#### **B. Pruning and Landscape Removal for Views/Aesthetics**

1. Timing: pruning/landscape material removal shall be performed annually by the Property Administrator.
2. Approval: prior to any removal of material, the owner must receive approval by the Architectural Review Committee and authorization from the Designated Official. No pruning or removal activity shall be approved that results in soil instability or negates the purpose of the landscape material.
3. Work: All pruning or landscape material removed for views or aesthetic reasons shall require that all work be done in a competent and workmanlike manner in accordance with the International Society of Arboriculture Standards (ANSI) Z133.1. The Designated Official may require a security for all work, and may require that such work be supervised by a landscape architect, arborist, forester or other professional to ensure work is performed in accordance with approved plans.

#### **C. Tree and Landscape Removal for Safety**

1. Removal of landscape material shall be authorized by the Designated Official based on either of the following:
  - a) The recommendations of a qualified professional for cases where, given the potential of a tree to damage property or pose safety risks for residents due to the instability of the tree, removal may be necessary.
  - b) In cases where landscape material is determined by a qualified professional to be a fire hazard, removal may be necessary.

#### **D. Violations**

1. Unauthorized pruning of trees or clearing of landscape material may result in fines of up to one thousand dollars (\$1,000) per incident against the owner or anyone acting on behalf of an owner.
2. Unpaid fines and charges shall result in a charge and continuing lien upon the parcel or living unit of the owner responsible for the violation(s).

3. Fines and charges not paid within thirty (30) days of notification shall bear interest at a rate of six percent (6%) per annum until paid, but not exceeding the maximum rate permitted by law.

### **10.9 Shrub Pruning**

Shrubs used for screening purposes shall have a predetermined minimum desired height shown on the landscape plan. Once the desired height is reached, they will not be pruned below that height, except occasionally on the recommendation of a qualified landscape professional for the plant's health and to retain the form of the plant. In this situation, "occasionally" means no more frequently than once every five years. A plant which must be significantly cut back more frequently should not be used where the regular presence of the shrub is desirable or required.

### **10.10 Soil Porosity**

Soils in planting areas shall have adequate porosity to allow root growth. Soils which have been compacted to a density greater than 85 % Maximum Dry Density or MDD (penetrable with a hand shovel) shall be loosened to increase aeration to a minimum depth of 18 inches, or to the depth of the largest plant root ball, whichever is greater. Imported topsoils shall be tilled into existing soils to prevent a distinct soil interface from forming. After soil preparation is completed, motorized vehicles shall be kept off the area to prevent compaction and damage to underground irrigation systems and utilities.

### **10.11 Tree Protection**

Where vehicles may overhang into required landscape areas, trees shall be located such that they are not damaged by parked vehicles. Trees in lawn areas are required to have a mulched bed extending a minimum of twenty-four (24) inches in all directions from the base of the tree. In addition, protective devices such as bollards, trunk guards, root guards, etc., may be required in some situations.

### **10.12 Water-Wise Planting and Irrigation**

Plants having similar water use characteristics (hydrozones) shall be grouped together and an irrigation system designed to minimize total water usage.

### **10.13 Water-Wise Mulches and Soil Amendments**

- A. Soil amendments may be necessary, as determined by the Designated Official, for a healthy growing medium, which will increase the survival rate for new planting, improve drainage, and reduce on-going maintenance requirements.
- B. Mulch new planting areas to minimize evaporation, reduce weed growth and slow erosion.
- C. All mulches used in planter beds shall be feathered to the base of the plants.
- D. Moisture polymers may be added to soil to reduce the watering requirements.
- E. Water tubes may also be added to the tree plantings to allow water to penetrate the soil.

### **10.14 Restoration of cleared areas**

Following grading and construction activities, or if the property remains inactive for six (6) months, the Property Administrator shall submit a restoration proposal to the Designated Official for review and approval that includes:

1. Timing for completion;
2. Proposed material (to include groundcover, shrubs and trees, as appropriate); and,

3. Temporary water supply, if necessary.

The proposal need not be a graphic representation of the area, but may consist of a letter outlining the items above. This commitment must be completed, or bonded for, prior to Designated Official acceptance or granting Final inspections and/or Certificates of Occupancy.

### **10.15 Provision of Top Soil**

Provide a minimum of twelve (12) inches of amended topsoil in all planted areas governed by a landscape plan. For plantings on all private property, adequate amended topsoil should be provided to encourage on-lot landscaping. For the replanting of the slopes shown on Exhibit E-1 as well as other areas where surface stability may be a concern, shrub and tree pits shall contain twelve (12) inches of amended topsoil, but other planting areas shall incorporate topsoil as possible while maintaining slope stability. The topsoil requirement takes precedence over the Construction Details shown in Section 13.0.

## **11.0 Administrative Modification of Standards**

### **11.1 Approval Criteria**

Approval must be based on a determination that the modification is consistent with the purpose and intent of this Appendix as well as Appendix A (Goals) and Appendix B (Design Guidelines). The following approval criteria in conjunction with Permitting (Appendix L) shall be used to determine whether an Administrative Modification shall be granted for landscape standards:

- A. The modification(s) will be equal to, or superior in, fulfilling the intent and purpose of the landscape requirement;
- B. The modification(s) does not negatively impact the abutting property in a significant manner;
- C. The landscape modification(s) shall provide consistency with the intent, scale, and character of the uses(s) involved;
- D. The intent and purpose of the required screening and/or buffering of uses for specific areas (for example, waste collection, service/loading, and parking areas) are not jeopardized; and
- E. The modification(s) does not negatively impact water quality in a significant manner.

### **11.2 Case by Case Modifications**

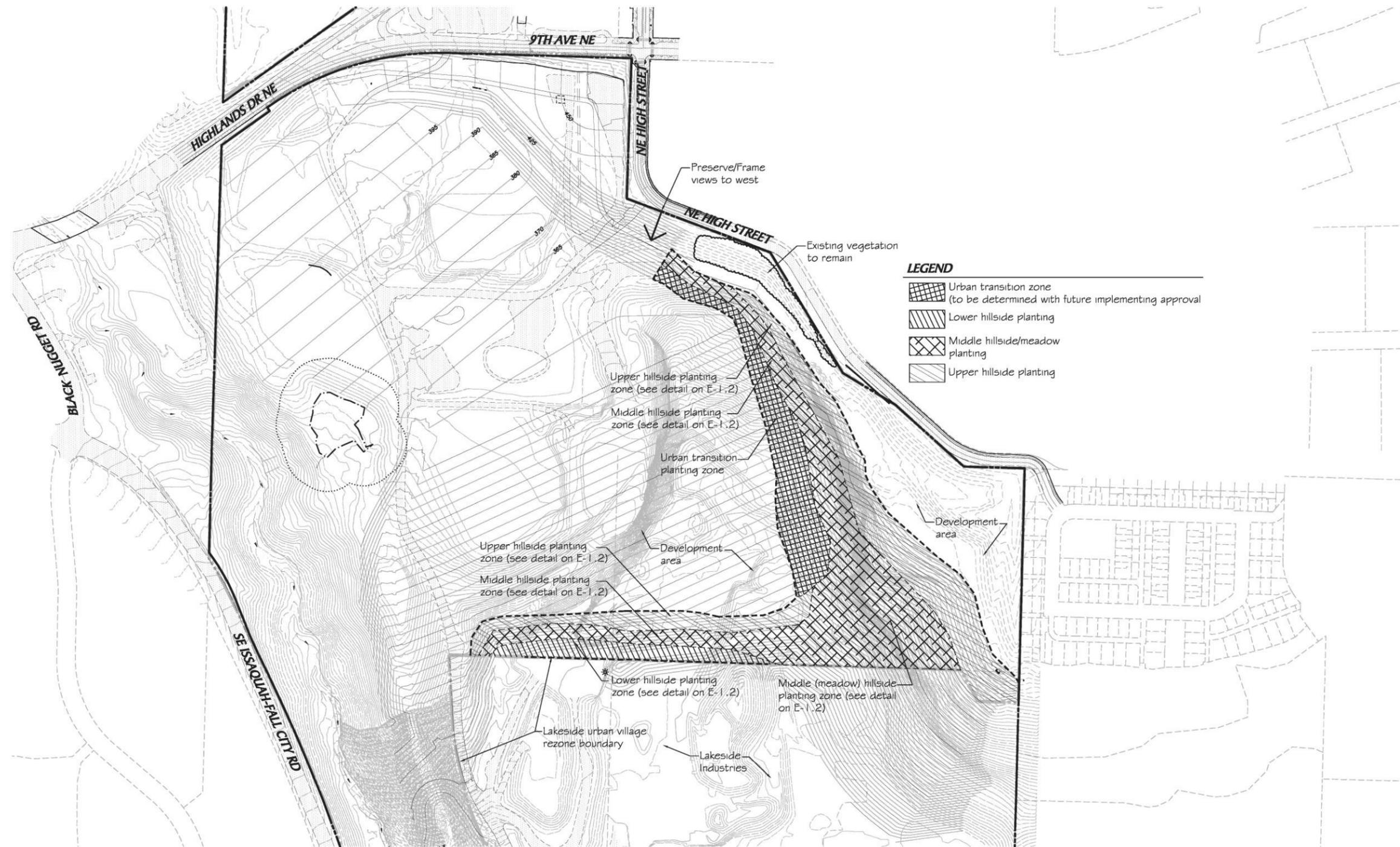
The following potential modifications will be considered on a case by case basis:

- A. **Street Tree spacing:** the Property Administrator may propose to vary the spacing based on a response to the context while also respecting the Project vision and urban design as established through the Goals (Appendix A) and Design Guidelines (Appendix B), in addition to the purpose of street trees as described in Section 5.1. Review and approval may occur with the land use permit or as a separate modification with construction permits. Potential examples include:
  1. The presence of a Community Space, primary building entries, or additional building setback where modified tree spacing could integrate the sidewalk into the space or enhance its presence.
  2. Types of street trees selected. For instance, the use of trees with smaller or larger tree canopies may indicate the need to increase or decrease spacing, as long as long-term tree health is maintained.

3. Types and intensity of uses in the sidewalk and/or planting strip. For instance the use of a planting strip as a rain garden may dictate the need to modify tree space.
  4. Use of architectural or landscape elements that achieve the same purpose as street trees.
  5. Urban design characteristics.
- B. Replacement Trees:** Tree sizes specified in Section 9.5.C.2 are for urban trees and may not be appropriate in some circumstances. For example if the tree to be retained is multi-stemmed or the appropriate replacement tree is multi-stemmed. Consideration may be given to alternative methods for meeting the intent of the regulations.

## **12.0 Conceptual Slope Planting**

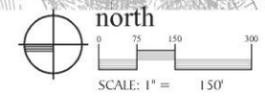
- 12.1** Exhibit E-1.1 and E-1.2 illustrate the conceptual planting plan for those remaining steep slopes shown. Timing shall be as specified in Section 2.2.c. The Property Administrator may propose modifications to the Conceptual Slope Planting, which are consistent with the intent of the plans.



**LEGEND**

- Urban transition zone (to be determined with future implementing approval)
- Lower hillside planting
- Middle hillside/meadow planting
- Upper hillside planting

**Overall Planting Concept**  
1" = 150'



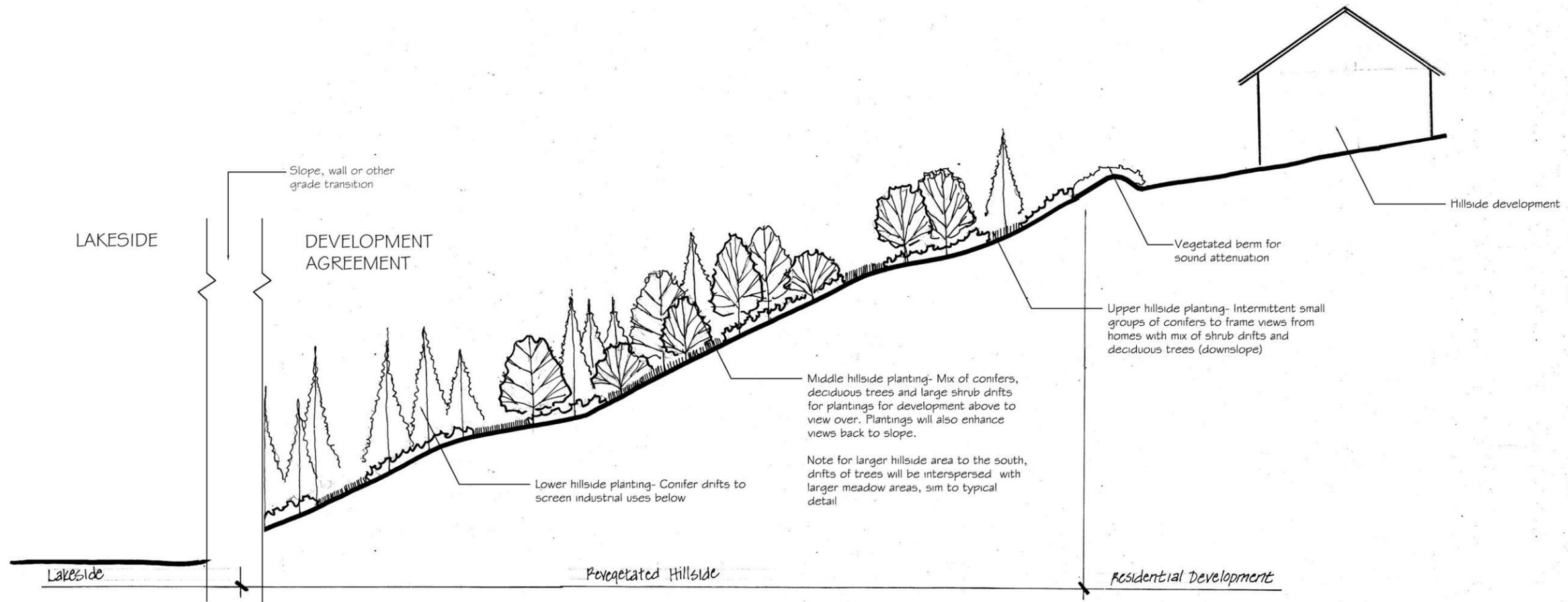
**Note**  
Grading as shown is conceptual only

# Conceptual Slope Planting LAKESIDE PROPERTY



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**Elevation Sketch**

1" = 10'

# Conceptual Slope Planting

## LAKESIDE PROPERTY

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9/11/2012

### **13.0 Construction Details**

- Detail E-1 Grass areas and planting strips
- Detail E-2 Street tree planting with tree grate
- Detail E-3 Tree protection
- Detail E-4 Conifer tree planting and staking
- Detail E-5 Typical shrub planting
- Detail E-6 Street tree planting in strips and wells
- Detail E-7 Typical tree planting
- Detail E-8 Tree and shrub planting on slopes

## GRASS AREAS & MEADOWS

GRASS AREAS MAY BE ONE OF THREE TYPES: MOWED LAWN, ROUGH LAWN (NON-IRRIGATED) OR WILD FLOWER MEADOW (NON-IRRIGATED.) THEY MAY BE SOODED, SEEDED OR HYDROSEEDED.

1. SOD: USE A 70/30 PERENNIAL RYEGRASS/FINE FESCUE MIX AS SUPPLIED BY COUNTRY GREEN TURF FARMS OR APPROVED EQUAL. NO NETTING ALLOWED.
2. SEED: LOW WATER USE SEED MIX, (ORCHARD SEED MIX) OR "LOW GROW" AS DEVELOPED BY COUNTRY GREEN TURF FARMS OR APPROVED EQUAL, COMPOSED OF 60% ELF-PERENNIAL RYEGRASS, 30% CREEPING RED FESCUE, AND 10% HARD FESCUE AT 5#/ 1000 SF.
3. WILDFLOWER SEED COMBINATION: ECO-LAWN OR SIMILAR MIX COMPOSED OF FINE FESCUES AND NATIVE WILDFLOWERS. GRASS SEED INCLUDES A BLEND OF SHEEPS FESCUE, SLENDER FESCUE, CREEPING RED FESCUE, CHEWINGS FESCUES, AND HARD FESCUES TO WITHSTAND SHADE AND DROUGHT. WILDFLOWERS MAY BE ANNUAL OR PERENNIAL, NATIVE TO WESTERN WASHINGTON, AND NON-WEEDY AS DEFINED BY THE KING COUNTY NOXIOUS WEED DIVISION. PRODUCTS SIMILAR TO ECO-LAWN, A TRADEMARK NAME, CAN BE CREATED FOR SPECIFIC LOCAL CONDITIONS THROUGH FROSTY HOLLOW ECOLOGICAL RESTORATION COMPANY OR APPROVED.

SOIL CONDITIONS FOR SOODED AREAS AND MOWED LAWNS MUST DRAIN THROUGHOUT THE YEAR ALL AREAS FOR THIS TREATMENT TO BE SLOPED AT A MINIMUM OF 2% TO DRAIN. LAWNS TO BE MOWED SHALL BE NO STEEPER THAN 3:1 (3' HORIZONTAL TO 1' VERTICAL MEASUREMENT). IF THE AREA HAS BEEN COMPACTED SO THAT IT IS NOT EASILY PENETRATED WITH A SHOVEL, SUBGRADE WILL REQUIRE LOOSENING TO A DEPTH OF 8". IN GRASS AREAS ONLY USE A SANDY MIX, (WINTER MIX DESCRIBED BELOW), APPLY 4-6 INCHES OF TOPSOIL, AND TILL INTO LOOSENED SUBGRADE. APPLY ADDITIONAL SOIL IN LIFTS TO FINISH GRADE AND SLOPE TO DRAIN. APPLY DOLOMITE LIME AT A RATE TO ACHIEVE A PH SUITABLE FOR THE SEED MIXTURE PROPOSED. LAWN FERTILIZER TO SUIT THE CONDITIONS TO BE APPLIED PER MANUFACTURER'S INSTRUCTIONS.

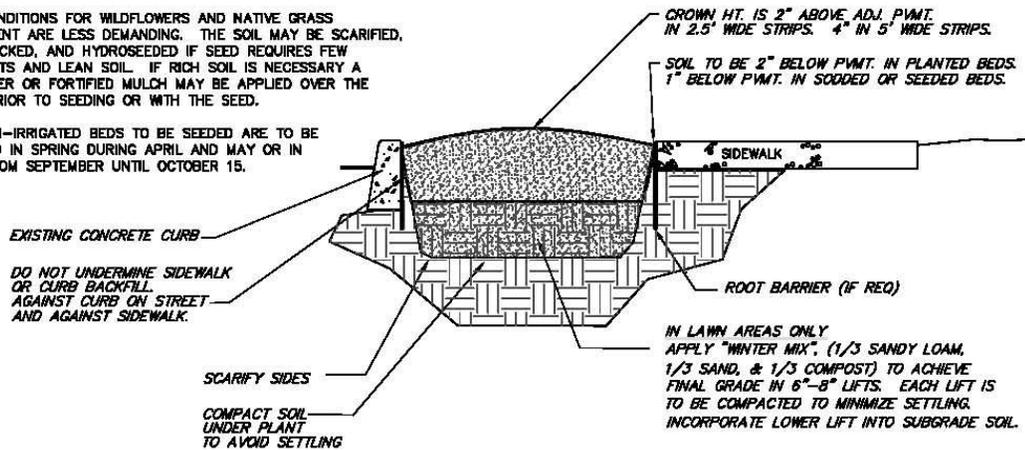
FOR PLANTING BEDS USE A TWO-WAY MIX OF SANDY LOAM AND COMPOST 50/50 APPLIED IN THE SAME METHOD AS DESCRIBED ABOVE. DO NOT USE SAND IN PLANTING BEDS.

SOIL CONDITIONS FOR WILDFLOWERS AND NATIVE GRASS TREATMENT ARE LESS DEMANDING. THE SOIL MAY BE SCARIFIED, ROCK PICKED, AND HYDROSEEDED IF SEED REQUIRES FEW NUTRIENTS AND LEAN SOIL. IF RICH SOIL IS NECESSARY A FERTILIZER OR FORTIFIED MULCH MAY BE APPLIED OVER THE AREA PRIOR TO SEEDING OR WITH THE SEED.

ALL NON-IRRIGATED BEDS TO BE SEEDDED ARE TO BE PLANTED IN SPRING DURING APRIL AND MAY OR IN FALL FROM SEPTEMBER UNTIL OCTOBER 15.

### SOIL PLACEMENT

1. THIS DETAIL COMBINES GRASS AND MEADOW TREATMENTS WITH SOIL PLACEMENT AND STRIP PLANTING REQUIREMENTS SINCE MANY STRIPS IN PUBLIC R.O.W. ARE GRASSED. OPEN AREAS OF LAWN AND MEADOWS ARE LESS RESTRICTIVE AND DON'T REQUIRE A DRAWING.
2. SUB-GRADE IN THE STREETScape PLANTING STRIPS ARE 8" BELOW FINISH GRADE. ROTOTILL ENTIRE STRIP DOWN TO 12" BELOW FINISH GRADE. APPLY "WINTER MIX" (1/3 SANDY LOAM, 1/3 SAND, & 1/3 COMPOST) TO ACHIEVE FINAL GRADE IN 4" LIFTS. INCORPORATE BOTTOM LIFT THOROUGHLY INTO SUB-GRADE SOIL. EACH LIFT TO BE COMPACTED TO MINIMIZE SETTLING.
3. PLANTING STRIPS ARE TO BE CROWNED SLIGHTLY IN THE CENTER FOR DRAINAGE (4" IN 5' STRIP). PLANTING STRIPS IN PUBLIC R.O.W. ARE 5' WIDE.
4. FINISH GRADE TO BE 1" BELOW ADJ. PAVEMENT & CURBS IN AREAS TO RECEIVE SOD OR SEED, 2" IN AREAS TO BE PLANTED IN GROUNDCOVER OR SHRUBS



## GRASS AREAS & PLANTING STRIPS

TYPICAL SOIL INSTALLATION  
NTS 12/6/2011

Detail E-1

**NOTE**

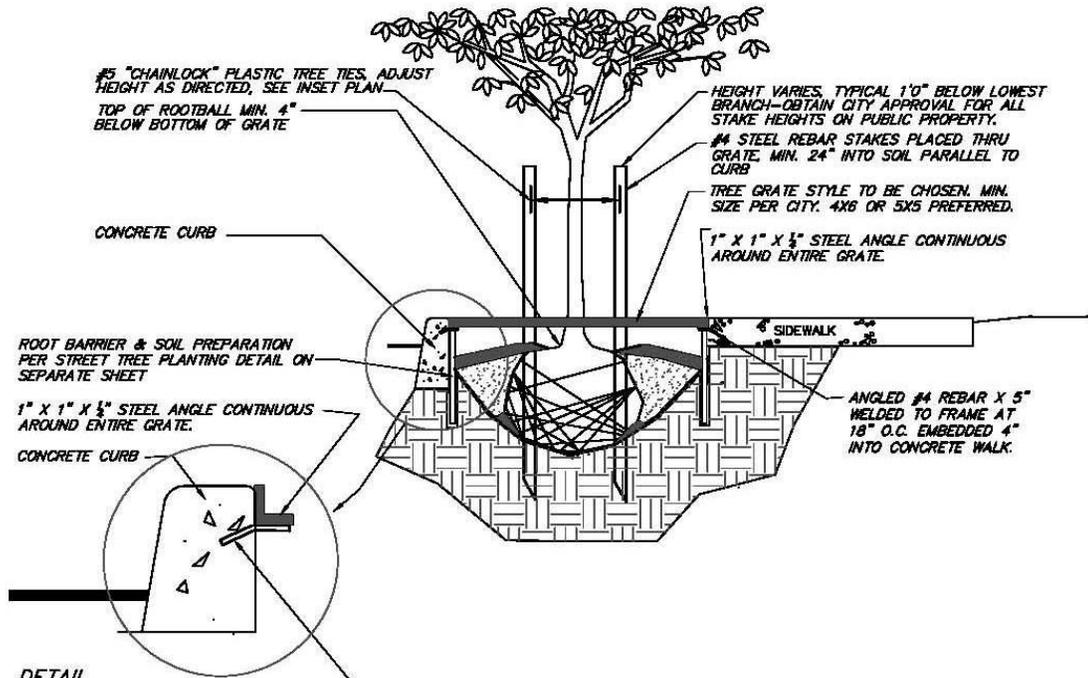
STREET TREES PLANTED IN TREE WELLS IN SIDEWALKS SHALL HAVE A MINIMUM OF 2'-6" PEDESTRIAN CLEARANCE AROUND THE TREE. TREE GRATES MAY BE REQUIRED TO HELP MEET THIS STANDARD.

**NOTES:**

1. CONDUCT TREE PIT DRAINAGE TEST PRIOR TO PLANTING. IF WATER IN HOLE DROPS 1/2" PER HOUR, DRAINAGE IS ACCEPTABLE. OWNER'S REP MUST BE PRESENT.
2. SPECIAL GRADING AND/OR PIT DRAINAGE WILL BE REQUIRED PER DTL. IF PERCOLATION IS A PROBLEM.
3. MAINTAIN THE TREE IN GOOD HEALTH AFTER DELIVERY. HEAL IN W/ DAMP SAWDUST IF NOT IMMEDIATELY PLANTED.
4. REMOVE ANY WIRE, STRING, BURLAP, OR OTHER FASTENER FROM ROOTBALL PRIOR TO PLACEMENT. REMOVE FROM SITE.
5. ROOT CROWN/FLARE TO BE ABOVE GRADE & NOT BURIED.
6. PRUNE ONLY AS DIRECTED.

**NOTES ON GRATES:**

1. TREE GRATE TO BE RECTANGULAR, CAST IRON, UNPAINTED AS MANUFACTURED BY OLYMPIC FOUNDRY INC. OR APPROVED.
2. DETAIL SHOWS CAST IN PLACE CONSTRUCTION
3. IF INSTALLATION INVOLVES EXISTING CONCRETE WORK FOLLOW MANUFACTURER'S INSTRUCTIONS FOR WELDING PLATES ONTO FRAME & BOLTING TO EXISTING SIDEWALK AND CURB.
4. ALL TREE GRATES TO HAVE KNOCK OUTS TO ACCOMMODATE TREE GROWTH.
5. GRATES TO MEET CITY OF ISSAQUAH AND ADA SAFETY STANDARDS FOR SURFACING & INSTALLATION INCLUDING OPENING SIZES.
6. SHAPE & SIZE OF GRATES TO BE DETERMINED BY CITY STANDARDS AND SIDEWALK DESIGN.
7. COMPLY WITH ASTM A48 CLASS 356 OR BETTER TESTING METHODS.

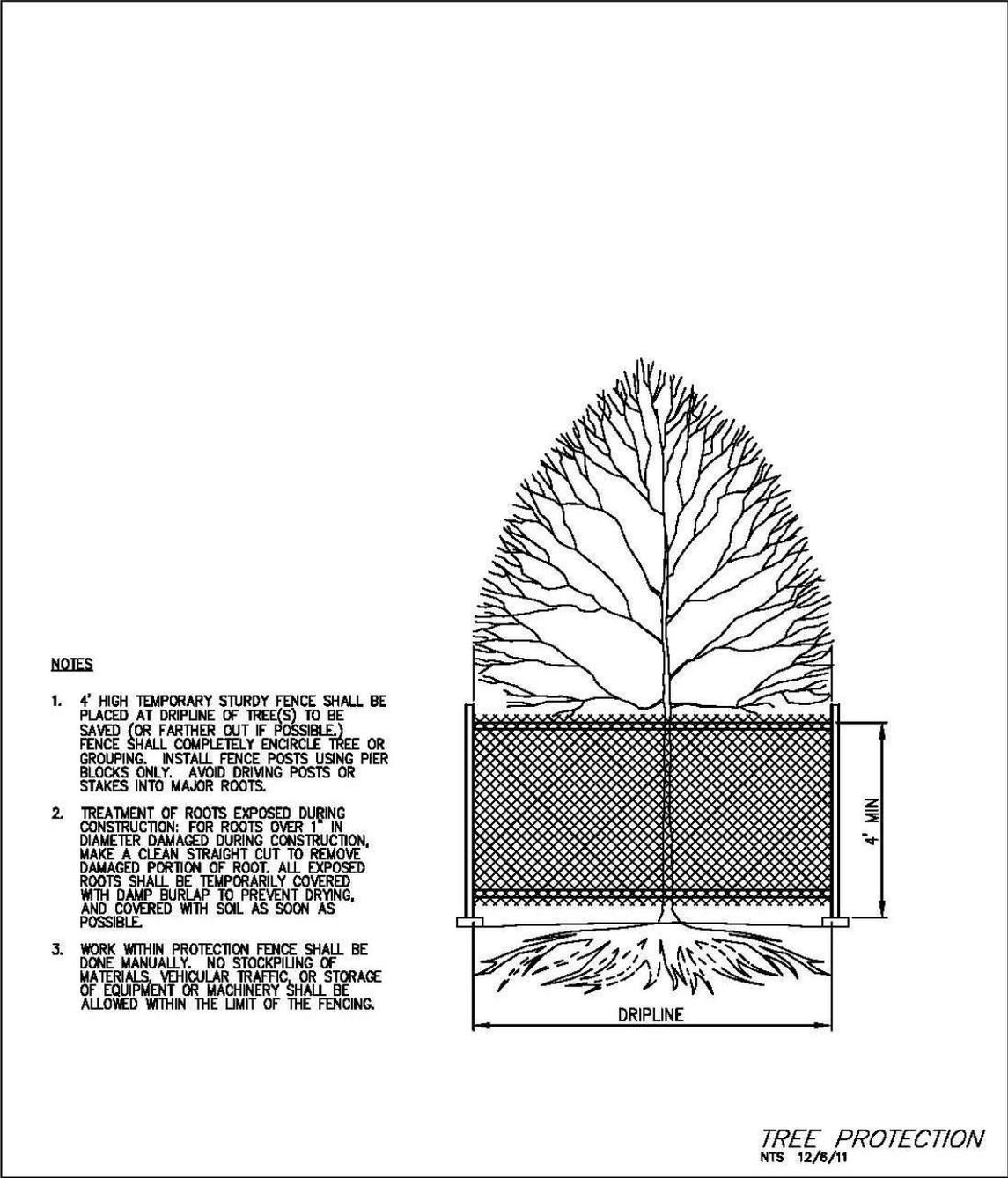


**DETAIL**  
NTS

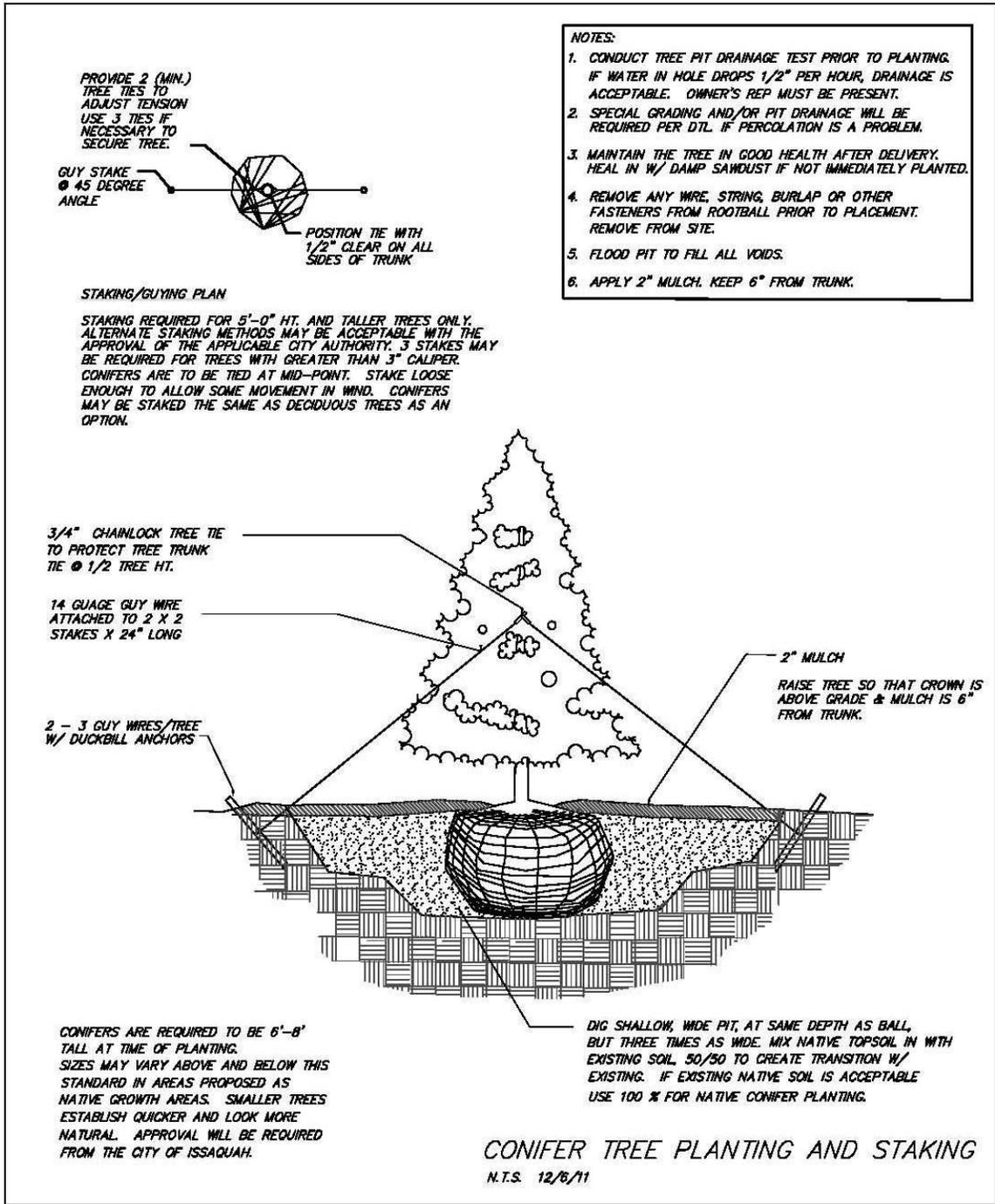
ANGLED #4 REBAR X 5" WELDED TO FRAME AT 18" O.C. EMBEDDED 4" INTO ADJACENT CURB.

STREET TREE PLANTING WITH TREE GRATE  
NTS 12/8/11

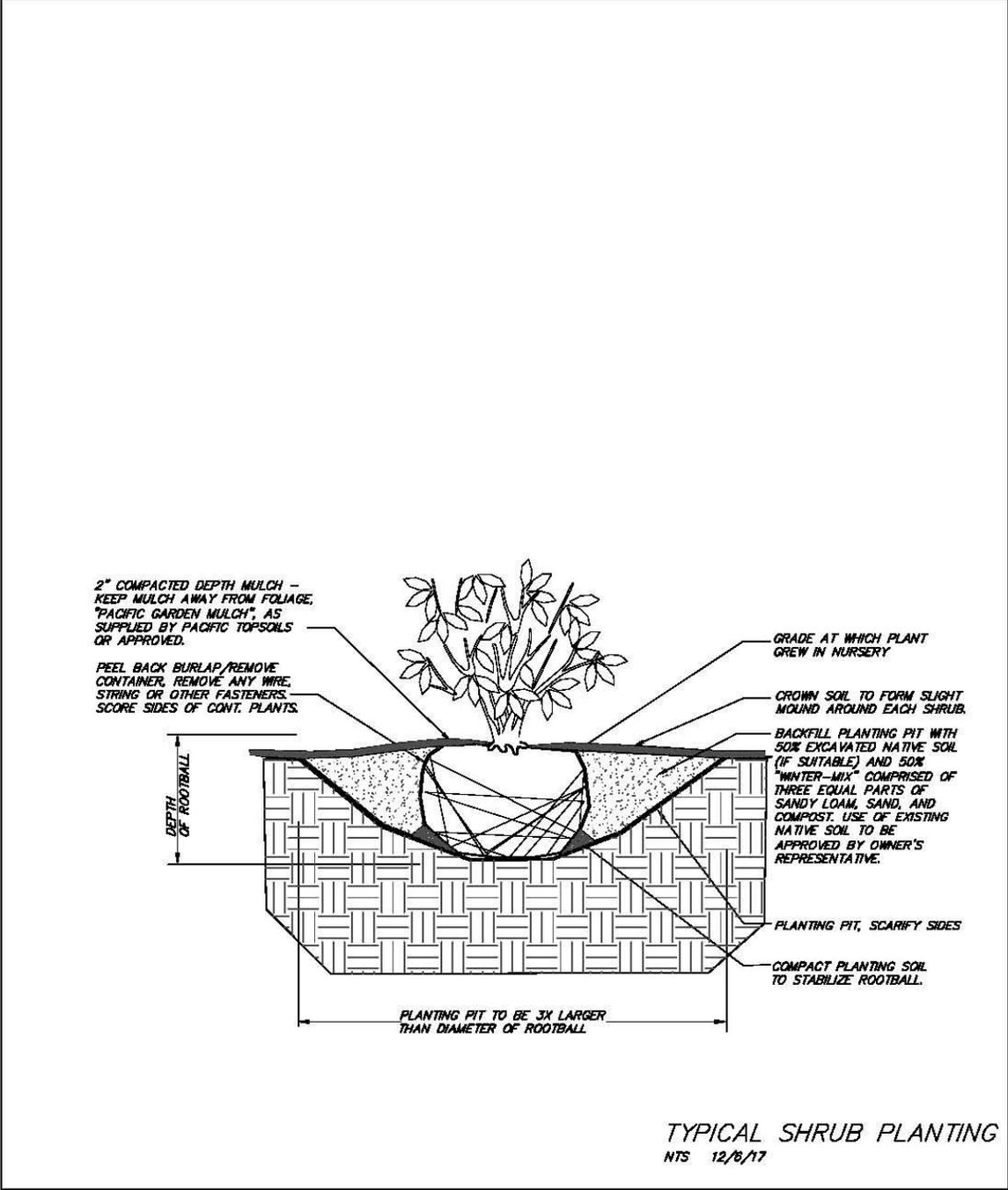
Detail E-2



Detail E-3



Detail E-4



Detail E-5

AT TIME OF PLANTING STREET TREES SHALL BE A MINIMUM OF 2" CAL. & LIMBED TO MIN. OF 5'. IRRIGATION SHALL BE REQUIRED FOR A MIN. OF THREE YEARS.

PROVIDE 2 (MIN.) SPARE LINKS TO ADJUST TENSION



POSITION TIE WITH 1/2" CLEAR ON ALL SIDES OF TRUNK

**STAKING PLAN**

STAKING REQUIRED FOR 5'-0" HT. AND TALLER TREES ONLY. ALTERNATE STAKING METHODS MAY BE ACCEPTABLE WITH THE APPROVAL OF THE APPLICABLE CITY AUTHORITY. 3 STAKES MAY BE REQUIRED FOR TREES WITH GREATER THAN 3" CALIPER.

STAKINGS TO BE PLACED PARALLEL WITH CURB.

**NOTES:**

1. CONDUCT TREE PIT DRAINAGE TEST PRIOR TO PLANTING. IF WATER IN HOLE DROPS 1/2" PER HOUR, DRAINAGE IS ACCEPTABLE. OWNER'S REP MUST BE PRESENT.
2. SPECIAL GRADING AND/OR PIT DRAINAGE WILL BE REQUIRED IF PERCOLATION IS A PROBLEM.
3. MAINTAIN THE TREE IN GOOD HEALTH AFTER DELIVERY. HEAL IN W/ DAMP SAWDUST IF NOT IMMEDIATELY PLANTED.
4. REMOVE ANY WIRE, STRING, BURLAP OR OTHER FASTENER FROM ROOTBALL PRIOR TO PLACEMENT. REMOVE FROM SITE.
5. ROOT CROWN/FLARE TO BE ABOVE GRADE & NOT BURIED.
6. PRUNE ONLY AS DIRECTED.
7. FINISH BACK OF CURB AND EDGE OF SIDEWALK.

#5 "CHAINLOCK" PLASTIC TREE TIES, ADJUST HEIGHT AS DIRECTED, SEE INSET PLAN.

PLANT 1 1/2" ABOVE GRADE AT WHICH TREE GREW IN AT NURSERY CROWN SOIL @ 5:1 TOWARD PVMT. SEE PLAN DTL. FOR LOCATION OF MULCHED AREA AT TREE. USE 2" "PACIFIC GARDEN MULCH" IN TREE BEDS (PACIFIC TOPSOIL) OR APPROVED. KEEP 6" AWAY FROM TRUNK.

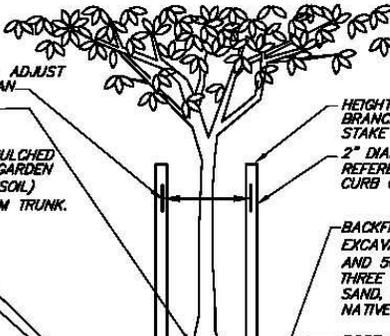
EXISTING CONCRETE CURB

18" ROOT BARRIER AS MANUFACTURED BY DEEPROOT, UB 18-2, OR APPROVED EQUAL. AGAINST CURB ON STREET AND AGAINST SIDEWALK. ROOT BARRIER REQUIRED ON 2 SIDES OF STRIP & ON 4 SIDES OF WELL. INSTALL PER MANUFACTURER'S INSTRUCTIONS.

LENGTH OF ROOT BARRIER DEPENDS ON VARIETY OF TREE. USE THE FOLLOWING:  
 OAK - 10 L.F. EACH SIDE  
 ASH - 10 L.F. EACH SIDE  
 FLOWERING PEAR - 3 L.F. EACH SIDE  
 NORWAY MAPLE VAR. - 20 L.F. EACH SIDE  
 RED MAPLE VAR. - 10 L.F. EACH SIDE  
 SYCAMORE - CONTINUOUS BETWEEN TREES  
 CRABAPPLE - 5 L.F. EACH SIDE

PLANTING PIT, SCARIFY SIDES

COMPACT SOIL UNDER PLANT TO AVOID SETTLING



HEIGHT VARIES, TYPICAL 1'0" BELOW LOWEST BRANCH—OBTAIN CITY APPROVAL FOR ALL STAKE HEIGHTS ON PUBLIC PROPERTY.  
 2" DIA. WOOD STAKES (SHOWN FOR REFERENCE) TO BE PLACED PARALLEL WITH CURB OUTSIDE OF ROOTBALL.

BACKFILL PLANTING PIT WITH 50% EXCAVATED NATIVE SOIL (IF SUITABLE) AND 50% "WINTER-MIX" COMPRISED OF THREE EQUAL PARTS OF SANDY LOAM, SAND, AND COMPOST. USE OF EXISTING NATIVE SOIL TO BE APPROVED BY OWNER.

ROOT BARRIER

SIDEWALK

COMPACT SOIL TO STABILIZE ROOTBALL

SHARPENED STAKES MIN. 12" INTO COMPACT SOIL.

EXCAVATE PIT MIN. 3 X DIAMETER OF ROOTBALL IN DIRECTION OF CURB.

**STREET TREE PLANTING IN STRIPS & WELLS**  
 NTS 12/6/11

Detail E-6

PROVIDE 2 (MIN.)  
SPARE LINKS TO  
ADJUST TENSION



POSITION TIE WITH  
1/2" CLEAR ON ALL  
SIDES OF TRUNK

**NOTES:**

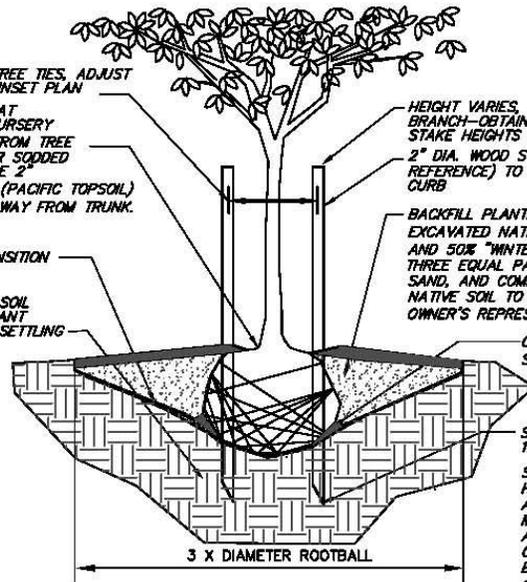
1. CONDUCT TREE PIT DRAINAGE TEST PRIOR TO PLANTING. IF WATER IN HOLE DROPS 1/2" PER HOUR, DRAINAGE IS ACCEPTABLE. OWNER'S REP MUST BE PRESENT.
2. SPECIAL GRADING AND/OR PIT DRAINAGE WILL BE REQUIRED PER DTL IF PERCOLATION IS A PROBLEM.
3. MAINTAIN THE TREE IN GOOD HEALTH AFTER DELIVERY. HEAL IN W/ DAMP SANDUST IF NOT IMMEDIATELY PLANTED.
4. REMOVE ANY WIRE, STRING, BURLAP OR OTHER FASTENER FROM ROOTBALL PRIOR TO PLACEMENT. REMOVE FROM SITE.
5. ROOT CROWN/FLARE TO BE ABOVE GRADE & NOT BURIED.
6. PRUNE ONLY AS DIRECTED.

#5 "CHAINLOCK" PLASTIC TREE TIES, ADJUST  
HEIGHT AS DIRECTED, SEE INSET PLAN

PLANT 1/4" ABOVE GRADE AT  
WHICH TREE GREW IN AT NURSERY  
CROWN SOIL @ 5:1 AWAY FROM TREE  
IF BED IS HYDROSEEDED OR SCOPED  
3" CIRCLE MULCH REQ. USE 2"  
"PACIFIC GARDEN MULCH" (PACIFIC TOPSOIL)  
OR APPROVED. KEEP 6" AWAY FROM TRUNK.

PLANTING PIT, MAKE TRANSITION  
WITH EXISTING SOIL (12")

COMPACT SOIL  
UNDER PLANT  
TO AVOID SETTLING



HEIGHT VARIES, TYPICAL 1'0" BELOW LOWEST  
BRANCH—OBTAIN CITY APPROVAL FOR ALL  
STAKE HEIGHTS ON PUBLIC PROPERTY.

2" DIA. WOOD STAKES (SHOWN FOR  
REFERENCE) TO BE PLACED PARALLEL WITH  
CURB

BACKFILL PLANTING PIT WITH 50%  
EXCAVATED NATIVE SOIL (IF SUITABLE)  
AND 50% "WINTER-MIX" COMPRISED OF  
THREE EQUAL PARTS OF SANDY LOAM,  
SAND, AND COMPOST. USE OF EXISTING  
NATIVE SOIL TO BE APPROVED BY  
OWNER'S REPRESENTATIVE.

COMPACT SOIL TO  
STABILIZE ROOTBALL

SHARPENED STAKES MIN.  
12" INTO COMPACT SOIL.

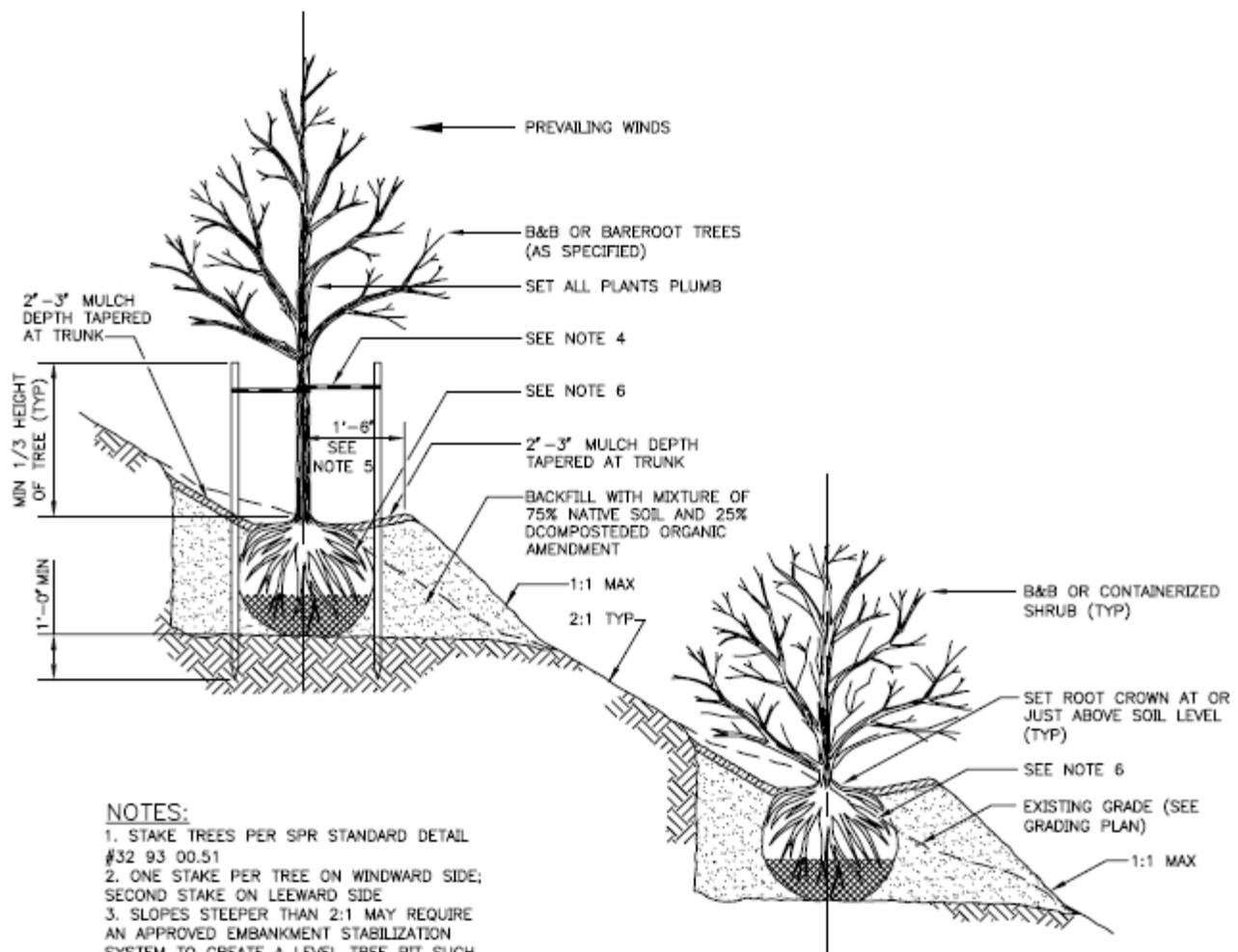
STAKING REQUIRED FOR 5'-0"  
HT. ND TALLER TREES ONLY.  
ALTERNATE STAKING METHODS  
MAY BE ACCEPTABLE WITH THE  
APPROVAL OF THE APPLICABLE  
CITY AUTHORITY. 3 STAKES MAY  
BE REQUIRED FOR TREES WITH  
GREATER THAN 3" CALIPER.

3 X DIAMETER ROOTBALL

**TYPICAL TREE PLANTING**

NTS 12/6/11

Detail E-7



- NOTES:**
1. STAKE TREES PER SPR STANDARD DETAIL #32 93 00.51
  2. ONE STAKE PER TREE ON WINDWARD SIDE; SECOND STAKE ON LEEWARD SIDE
  3. SLOPES STEEPER THAN 2:1 MAY REQUIRE AN APPROVED EMBANKMENT STABILIZATION SYSTEM TO CREATE A LEVEL TREE PIT SUCH AS: ROCK FACING, PRECAST CONCRETE WALL UNITS, TIMBER WALLS, OR MANUFACTURED SLOPE BIO-RETENTION UNITS.
  4. "CHAINLOCK" TREE TIES. LOOP EACH TIE AROUND TREE LOOSELY TO PROVIDE 1" SLACK FOR DIAMETER OF GROWTH.
  5. SHAPE SOIL TO PROVIDE 3' DIAMETER OR ROOTBALL DIAMETER, WHICHEVER IS GREATER, WATERING RING.
  6. REMOVE ALL WIRE AND STRING. REMOVE TOP 2/3 OF BURLAP.

**Detail E-8 Tree and Shrub Planting on Slopes**

## APPENDIX F – Community Spaces

- Section 1.0 Purpose and Intent**
- Section 2.0 Community Spaces**
- Section 3.0 Required Community Spaces**
- Section 4.0 Encouraged Community Spaces**
- Section 5.0 Administrative Modification of Standards**

### 1.0 Purpose and Intent

This Appendix F (Community Spaces) provides guidance and standards applicable to the number and types of Community Spaces to achieve the Goals (Appendix A) and Design Guidelines (Appendix B). The Project is comprised of six neighborhoods that will be connected by a common design vision, a pedestrian-oriented circulation system, and a strong Sociable Public Realm. This Appendix designates standards and requirements through the provision of Community Spaces that will:

- A. Add to the Sociable Public Realm and social interaction;
- B. Produce places that, through design, use of lighting, amenities, etc. are Pedestrian Friendly, comfortable and have a sense of safety;
- C. Create a variety of community spaces for all age groups and for all seasons and that offer urban spaces, interaction with nature, as well as community focal points for the Project;
- D. Provide for both active and passive recreational spaces;
- E. Ensure there is visual and recreational variety and interest within each neighborhood, which assists in organizing the neighborhood form and character; and,
- F. Optimize the benefits of the Community Spaces provided.

To achieve this Purpose, there will be required Community Spaces as specified in [Section 2](#) of this Appendix coupled with other encouraged Community Space elements as detailed in [Section 3](#).

### 2.0 Required Community Spaces

The facilities identified in this section will be provided by the Property Administrator or a Parcel Builder. Although these facilities will be owned and maintained by the Property Administrator or a successor private or common entity, they shall generally be open for use by the public at large.

#### A. Public Viewpoints

Two public viewpoints, generally with westerly views, will be provided in two different Neighborhoods within the Project. Public viewpoints may be located in Community Spaces, but do not in and of themselves meet the Community Space requirement in 2.0.D.

Opportunities to incorporate views of the adjacent industrial activity and any features of geologic significance should be considered. Viewpoints will contain signs with information such as property history, relevance of views, etc.

#### B. North Fork Overlook

An overlook into the North Fork of Issaquah Creek will be provided in either Neighborhood C or D and will be open to the public. Access to, and construction and maintenance of, the

overlook will be provided and regulated as detailed in Appendix P (SEPA). The North Fork Overlook may be located in or adjacent to a Community Space, but does not in and of itself meet the Community Space requirement in Section 2.0.D.

### **C. Village Square**

The Village Square will be located in Neighborhood B, unless it is mutually agreed by the Property Administrator and the Designated Official that another Neighborhood would better fulfill the provisions of Appendix A (Goals) and Appendix B (Design Guidelines). If not relocated, the Village Square is Neighborhood B's Community Space. The Village Square is further defined in the Main Body, Appendix B (Design Guidelines), and Appendix C (Land Use).

### **D. Community Spaces in each Neighborhood**

Any compact, complete, urban area must provide Community Spaces for its residents, workers and guests. The purpose is to balance and organize the built environment, offer common amenities, provide gathering area, and recreational opportunities. Neighborhood residents and employees within the Project shall have access to common amenities that will enhance their Neighborhood experience and Community Spaces that contribute or respond to the Neighborhood character. Each Neighborhood must include a minimum of one of the Community Spaces described below, at a minimum proportional to the amount of land use and density of expected users in the Neighborhood in which the Community Space is located, and which contain uses and amenities appropriate for that Neighborhood and the range of residents and/or employees in that Neighborhood, recognizing that every neighborhood will benefit from both passive activities and active uses.

Should the Property Administrator or Parcel Builder choose to develop a portion of a Neighborhood, other than Neighborhood B, the Community Space will either be developed with the first phase of development in the Neighborhood; or, may be delayed with approval from the Property Administrator and an approved and guaranteed plan for the location, expected improvements and construction of the Community space. Each Neighborhood's Community Space must be an organizing element for the Neighborhood and may not be located on a leftover parcel. Community Spaces within the Project could be:

- Plaza
- Parks
- Courtyards
- Other Community Spaces which achieve the Appendix A (Goals), Appendix B (Design Guidelines), the Purpose of this Appendix, and the description of Community Spaces in this subsection.

Within these Community Spaces there should be a range of activities appropriate to the Neighborhood, possibly including seating areas, children's play areas or opportunities, water features, art, recreation, Landscape Steps, amphitheaters. Size and uses within these Community Spaces will be determined as part of, or based on, the approved Land Use Permit, the expected number of users, and the type of users.

### Table of Required Community Spaces

	Village Square	N. Fork Outlook	Public Viewpoints	Req'd Community Space
Neighborhood A				√
Neighborhood B	√		√	√
Neighborhood C		√		√
Neighborhood D		√		√
Neighborhood E			√	√
Neighborhood F			√	√
<b>Total</b>	1	1	2	6

Where there are more √s than the column total, the Property Administrator will designate which Neighborhood(s) will be used to meet the obligation of this Section 2.0. The Property Administrator shall be given the responsibility for ensuring adequate Community Spaces are provided within each Neighborhood to meet the vision established through the Design Guidelines (Appendix B) for this Project.

### 3.0 Encouraged Community Spaces

In addition to the required Community Spaces listed in Section 2.0, additional useful and meaningful spaces are encouraged to provide variety, and to meet the Project Goals. The following are examples of possible types of improvements that may be provided as part of a required Community Spaces:

- Art garden
- Picnic area
- Open lawn area
- Children's play area
- Rock Climbing Walls
- Water garden
- Exercise course
- Barbecue area
- Covered areas
- Par Course
- Painted chess board/game board
- Volley ball court
- Open, useable natural spaces

- Informal (non-programmed) Gathering Areas

#### **4.0 Administrative Modification of Standards**

##### **Approval Criteria**

Approval must be based on a determination that the modification is consistent with the purpose and intent of this Appendix as well as meets the vision of the Project as provided for in Appendix A (Goals) and Appendix B (Design Guidelines). The following approval criteria shall be used, in conjunction with Appendix L (Permit Processing), to determine whether an Administrative Modification shall be granted:

- A. The modification(s) will be equal to, or superior in, fulfilling the intent and purpose of this Appendix;
- B. The modification(s) does not negatively impact the abutting property owners in a significant manner;
- C. The modification(s) does not create significant additional impacts on public services; and,
- D. The granting of the modification(s) does not negatively impact any safety features of the project nor create any hazardous features.

## APPENDIX G – Critical Area Standards

<b>Section 1.0</b>	<b>Purpose</b>
<b>Section 2.0</b>	<b>Intent</b>
<b>Section 3.0</b>	<b>Environmentally Critical Areas</b>
<b>Section 4.0</b>	<b>Exemptions</b>
<b>Section 5.0</b>	<b>Streams</b>
<b>Section 6.0</b>	<b>Wetlands</b>
<b>Section 7.0</b>	<b>Steep Slopes</b>
<b>Section 8.0</b>	<b>Unmapped Critical Areas</b>
<b>Section 9.0</b>	<b>Critical Area Studies</b>
<b>Section 10.0</b>	<b>Critical area protection mechanisms, buffer areas and building setback areas</b>
<b>Section 11.0</b>	<b>Temporary marking - Permanent survey marking – Signs</b>
<b>Section 12.0</b>	<b>Monitoring</b>
<b>Section 13.0</b>	<b>Critical Areas Mitigation Fund</b>
<b>Section 14.0</b>	<b>Allowed Activities</b>
<b>Section 15.0</b>	<b>Mitigation plan information requirements</b>
<b>Section 16.0</b>	<b>Bonds for restoration and mitigation activities</b>
<b>Section 17.0</b>	<b>Enforcement and penalties for critical areas</b>
<b>Section 18.0</b>	<b>Civil Penalties</b>
<b>Section 19.0</b>	<b>Notices and orders</b>
<b>Section 20.0</b>	<b>Criminal Penalties</b>
<b>Exhibit G-1</b>	<b>Critical Area Map</b>

### 1.0 Purpose

The purpose of this Appendix is to identify environmentally-critical areas and to supplement the development requirements contained in the various use classifications in the Development Agreement by providing for additional controls without violating any citizen's constitutional rights.

### 2.0 Intent

It is the intent of the City to create a balanced community whose vision includes:

- A. Environmental protection and preservation;
- B. Diversified, economic growth which has been planned and which is compatible with the vision of the community; and,
- C. Overall improvement of the quality of life for the residents of Issaquah.

### 3.0 Environmentally Critical Areas

- A. All known non-exempt critical areas located within and proximate to the Project boundaries are identified on the Critical Area Map (**Exhibit G-1**). The Project and vicinity contain a Class 2 Wetland, a non-regulated wetland, the north Fork of Issaquah Creek, a Class 3 stream, and steep slopes. The regulated wetland (Wetland A) (Class 2 w/ a habitat score of 24) has a 110-foot buffer and 15-foot Building setback area; the North Fork (a Class 2 stream used by salmonids) has a 125-foot buffer and 15-foot Building setback area; the Class 3 stream has a 50-foot buffer and a 15-foot building setback area; and, any naturally-occurring

or man-made regulated steep slopes that remain following mining activities (Appendix M) will have a 35-foot buffer from the top or toe of slope and a 15-foot Building setback area. It is presumed that critical areas not shown on these maps may exist in the Project. Those critical areas not currently mapped are protected and addressed under Section 10.0 of this Appendix.

- B. Except as permitted in Sections 4.0 and 5.0 of this Appendix, no encroachments or disturbance shall occur within any mapped Critical Area or its buffer. For activities permitted through Section 4.0 of this Appendix, a mitigation plan shall be submitted and approved as part of the Exempted activity.

#### **4.0 Exemptions**

The following are general exemptions to the provisions of this Appendix and the administrative rules and are allowed. These exemptions require a City permit and are allowed within a Critical Area buffer when no other alternative is practical and all impacts are minimized and mitigated.

- A. All Exemptions listed in IMC 18.10.400
- B. Removal of isolated, non-regulated wetlands (Class IV, less than 2,500 square feet)
- C. Steep slopes, as part of mining operations (Appendix M).

#### **5.0 Allowances**

The following are allowed activities within a Critical Area buffer as public amenities and require mitigation only as prescribed by a Critical Area Study (Section 9.0) of this Appendix G.

- A. Soft surface trails
- B. One (1) viewing platform within the North Fork buffer (with 1:1 buffer replacement)
- C. One (1) birding shelter within the Wetland A buffer
- D. Wet utilities where no other route is practical
- E. Intrusions permitted through Section 9.0.
- F. One (1) Multi-Use Trail connecting the Project to the valley floor.

#### **6.0 Streams**

Development activity on sites containing streams or stream buffers shall meet the requirements of this Appendix. The following general protections apply to streams and associated buffers:

- A. Development proposals on sites containing streams shall meet the requirements of IMC [18.10.770](#) through [18.10.795](#). Streams and associated buffers shall not be altered except as expressly authorized by this Appendix. The applicant is responsible for ensuring that the requirements of all other agencies with jurisdiction have been met.
- B. There shall be no introduction of any vegetation or wildlife which is not indigenous to the Pacific Northwest, and more-specifically the King County region, into any stream critical area or associated buffers.

#### **7.0 Wetlands**

Development activity on sites containing wetlands or wetland buffers shall meet the requirements of this Appendix. Wetlands and associated buffers shall not be altered except as expressly authorized by this Appendix. The following general protections apply to wetlands and associated buffers with the following activities prohibited:

- A. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;
- B. The dumping, discharging, or filling with any material;
- C. The draining, flooding, or disturbing of the water level or water table;
- D. The driving of pilings;
- E. The placing of obstructions or fences;
- F. The construction, reconstruction, demolition, or expansion of any structure;
- G. The destruction or alteration of wetlands vegetation through clearing, grubbing, harvesting, shading, intentional burning, or planting of vegetation that would alter the character of a regulated wetland; provided, that these activities are not part of a forest practice governed under Chapter 76.09 RCW and its rules;
- H. Activities that result in a significant change of water temperature, a significant change of physical or chemical characteristics of wetlands water sources, including quantity, or the introduction of pollutants; or
- I. Introduction into any wetland area or associated buffers of all vegetation or wildlife shall be indigenous to the Issaquah region.

## 8.0 Steep Slopes

Regulated Critical Area steep slopes are natural or man-made slopes that have an average resultant slope (inclination) of 40% or steeper over a continuous vertical rise of more than 20 feet. Slopes with an average inclination of less than 40% are not regulated steep slopes. Slopes that do not have an overall vertical rise of more than 20 feet are not steep slopes. Structures such as retaining walls and building foundations, which have been approved through a Utility or Building Permit are not regulated Steep Slopes and have no associated buffer or structure setback area. The following specifically applies to regulated steep slopes and associated buffers:

- A. Buffers may be reduced to a minimum of 10 feet with a Critical Area Study ([Section 9.0](#)) that demonstrates the following:
  - a. The reduction has no adverse impact on the Critical Area;
  - b. The reduction does not result in a lower level of slope stability; and
  - c. The reduction does not promote adverse intrusion into the Critical Area or otherwise encourage activities that might have a detrimental impact to the Critical Area.
- B. Allowed activities:
  - a. Trails;
  - b. Landscaping/vegetation that enhances slope stability;
  - c. Utilities that enhance slope stability; and
  - d. Retaining Walls (see Appendix M).
- C. Removal
 

Steep slopes may be removed through approval of a Critical Area Study and grading plan. Removal may include reducing (“laying-back”) the top of the slope so that the resultant slope is less than 40% or lowering the grade at the top of the slope so that the resultant rise is less than 20 feet high or filling the bottom of the slope so that the resultant rise is less than 20 feet high.

## 9.0 Critical Areas Studies

- A. Required: An applicant for a development proposal that includes, or could have probable significant adverse impacts to, critical areas or their buffers shall submit a critical areas study

to adequately evaluate the proposal and all probable impacts. The need for a critical areas study shall be determined through:

1. Review of the SEPA decision for the Project;
  2. Agency resource maps or studies; or
  3. At the request of the Designated Official after field investigation.
- B. Contents of Critical Areas Study: At a minimum a critical areas study shall be prepared at the applicant's expense, to identify and characterize any critical area as a part of the larger development proposal site; assess any hazards to the proposed development; assess impacts of the development proposal on any critical areas located on or adjacent to the development proposal site; and assess the impacts of any alteration proposed for a critical area. Studies shall propose adequate mitigation, maintenance and monitoring plans and bonding measures. Critical areas studies shall include among other requirements, a scale map of the development proposal site and a written report. The following criteria (Section 9.C.1 through 4) are the basic requirements for a critical areas study. Refer to the Designated Official for more specific requirements.
- C. Required Notice: all Critical Area Studies shall be displayed on the City's webpage with other permit tracking information. Contents shall include:
1. Vicinity Information:
    - a. A description and maps at a scale no smaller than one (1) inch = fifty (50) feet (unless otherwise approved by the Designated Official), showing the entire parcel of land owned by the applicant; adjacent area; and the exact boundary of the critical area on the parcel as determined in compliance with appropriate section of this appendix. Maps can be overlaid on aerial photographs;
    - b. For proposals containing wetlands or streams, the study must include the location and description of the vegetative cover, including dominant species of the regulated wetland and adjacent area.
  2. Site Plan:
    - a. A site plan for the proposed activity at a scale no smaller than one (1) inch = twenty (20) feet (unless otherwise approved by the Designated Official), showing the location, width, depth and length of all existing and proposed structures, roads, sewage treatment, and installations to be located within the critical area and/or its buffer;
    - b. The exact sizes and specifications for all regulated activities including the amounts and methods.
  3. Project Description:
    - a. The purposes of the project and an explanation why the proposed activity cannot be located at another location on the project site, including an explanation of how the proposed activity is dependent upon the chosen specific location; and
    - b. Specific means to mitigate any potential adverse environmental impacts of the applicant's proposal.
  4. Additional Information: The Designated Official may at a minimum require the following additional information:
    - a. Topographic map, including elevations of the site and adjacent lands within the critical area and its buffer at contour intervals as specified by the Designated Official but in most cases no greater than five (5) feet;
    - b. Elevations and cross sections;

- c. Assessment of critical area functional characteristics including but not limited to a discussion of the methodology used and documentation of the ecological, aesthetic, economic, or other values of the critical area;
  - d. A study of flood, erosion, coal mine or other hazards at the site and the effect of any protective measures that might be taken to reduce such hazards;
  - e. A Biological Assessment as required by Section 7(c) of the Endangered Species Act; and
  - f. Any other information deemed necessary to verify compliance with the provisions of this appendix or to evaluate the proposed use in terms of the purposes of this appendix.
- D. The Designated Official shall circulate the critical areas study to any affected City Departments or other entities, as deemed appropriate, such as the Public Works Department and the River and Streams Board.
- E. The Designated Official shall make a final decision regarding the adequacy of the critical areas study.
- F. If it is determined that the proposed regulated activity will occur within a critical area or critical area buffer, an approval must be granted through the appropriate land use permitting process prior to any development activity occurring on the site.

## **10.0 Critical area protection mechanisms, buffer areas and building setback areas**

### **A. Protection Mechanisms for Critical Areas**

1. There are two mechanisms for protecting critical areas: tracts and easements. The Designated Official will have the discretion to determine which mechanism shall be used to protect critical areas. In general the following can be used as guidance for using these mechanisms:
  - a. Large critical areas will be placed in tracts.
  - b. Smaller critical areas will be restricted by easements. These easements will permit the broader uses allowed in critical area tracts.
2. Critical Area Tracts: Critical area tracts shall be used to protect critical areas in proposals for subdivisions or other development proposals to which they apply, and shall be recorded on all documents of title of record for all affected lots.
  - a. Critical area tracts are legally created tracts containing critical areas and their buffers that shall remain undeveloped in perpetuity. Critical area tracts are an integral part of the larger parcel in which they are created, are dedicated at Final Plat or prior to Building Permit issuance and are not intended for future sale, lease or transfer. Permanent survey stakes using iron or cement markers as established by current survey standards shall be set delineating the boundaries between adjoining properties and the critical area tracts.
  - b. Ownership: Critical Area tracts shall not be individually owned, but shall be dedicated to the Homeowners Association or other appropriate organization as approved by the Designated Official. In some circumstances, the City may consider ownership of the tracts, at its discretion.
  - c. Allowed Uses: Permitted uses in these tracts shall be consistent with this Appendix, and approved by the Designated Official.
3. Conservation Easements: Conservation Easements shall be used to protect critical areas on portions of private property containing critical areas where a critical area tract is not

created. The easements shall be recorded on all documents of title of record for all affected parcels.

- a. Conservation Easements are legally created restrictions containing critical areas and their buffers that shall remain undeveloped in perpetuity. These easements are an integral part of the larger parcel in which they are created, are dedicated at Final Plat or prior to Building Permit issuance and are not intended for future sale, lease or transfer.
- b. Ownership: Conservation easements shall be dedicated to the Homeowners' Association or other appropriate organizations as approved by the Designated Official. In some circumstances, the City may consider being the recipient of the easement, at its discretion.
- c. Allowed Uses: Permitted uses in these easements shall be consistent with this Appendix and approved by the Designated Official.

**B. Buffer Areas:** Buffer areas shall be established from the outer edge of the critical area and based on the minimum buffer requirements set forth in Section 3.0 of this Appendix.

1. Landscaping, with the exception of street trees, that occurs as a result of new development, shall not intrude into the buffer of any wetland or stream critical area, unless approved by the Designated Official. Steep slopes created by permitted grading or mining activities may have new or enhanced landscaping, as part of a restoration permit approved by the Designated Official.
2. Where more than one critical area buffers overlap, the largest buffer width shall be applied to ensure adequate protection for each critical area.
3. Enhancement: a critical area buffer may be graded and revegetated if the following apply:
  - a). A critical area study indicates that work in the buffer will improve the function or habitat value of the buffer.
4. Averaging: a critical area buffer may be averaged if the following apply:
  - a). A critical area study indicates the buffer may be averaged without resulting in impacts to the critical area; and
  - b). The averaging may be fully mitigated through additional plantings or other means.

**C. Building Setback Areas:** Building setback areas are required and are located adjacent to the buffer and provided to ensure building structures do not, through shadowing, reflection or wind channeling, cause an impact on the buffer area. Building setback areas shall preclude structures in excess of four (4) feet in height, unless modified as provided in this Section.

1. The minimum Building Setback Area shall be fifteen (15) feet unless a reduction of this standard meets the following criteria and is approved by the Designated Official:
  - a). The intrusion can be shown, through a critical area study, to have no adverse impact on the critical area;
  - b). Construction techniques can be utilized that demonstrate no adverse impact to the critical area or buffer during construction activities;
  - c). Design of the site and building(s) and, placement of the building(s) allow adequate physical and visual separation from nearby uses and are sensitive to the critical area; and,
  - d). An area equal to 2(x) the intrusion shall be provided within the building setback area as pervious open space. This area shall be landscaped with native vegetation to be compatible with the adjoining critical area, as determined by the Designated Official.

2. Prohibitions on the use of hazardous or toxic substances and pesticides or certain fertilizers in this area shall be imposed for setbacks from streams and wetlands.
3. Minor structural intrusions (e.g., patios, sidewalks, roads) into the area of the building setback may be allowed if the applicant proves to the Designated Official that such intrusions will not negatively affect the protection level provided by the buffer to the critical area.
4. Every critical area requires a building setback area consistent with the provisions of this Section 10.0.C.
5. The building setback area shall be illustrated on all implementing preliminary plats and final plats, site development permits, building permit site plans, and similar type of permits containing or adjacent to critical areas.

### **11.0 Temporary marking - Permanent survey marking - Signs**

- A. Temporary Marking: The location of the outer extent of the critical area buffer and building setback line pursuant to an approved Development or Land Use Permit shall be marked in the field with orange construction fencing and/or other appropriate apparatus, as determined by the Designated Official during critical area review. The location and presence of such markings in the field shall be approved by the Designated Official, prior to the commencement of permitted activities. Such field markings shall be maintained throughout the duration of the construction activities.
- B. Survey Markers: Permanent survey stakes using iron or cement markers as established by current survey standards shall be set delineating the boundaries between adjoining properties and the critical areas tracts.
- C. Signs: Boundaries between critical area tracts and/or areas with conservation easements and adjacent lands shall be identified using permanent signs explaining the type and value of the critical area, except the portions, if any, of a critical area that are adjacent to natural or wild areas, such as the North Fork of Issaquah Creek. Whenever a trail enters a critical area buffer, the boundary shall be identified using permanent signs explaining the type and value of the critical area. The number of signs required by the Designated Official will be dependent upon the size of the critical areas and the use of the adjacent property.

### **12.0 Monitoring**

- A. The Designated Official may require monitoring when mitigation is required for the alteration of a non-steep slope critical area and/or its buffer. Monitoring of steep slopes will be determined by the Designated Official based on the recommendations of the Critical Area Study.
- B. Frequency, detail and length of monitoring by the applicant will be included in the Mitigation Plan or the Critical Area Decision.
- C. Where monitoring reveals a significant deviation from predicted impacts or a failure of mitigation measures, the applicant shall be responsible for appropriate corrective action which, when approved, shall be subject to further monitoring by the applicant.

### **13.0 Critical Areas Mitigation Fund**

There is hereby created a Critical Areas Mitigation Fund which shall be administered by the Finance Department. All funds received from civil penalties resulting from violations of this appendix shall be deposited in the fund which shall be used only for the purpose of paying all or

part of the cost and expense of enforcing and implementing this appendix. Monies in said fund not needed for immediate expenditure shall be invested for the benefit of the Critical Areas Mitigation Fund pursuant to RCW 36.29.020. For investment purposes, the Director of Finance is hereby designated the Fund Manager.

#### **14.0 Allowed Activities**

- A. The following activities shall be allowed within a critical area or its buffer to the extent that they are not prohibited by any other ordinance or law and provided they are conducted using best management practices, except where such activities result in the conversion of a regulated wetland or wetland buffer to an activity to which it was not previously subjected and provided further that forest practices and conversions shall be governed by Chapter 76.09 RCW and its rules.
1. Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife;
  2. Outdoor recreational activities, including fishing, bird watching, hiking, hunting, boating, swimming and canoeing. Horseback riding and bicycling are allowed only on designated and posted established trails;
  3. The noncommercial harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, or alteration of the wetland by changing existing topography, water conditions or water sources;
  4. Education, scientific research, and use of designated nature trails;
  5. Normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas. Maintenance and repair does not include any modification that changes the character, scope, or size of the original structure, facility, or improved area and does not include the construction of a maintenance road;
  6. Minor modification of existing serviceable structures (e.g., utilities, monitoring equipment, etc.) within a buffer where modification does not adversely impact critical area functions; and,
  7. Site investigative work necessary for land use application submittals such as delineations, surveys, soil logs, percolation tests and other related activities.
- B. In critical area buffers, regulated activities which have minimal adverse impacts within the buffers and no adverse impacts on the critical area may be allowed through the Land Use Permit process, provided they are conducted using best management practices. These activities include:
1. Low-intensity, passive recreation-related activities such as development of recreation trails, nonpermanent wildlife watching blinds, short-term scientific or educational activities; and,
  2. Cleaned or treated surface water discharge to a wetland or stream from a detention facility, pre-settlement pond or other surface water management activity or facility may be allowed if the discharge enhances the wetland or stream and/or does not increase the rate of flow, change the plant composition in a forested wetland or stream, or decrease the water quality of the wetland or stream.

#### **15.0 Mitigation plan information requirements**

A required mitigation plan shall be prepared in consultation with the Designated Official and qualified professionals. The scope and specific requirements of a mitigation plan are dependent

on the size and nature of the development proposal, the nature of the impacted critical area, and the degree of cumulative impacts from other development proposals. The mitigation plan shall contain at a minimum the following components; however, the Designated Official may request additional information as required for the decision-making process:

- A. Identification of Project Team: A Compensation Project Manager shall be named and the qualifications of each team member involved in preparing the mitigation plan and implementing and supervising the project shall be provided, including educational background and areas of expertise, training and experience with comparable projects.
- B. Baseline Information: A written assessment and accompanying maps of the environmental conditions of the impacted regulated wetland and the mitigation-site if different.
- C. Environmental Goals and Objectives: A written report shall be provided identifying goals and objectives of the mitigation plan. The goals and objectives shall be related to the functions and values of the original wetland or if out-of-kind, the type of wetland to be emulated and an analysis of the likelihood of success of the created or restored wetland.
- D. Evaluation Criteria: Specific criteria, including ecological, geological, or hydrological criteria, shall be provided for evaluating whether or not the goals and objectives of the project will be met and whether or not remedial action or contingency measures should be initiated.
- E. Detailed Landscape Construction Plans: Drawings and written specifications describing the mitigation techniques and materials to be used.
- F. Monitoring Program: A program outlining the approach for monitoring construction of the compensation project and for assessing a completed project shall be provided, including a protocol of how the monitoring data will be evaluated by agencies that are tracking the progress of the mitigation project.
- G. Contingency Plan: Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

## **16.0 Bonds for restoration and mitigation activities**

- A. Performance Bonds: Mitigation required pursuant to a development or utility proposal must be completed prior to the Designated Official's granting of final approval of the development proposal or utility permit. If the applicant demonstrates that seasonal requirements or other circumstances beyond its control prevent completion of the mitigation prior to final approval, the applicant may post a performance bond equal to one hundred fifty (150) percent of the total cost of the unfinished mitigation project to complete, or other security instrument approved by the Designated Official which guarantees that all required mitigation measures will be completed no later than the time established by the Designated Official in accordance with this Appendix.
- B. Maintenance/Monitoring Bonds: The Designated Official shall require the applicant whose development proposal is subject to a mitigation plan to post a maintenance/monitoring bond equal to fifty (50) percent of the estimated maintenance and monitoring cost, or other security instrument approved by the Designated Official in an amount determined sufficient to guarantee satisfactory workmanship, materials, and performance of structures and improvements allowed or required by this appendix for a period of five(5) years.

- C. Performance and maintenance/monitoring bonds or other security instruments shall also be required for restoration of a critical area not performed as part of a mitigation plan, except no bond shall be required for minor stream restoration carried out pursuant to this Appendix.
- D. Bonds or other security instruments shall be in a form and amount approved by the Designated Official and the City Attorney and shall remain in effect until the Designated Official determines in writing that performance and maintenance standards have been met.
- E. Enforcement of Bonds: Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation or restoration.

### **17.0 Enforcement and penalties for critical areas**

- A. The enforcement provisions for critical areas are intended to encourage compliance and protect critical areas and the public from harm. To achieve these ends, violators will not only be required to restore damaged critical areas, insofar as that is possible, but will also be required to pay a civil penalty for the redress of ecological, recreational, and economic values lost or damaged due to their unlawful action. The provisions in this section are in addition to, and not in lieu of, any other penalty, sanction or right of action provided by law.
- B. In all cases, the owner of the land shall be named as a party to the notice and order. In addition to any other persons who may be liable for violations, the owner shall be jointly and severally liable for the restoration of a site and payment of any civil penalties imposed.
- C. Violation of this appendix means the violation of any provision of this Appendix; the administrative rules promulgated hereunder; any permit or approval or stop work order; any other order issued pursuant hereto; any of the terms and conditions of any critical area tract or setback area, easement or other covenant, plat restriction or binding assurance; any mitigation plan; or any contract or agreement concluded pursuant to the above-mentioned provisions of this Appendix.
- D. Each violation of this Appendix, or any rule or regulation adopted, or any permit, permit condition, or order issued pursuant to this Appendix, shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.
- E. Any person incurring a penalty may apply in writing within thirty (30) calendar days of receipt of the penalty to the Designated Official for remission or mitigation of such penalty. Upon receipt of the application, the Designated Official may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty.
- F. All costs, fees, and expenses in connection with enforcement actions may be recovered as damages against the violator.
- G. Aiding or Abetting: Any person who, through an act of commission or omission procures, aids or abets in the violation shall be considered to have committed a violation for the purposes of the penalty.
- H. The Designated Official may bring appropriate actions at law or equity, including actions for injunctive relief, to ensure that no uses are made of critical areas or their buffers that are inconsistent with this Appendix.

### **18.0 Civil penalties**

- A. Any person in violation of this appendix shall be subject to civil penalties assessed as follows:

1. An amount reasonably determined by the Designated Official to be equivalent to the economic benefit that the violator derives from the violation as measured by the greater of the resulting increase in market value of the property or the value received by the violator, or savings of construction costs realized by the violator performing any act in violation of this Appendix.
2. An amount, not to exceed \$25,000, that is reasonably based upon the nature and gravity of the violation and the cost to the City of enforcing this Appendix against the violator.
3. Penalties under this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the City. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, or, in appropriate cases, require necessary corrective action within a specific time.
4. Any civil penalty recovered under this section shall be deposited in the Critical Areas Mitigation Fund for use by the City in protecting or restoring critical areas.
5. No civil penalty shall be imposed under this Appendix upon the Designated Official, or City employees for any act or omission relating to the administration or enforcement of this Appendix.

## **19.0 Notices and orders**

The Designated Official is authorized to issue violation notices and administrative orders, levy fines, and/or institute legal actions in court.

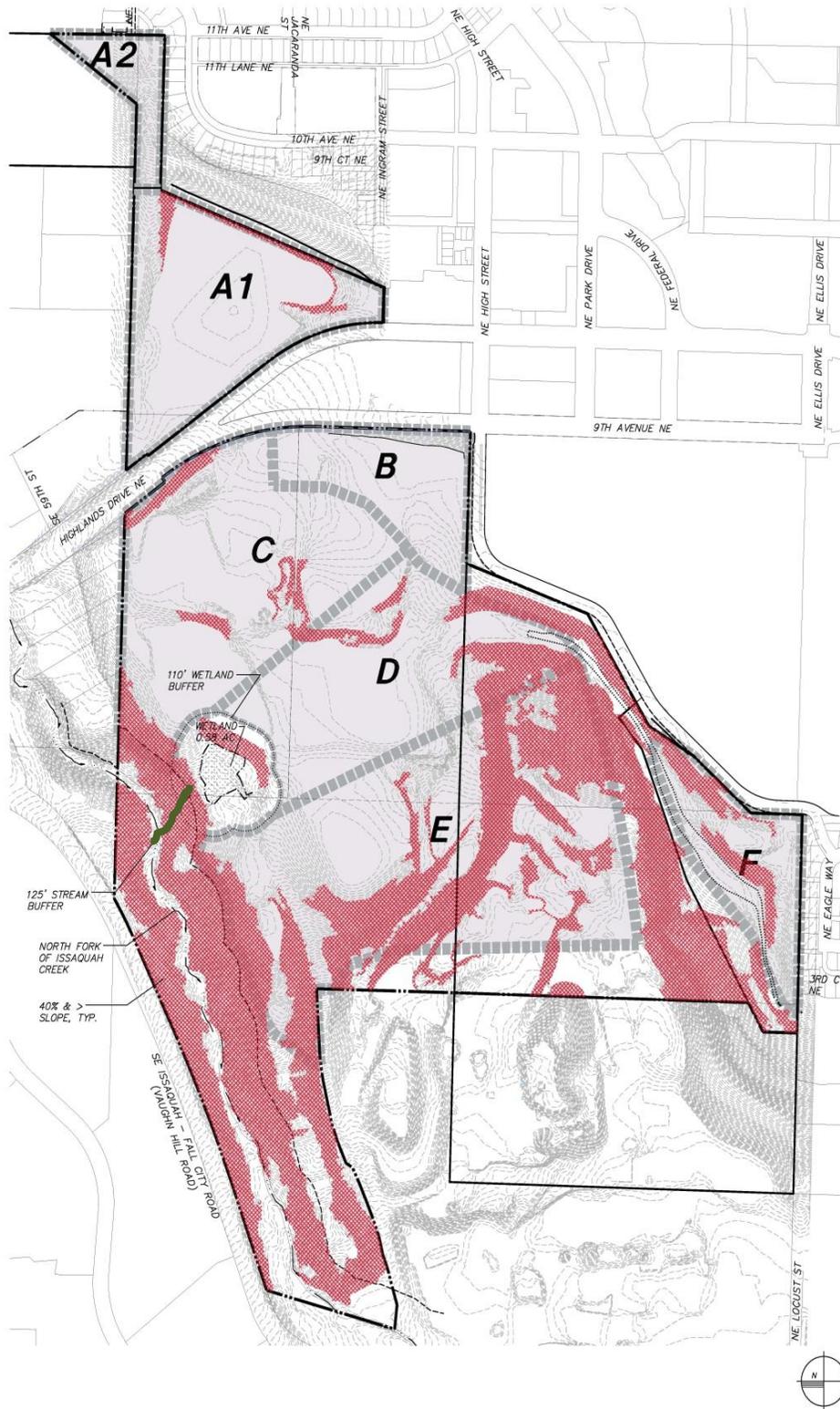
- A. Recourse to any single remedy shall not preclude recourse to any of the other remedies.
- B. The Designated Official may serve upon a person a cease and desist order if an activity being undertaken on a critical area or its buffer is in violation of this Appendix or related Designated Official's decision. Whenever any person violates this Appendix or any permit issued to implement this Appendix, the Designated Official may issue an order reasonably appropriate to cease such violation and to mitigate any environmental damage resulting therefrom.
  1. The order shall set forth and contain:
    - a. A description of the specific nature, extent, and time of violation and the damage or potential damage; and
    - b. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty may be issued with the order.
  2. The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.
  3. Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.
  4. Orders and penalties issued pursuant to this subsection may be appealed.
- C. Any person who undertakes any activity within a critical area or its buffer without first obtaining a permit required by this Appendix, except as allowed in each section under the allowed activities provision, or any person who violates one (1) or more conditions of any permit required by this Appendix or of any order issued pursuant to subsection (C)(2) of this section, shall incur a penalty allowed per violation.
  1. In the case of a continuing violation, each permit violation and each day of activity without a required permit shall be a separate and distinct violation.

2. The penalty amount shall be set in consideration of the previous history of the violator and the severity of the environmental impact of the violation.
3. Penalties provided from this section shall be appealable to King County Superior Court.

**20.0 Criminal penalties**

As an alternative to any other judicial or administrative remedy provided in this Appendix or by law or other ordinance, any person who willfully or knowingly violates any provision of this Appendix, or any order issued pursuant to this Appendix, or by each act of commission or omission procures, aids or abets such violation, is guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$1,000 and/or imprisonment in the City jail for a term not to exceed ninety (90) days. Each day such violation continues to occur, shall be considered an additional misdemeanor offense.

# Exhibit G-1 – Critical Area Map



## APPENDIX H – Parking Standards

<b>Section 1.0</b>	<b>General Provisions</b>
<b>Section 2.0</b>	<b>Provisions of Required Parking</b>
<b>Section 3.0</b>	<b>Tables of Required Parking: Vehicular and Bicycle</b>
<b>Section 4.0</b>	<b>Parking Tools</b>
<b>Section 5.0</b>	<b>Barrier-Free Spaces</b>
<b>Section 6.0</b>	<b>Loading Spaces</b>
<b>Section 7.0</b>	<b>Stacking Spaces/Drive-Through Window Facilities</b>
<b>Section 8.0</b>	<b>Parking Lot Design and Construction Standards</b>
<b>Section 9.0</b>	<b>Administrative Modification of Parking Standards</b>
<b>Section 10.0</b>	<b>Parking Lot and Stall Dimension Standards</b>

### 1.0 General Provisions

#### 1.1 Purpose and Intent of Parking Standards

The purpose of this Section is to establish standards for the design, configuration and performance of parking within the Project as well as to implement the vision established in Goals (Appendix A) and Design Guidelines (Appendix B). Parking encompasses all public and private facilities necessary for the storage of motorized and non-motorized transportation vehicles including bicycles and automobiles. The purpose of requiring parking as a condition of development is to provide an adequate amount of parking for a specific use, recognizing that a balance must be reached between: *Insufficient Parking*, leading to parking violations on abutting streets as well as unauthorized parking in nearby private lots or bicycles chained to streetlights and benches; and *Excessive Parking*, wasting space and resources that could be better utilized for people, landscape, etc. Parking is intended to:

- A. Ensure adequate, safe, and reasonable storage of and access to parking facilities;
- B. Allow for flexibility in the design and location of parking facilities;
- C. Contribute to the creation of a Sociable Public Realm that defines the character and image of the Development, by minimizing the presence and/or impact of vehicular parking lots and garages;
- D. Establish criteria that clearly identifies that pedestrians and non-motorized transportation as well as street character are prioritized over motorized transportation;
- E. Efficiently and effectively use the parking provided;
- F. Encourage the use of on-street parking and allow it to meet as much of the required parking as possible;

- G. Encourage the use of parking garages to meet parking requirements, rather than surface parking lots;
- H. Encourage multiple functions for parking facilities such as markets, fairs, recreation, stormwater, etc.;
- I. Accommodate incremental development;
- J. Provide facilities appropriate for the anticipated use with a minimum of paving;
- K. Work to reduce the use of fossil fuels and production of air pollution;
- L. Follow progressive trends in parking technology and management; and
- M. Allow flexibility to adapt to changing market needs and implement changing community priorities over the span of a multi-decade Development Agreement.

## **1.2 Applicability**

- A. *General:* These standards apply to all new vehicular and non-motorized parking proposed within the Project.
- B. No other parking code will be applicable to the Project, except as noted herein, and if consistent with the intent of the Development Agreement.

## **2.0 Provisions of Required Parking**

### **2.1 Conformance**

All off-street parking shall comply with the provisions of this Appendix. On-street parking dimensions and locations are governed by Circulation (Appendix D) and Section 10 of this Appendix.

### **2.2 Permit Required**

Parking or loading spaces shall not be created, constructed, located, relocated or modified after the effective date of these provisions without first obtaining a Land Use Permit, Building Permit, and/or Utility Permit.

### **2.3 Use of Required Parking**

Required off-street parking is intended to provide vehicle parking only for residents, customers, patrons, visitors, and employees. Area devoted to parking may not be used for any other purpose, except as authorized by this Appendix. Except in designated areas, required parking shall generally not be used for the storage of motorized vehicles, trailers, boats or materials or the sale, repair or servicing of any vehicle. On-street parking is intended for the general use of the community and will not be signed for restricted use, unless approved by the Designated Official.

### **2.4 Unlawful Elimination of Required Parking or Loading Spaces**

An owner or operator of any building or land use affected by this section shall not eliminate or reduce required parking or loading facilities without the

establishment of alternative parking or loading facilities which meet the requirements of this Appendix H.

**2.5 Maintenance**

All parking areas shall be maintained by the Property Administrator or designee.

**3.0 Tables of Required Parking: Vehicular and Bicycle**

The intent of the following parking standards is to provide adequate vehicular and bicycle parking for uses within the Project. See Section 4.0 for additional information on Parking Tools.

**3.1 Computation of Required Vehicular Spaces**

- A. Specific parking requirements are listed in the Table of Required Vehicular Parking at the end of this section. Residential parking requirements are based upon neighborhood location.
- B. *Fraction:* If the calculation of the number of vehicular parking spaces in the Table of Vehicular Parking Spaces contains a fraction, such number shall be rounded up or down to the next whole number:
  - 1. fractions less than one-half (.5) shall be rounded down to the whole number; and
  - 2. fractions which are one-half (.5) and greater shall be rounded up to the next higher whole number.
- C. *Mixed Use:* When different uses occupy a single structure or parcel, the total required vehicular parking spaces shall be the sum of the requirements of the individual uses, except as otherwise allowed by this Appendix.

**3.2 Unspecified Uses**

If this section does not specify a vehicular or bicycle parking requirement for a proposed use in the Tables of Vehicular (Section 3.3) or Bicycle Parking Spaces (Section 3.4), the Designated Official shall establish the minimum requirement based on the nearest comparable use. The Designated Official may require that the applicant provide sufficient information to demonstrate that the vehicular or bicycle parking demand for the proposed land use will be satisfied, based upon existing land uses the same or similar to the proposed use. If the gross floor area of the proposed use exceeds ten thousand (10,000) square feet, the applicant may be required to provide a vehicular parking study for the proposed use prepared by a professional with expertise in traffic and vehicular parking analyses.

**3.3 Table of Vehicular Parking Spaces**

LAND USE (NSF: Net Square Footage)	MINIMUM NUMBER OF PARKING SPACES REQUIRED		MAXIMUM NUMBER OF PARKING SPACES ALLOWED	
	NEIGHBORHOOD		NEIGHBORHOOD	
<b>RESIDENTIAL</b>	<b>A, B, C</b>	<b>D, E, F</b>	<b>A, B, C, D</b>	<b>E, F</b>

LAND USE (NSF: Net Square Footage)	MINIMUM NUMBER OF PARKING SPACES REQUIRED		MAXIMUM NUMBER OF PARKING SPACES ALLOWED	
	<b>Single Family</b>	1 per unit or	2 per unit	2 per unit
Accessory Dwelling Unit	.75 . unit if the unit is less than or equal to 600 sq.ft.	1 per unit	1 per unit	1 per unit
<b>Multi-Family</b>				
Multi-family: Studio Unit	1 per unit or	1 per unit	1 per unit	1.25 per unit
Multi-family: One Bedroom Unit	.75 / unit if	1.25 per unit	1.25 per unit	1.5 per unit
Multi-family: Two or more bedrooms	the unit is less than or equal to 600 sq. ft.	2 per unit	2 per unit	2.5 per unit
Nursing Home	See max.	N/A*	1 space per 3 beds	N/A*
Residential Care Facility	See max.	N/A*	1 space for each 2 units + 1 space per employee @ max. shift	N/A*
Retirement Home	See max.	N/A*	1 space per 3 beds	N/A*
Rooming House and Boarding House	See max.		1 per unit	
Senior Assisted Care Facility	See max.	N/A*	1 space for each 2 units + 1 space per employee @ max. shift	N/A*
Senior Housing (large and small scale)	See max.	See max.	1.5 per unit	1.5 per unit

\* N/A: Not applicable as these uses are not anticipated in these neighborhoods. If they are proposed, the Project Administrator and Designated Official will determine appropriate parking rates based on access to the Issaquah Highlands Park and Ride, design of the Circulation facilities, and parking rates for similar uses in equivalent locations..

LAND USE (NSF: Net Square Footage)	MINIMUM NUMBER OF PARKING SPACES REQUIRED		MAXIMUM NUMBER OF PARKING SPACES ALLOWED	
	<b>Residential-Other</b>			
Bed & Breakfast/Guest House		1 per manager's unit and 1 per guest room		

<b>RETAIL</b> including the following stores department, drug, pharmacy, feed, agricultural, grocery, convenience, hardware, liquor, paint, wallpaper, parts and accessories, plants, nursery, plumbing, wholesale, outlet,	antique, appliance, bakery, bookstore, brewery, winery, confectionery, candy, fabric, florist, formal wear, tuxedo rental, furniture, gift, hobbies, toys, games, jewelry, laundromat, leather work and sales, locksmith,	meat market, butcher, pawn, pet, photographic studio, photo supplies, second hand, consignment, shoe sales and repair, sporting goods, bicycle, stationery, card, video
<ul style="list-style-type: none"> <li>▪ Less than 15,000 NSF (up to 3,000 NSF, see Small Business Waiver, Section 4.5)</li> <li>▪ More than 15,000 NSF</li> </ul>	2 spaces per 1,000 NSF	<ul style="list-style-type: none"> <li>▪ 5 per 1,000 NSF</li> <li>▪ 4 per 1,000 NSF</li> </ul>
Car Wash (drive through)		8 stacking spaces per drive through entrance plus 1 per employee at maximum shift.
Car Wash (self service)		2 stacking spaces per wash bay
<b>COMMERCIAL</b>		
<b>Office Uses</b> including the following: office, professional, or corporate, private and non-profit organizations.	2 spaces per 1,000 NSF	4 per 1,000 NSF
Employment Agency		5 per 1,000 NSF
<b>Community Business Uses</b>		
<b>Temporary Lodging</b> including the following: hotels, motels, time share lodging.		1.5 per each sleeping room or suite and 1 per manager's unit
<b>Dining, Leisure, Entertainment</b> including the following: adult entertainment, amusement parlors, bar, tavern, billiard hall, pool hall, video arcade, banquet, reception delicatessen, restaurant, café, tasting area accessory to food or beverage manufacturing and production.		10 per 1,000 NSF
Bowling Alley		5 per bowling lane
Theater, Live and Movie		1 per 4 fixed seats and/or 1 space per 3 permitted occupants for areas w/out fixed seating

<b>Cultural Facilities</b> including the following: club houses, community center, conference center, library, museum, art gallery, stadium and arena (with or without open air amphitheater)		1 per 3 fixed seats and/or 1 per 100 sq. ft. of assembly area without seating
<b>Personal Services</b> including the following: barber shop, beauty shop, nail salon, dry cleaning, pressing shop, funeral home, mortuary, health club, gym, aerobic studio, karate school, dance school, massage therapist, tanning salon, veterinary clinic		4 per 1,000 NSF
Day Care Operations (not operated as a home occupation)		1 space per 6 attendees at maximum occupancy and 1 space per employee at max. shift
<b>Small Health Services</b> including the following: ambulance(private), emergency facility (private), medical offices, dental offices, outpatient clinic, social services.		5 per 1,000 NSF
<b>GENERAL COMMERCIAL USES</b>		
<b>Business Services</b> including the following: rental, leasing, vehicle sales, dealership	2 spaces per 1000 NSF	2 per 1,000 NSF, including indoor display showrooms
Printing and Publishing		5 per 1,000 NSF
<b>Large Health Services</b>		
Hospital		3 spaces per bed
Laboratory Facility		5 per 1,000 NSF
<b>Commercial Services</b> including the following: building material storage and sales, cold storage plant, freight terminal, frozen food locker, rental equipment shop, storage of machinery (indoor), warehouse storage, tire rebuilding and recapping.		2 per 1,000 NSF

Distribution Center		3.3 per 1,000 NSF of office use and 1 space per 500 NSF of distribution operation area.
Storage, Mini (completely enclosed)		1 per 20 storage units
<b>GOVERNMENT AND INSTITUTIONAL USES</b>		
<i>Government Services</i> including the following: courthouse, government offices, police station, city jail, fire station, post office	2 spaces per 1000 NSF	5 per 1,000 NSF
Maintenance Shop		2.5 per service bay
<i>Educational Services</i>		
College, University, Vocational, Technical and Business School		3.3 per 1,000 NSF
Elementary & Jr. High		4 spaces per classroom plus 1 space per employee
High School		5 spaces per classroom plus 1 space per employee
<i>Other</i>		
Houses of Worship		1 space per 3 seats
<b>RECREATIONAL</b>		
Neighborhood Park and Picnic Area	No minimum	2 per picnic table
Swimming Pool (Public)		1 space for each 3 fixed seats (18 inches on a bench or bleacher is considered a seat), 1 per 150 sq. ft. of water area.
Tot lot/Play area		none
Trail Head in Urban Open Space		Multi-Purpose: 10 cars

### 3.4 Bicycle Parking

#### A. Table of Bicycle Parking Spaces

At the time of new construction or a Change in Use, the applicant shall provide bicycle parking areas as specified below.

LAND USE	MINIMUM NUMBER OF PARKING SPACES REQUIRED
<b>RESIDENTIAL</b> Single Family	No spaces required

LAND USE	MINIMUM NUMBER OF PARKING SPACES REQUIRED
Multi-family	No less than 2.0 spaces for entire multi-family project; .15 spaces/bedroom
<b>OFFICE, DAY CARE, USES NOT LISTED</b>	No less than 2.0 spaces per building 1.0 spaces per 10,000 sq.ft.
<b>RETAIL, PERSONAL SERVICES</b>	No less than 2.0 spaces per building 1.0 spaces per 5,000 sq.ft.
<b>LODGING</b>	No less than 2.0 spaces per building; 1 per 20 rentable rooms.
<b>EATING AND DRINKING</b>	No less than 2.0 spaces per building; 1 per 4,000 sq.ft.
<b>CIVIC, CULTURAL FACILITIES</b> Non-Assembly  Assembly	No less than 2.0 spaces 1.0 space per 15 employees  No less than 2.0 spaces 1.0 space per 20 employees
<b>SCHOOL</b> Elementary through High School University	No less than 2.0 spaces 1.0 space per 20 students  No less than 2.0 spaces 1.0 space per 10 students
<b>RECREATION</b>	Based on size and type of facility; reviewed with land use permit

**B. Exception**

The Property Administrator may reduce the number of required bicycle parking spaces provided, as determined by the Designated Official, by demonstrating an adequate number of unused spaces exist within the Neighborhood.

**3.5 Motorcycle Parking**

**A. Required Motorcycle Parking Spaces**

1. All non-residential uses containing twenty (20) or more parking spaces and residential developments of six (6) or more multi-family dwellings shall provide parking spaces for motorcycles.
2. Motorcycle spaces shall be provided at one (1) per thirty-six (36) of the required automobile spaces with at least one (1) motorcycle space provided for uses meeting the threshold in 3.4.A.1.
3. The Designated Official may exempt those non-residential uses that would not normally have motorcycle-riding clientele (such as warehouses, storage facilities, automobile services, etc.) from motorcycle parking.

**4.0 Parking Tools**

## 4.1 Intent

The purpose of the Parking Tools are to provide methods, incentives, techniques that will enable each Implementing Approval to decrease the reliance on the automobile, diminish the percentage of land dedicated to parking, and reduce the amount of parking needed to support the Project's uses while providing adequate parking for the Project's uses and users.

## 4.2 Review of Parking Proposal

### 4.2.1 Tracking of Motorized Vehicles:

When reviewing the sufficiency of the parking proposed with a land use, construction, or change of use permit:

- a. If the total number of spaces proposed with the land use application is between the total minimum and maximum allowable parking spaces, the proposal's parking is sufficient.
- b. If the number of spaces is less than the Implementing Approval's total minimum allowable parking spaces, the applicant must either increase the parking provided or apply to use parking credits as provided in Section 4.2.2 below.
- c. If the number of spaces is more than the Implementing Approval's total maximum allowable parking spaces, the applicant must either decrease the parking provided.

### 4.2.2 Modification of Minimum Parking Standard:

The applicant may receive reductions to the minimum allowable parking spaces in one or more of the following methods. Note that methods 4.2.2.A through 4.2.2.D as well as 4.2.2.F do not require a Transportation Demand Management Study as described in Section 4.2.2.E:

- A. *Shuttle*: The majority of customers or employees arrive by shuttle service. The credit will be determined by the Designated Official based on the information provided by the Applicant.
- B. *Valet*: The majority of customers use valet parking. The credit will be determined by the Designated Official based on the information provided by the Applicant.
- C. *Transit Access*: Uses in Neighborhoods A and B may reduce their required parking by 20% without a parking study due to the proximity of the Issaquah Highlands Park & Ride as long as a direct, safe, easy to use route to it is provided. This Modification of the Minimum Parking Standard may be available to Neighborhood C based its Neighborhood and Circulation facility layout as well as the directness of the connections to Neighborhood B and the Park & Ride. See Section 4.2.2.F for additional reductions in response to a Parking Study.
- D. *Small Business Waiver*: A business which is less than or equal to 3,000 square feet in NSF and which meets the following criteria will have its parking requirement waived. A business which is more than

3,000 NSF and which meets the following criteria receives a waiver for the first 3,000 NSF. The criteria are:

1. It is located adjacent to a pedestrian facility;
2. It is visible (as defined in Appendix J, Signs) from a pedestrian facility;
3. Its primary business is the provision of basic daily uses (such as, but not limited, to grocery/corner store, deli, drug store, or child care) and
4. It has its primary pedestrian access from a pedestrian facility.  
A pedestrian facility is defined as a Sidewalk or Tread as established in Appendix D (Circulation).

E. *Transportation Demand Management Study:* The Property Administrator may receive additional reductions in required parking with a Study looking at multiple comparable projects in the Pacific Northwest. The Transportation Demand Management Study must be performed by a traffic or parking professional selected jointly by the City and the Property Administrator or Applicant. Additional required parking reductions may be received for some or all of the following as well as other reasonable criteria accepted by both the City and the Property Administrator and verified through the Study:

1. Demonstrable pedestrian, bicycle, or mass transit use by employees, residents, or customers which replaces automobile use.
2. Density of over 12 du/acre.
3. Income restricted housing under 80% of Average Median Income
4. Presence or provision of basic daily uses within 1300 feet of walking distance (less than 6% average grade) such as grocery/corner store, drug store, and child care; and/or weekly uses such as bank, convenience store, restaurant, theater.
5. Transit Access reduction beyond 20%.

F. *Shared Parking*

1. *Purpose:* The purpose of shared parking is to efficiently use parking resources where the potential for shared parking with abutting land uses has been analyzed and to efficiently use parking facilities for more than one (1) use, specifically uses whose prime hours of operation do not overlap. The intent of this provision is to decrease the amount of parking provided for a specific use by sharing adjacent underutilized parking facilities.
2. *Review for Shared Parking:*
  - a. Shared parking for projects or buildings does not require a separate review process, and may be approved within the site plan review process under which the project is being reviewed.
  - b. Shared parking will only be permitted if prime hours of operation do not overlap, or if the overlap is less than one-half hour. Prime Hours of Operation are defined as: The time span

- during which a business or facility has its highest level of activity from employees, clients, customers and/or other users.
3. *Spaces Required:* Number of spaces required for shared parking: If the businesses have non-overlapping prime hours of operation as defined in Section 4.2.4.G.2.b, the property owner(s) shall provide parking spaces equal to those required of the business with the greater of the applicable individual parking requirements.
  4. *Approval Criteria for Shared Parking:* Shared parking for businesses with non-overlapping prime hours of operation may be approved if all of the following approval criteria are met:
    - a. Location: The location of the parking facilities must be:
      - i. Generally within a reasonable walking or sight distance or otherwise associated with the uses which are involved in the shared parking contract. It may not be more than eight hundred (800) feet from the property line of the business it is serving; and
      - ii. Parking facilities are permitted outright, or through a specific site plan review process.
    - b. Pedestrian Connection: A convenient pedestrian connection shall be provided between the shared uses and the parking facilities. This pedestrian connection shall be designed as barrier free and built with appropriate lighting and safety considerations.
    - c. Signage: The availability of parking for each use is indicated by directional signs governed by the Signs Standards in Appendix J.
    - d. Shared Parking Contract: A contract is enacted, signed by all the owners/operators of the shared uses and the City, which provides for City enforcement. The shared parking contract shall:
      - i. Provide that the land comprising the required shared parking facilities shall not be encroached upon, used, sold, leased, or conveyed for any purpose except in conjunction with the building or use which the required parking serves, so long as the shared parking facilities are needed;
      - ii. Indicate Prime Hours of Operation for shared uses;
      - iii. Assign maintenance provisions for the parking facilities and landscaping;
      - iv. Designate potential times of overflow, and a parking plan which will be implemented in the event of overflow; and
      - v. The parking contract approved by the Designated Official shall be filed with the deed of the parcels involved, so that the agreement is binding upon successors.
    - e. Contract Changes: Changes to the contract, or a redrafting of the original enacted contract must be reviewed and approved through the Administrative Review process before the shared parking contract is within compliance of this Appendix.

Termination of this contract may occur through an approval through Administrative Review.

### 4.3 Parking Stall Sizes and Use

- A. Three parking stall sizes are available: standard, compact, and micro. See Section 10.0 for dimensional standards as well as dimensional standards for motorcycle parking. Standard parking stalls may not exceed the dimensions listed in Section 10.0. Any stall whose dimensions are less than the Standard stall in one or both directions, but no less than the Compact stall size listed in Section 10.0, are considered Compact stalls. Any stall whose dimensions are less than the Compact stall in one or both directions, but no less than the Micro stall size listed in Section 10.0, are considered Micro stalls. Stalls smaller than Micro may be provided for motorcycles as long as they meet the minimum requirement.
- B. Required parking may choose the following mix of parking stalls sizes:
  - Standard stalls: up to 100% of total required parking
  - Compact stalls: up to 50-60% of total required parking (as determined by the Designated Official).
  - Micro stalls: up to 5% of total required parking
  - Motorcycle stalls: Automobile parking requirements may be reduced one (1) space for every four (4) motorcycle spaces, provided up to a maximum five (5) percent of the total required automobile spaces.
- C. Locational criteria for compact and micro stalls is as follows:
  - 1. Compact and Micro stalls may not be located on a fire lane unless their length is equivalent to a standard stall; OR, for single loaded parking, the stall length and the fire lane width is equal to at least 37 feet. with two lanes that are a minimum of 9 feet wide; for double loaded parking, both stall lengths and the fire lane width is equal to at least 56 feet with two lanes that are a minimum of 9 feet wide; or, as otherwise approved by Designated Official.
  - 2. Parking spaces which are closest to the building's entrances are not compact spaces.
  - 3. Motorcycle spaces shall be located according to the same criteria and standards that are applicable to Micro parking spaces.
- D. For both Structured and Surface Parking, drive aisles widths are linked to stall angle and stall lengths. Specified drive aisle widths given in Section 10.0 are the maximums, except as follows:
  - 1. Where stalls of various sizes are mixed along a drive aisle, the largest drive aisle width associated with the largest stall size present is required.
  - 2. For design simplicity the parking layout may continue the use of the larger drive aisle in certain circumstances, e.g., where a drive aisle transitions from one stall size to another, structural columns placement, or similar situations.

#### 4.4 Tandem Parking

- A. *Purpose:* The purpose of tandem parking is to allow flexibility in the parking provisions, which provides for a more attractive streetscape and pedestrian-friendly environment by more efficiently using the land.
- B. *Approval Criteria for Residential:* Tandem parking may be permitted for up to fifty percent (50%) of the total residential parking requirement if all of the following criteria are met:
1. Each residential unit may have only one (1) tandem parking stall (equaling two (2) parking spaces) for each dwelling unit or for each multi-family unit requiring two (2) parking spaces;
  2. Ingress and egress for the tandem parking stalls do not interfere with the safety of residents or adjacent property owners, and the functionality of adjacent parking;
  3. Shared Residential Structured or Surface Parking Design Standards:
    - a. Tandem parking stalls are permitted when their size equals two (2) standard stall dimensions, i.e. 9 feet by 37.5 feet.
    - b. Tandem parking stalls may be allowed on a case by case basis when their size equals the combination of a standard stall and a compact stall, i.e. 9 feet by 35 feet. In reviewing the proposal, the Designated Official shall consider the possible impacts of allowing the reduced tandem stall size, including the amount of tandem parking in relationship to side by side parking or on-street parking; the amount of overall parking; the width of the drive aisle.
  4. Individual Private Residential Garage Design Standards & Review Process:
    - a. Garage door width: 9 feet preferred; 8 feet, minimum
    - b. Tandem garages in individual, private residences are permitted outright when they are greater than 9 feet by 37.5 feet, and when storage space is provided in the garage area for items which typically occupy garage space (e.g., bicycles and other gear) as well as provision for the City's required number of waste collection cans. Applicants are required to provide storage space when tandem garages are greater than 37.5 feet in length.
  5. Additional parking spaces may be required if the percentage of tandem parking spaces is increased beyond the standard percentage at a ratio (proposed tandem parking spaces in garages vs. extra parking spaces) to be determined by the Designated Official, so long as this additional parking does not negatively impact public safety.
  6. Parking spaces are assigned to each unit;
  7. Adequate guest parking is provided; and
  8. Tandem parking shall not be used for the storage of boats, trailers, recreational vehicles, or materials.
  9. For calculating the percentages of allowed compact and standard parking: Tandem parking less than 37.5 feet in length is equivalent to one standard and one compact parking space; tandem parking equal to or greater than 37.5 feet in length is equivalent to two standard parking spaces.

- C. *Approval Criteria for Retail and Commercial:* Because of the need for individual occupants to coordinate parking on a large scale, tandem parking is permitted only for employees and then only if all the following criteria are met.
  1. No more than twenty-five (25) tandem parking stalls (equaling fifty (50) parking spaces) may be provided;
  2. Parking spaces are assigned to all employees;
  3. Tandem parking stalls must be of standard size with an overall tandem stall size of 9 feet x 37.5 feet;
  4. Adequate visitor parking is provided; and,
  5. Tandem parking shall not be used for the storage of boats, trailers, recreational vehicles, or materials.
- D. *Exception for Retail and Commercial Customers:* Tandem parking is permitted for customers of retail and commercial uses if all of the following criteria are met during business hours:
  1. Valet parking is provided for customers;
  2. Tandem parking spaces for customers are available only for valet parking use; and,
  3. Retail and commercial approval criteria 3, 4, and 5 in Section 4.4.C are met.
- E. Tandem parking is permitted at vehicle repair shops when valet parking is provided for customers.
- F. Tandem parking in residential development may not have more than two cars in a row. Tandem parking in retail and commercial may have more than two cars in a row when parking has an attendant or valet, and is reviewed by the Designated Official.

## **5.0 Barrier-Free Spaces**

The property owner shall provide parking in accordance with the International Building Code (WAC Chapter 51-50, Chapter 11), as currently written or amended. These parking requirements shall not be calculated as additional parking stalls to the requirement established in the Table of Parking Spaces (Section 3.3).

## **6.0 Loading Spaces**

### **6.1 Purpose of Required Loading Spaces**

The purpose of requiring loading spaces is to provide for adequate room on-street or on-site for the loading and unloading of commercial vehicles which are associated with the proposed development.

### **6.2 When Required**

Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient loading and unloading area shall be provided to

accommodate the delivery or shipment operations in a safe and convenient manner.

### **6.3 Loading Space Requirements**

- A. *Shared Loading and Maneuvering Space:* Multiple uses which do not have conflicting loading times may share loading spaces and maneuvering space. Shared loading and shared maneuvering spaces are subject to Administrative Review.
- B. *On-Street Loading Spaces:* A use which requires only (1) Type A loading space and is serviced by vehicles which are no more than twenty (20) feet in length may use an on-street loading space. On-street loading spaces are subject to Administrative Review.
- C. *Change or Expansion in Current Use:* When a change of use is proposed for an existing structure, required loading shall be provided, according to the loading standards within this section. If the proposed use requires more loading than the previous use, the applicant shall provide additional loading space as an approval condition of development, unless the applicant can provide information showing that the use has adequate loading.
- D. *Other Parking Requirements:* No area allocated to loading and unloading facilities may be used to satisfy the other parking requirements of this Appendix, nor shall any portion of any other parking requirements of this Appendix be used to satisfy the area requirements for loading and unloading facilities, except for the maneuvering and circulation portions of such areas.
- E. *Signage and Hours:* Loading areas shall be signed. Hours of use shall be established through Administrative Review. If a Loading Space is not necessary during certain hours or days based on the use it serves, the Loading Space may be available for general parking; however, 6.3.D is still in effect.
- F. *Size:* All required loading facilities shall be designed such that vehicles engaging in loading or unloading activities shall not interfere with the public use of streets, alleys or sidewalks. Maneuvering space of not less than fifty-two (52) feet in length shall be provided abutting the loading dock, and this maneuvering space shall not include any area designated or used for off-street parking, storage or trash dumpsters.
- G. *Types:* Type A Loading Space shall be at least twenty-five (25) feet in depth and ten (10) feet in width, except that on-street loading spaces may be the width of adjacent parallel parking as established by Circulation (Appendix D) and Section 10 of this Appendix. Type B Loading Space shall be at least fifty (50) feet in depth and twelve (12) feet in width.
- H. *Overhang:* All buildings with overhangs that project over loading spaces shall have a vertical overhang clearance of not less than fourteen (14) feet, exclusive of access aisle, platform or maneuvering area.
- I. *Fraction:* If the calculation for the number of loading spaces results in a fraction, the number or required spaces shall be rounded up or down to the next whole number using the method identified in Section 3.1.B.

## 6.4 Computation of Required Loading Spaces

Table 1 Computation of Required Loading Spaces		
Type of Use	Type A	Type B
<b>Commercial: 30,000 net sq.ft. (nsf) or less</b>		
Retail, Restaurant, etc.	<ul style="list-style-type: none"> <li>1 loading for first 10,000 nsf</li> <li>1 loading space for next 20,000 nsf</li> </ul>	
Office	<ul style="list-style-type: none"> <li>1 loading space</li> </ul>	
<b>Commercial: More than 30,000 net sq.ft. (nsf)</b>		
Retail Restaurant, etc.	<ul style="list-style-type: none"> <li>1 loading space per 30,000 nsf</li> </ul>	<ul style="list-style-type: none"> <li>1 loading space per 30,000 nsf</li> </ul>
Office	<ul style="list-style-type: none"> <li>1 loading space per 30,000 nsf</li> </ul>	
<b>Multi-family and/or Lodging</b>		
20 - 40 units*	<ul style="list-style-type: none"> <li>1 loading space</li> </ul>	
More than 40 units*	<ul style="list-style-type: none"> <li>2 (total) loading spaces</li> </ul>	
<b>Schools</b>		
Elementary, Junior and Senior High, and others having food service	<ul style="list-style-type: none"> <li>1 loading space per food service operation</li> </ul>	

*\* does not apply to fee simple townhomes unless otherwise determined by the Designated Official*

## 7.0 Stacking Spaces/Drive-Through Window Facilities

A stacking space shall be an area measuring eight (8) feet by twenty (20) feet with direct forward access to a service window of a drive-through facility. Individual spaces within the lane may not be delineated with pavement markings. Stacking lanes may not block a pedestrian route. Stacking spaces may count toward the minimum required parking spaces, and must count toward the maximum.

## 8.0 Structured and Surface Parking Design and Construction Standards

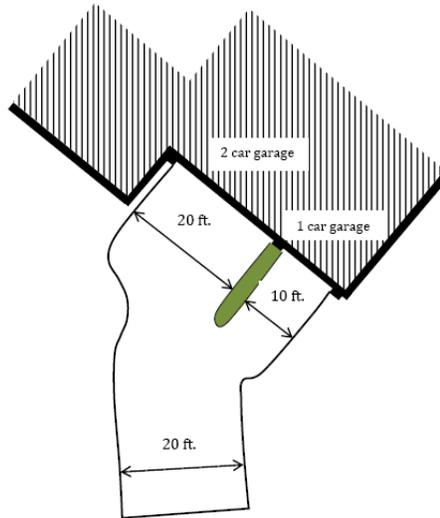
### 8.1 Purpose

The purpose of design and construction standards for Structured and Surface parking is to provide safe access and parking areas for vehicles, as well as safe access from parking spaces to the specific use for persons using the parking.

## 8.2 General Design and Construction Standards

- A. *Dimensions:* The dimensional requirements for Structured and Surface parking, including the size of standard, compact, and micro parking spaces and drive aisles are provided in Section 10.0 below.
- B. *Surface Parking Lot Materials:* Single family residential uses are not required to pave and stripe their parking and circulation areas. All other parking and circulation areas must be hard surfaced, consistent with the City of Issaquah's current construction standards for parking lots. Turf-block or other similar alternative surface may be permitted only if all of the following approval criteria are met:
1. **Barrier Free:** Those portions of the parking and pedestrian area are surfaced according to barrier free regulations.
  2. **Access to Right-of-way:** At least twenty (20) feet of the initial vehicular entrance leading to all the right-of-ways are paved in order to minimize any dust, gravel or other material from being transported from the parking area to adjacent streets or alleys;
  3. **Character/Location:** The alternative surface may be appropriate because of the character of the use and/or the character of the location; and,
  4. **Parking Standards:** The alternative surface meets all other parking standards, excluding striping but including landscaping and screening.
- C. *Marking:* The property owner shall identify required parking stalls, stall types, directional arrows and crosswalks within parking areas using paint or other methods approved by the Designated Official. Display areas which are not required parking areas, such as a car dealership or rental display area, are not required to be marked as individual stalls.
- D. *Driveways:*
1. Driveways will be designed and sized to prioritize Pedestrian Friendliness while maintaining functionality for vehicles.
  2. **Combined Driveways:** The owners of adjoining multi-family or non-residential properties shall provide combined driveways wherever practical. In conjunction with approval of a development, the City may require a property owner to provide an access and circulation easement to an abutting owner where joint access is reasonable to serve future development.
  3. Single family residential (attached or detached):
    - a. **Length, whether from streets or alleys:** Driveways shall provide at least 18 feet of length on the lot if the driveway will be used for parking. Driveways which are not intended for parking must be less than 8 feet in length to clearly indicate they do not accommodate parking. Garages shall be setback at least 4 feet from the edge of the alley.
    - b. **Width:** Driveways off of all non-alley Circulation facilities shall be no wider than 20 feet on the property.
      - i. Lots 40 feet or less in width along the sidewalk or pedestrian facility shall limit the driveway cut (street edge to front of sidewalk) to 12 feet within the right-of-way; in addition to the 12 feet of driveway width, 2 foot driveway wings are allowed on either side of the drive.

- ii. Lots 45 feet or less in width along the sidewalk or pedestrian facility shall limit the driveway cut to 16 feet within the right-of-way; in addition to the 16 feet of driveway width, 2 foot driveway wings are allowed on either side of the drive.
- iii. Where a wider driveway is functionally necessary (such as to serve a three-car garage), use landscape or other elements acceptable to the Designated Official to break the driveway into sections, each 20 feet or less in width. See example below.



- iv. Driveways off of an alley may be as wide as necessary to serve the garage, which is typically 1-2 feet wider than the garage doors.
4. Multi-family and non-residential driveway cuts (between the curb and the sidewalk) shall be no wider than 24 feet except where the specific functionality of a driveway requires it. For instance, if the driveway has more than one in and one out lane. In no case shall the driveway cut be wider than 36 feet. Behind the sidewalk, the driveway width shall be governed by the facility, but generally 20 feet wide.
  5. Each residential unit shall have direct pedestrian connections from the sidewalk or pedestrian system, separate from the driveway
- E. *Wheelstops*: When wheelstops are provided, they shall be positioned eighteen (18) inches into the parking stall. Wheelstops shall not be used in conjunction with curbs. Parking shall use one or the other method to ensure cars are contained within the parking lot and that cars do not overhang into areas not intended for parking such as walkways or planting areas, except as allowed in Section 8.2.F. below.
- F. *Parking Stall Length in Surface Parking or non-parallel parking*: Parking stalls which have low landscape or additional hardscape (by moving the curb) at the head of the stall, may reduce the paved portion of the stall length by 2 feet as long as the vehicle can hang into the landscape or hardscape by 2 feet without reducing or impacting pedestrian walkway widths or the proposed landscape. Landscape in appropriate locations may be counted to the 10% of parking lot landscape requirement, as identified in Appendix E (Landscaping),

Section 7.1.B. Vehicle overhang must be indicated on all land use and construction drawings using this technique.

- G. *Inner Circulation Required:* Vehicle circulation for all off-street parking areas on the site shall be contained within the proposed parking lot or structure.
- H. *Lighting:* See Appendix I (Lighting).

### **8.3 Internal Pedestrian Walkways Standards**

- A. *Provision and Location:* Safe pedestrian circulation through the parking area (Structured or Surface Parking) is a major factor for a successful parking layout. The Property Owner shall provide internal walkways within the parking area and around the building to the extent necessary to assure safe access to the building from the parking area, abutting properties, and pedestrian routes such as Circulation facilities, Community Spaces, etc. All required internal walkways must be located and constructed as an integrated part of existing sidewalks and pedestrian trails, and must coordinate with City plans for pedestrian circulation.
- B. *Lighting and Marking:* The internal pedestrian walkways are required to be marked either with contrasting material or marking, including but not limited to white concrete in an asphalt area, visually obvious paint stripes or other clearly defined pattern. Provision shall be made to ensure that vehicles may not drive over or impinge into the minimum width of the pedestrian walkway. Night lighting must be provided where stairs, curbs, ramps, abrupt changes in walk direction and crossing vehicle lanes occur. See Appendix I (Lighting), for more information on Lighting.
- C. *Standards:* Pedestrian walkways within parking areas shall be a minimum five (5) feet in width, excluding any indicated parking overhang area.

### **8.4 Landscaping and Screening Standards**

The property owner shall provide landscaping and screening as required in the Landscape Standards (Appendix E), which includes non-plant material screening for Structured Parking.

### **8.5 Time of Completion**

- A. *Prior Installation of Required Parking:* All parking improvements including striping and graphics required by this Appendix shall be installed prior to any change in the use of land or structures and prior to the occupancy of any new or enlarged structure.
- B. *Delay of Installation:*
  - 1. *Delayed Parking:* Upon approval of the Designated Official, completion of the affected portion of the required parking improvements may be delayed due to inclement weather or poor soil conditions (e.g., settling of fill). Requests for such delays shall be submitted in writing and shall explain the reason for the request and an estimated completion date for the improvements. No delay shall be longer than six (6) months, and all

approved delays shall be bonded pursuant to the City's estimate of the value of the delayed improvements.

- A. *Phasing*: In the event the project is phased, the Designated Official has the right to apply additional conditions with Building or Utility Permits to ensure each phase complies with the Development Agreement, such as but not limited to access, fire circulation, parking, and landscaping requirements including site stabilization.
- B. *Phased Occupancy*: In the event that a building is occupied in phases, the Property Owner and Designated Official may determine that only a portion of the required parking is necessary with each phase. The calculation shall be based on the parking as calculated and/or modified by this Appendix. However, all parking shall be constructed and completed by final Certificate of Occupancy or final Tenant Improvement, whichever is later. The City may require a bond for any portion of the parking which is delayed.
- C. *Maintenance*: Prior to completing a project or during a Delay of Installation, interim landscape shall discourage invasive plants from sprouting and establishing. Routine maintenance of these areas will look for and remove invasive plants.

## **8.6 Exceptions**

Produce stands, Outdoor Vendors such as food carts and trucks, and Christmas tree stands are exempt from obtaining a Special Events Street Use Permit for parking; however, they shall be processed through Administrative review per Appendix L (Permitting).

## **8.7 Bike Parking Design**

- A. Bike parking shall be positioned to not block sidewalk, walkways, entrances, etc., when the parking is partially or full of bicycles.
- B. Each bicycle shall be accessible, and the bike parking functional, in the location selected as well as when it is full of or partially used by bicycles.
- C. Bike parking shall allow the bicycle's frame to be secured with at least two points of contact.
- D. Decorative bike parking shall be readily identifiable and built to the same standards as other bicycle parking so their design does not compromise the intended function.
- E. If a bicycle rack is provided, it should be securely anchored to the ground or wall.

## **9.0 Administrative Modification of Parking Standards**

### **9.1 Modifications of Parking Spaces**

Modification of the required number of parking spaces shall use the criteria and methods identified in Section 4.0. Approval criteria for the administrative modification of other parking standards are as follows:

- A. *Purpose:* The proposal is consistent with the Project purpose and vision as described in this Appendix as well as Appendices A and B, including priority for pedestrian orientation and creation of a Sociable Public Realm.
- B. *Access:* The proposal will not create negative impacts to the abutting properties or right-of-ways, dedicated tracts, or easements;
- C. *Compatibility:* The proposal is compatible with the character of the surrounding properties and their parking facilities;
- D. *Intent:* The modification of the standards will be equal to, or superior in, fulfilling the intent and purpose of the original requirements;
- E. *Safety:* The proposal does not negatively impact any safety features of the project, nor create any hazardous features; and
- F. *Services:* The proposal will not create negative impacts to public services, including fire and emergency services.

## 9.2 Case by Case Modifications

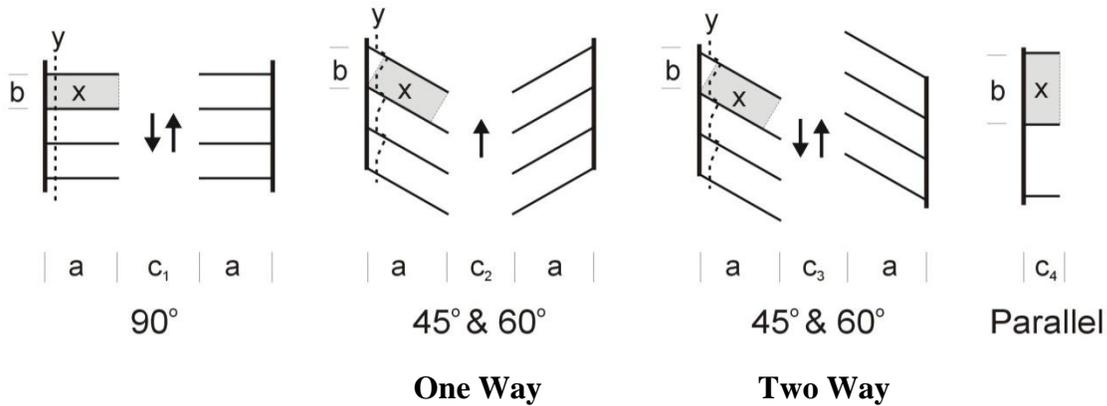
The following potential modifications were identified for consideration on a case by case basis:

- A. The Applicant may propose a different percentage of stall sizes than is specified Section 4.3.B based on the evolution of car sizes and information on the mixture of cars.
- B. Section 4.4, Tandem Parking, may be modified to incorporate changes in technology such as “stackers” which allow vertical stacking of cars where garages have sufficient ceiling heights.
- C. Tandem garages in individual, private residences which are less than 9 feet by 36 feet are permitted on a case-by-case basis, with the following minimum considerations:
  - i. No tandem parking garage shall be permitted which is less than 9 feet by 34 feet.
  - ii. The associated residential unit is small and has no more than two bedrooms.
  - iii. The garage has provided for additional storage and waste can space to reasonably accommodate these without reducing vehicular storage space.
- D. Due to factors such as grade, pedestrian walks from the sidewalk or pedestrian facility to the residential unit’s front door might have to include a route that fully or partially includes the driveway. In any case, the front door and the route to it shall be evident from the street.

## 10.0 Structured and Surface Parking Stall and Drive Aisle Dimension Standards

The following diagram and table describes the dimensions and configurations for parking stalls and drive aisles in either parking lots or structured parking.

## 10.1 Sizes and Configurations



		<b>x</b>	<b>a</b>	<b>b</b>	<b>c<sub>1</sub></b>	<b>c<sub>2</sub></b>	<b>c<sub>3</sub></b>	<b>c<sub>4</sub></b>
Standard	90°	18.5' x 9'	18.5'	9'	24'	-	-	-
	60°	18.5' x 9'	20.5'	7'	-	16'	22'	-
	45°	18.5' x 9'	19.5'	6.5'	-	12'	20'	-
Compact	90°	16' x 8'	16'	8'	22'	-	-	-
	60°	16' x 8'	18'	7'	-	16'	20'	-
	45°	16' x 8'	17'	5.5'	-	12'	20'	-
Micro	90°	12' x 7'	12'	7'	18'	-	-	-
	60°	12' x 7'	14'	6'	-	16'	18'	-
	45°	12' x 7'	13.5'	5'	-	12'	18'	-
Parallel		20' x 7'	-	20'	-	-	-	7'
Motorcycle		8' x 4'*						

\* Motorcycle drive aisles shall comply with the adjacent automobile drive aisle dimensions.

### 10.2 Table Notes

The following provide notes and additional information for using the information in [Section 10.1](#).

A. See Section 8.2 for additional information on the use of the various stall sizes.

B. *Bumper Overhang:*

1. On the diagrams, “y” is the bumper overhang.

2. See [Section 8.2.F](#) for additional information on bumper overhang.

3. Generally it is assumed bumper overhang is 2 feet however with certain angles and certain size vehicles, a larger or smaller overhang may actually exist. The Property Administrator may provide additional information on the actual configuration so the Designated Official may determine if another overhang dimension would be appropriate with the proposed configuration.
  4. This area may be used for walkway extension, alternative materials, landscaping, or rain garden per Section 8.2.F. Unless wheelstops are used, the area may not be asphalt. See Section 8.2.E for more information on wheelstops. In any case this area must be protected so that cars may not continue driving into this area.
- C. Drive aisles that will not be used by cars for backing will be limited to 18-20 feet wide for two way traffic and 14 feet for one way traffic.

## APPENDIX I - LIGHTING

### Section 1.0 Purpose and Intent

### Section 2.0 Lighting Standards

### Section 3.0 Lighting Guidelines

#### 1.0 Purpose and Intent

The Purpose of this Appendix is to establish standards for the design and performance of lighting within the Project as well as to implement the vision established in Goals (Appendix A) and Design Guidelines (Appendix B).

A vibrant, mixed-use Neighborhood relies on being active most of the day and into the evening. Thus lighting is necessary to encourage Pedestrian Friendliness and pedestrian activity beyond daylight hours. The quality of light can have a strong positive impact on the overall quality of the nighttime environment. Furthermore, due to the long nights during the Pacific Northwest winters, lighting can have a significant impact on the use of exterior, outdoor areas during hours when most people are awake, yet it is dark. Creating a hierarchy of light that addresses the safety and security of both pedestrian and vehicular traffic as well as creating wonder and delight are critical to a successful after dark environment. To encourage more pedestrian activity, visibility must be enhanced through the quality of the light and its sources, in addition to the right mix of uniform illumination and special feature lighting.

Beyond encouraging people to walk and bicycle after dark and use the Community Spaces, the types and locations of lights contribute to the Sociable Public Realm not only in the nature of light, but the nature of the fixtures. Streetlights, lit bollards, sconces, and gooseneck lamps, for example, all have a presence that shapes the urban character, whether they are illuminated or not. As urban design elements, light fixtures contribute to Neighborhood character and create Pedestrian Friendly Public Spaces, and thus should be selected on their ability to achieve the Project vision, goals, and guidelines.

Lighting is intended to:

- A. Ensure a safe, attractive, functional environment that is active after dark;
- B. Assist users in intuitively understanding the Project;
- C. Provide for the needs of residents, businesses, pedestrians, and bicyclists while minimizing negative lighting impacts;
- D. Reinforce the Project's urban design aspects.

## 2.0 Lighting Standards

A high quality lighting environment provides the right balance between appropriate light level, high color quality light, uniformity and special focus or feature lighting and glare control. Over time, as specific streets or Neighborhoods develop, a specific color temperature, light source, or lamppost may be selected to create an identifying and unifying element for the Neighborhood. Illumination of the entire volume (horizontal and vertical elements) is a key ingredient in perception of the space. Illuminating only the horizontal (ground) plane will result in uninteresting and potentially dangerous spaces. And while site lighting is necessary and beneficial for these reasons, it has the potential for negative impacts such as contributing to sky glow and creating situations where lights are visible beyond the site.

The *Illuminating Engineering Society of North America (IESNA)* handbook provides guidance for illumination for a variety of space types and should be used as a guideline. It also provides recommendations for maximum and minimum illumination levels as well as uniformity ratios where appropriate. These recommendations evolve over time so the most current edition of the handbook should be used. To assist design teams, a table of recommended illuminance has been included here for some of the most common area types; see Section 2.1 below. In addition to illuminance, uplight and glare control are described throughout this document and in Section 2.2. In addition to Washington State energy code requirements, the implementation of further sustainable strategies is encouraged. This may include the selection of light fixture sources to minimize the use of mercury and controls that go beyond code requirements by providing a finer level of control through dimming and changes in intensity keyed to time of day activity levels. The Project will use the regulatory documents mentioned here in addition to the following guidelines (and in Section 2.1 standards) to control lighting. As these are functionally equivalent and specifically tailored to the Project, IMC 18.07.107 (Outdoor Lighting) will not be applicable or utilized.

## 2.1 Illumination Level Standards

Vehicular circulation	Standard	Minimum average (initial) illumination on the finished driving surface (fc)	Average to Minimum Ratio
	Community Connector Neighborhood Street	0.8 concrete, 1.0 very smooth asphalt 1.2 60% gravel or dark aggregate asphalt	
Character & Hillside Streets		0.6	6:1
Alleys		0.4	10:1

Local Intersections	Standard	Minimum average (initial) illumination on the finished driving surface (fc)	Average to Minimum Ratio
	Where Pedestrian Area Conflict are:	Note: These values assume 60% gravel or dark aggregate asphalt. For lighter colored surfaces, subtract 0.1 from the following values.	
	<b>High</b> (Community Connector, Neighborhood Street)	1.2	6:1
	<b>Medium</b> (Character and Hillside Streets)	0.9	6:1
	<b>Low</b> (Alleys)	0.5	6:1

Pedestrian Circulation		Minimum average (initial) illumination on the finished driving surface (fc)	Vertical Illuminance (fc) *
	Pedestrian and Bicycle Trails with a vehicular component (Community Connector, Neighborhood Hillside & Character Streets)	1.3	0.9**
	Alleys	Same as vehicular	70% of horizontal value
	Pedestrian and Bicycle Trails without a vehicular component	0.65	0.65
	Critical Area Trails	no lighting	

\* Measured in a vertical plane, 5'0" above grade.

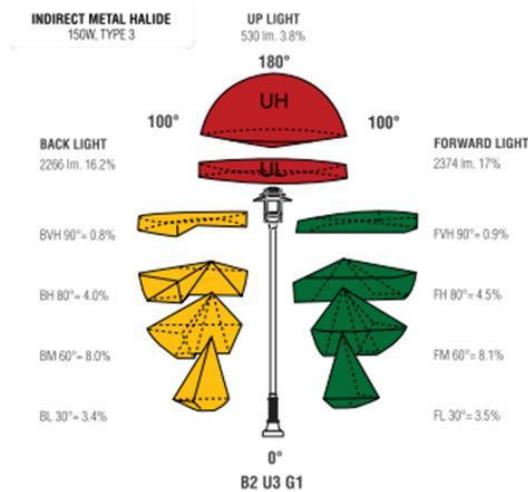
\*\* Where security is a concern use 2x the horizontal illuminance level.

Community Spaces	Parks	Designated walking paths intended to be used after dark should be illuminated similar to pedestrian and vehicular trails without vehicular traffic.
	Plazas	Plazas vary widely in their design. Lighting should be developed to safely illuminate walkways, changes in elevation such as stairs and highlight special feature elements.

Parking	Guidelines	Minimum average (initial) illumination on the finished surface (fc)	Vertical Illuminance (fc)*	Maximum to Minimum Uniformity
	Structured above grade parking		1.3	0.65
Surface parking and roof top parking		0.3	0.15	20:1

Note: fc = footcandles

## 2.2 BUG (Backlight, Uplight, and Glare) Standards



Example of the BUG (backlight, Uplight and glare) rating for a lighting fixture. While a large portion of uplight is undesirable, a small portion is useful to cast a soft light on the undersides of tree canopies, or the façade of a nearby building. The U in the BUG rating can be up to 3 for lampposts and bollards in pedestrian zones. For very urban plazas it can be up to 4 at the discretion of the reviewer. For street lighting, the U should be equal to 0. For spaces that are both street and pedestrian zones such as a woonerf, the BUG rating can be up to a 3.

BUG, U=0, G≤2	BUG, U=2, G=3	BUG, U=3, G=1	BUG, U=4, G=2	BUG, U=5
Emits no light above 90 degrees	Zonal lumens from 90-180 degrees = 11-50	Zonal lumens from 90-180 degrees = 51-500	Zonal lumens from 90-180 degrees = 501-1000	Zonal lumens from 90-180 degrees > 1,000
Acceptable for roads and all pedestrian areas	Acceptable in Pedestrian areas	Acceptable in Pedestrian areas	Acceptable in the most urban plaza areas	Not acceptable in any area

Note that similar looking fixtures from other manufacturers or even from the same manufacturer may have different BUG ratings. Fixture specific photometry must be checked to determine the BUG rating.

The fixtures shown here are for illustration purposes only and are not meant to recommend or discourage the use of any specific manufacturer.

## 2.3 Design and Fixture Standards

- 2.3.1 Lighting should be scaled to the pedestrian. Pole heights shall not exceed 15 feet in height.
- 2.3.2 Lighting for the vehicular component of Circulation facilities shall be full cut-off fixtures. All other lights selected for the Project shall be chosen to provide safe, though minimal levels of lighting and reduce off-site impacts of lighting. Strobes and flashing lights are prohibited.



Full cut off fixture



Lighting at a pedestrian crossing.

- 2.3.3 Lighting of pedestrian walkways and routes shall be provided where stairs, curbs, ramps, abrupt changes in walk direction, and crossing vehicle lanes occur.
- 2.3.4 Engage the services of a qualified Lighting Designer as part of the design team, when the information in Sections 2.1 and 2.2 is insufficient for design purposes.
- 2.3.5 Computer generated point-by-point calculations using photometry shall be provided with permits for construction. The photometric plan shall come from approved laboratories to substantiate the appropriateness of proposed lighting. The illumination calculation shall include all fixtures that contribute light to the site (poles, bollards, building mounted lighting), including adjacent street lights and adjacent surface parking lot lighting. Low wattage decorative fixtures such as sconces or porch lights may be excluded from the calculation.

2.3.6 Lighting shall be collaboratively designed so that its impacts are not compounded in portions of the site by overlapping illumination patterns from Circulation facilities, Public Spaces, Community Spaces, the building (interior and exterior sources), adjacent off- site lighting, and parking facilities.



The street trees and lights have been coordinated, ensuring good lighting and no conflicts with trees. This much separation is not necessary in all circumstances.

2.3.7 Night time illumination of public art, monuments, water features and flags, as well as lighting of similar elements, is encouraged but should be done in a thoughtful way that does not create unnecessary glare or sky glow. This type of non-essential illumination will be controlled with a timing device to turn the lights off or to a substantially reduced level after close of business. Motion sensor lighting may be necessary for security and some uses must function all night.

2.3.8 Light poles can be located in pairs directly across the vehicular Circulation facilities from each other or staggered, as appropriate to the Neighborhood character.

2.3.9 Light poles and fixtures must be coordinated with the tree layout and other street elements, especially those that impact the fixture’s ability to illuminate the intended area.



The rooftop lighting of this parking garage is placed central to both give good distribution and to keep the light from spilling to areas other than the roof.



A fountain provides places to play during the day and playful lights at night.

- 2.3.10 Lighting in exposed parking areas, including surface parking lots and garage rooftops shall be designed and installed to avoid direct light spill, glare, and reflection of light. Comply with IES recommendations (summarized in Section 2.1) for light level and uniformity.
- 2.3.11 Structured Parking, including the roof, shall ensure no direct light spill from fixtures or vehicles. Minimize glare spilling from the garage to the adjacent roadways, off-site views, and residential areas, and eliminate or significantly reduce visibility of light sources by shielding the view of the light fixtures when viewed from outside the garage. Techniques include limiting openings or screening openings with architectural and/or landscape elements. Fixture selection shall provide for adequate illumination, as well as fixture location, lenses, and type.
- 2.3.12 Light sources should provide high color quality white light with a minimum CRI (color rendering index) of 75 for street lighting and 80 for all other lighting. Color temperature shall not exceed 3500K.
- 2.3.13 Generally lighting should be directed downward but some limited uplighting is allowed using the BUG ratings in Section 2.2. Additionally, use care in selecting building and paving materials to minimize glare associated with highly reflective materials.
- 2.3.14 Maintain the same characteristics as originally approved when replacing bulbs (lamps).

### **3.0 Lighting Guidelines**

The following guidelines are provided to facilitate lighting design consistent with the purpose of this Appendix as well as the overall Project goals, guidelines, and vision. These guidelines propose and describe ways of implementing the vision, goals, and guidelines, sometimes with specific examples. However, there are likely to be design solutions that have not been anticipated by these guidelines. This is welcomed as long as the proposed design fulfills the intent of the Project vision and goals, as well as the Design Guidelines. In other words, the vision is fixed, but the method for implementing the vision may vary in response to many different needs as the community and these new Neighborhoods evolve over time. See the introduction to the Design Guidelines (Appendix B) for additional information on how the guidelines shall be used.

#### **3.1 General Guidelines**

3.1.1 Lighting should positively contribute to creating and shaping Public Space and the Sociable Public Realm, being Pedestrian Friendly, and contribute to an urban character.



3.1.2 Include lighting to enhance the pedestrian realm.

3.1.3 Design lighting to intuitively guide people through an area.

Lighting intensity varies to guide the pedestrian through the space. Higher lighting levels are provided at entries and stairs where as other parts of the space are lit to a lower level, for instance to improve perceived safety.

3.1.4 Select lighting style, levels, and fixtures that contribute to developing a Neighborhood character.

3.1.5 Lighting should enhance public safety and comfort, while balancing and minimizing sky glow and off-site lamp visibility. Keep in mind that illumination levels vary depending on activities. Spaces will be more interesting if overall lighting is at a low level (like those in the lighting table Section 2.1) appropriate to its location, and special elements are emphasized with light such as primary building entries and architectural features. Also, use slightly higher illumination levels than the surroundings in situations where additional user attention is needed such as stairs, ramps, abrupt changes in walking direction, crossing vehicle lanes, or other changes in elevation can be tripping hazards. Avoid high intensity lighting located in close proximity to residential units. Refer to IES recommendations and Section 2.1 for each area type.

3.1.6 Incorporate lighting that provides surprise, delight, glow, and "magic".

3.1.7 Encourage the use of festive or special lighting, including lighting that responds to seasonal opportunities.



Glow can be an important component of creating a space with friendly lighting. And the fixtures make an architectural statement, contributing to the plaza's character.

3.1.8 Lighting design and the selection of light fixtures should enhance urban design.

3.1.9 Internally illuminated bollards may be used, and are appropriate to highlight pedestrian routes, demark changes between users (e.g., pedestrian and vehicular areas), steps or other grade changes. Illuminated bollards should not be the only light source when it is useful to illuminate people's faces, to create a sense of safety.



Internally lit bollards add visual interest and help pedestrians understand how to use the area. In this instance they are used to identify the edge between a hotel loading zone and the sidewalk. They are not good when it is important to see people's faces, i.e. when perceived safety is important. Thus other lights have been provided.

## 3.2 Circulation Guidelines: Vehicular

- 3.2.1 Vehicular Circulation facilities vary in their width as well as the type and volume of traffic they carry, and the amount of pedestrian activity they accommodate. As speeds and the number of pedestrians increase, the opportunity for conflict between pedestrians and vehicles also increases. The lighting system must address this and to that end will follow the light level recommendations of the Illuminating Engineering Society of North America (IESNA) as summarized in Section 2.1.
- 3.2.2 Light fixtures style and placement should be in keeping with the Neighborhood character and scale.
- 3.2.3 Community Connector and Neighborhood Streets will have the highest level of activity for vehicles, pedestrians and bicycles. As such they will require the highest and most uniform light level of all of the street types.
- 3.2.4 Narrow streets and slower traffic, such as Character Street, allow for lower levels of illumination and provide the possibility of building mounted lighting or catenary systems in lieu of traditional poles. The bollards which may demark the pedestrian and vehicular zones may be illuminated but are not sufficient as the only lighting element.
- 3.2.5 The light levels on shared facilities, such as Hillside Street, and in some cases the Character Street, can be less uniform as traffic speeds are slower and traffic volumes are lower. Intersections or crosswalks should have the highest level of illumination.
- 3.2.6 On low volume vehicular Circulation facilities, such as Alleys, limited lighting is provided to ensure for safety. Appropriate lighting may be provided by individual unit lights rather than streetlights. Lighting should be placed to eliminate glare into adjacent uses. If lighting in alleys is located on private structures instead of independent fixtures, such as poles, lighting should be programmed to come on at dusk and be uniformly reduced at a specified time.



Though the fixtures are too tall, the bulbs are recessed to avoid a bright point source, blinding those driving or walking. The streetlights also form a clear edge between zones for driving and walking.

### 3.3 Circulation Guidelines: Pedestrian, Bicycle, and Trails

3.3.1 In general trail and pedestrian only routes should have lighting that creates a sense of safety without adversely affecting the surrounding uses, such as abutting residences and critical area habitats.

3.3.2 Poles may be located on just one side of the pedestrian and bicycle facilities or paired or staggered like vehicular Circulation facilities, as is appropriate to the character of the facility, urban design, and adjacent uses.

3.3.3 Where pedestrian and/or bicycle facilities are part of Circulation facilities that also have a vehicular component, light fixtures should be provided that meet the needs of all users rather than providing light fixtures for each user separately.



An appropriate execution of pedestrian/plaza lighting.



Trail lighting that is scaled for pedestrians and bicyclists. Frequent fixtures create a uniform lighting level.

3.3.4 Pedestrian and bicycle Circulation facilities, without a vehicular component, such as Multi-Use Trails, Urban Trails, and Urban Walks, that are intended for use after dark should have a low but uniform light level to create a feeling of safe and secure transit and use. Appropriate lighting may be provided by building mounted lights rather than separate light fixtures if appropriate to the character of the space. Where pedestrians are likely to be crossing bicycle traffic, light levels

should be slightly higher than where traffic is moving in a linear direction. Some spill light beyond the edges of the path is desirable to provide a sense of security.

3.3.5 Critical Area Trails should not be used after dark and they will intentionally be left dark to protect the natural habitat for nocturnal animals and wildlife. If lighting should be necessary within Critical Areas, it should be kept to the lowest level necessary for safe use of trails within the critical area. Bridges within Critical Areas should have a low level of light for safe use, and the light should be contained and focused on the bridge deck.

- 3.3.6 Paths and other unregulated walkways and bicycle routes may be illuminated at the builder’s discretion since these are considered redundant or unnecessary routes.
- 3.3.7 Consider adding power outlets in Circulation facility lights to accommodate seasonal decorating and other special, festive events.

### 3.4 Community Space Guidelines

- 3.4.1 Community Spaces can take many forms, including hardscape, planted areas, furniture, and building elements, such as pergolas and kiosks, plus activities ranging from active to passive. Light levels and fixture designs should respond to and support the anticipated range of activities, be compatible with the surrounding area, and limited to whatever is necessary to provide for the use and safety of the likely range of users. For example, a plaza might have its highest level of illumination during hours the plaza and/or a restaurant is active, and then have reduced light levels after closing.
- 3.4.2 Illuminate primary walkways in Community Spaces to provide a sense of safe passage. Light the walking surface and extend it to elevations high enough so the faces of pedestrians are illuminated as they walk along. Small Community Spaces adjacent to Circulation facilities may not need additional light to meet this guideline.
- 3.4.3 Community Space lighting should have low levels of uniform illumination for safety, with higher levels for focal points or areas of high activity.
- 3.4.4 Along and within Community Spaces, provide lights that are pedestrian scale and contribute to the urban character.
- 3.4.5 Encourage the use of festive or special lighting within Community Spaces. This may include lights that are interesting, entertaining, and programmable, but which provide little additional illumination, such as LEDs. This decorative lighting should not include uplighting.
- 3.4.6 Combine elements for delight and sensory impact, such as illumination of water.



LED lights in the pavillion and plaza allow changing colors at night, creating an engaging element. In the lower image, the area under the pavillion is lit to a higher level than the rest of the plaza since this is the area most likely to be used at night.

Catenary lights (lights on cables, hanging between buildings or poles) create, or add to, an intimate setting. They form a kind of ceiling for the Public Space and place lights where lamp posts may not be convenient or desirable.



- 3.4.7 Children’s play areas may be illuminated if they are intended for use after dark. Lights should be controlled so that they are "off" after hours.
- 3.4.8 Recreation that is not intended for use after dark should not be illuminated.

### 3.5 Parking Guidelines

- 3.5.1 Consider painting the interior of the garage a very light value (white or near white) to improve visibility and reduce contrast.
- 3.5.2 The design of lighting standards in exposed parking such as parking lots and garage rooftops should be full cut off fixtures, no taller than 15 feet, and appropriate to the character of the Project and abutting areas.
- 3.5.3 Light standards should not be located where they may interfere with parking stalls, stacking areas, ingress or egress, or marked pedestrian routes.



Pedestrian scale lights located along a parking lot walkway, highlighting potential pedestrian/vehicular conflicts.

### 3.6 Building Guidelines

- 3.6.1 Site and design buildings to take advantage of natural daylight.
- 3.6.2 Design lighting to highlight primary building entrances or individual entrances to retail uses.

- 3.6.3 Consider using lights to emphasize architectural elements.
- 3.6.4 Lighting can be part of the architectural statement.
- 3.6.5 Do not use neon as an architectural element or to outline buildings.
- 3.6.6 Lighting at service station or similar canopies must be recessed with no lenses protruding below the finished ceiling. Indirect lighting, contained to the underside of the canopy, is also acceptable. Sales frontage (for instance for car lots) and all outdoor sales areas must be controlled such that they can be reduced to 25% of full output after business hours. Fixtures must be shielded so that no light is emitted above 90 degrees.



The light emphasizes the architecture, and the garage doors provide a unique connection between indoors and out.

### 3.7 Landscape Guidelines

- 3.7.1 Use landscape and walkway lighting to accent the views of landscaping and serve a security function.
- 3.7.2 Cast shadows from landscape to add to the textures especially during the winter
- 3.7.3 Consider incorporating power outlets in planted areas, especially with trees, to facilitate the use of seasonal lighting.
- 3.7.4 Do not permanently attach lighting to trees.



Consider how plants will look in the winter including the shadows they cast.

### 3.8 Sign Guidelines

Some signs may not be illuminated or do not need to be illuminated as ambient lighting will suffice. Where signs may be illuminated or need to be, lighting should be kept to the minimum needed to convey the sign's message, in keeping with the character of the area in which the sign is located, not be distracting or blinding, and positively contribute to the Public Space.

Sign illumination that is encouraged includes:

- Halo light signage where the light source is concealed behind the letters or logo image and the letters float in front of a solid surface
- Signs with external illumination where the light source is concealed from normal viewing angles
- Light boxes that are translucent only where the letters or logo occur, and the remainder of the enclosure is opaque.



Neon sign lighting may be appropriate if done in a tasteful manner. (Note: parking lots are not allowed in front of buildings; on-street parking is encouraged.)



## APPENDIX J — SIGN STANDARDS

<b>Section 1.0</b>	<b>Purpose</b>
<b>Section 2.0</b>	<b>Definitions</b>
<b>Section 3.0</b>	<b>General Permit Provisions</b>
<b>Section 4.0</b>	<b>Permanent Signs</b>
<b>Section 5.0</b>	<b>Temporary Signs</b>
<b>Section 6.0</b>	<b>Signs on the Public Rights of Way and Private Street Corridors</b>
<b>Section 7.0</b>	<b>Prohibited Signs and Devices</b>
<b>Section 8.0</b>	<b>Non-Conforming Signs</b>
<b>Section 9.0</b>	<b>Administration &amp; Enforcement</b>

### 1.0 Purpose

The purpose of this Appendix is to establish standards for the regulation of design, placement, size, renovation, and proper maintenance of all exterior signs and sign structures within the Project in order to:

- A. Contribute to the economic well being of the community;
- B. Encourage signage that is both functional and attractive and that clearly responds to the needs of the public in locating a residence or business establishment as well as general wayfinding;
- C. Support the Project vision as described in Goals (Appendix A) and Design Guidelines (Appendix B);
- D. Recognize the role signs have in creating a visually interesting and attractive place as well as contributing to good overall urban design, while avoiding visual distraction, clutter, chaos, obstructions, and an overly busy public environment;
- E. Provide signs that are pedestrian and bicycle oriented;
- F. Ensure that signage is compatible with the natural beauty of the Project and the surrounding area; and,
- G. Promote traffic safety and to protect the health, property, and general welfare of its citizens.
- H. Ensure signage is compatible with the adjacent (both internal to Lakeside and external beyond the Project boundaries) architecture, the unique character, and natural beauty of Lakeside.

No other sign code will be applicable to the Project Areas, except as noted herein, and if consistent with the intent of this Development Agreement.

### 2.0 Definitions

See also the Main Body of the Development Agreement, Section 28.0, for General Definitions.

#### 2.1 A-frame Movable Sign

See “Movable Sign” and “Outdoor Vendor Sign”.

#### 2.2 Abandoned Sign

A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found.

#### 2.3 Address Sign

A sign displaying the street number or name of the occupant of the premises, or both.

## 2.4 Advertising

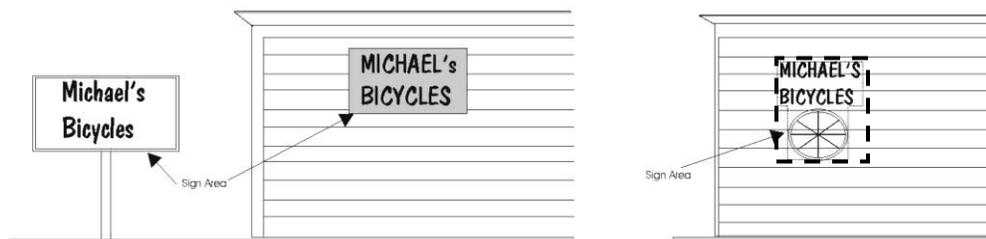
A sign directing attention to a business, profession, commodity, service or entertainment conducted, sold or offered.

## 2.5 Architect, Engineer, Contractor Sign

See “Construction Purpose sign”.

## 2.6 Area of Sign

The sum of all display areas as determined by circumscribing the exterior limits on the mass of each display erected on one (1) sign structure with a circle, triangle, or quadrangle connecting all extreme points. The structure supporting a sign or the painted or architectural background of a sign is not included in determining the area of the sign unless the structure or background is designed in a manner to visually amplify the sign itself.

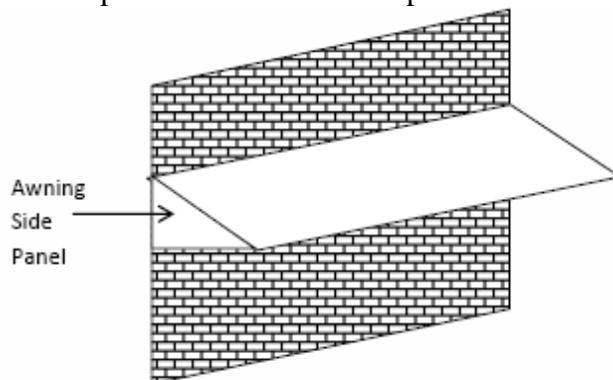


## 2.7 Awning

An architectural projection roofed with flexible, sturdy material supported from an exterior wall of a building and/or other sign structures.

## 2.8 Awning Side Panel

A solid panel that is sometimes present on the side of an awning.



## 2.9 Banner

Flexible, sturdy material on which a sign is painted, printed or sewn. Banners are attached to buildings or other structures. Banners shall not be attached to flexible poles or structures, and shall be supported between bars to prevent fluttering.

## 2.10 Billboard

A ground, wall, or roof sign erected, constructed, or maintained for the purpose of displaying outdoor advertising, and directing attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the lot

where the sign is located. The definition shall not be held to include a real estate sign advertising for sale, rent, or lease of the property on which it stands.

**2.11 Blade Sign**

A sign perpendicular to the building face. It is a type of Pedestrian-Oriented sign.

**2.12 Bus Shelter Sign**

A sign placed at a public bus shelter that provides a directory of store sponsors/tenants, including bus route maps and bus route information.

**2.13 Business Identification Sign**

A sign that identifies the name of a business.

**2.14 Box Sign**

A wall sign contained completely with a box, frame, or similar enclosure. Box Signs are typically backlit with a plastic or plexi-glass face. They are also called “can” or “cabinet” signs.

**2.15 Cabinet Sign**

See Box Sign.

**2.16 Calendar Year**

The period of time from January 1 to December 31 of any given year.

**2.17 Canopy**

A permanent, rigid architectural projection supported from an exterior wall of a building and/or other structures.

**2.18 Changeable Copy**

That portion of sign copy which may be easily changed by manual/mechanical means or lighting effects without reworking, repainting, or otherwise altering the physical composition of the sign, for the primary objective of displaying frequently changing copy incident to the sign owner's business.

**2.19 Changeable Image Sign**

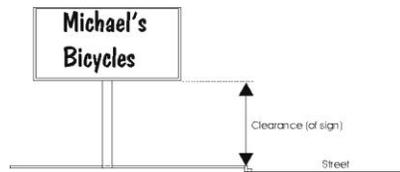
A sign which changes messages or background by means of electrical, kinetic, solar or mechanical energy.

**2.20 Channel or Wall-Mounted Letters**

Signage composed of letters individually mounted or painted on a structure or wall, without a border or decorative enclosure.

**2.21 Clearance (of a sign)**

The smallest vertical distance between the grade of the adjacent Circulation facility and the lowest point of any sign, including framework and embellishments, extending over that grade.



**2.22 Community Facilities Sign**

Any temporary or permanent sign erected and maintained by any public or quasi-public agency, including city, county, school district, special district, state or federal, or by any religious or charitable institution for designation or identification of public, charitable or religious facility property.

**2.23 Community Facilities Directional Sign**

A sign that provides directions for public buildings such as public schools, libraries, hospitals, and other similar public service facilities.

**2.24 Construction Purpose Sign**

A temporary sign for informational purpose which identifies the architect, engineers, contractors and other individuals, or firms involved with the construction of a building or other site improvements announcing the purpose of the building, site improvements, or enterprise, which is constructed during the construction period.

**2.25 Credit Sign**

A sign advertising that credit is available.

**2.26 Directional Sign**

A sign limited to directional messages, principally for pedestrian or vehicular traffic, such as “one-way”, “entrance”, and “exit”. Directional signs indicating entrance, exit, one-way circulation, drive-up window, etc., and informational signs containing no advertising matter beyond that necessary to accomplish their directional or informational purpose will not be considered advertising signs. See also Information sign.

**2.27 Directional Sign, Business and Civic**

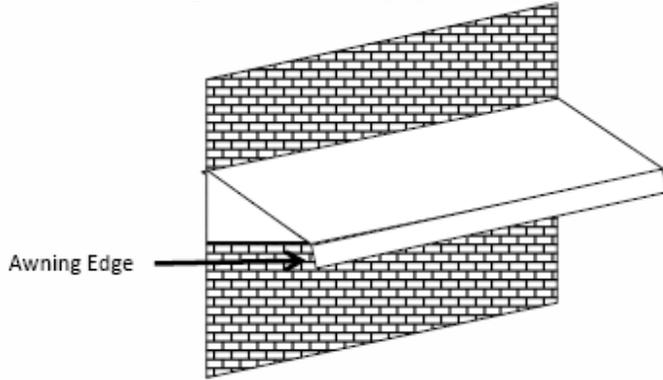
A sign used to assist pedestrians, bicyclists, and drivers in locating businesses and civic activities within a Neighborhood. Business and Civic Directional Signs should also be used to establish district character.

**2.28 Double Faced Sign**

A sign with two (2) faces on opposite sides of each other.

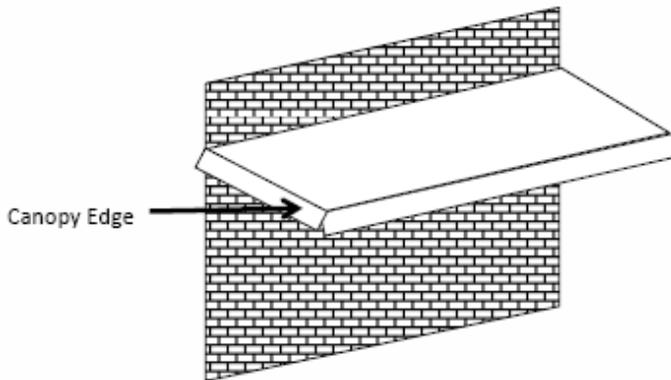
**2.29 Edge, Awning**

The vertical edge of an awning, generally parallel to the façade.



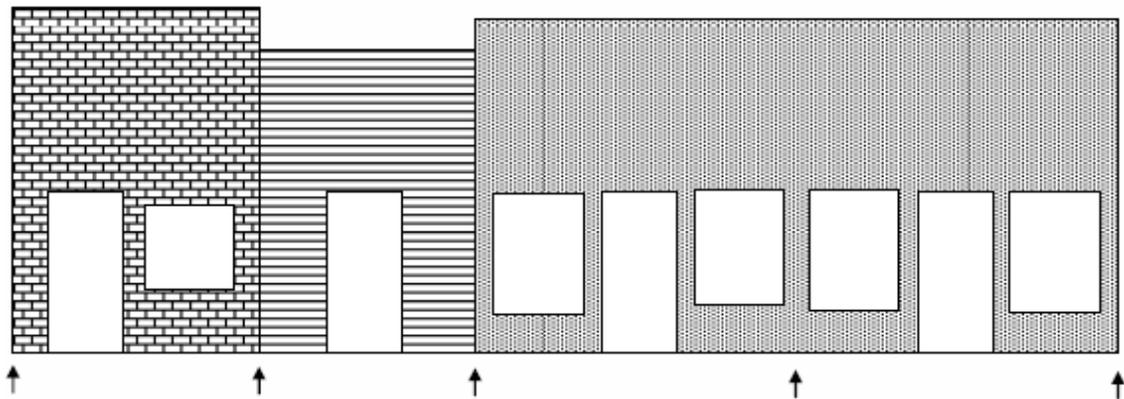
**2.30 Edge, Canopy**

The vertical edge of a canopy, whether parallel or perpendicular to the façade.



**2.31 Edge, Façade**

The edge of a façade associated with a ground floor business, as indicated by arrows below.



**2.32 Erect**

To build, construct, alter, repair, display, relocate, reface, attach, hang, place, suspend, affix or maintain any sign, and also includes the painting of exterior wall signs.

**2.33 Event Signs for Nonprofit Organizations**

See Special or One-time Events sign.

**2.34 Facade Area**

That portion of a frontal plane of a building owned or leased by a business. The Façade Area is calculated by multiplying the relevant façade length by the relevant façade height.

**2.35 Flags**

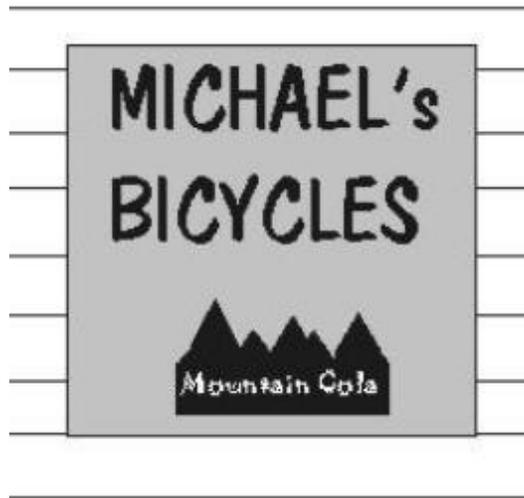
A flexible cloth or cloth-like material printed or sewn with decorative image, sign message, or symbol of governmental body or other organization. Flags shall not be attached to flexible poles or structures. See also Banner.

**2.36 For Sale/Rent/Lease Sign**

See “Real estate, for sale/rent/lease sign”.

**2.37 Franchise Sign**

A sign whose display surface is divided between the product or service advertised and premises identification when the product or service advertised is not the primary product or service line available on the premises.

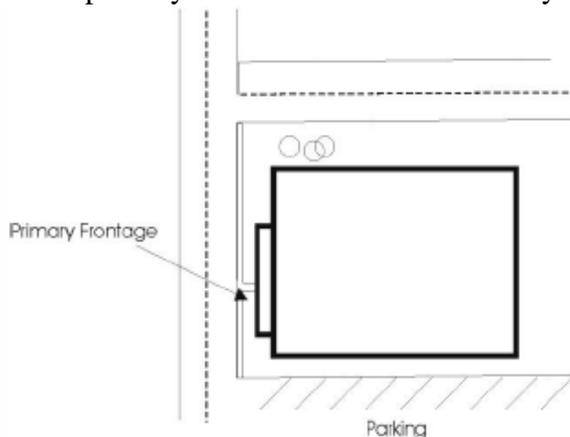


**2.38 Free Standing Sign**

See “Monument sign”.

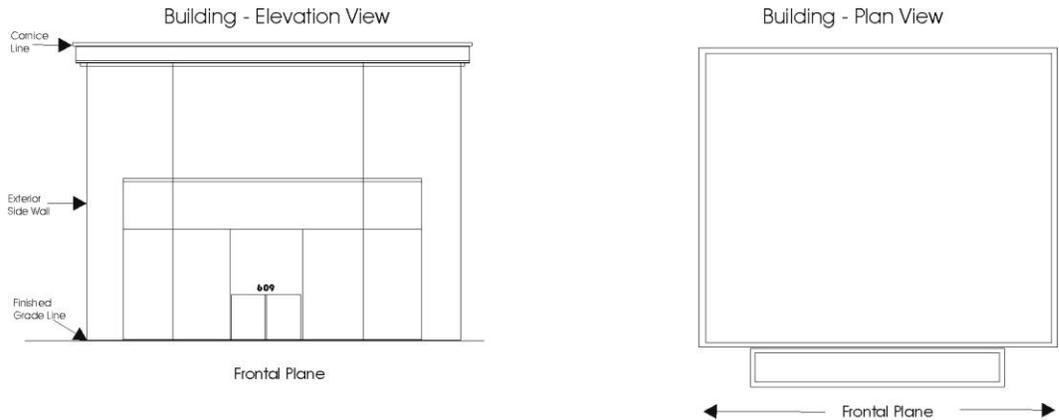
**2.39 Frontage, Primary**

The side of the building providing the main vehicle and/or pedestrian access, and/or the business primary orientation as determined by the Designated Official.



## 2.40 Frontal Plane

The surface area found within the perimeter bounded by the finished grade, the cornice line, and exterior side walls not including intermediate walls perpendicular to such surface area.



## 2.41 Garage/Yard Sale Sign

A temporary sign advertising the sale of personal property used to dispose of personal household possessions and including sample sales. It is not for the use of any commercial venture.

## 2.42 Grand Opening Event

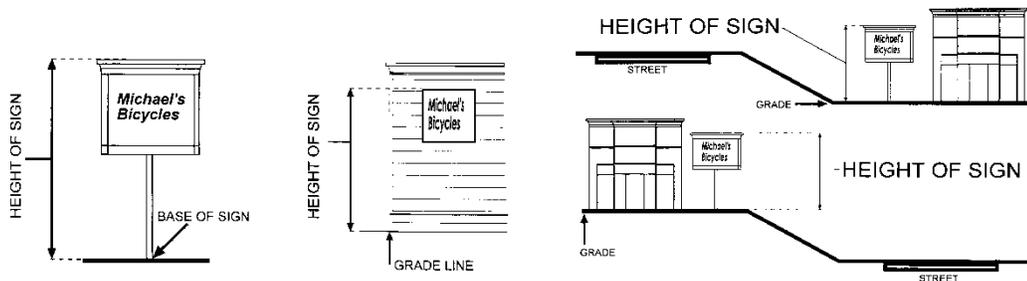
The celebration or promotional period beginning on or shortly after the date when a new business or use is open for business. Grand opening events must be related to: a change of business location; construction of a new business structure; major remodeling; change of ownership; change of name; or change in the type of business engaged in by an existing business.

## 2.43 Halo Lighting

A method of sign illumination that consists of a light source external to the sign or sign elements and mounted behind the sign or sign elements. The sign elements of a sign illuminated through halo lighting shall be opaque, so that the light does not appear to emit from within or through the sign elements.

## 2.44 Height (of Sign)

For a freestanding sign, the vertical distance measured from the curb grade of the nearest Circulation facility to the highest point of the sign or sign structure; and for a sign attached to a building, the vertical distance measured from the building grade to the highest point of the sign or structure.



- 2.45 Holiday Sign**  
A temporary sign, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday.
- 2.46 Hospital**  
A building requiring a license pursuant to Chapter 70.41 RCW and designed and used for the medical, surgical diagnosis, treatment and housing of persons under the care of doctors and nurses and including ancillary uses such as cafeterias, florists and patient- and visitor-related services. Rest homes, nursing homes, convalescent homes, clinics, and medical office buildings are not included.
- 2.47 Illuminated Sign**  
A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
- 2.48 Indoor Window Sign**  
See window sign.
- 2.49 Information Sign**  
A sign which is incidental and necessary for public safety and convenience and general information that has a purpose secondary to the use of the property on which it is located. See also “Directional sign”.
- 2.50 Interpretive Markers**  
Pedestrian-oriented signs which provide Wayfinding throughout the Project, including signs marking critical areas, trails, and stormwater detention facilities.
- 2.51 Land Use and Construction Notice Sign**  
A sign that is used for notification of major land use or construction activity.
- 2.52 Large Inflatable Object**  
A large balloon or balloon-like object, greater than eighteen (18) inches in any dimension, that uses blown air or gas to keep it inflated.
- 2.53 Legal Sign**  
A sign that meets the requirements of these standards or has received legal nonconforming status.
- 2.54 Mansard**  
A sloped roof or roof-like facade architecturally comparable to a building wall.
- 2.55 Marquee**  
A hood or structure generally placed over the entrance to a hotel or theater.
- 2.56 Marquee Sign**  
Signage on a Marquee stating the permanent name of the establishment and/or, in the case of theaters, changeable copy regarding the title of the play or movie, and the artist(s), appearing or soon appearing at that venue.

- 2.57 Memorial Sign**  
A sign, tablet or plaque memorializing a person, event, structure or site.
- 2.58 Monument Sign**  
A self-supporting sign not attached to any building, wall or fence, but in a fixed location, including ground mount and monument signs.
- 2.59 Movable Sign**  
A portable 2-faced, A-frame or sandwich board style sign which is readily movable and has no permanent attachment to a building, structure or the ground.
- 2.60 Multi-business Development**  
A development which includes two (2) or more businesses which share a single structure or separate structures which are physically attached.
- 2.61 Multi-business Wall Sign**  
An on-premises sign which identifies tenants and may identify building name for a multi-business development.
- 2.62 Noncommercial Temporary Sign**  
See Holiday sign.
- 2.63 Non-conforming Sign**  
A sign existing at the effective date of this Development Agreement which could not be built under the terms of this Appendix.
- 2.64 Off Premises Directional Sign**  
A sign erected for the purpose of directing pedestrian or vehicular traffic to a facility, service, or business located in the Project.
- 2.65 Off Premises Sign**  
A sign relating, through its message and content, to a business activity, use, product, or service not available on the premises within the individual property or Neighborhood on which the sign is erected.
- 2.66 On-Premises Sign**  
A sign which carries only advertising strictly applicable to a lawful use of the premises (individual property or Neighborhood) on which it is located, including signs or sign devices indicating the business transacted, principal services rendered, and goods sold or produced on the premises, name of the business and name of the person, firm, or corporation occupying the premises.
- 2.67 Open Houses**  
The welcoming of viewers to a piece of residential real estate which is being offered for sale.
- 2.68 Outdoor Commercial Sign:**  
A Sign which is temporary in nature. For example:

- A. Used while a permanent wall sign is fabricated and/or undergoing the permit review process; or
- B. Advertises temporary event such as a sale or other commercial event for a permanent business.

**2.69 Outdoor Vendor, carts and trucks**

A food cart or truck with a mobile kitchen or canteen that is set up on the street or on an adjacent property to facilitate the sale and marketing of food. The food may be prepared off-site or from the cart or truck. Examples include hot dogs, pretzels, chestnuts, ice cream, pizza, crepes, beverages, tacos.

**2.70 Outdoor Vendor, yard activities**

Temporary, seasonal, and/or occasional outdoor retail sales from vehicles or temporary stands, often located in a parking lot, empty property, or street. Either an individual needing a property to accommodate produce or products, such as Christmas trees or fruit stand, or multiple individuals gathering to sell produce, products, crafts, etc., such as a farmer's market, craft or arts fair.

**2.71 Painted Wall Mural**

A mural generally applied to a wall having an insignificant commercial message.

**2.72 Painted Wall Sign**

A permanent sign, mural or graphic design painted directly onto a building surface and containing advertising, a commercial message or identification.

**2.73 Pedestrian-Oriented Sign**

A permanent, non-illuminated sign, the primary purpose of which is to provide information for pedestrians and bicyclists. Blade signs are a type of pedestrian oriented signs.

**2.74 Pennant**

A string on which hangs a series of long, tapering, triangular flags.

**2.75 Person**

Any person, firm, partnership, association, corporation, company, institution, or organization of any kind.

**2.76 Political Sign**

Temporary signs for local, state or national purposes advertising a candidate or candidates for public elective office or a political party, signs urging a particular vote on a public issue or referendum decided by ballot, or signs expressing a non-commercial view point.

**2.77 Poster**

A decorative placard or advertisement associated with music performances, cultural events, movies or live or playhouse theaters.

**2.78 Primary Sign**

See [Section 2.98](#).

**2.79 Private Property Sign**

A sign on private property which limits access, parking admittance, or pertains to security provisions, or which defines entrances or exits.

**2.80 Projection Sign**

A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

**2.81 Public Notification Sign**

See Land use and construction notice sign.

**2.82 Public Service Information Sign**

A sign that indicates danger and/or service and safety information.

**2.83 Public Service Sign**

See Service organization sign.

**2.84 Reader Board**

A sign, or part of a sign, on which the letters are readily replaceable, so that its message may be changed from time to time at will by manual/mechanical means or lighting effects without reworking, repainting, or otherwise altering the physical composition of the sign, and whose primary function is the capacity to display frequently changing advertising copy incident to the sign owner's business or other messages related to Community Facilities. Also known as a "changeable copy sign."

**2.85 Real Estate Directional Arrow Sign, Off Premises**

A portable and temporary directional sign that is intended to assist people finding the location of difficult to locate property that is for sale, rent or lease.

**2.86 Real Estate Sign, For Sale, Rent, Lease**

An on-premises, or off-premises sign advertising that the property is for sale rent or lease.

**2.87 Real Estate Sign, Off- Premises (Open-House Signs)**

A portable and temporary sign advertising, or assisting people in locating, property that is for sale, rent, or lease.

**2.88 Real Estate Sign, On-Premises**

A portable and temporary sign or within a monument sign advertising a property that is for sale, rent or lease that is located on the site which is for sale, rent, or lease. This includes temporary signs located at the entrance of a residential neighborhood advertising the sale of lots, subdivision, houses or dwelling units.

**2.89 Roof Sign**

A sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure. Signs standing out horizontally from a mansard roof are considered wall signs.

**2.90 Rotating Sign**

Any sign or portion of a sign that revolves on a fixed axis.

**2.91 Sandwich Board Sign**

See “Movable sign”.

**2.92 Secondary Sign**

See Section 2.97.

**2.93 Service Organization Sign**

A sign sponsored by service or fraternal organizations, clubs, and similar organizations located in the City of Issaquah.

**2.94 Sign**

Any material, structure, or device, or part thereof, composed of letter or pictorial matter, or on which lettered or pictorial matter is placed when used or located outside or on the exterior of any building, including an inside window display area, for display of an advertisement, announcement, notice, directional matter, or name; and includes sign frames, billboards, readerboards, sign boards, painted wall signs, hanging signs, illuminated signs, pennants, fluttering devices, projecting signs or ground signs; and also includes any announcement, notice, directional matter, or name; and also includes any announcement, declaration, demonstration, display, illustration, or insignia used to advertise or promote the interest of any person or business when the same is placed in view of the general public. It does not include signs erected and maintained pursuant to and in discharge of any governmental function.

**2.95 Sign, Additional**

Signage provided in addition to primary and secondary signage that assists pedestrians, bicyclists, and drivers in finding a business as well as making the street more varied and visually interesting.

**2.96 Sign, Primary**

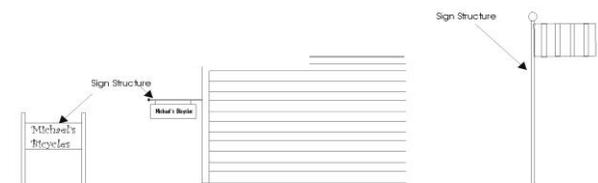
The primary advertising for a business, enterprise, community facility, as determined by the Designated Official.

**2.97 Sign, Secondary**

A smaller sign that is not the primary sign of the business, as determined by the Designated Official.

**2.98 Sign Structure**

Any structure that supports or is designed to support any sign as defined in this Appendix. A "sign structure" may be a single pole and may or may not be an integral part of the building.



**2.99 Signs Within a Building**

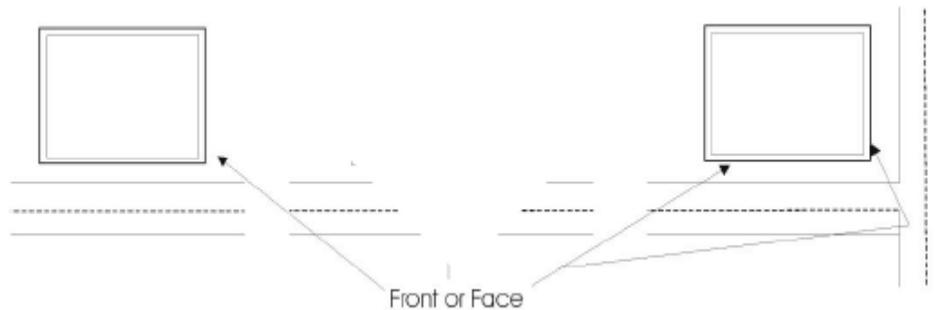
See “Window sign”.

### **2.100 Special or One-time Events**

Activities concerning a drive or event of a political, civic, seasonal, cultural, philanthropic, educational or religious event or organization which will occur intermittently.

### **2.101 Street Frontage**

The side of the building facing a street which abuts the property on which the building is located. The primary signs shall be placed on the Primary Frontage providing pedestrian access, unless the Designated Official determines another configuration will better serve the public.



### **2.102 Temporary Sign**

Any sign, intended to be displayed for a limited period of time.

### **2.103 Tenant Directory Sign**

See Multi-business wall sign.

### **2.104 Umbrella Sign**

A commercial/product type sign placed on umbrellas with outside dining tables.

### **2.105 Visible**

Something that can be seen from a Public Space, Circulation Facility (Appendix E), or Community Space (Appendix D). A sign which is not visible is not regulated by this Appendix. Any sign which is located within a building and which is clearly intended to be visible primarily to people located within the building is also not considered visible.

### **2.106 Wall Sign**

Any sign attached to and supported by a wall of a building, or the wall of a structure, including a mansard roof, with the exposed face of the sign in a plane parallel to the plane of the wall.

### **2.107 Window Sign**

Any sign which is painted or mounted onto an exterior of a window pane, or which is hung directly inside the window including advertisements for services or products in the form of decals, emblems, paint, exposed neon, banners, etc., within three (3) feet of the window pane. Any sign placed behind glass or within a building and located in such a manner as to have an obvious intent to capture interest of those outside the building, shall be considered a wall sign and shall be treated in the same manner. The term does not include merchandise visible through the window.

### **2.108 Window Sign, Temporary Indoor**

Any sign of a temporary nature displayed within a commercial building on the inside of the glass or in close proximity to the window and intended to be viewed by persons outside of the building.

### **3.0 General Permit Provisions**

#### **3.1 Permit – Required**

Unless exempted by Section 3.3 of this Appendix, a sign may not be erected without a permit.

#### **3.2 Sign Illumination**

Lighting for signs shall be held to the minimum needed to convey the sign’s message. Sign lighting shall not be so bright and distracting as to be a traffic hazard. Lighting of signs shall be in character with the Design Guidelines (Appendix B) and Lighting (Appendix I), specifically the Signs and Lighting sections. For signs comprised of channel letters, the interior of such signs shall not contain reflective material that enhances the brightness of the sign, i.e. unpainted metal, mirror type surfacing.

#### **3.3 Permit – Exceptions**

The following shall not require a permit when all conditions listed for a specific sign are met. All exempt signs shall be non-electrical and non-illuminated, except when specifically allowed below. These exceptions shall not be construed as relieving the owner of any sign for the responsibility of its erection, maintenance, and removal, and its compliance with the provisions of this Appendix, or any other law or ordinance regulating the same.

##### **A. Address sign:**

1. One (1) sign allowed displaying the street number and/or name of the occupant of the premises;
2. Such signs may be attached to the building or may be on a post no more than four (4) feet high, and setback at least three (3) feet from the property line;
3. Such signs may include identification of an on premises professional office or customary home occupation (see also home occupation sign Section 3.3.N of this Appendix);
4. Such signs may not exceed two (2) square feet in area.
5. Such signs shall be limited to a maximum letter height of six (6) inches.
6. Commercial address signs may be electrified and/or illuminated.

##### **B. Balloons:**

1. Balloons shall be made of biodegradable latex type material, less than eighteen (18) inches in diameter and securely attached to private property;
2. A maximum 15 balloons per business or residence are allowed;
3. Multiple balloons shall be clustered;
4. Balloons shall not be attached to a product for sale;
5. Balloons shall not extend above the roof-line;
6. Deflated balloons must be removed immediately; and
7. Balloons shall not create a traffic or pedestrian hazard.

##### **C. Banners, decorative and event:**

1. Banners may not be used for advertising name and/or logo of business, development or products except as necessary to locate event;

2. With the permission of the owner, decorative and event banners up to ten (10) square feet may be placed on privately-owned light standards over fifteen (15) feet in height and banners up to five (5) square feet may be placed on similar light standards under fifteen (15) feet in height;
  3. With the permission of the owner, decorative and event banners up to four (4) square feet may be attached to a privately-owned pole or to a building. A business is limited to two (2) such banners;
  4. All banners shall maintain a minimum 7 foot clearance to the Circulation facility surface;
  5. Banners are limited to 60 days per Calendar Year and shall be kept in good condition for their allowed duration. Banners, including all signs of banner-like material, are not allowed as permanent signs;
  6. See Grand Opening events, [Section 5.9](#), Outdoor Commercial signs, [Section 5.12](#), and Special or One Time Event, [Section 5.16](#) for permitted temporary banners and signs.
  7. Banners may not be attached to traffic lights, utility poles, or similar equipment without a permit.
- D. Bus Shelter sign:
1. Bus shelters may have a directory of store sponsors/tenants and bus route maps/information without advertising;
  2. The sign size shall not exceed four (4) square feet;
  3. Artwork located in bus shelters is allowed following review and approval by the ARC.
- E. Business Identification sign:
1. One (1) business identification sign allowed per business;
  2. Sign shall not contain advertising, but shall contain business name and address only;
  3. Sign shall not exceed two (2) square feet in area;
  4. Sign shall be permanently affixed on a plane parallel to a wall located entirely on the parcel on which the business is located;
- F. Changeable Copy: No permit required for the changing of the advertising copy or message on a lawfully erected, painted or printed sign, theater marquee, or similar signs specifically designed for the use of changeable copy.
- G. Community Facilities, Charitable or Religious Institution Bulletin Board:
1. One (1) bulletin board sign located on premises allowed per site;
  2. Board may not exceed twelve (12) square feet in area;
  3. Board may only be externally illuminated.
- H. Construction Purpose/Contract/"Coming Soon" signs:
1. One (1) construction purpose/contract or "coming soon" sign allowed for each street frontage of site under construction.
  2. Excepted signs shall not exceed eight (8) square feet in area and ten (10) feet in height (Commercial Construction/Contractor signs exceeding eight square feet permitted per [Section 5.6](#) of this Appendix);
  3. Signs may denote the architect, engineer or contractor, and other firms and individuals included in the site improvement as well as the business or institution intending to occupy the completed project;
  4. Signs must be set back a minimum distance of five (5) feet from the street frontage and ten (10) feet from adjoining properties unless exceptions are made by the Designated Official;
  5. Signs may be posted for the duration of the construction period.
- I. Credit signs:

1. One (1) sign advertising that credit is available from companies which supply credit allowed for each street frontage of the premises;
  2. Signs may not exceed two (2) square feet in area;
  3. The name or logo of more than one company can be shown on the sign.
- J. Directional/Information signs and Interpretive Markers:
1. Directional/Informational signs and Interpretive Markers must be located on premises;
  2. Excepted signs may not exceed (4) square feet in area per face; 2 face maximum
  3. Signs shall not contain advertising except as necessary to convey directions;
  4. Directional/Information Signs exceeding 4 square feet permitted per Section 4.13 of this Appendix.
- K. Flags:
1. Flags must be of Country, State, City, or other governmental body;
  2. Flags must not exceed twenty five (25) square feet in area each
  3. Flags for other entities permitted per Section 5.14 of this Appendix.
- L. Garage/Yard Sale signs:
1. Two movable Garage/Yard sale signs allowed per sale;
  2. Signs shall not exceed six (6) square feet per sign face or two signs on sticks not exceeding four (4) square feet per sign face;
  3. Sale shall not be advertised for a period exceeding three (3) days;
  4. Signs may be placed on public street right-of-way or private property with owner's permission;
  5. Signs shall not be placed on public utility poles, street signs, street features and fixtures, or fences. With the permission of the owner, signs may be attached to private utility/infrastructure features such as poles, pedestals, fences, etc.
- M. Holiday decoration signs:
1. Excepted Holiday decorations/signs shall be noncommercial and customary for seasons or special holidays such as Thanksgiving, Christmas, and Independence Day;
  2. Holiday decorations/signs shall be removed within ten (10) days after the holiday.
  3. Excepted signs shall not include signs prohibited per Section 7.0 of this Appendix.
- N. Home occupation sign:
1. A nameplate may display the name of the occupant and/or the name of the home occupation.
  2. The nameplate shall be attached to the dwelling and shall not exceed two (2) square feet in area. The nameplate shall be compatible with the architectural character of the neighborhood. Only one (1) nameplate shall be allowed. In the case where the home is not visible from the street, the nameplate may be placed near the road on the owner's property, but not in the right-of-way.
  3. See also Address sign (Section 3.3.A of this Appendix) and Home Occupation Regulations in Land Use (Appendix C).
- O. Land use and construction sign: Public Notification Signs: Signs on private property for public notification of major land use or construction activity.
- P. Maintenance or Cleaning: Replacement of signs allowed without permit following temporary removal for maintenance or cleaning of signs or following temporary removal for permitted building façade changes. This exception shall not include any structural, electrical, copy, re-facing or color change.
- Q. Memorial sign:
1. Memorial signs may only contain the names of the building and date of its erection;

2. Signs shall be either cut into masonry surface or constructed of bronze or other noncombustible materials;
  3. Signs shall not exceed six (6) square feet in area.
  4. Limited to one (1) Memorial sign per building façade facing a Public Space.
- R. Noncommercial temporary signs: See Holiday decoration sign
- S. Political sign:
1. Political signs shall not exceed four (4) square feet in size (political signs exceeding 4 square feet permitted per Section 5.14 of this Appendix);  
Political signs shall be stationary;
  2. Political signs must be removed within seven (7) days after the election or event for which the sign is displayed, except that signs promoting the successful candidate in a primary election may remain displayed until seven (7) days following the immediate subsequent general or special election.
  3. Political signs shall be located on private property with the property owner's consent, or may be located in a City street right-of-way or private street corridor.
  4. Sign may not impede vehicular or pedestrian movement, or pose a safety hazard, as determined by the Designated Official.
- T. Posters:
1. Posters shall be related to performances (upcoming or current) associated with music performances, cultural events, movies and live or playhouse theater;
  2. Posters shall be displayed at the theater in enclosed cases or kiosks outside the theater.
- U. Private Property Signs:
1. Private traffic and pedestrian signs are allowed on private property;
  2. Size limited as follows: twelve (12) inches by eighteen (18) inches or smaller which limit access, parking admittance or pertain to security provisions; signs eighteen (18) inches by eighteen (18) inches or smaller defining entrance or exits; and octagonal stop signs twenty-four (24) inches or smaller.
- V. Public Notification sign: Signs of governmental agencies notifying the public of activities such as land use applications and public hearings. Such signs shall be governed by the public notification requirements in effect; if no public notifications are in effect, the sign shall be governed as a Temporary sign;
- W. Public service information sign: Signs of public service companies and governmental agencies indicating danger and/or service and safety information. Such signs shall generally not exceed 8 square feet unless specific conditions warrant a larger sign for the clear display of danger or safety information;
- X. Real estate signs, off premises (residential open house signs):
1. Residential open house signs are limited to two-faced, A-frame signs, with maximum dimensions of six (6) square feet per face, and maximum height four (4) feet;
  2. Signs may be placed on the public right-of-way in residential areas; i.e. residential open\_house signs not allowed in Retail areas of Gilman, Front, Sunset, etc.;
  3. No more than three (3) signs per property per agent for any one (1) residential open house may be displayed at one time; except if the agent has more than one listed property in a development, the agent's total number of such signs for the development shall be limited to four (4);
  4. Signs may only be displayed between dawn and dusk;
  5. Signs shall not be placed where they will constitute a hazard by blocking vision or blocking safe movement of either vehicles or pedestrians;

6. No off-premises real estate signs shall be allowed for advertising of sale or rental opportunities of commercial property.
- Y. Real estate signs, off premises directional arrows:
1. Directional arrow real estate signs are limited to a maximum of one and a half (1-1/2) square feet and signs shall not exceed twenty-four (24) inches in height from existing grade.
  2. Signs may be placed in the public right-of-way or on private property with the owner's permission. They shall not block driveways or be affixed to utility poles, trees or traffic signs. Signs shall not be placed where they will constitute a hazard by blocking vision or blocking safe movement of either vehicles or pedestrians.
  3. One (1) sign per house or condominium unit is allowed, except a maximum of three (3) signs shall be allowed if locating the house or condominium unit requires a minimum of three vehicular turns from the closest arterial street or requires use of private roads for access.
  4. Signs may not be displayed prior to preliminary plat approval for single family and building permit approval for multi-family residential.
  5. Signs must be removed when the sale closes, or in case of a rental or lease, when the tenant takes possession.
  6. No off premise real estate directional arrow sign shall be allowed for advertising of sale or rental opportunities of commercial property, without a permit.
- Z. Real Estate, on-premises For Sale, Lease or Rent or Unit Occupied:
1. One (1) temporary on-premises For Sale, Lease or Rent sign is allowed for each street frontage of the premises not to exceed two (2);
  2. Signs shall not exceed six (6) square feet for all sign face area, maximum height 4 feet; (on-premises real estate signs exceeding six square feet are permitted per Section 5.15 of this Appendix);
  3. Signs shall offer the immediate premises for sale, lease or rent;
  4. Signs may remain in place on premises until ten (10) days after the property is sold, rented, or leased.
  5. Signs indicating that a unit is occupied shall have a maximum sign area of one square foot per side.
- AA. Umbrellas: Signs placed on outdoor table umbrellas. Product identification is allowed on movable umbrellas in commercial zones, e.g., restaurant dining tables.
- BB. Utility or Public street features: utility poles, street sign poles, traffic signal equipment and poles, garbage receptacles, benches, bridges, railings, and railing supports, boardwalks, fences, and retaining walls may have non-advertising materials and/or art applied to them if it does not interfere with its functionality or compromise it. Publicly owned elements must be reviewed and approved by the Designated Official prior to installation; privately owned elements must be approved by the property owner prior to installation. For instance, a bridge or wall might have the year of construction. Utility boxes and traffic equipment might have art, historical information, maps, etc., applied to certain portions of the boxes.
- CC. Window sign, temporary indoor:
1. Temporary indoor window signs include advertisements for services or products in the form of decals, emblems, paint, exposed neon, banners, etc.;
  2. Temporary indoor window signs are limited to thirty (30) days;
  3. Signs shall not exceed twenty-five (25) percent of the total of all window area and no portion of such sign shall be more than twenty (20) feet above finished grade.

Temporary window signs may not be used in windows on more than two (2) sides of a business location;

4. Businesses are encouraged to group signage for maximum window exposure; and
5. Window signs such as open/closed, store hours, address, etc., shall be exempt from the thirty (30) day and twenty-five (25) percent area limitations.

## 4.0 Permanent Signs

### 4.1 Permitted Number and Types of Permanent Signs

- A. Number of Permitted Primary and Secondary Signs: Each individual business establishment may have a maximum of one (1) primary sign and one (1) secondary sign, except as permitted in Section 4.1.B. Sign area and letter height shall be calculated based on the wall on which the sign is attached. Both the primary and secondary wall signs may be placed on the same wall if a business has only one exterior wall that faces a Circulation facility excluding alleys.
- B. Number of Permitted Primary and Secondary signs for Multi-sided and Multi-entry Businesses:
  1. Where a ground-level business faces two (2) or more streets (or other public space such as a Circulation facility or Community Space, as determined by the Designated Official) and has pedestrian oriented entries on at least two different sides of the building facing a street (or other Public Space as determined by the Designated Official), the business may have two primary and up to two secondary signs. Each primary sign shall be located on the façade where the pedestrian entry is located and will be calculated as specified in Section 4.2. For each façade that does not have a primary sign, one secondary sign will be allowed, not to exceed two total secondary signs; secondary sign size will be calculated as specified in Section 4.3. If the business has only two facades, the secondary sign may be placed on a façade with one of the primary signs. To qualify as a pedestrian oriented entry, the entry must be open during regular business hours and be designed to draw the pedestrian's attention to the entry's presence by, for example, changes in weather protection (higher or lower than adjacent weather protection), changes in building plane (building projecting or being set in), changes in building materials, changes in building height (a tower). The pedestrian oriented entries may open into the same foyer, room, etc., as long as they are distinctly located on different sides of the building with architectural treatment described above.
  2. A business whose façade is a minimum of 100 feet in length and facing a street (or other Public Space such as a Circulation facility or Community Space, as determined by the Designated Official) may have two primary signs provided:
    - a. The business has two pedestrian entries significantly separated from each other (a minimum of 50% of the business's façade length);
    - b. Both entries are open during regular business hours;
    - c. The sum of the two sign sizes does not exceed the total primary sign size permitted in Section 4.2; and,
    - d. Each sign is located in proximity to the pedestrian entry.

In addition, if the business faces other streets (or other public space such as a Circulation facility or Community Space, as determined by the Designated Official), the business may have up to two (2) secondary signs. For each façade that does not have a primary sign, one secondary sign will be allowed, not to exceed

two total secondary signs; secondary sign size will be calculated as specified in Section 4.3. If the business has only one façade, one secondary sign may be placed on the façade with the two primary signs.

- C. Multiple businesses within common building: When multiple business establishments are within a common building, the calculation of sign area for an individual business shall be related to the portion of the building façade area owned or leased by that business.
- D. Corner businesses within a multi-building development: When multiple business establishments are located within a single building which is one (1) of two (2) or more buildings making up a development designed as one complex, those businesses solely on an interior corner or corners of such building shall be allowed a wall sign on street frontage which does not have an entrance to a maximum size allowed under Section 4.2, provided that such businesses do not have a wall sign allowance on that street frontage under some other section of this Appendix. For purposes of this section, interior corner shall be defined as a corner of the building, neither wall of which faces, or is less than forty five (45) degrees out of alignment with an abutting public street.
- E. Businesses with no street frontage: In those instances where a business has no street frontage on any street, the Designated Official may approve one (1) wall sign on one (1) exterior wall of the building space used by that business. With approval by the building owner, a business with no street frontage shall be allowed one (1) sign that is maximum of 15 square feet in size for their business name and/or logo. Each sign will count toward the maximum sign area allowed on that building face.
- F. RESERVED
- G. Box or cabinet signs are prohibited as Permanent Signs.
- H. No Permanent Signs, as listed in Section 4.0, may be placed higher than 65 feet above Final Grade.
- I. The following table illustrates the number and types of permanent signs a business is allowed:

<u>Primary Signs</u>	<u>Secondary Signs</u>	<u>Additional Signs</u>
<p>A business may choose ONE of the following signs (except as allowed in <u>Section 4.1.B</u>):</p> <ul style="list-style-type: none"> <li>• Awning Sign</li> <li>• Canopy Sign</li> <li>• Franchise Sign</li> <li>• Free Standing Sign</li> <li>• Fuel Price Sign</li> <li>• Marquee Sign</li> <li>• Painted Wall Mural</li> <li>• Painted Wall Sign</li> <li>• Projection Sign</li> <li>• Wall Sign</li> <li>• Window Sign</li> </ul>	<p>A business may choose ONE of the following signs (except as allowed in <u>Section 4.1.B</u>):</p> <ul style="list-style-type: none"> <li>• Awning Sign</li> <li>• Canopy Sign</li> <li>• Franchise Sign</li> <li>• Free Standing Sign</li> <li>• Painted Wall Mural</li> <li>• Painted Wall Sign</li> <li>• Projection Sign</li> <li>• Wall Sign</li> <li>• Window Sign</li> </ul>	<p>A business may choose a combination of the following signs; see appropriate portions of <u>Section 4</u> to determine applicability, number, and other details:</p> <ul style="list-style-type: none"> <li>• Address Sign</li> <li>• Awning Signs</li> <li>• Banners</li> <li>• Canopy</li> <li>• Directional and Info.</li> <li>• Flags</li> <li>• Memorial Sign</li> <li>• Movable Sign</li> <li>• Multi-business wall sign</li> <li>• Ped.-Oriented</li> <li>• Window Sign</li> </ul>

## 4.2 Primary Signs

- A. Primary Sign Areas: The primary sign shall not exceed the following maximum sign area as indicated following the Facade Area on which the sign is attached:

FACADE AREA	MAXIMUM SIGN AREA
0 - 100 sq. ft.	15%
100 - 199 sq. ft.	13%
200 - 499 sq. ft.	10%
500 - 999 sq. ft.	10%, up to 75 sq. ft. maximum
1,000 - 1,499 sq. ft.	9%, up to 100 sq. ft. maximum
1,500 - 2,999 sq. ft.	8%, up to 150 sq. ft. maximum
3,000 sq. ft. or greater	6%, up to 200 sq. ft. maximum

- B. Each sign shall have maximum letter size as follows, based on the linear footage of the façade on which the sign will be located. In multi-tenant buildings, the maximum letter size for a business’s primary sign is based on the portion of the façade’s linear footage owned or leased by that business:
1. Two (2) foot average and three (3) foot maximum letter size for signs on facades from 0 to 100 feet in length.
  2. Three (3) foot average and four (4) foot maximum letter size for signs from 101 to 300 feet in length. [Note: 300 feet is identified as it is the Project’s target block length.]
  3. Four (4) foot average and five (5) foot maximum letter size for signs on facades over 300 feet in length.
  4. To calculate the average letter size, the height of each letter in the name shall be measured, summed, and divided by the total number of letters. Subtitles shall be excluded from the calculation of average letter size; subtitles shall use average letter size as the maximum letter size. Examples of subtitles are: “salon & spa”, “espresso bar & bakery”, and “wine bar & restaurant”.
- C. A primary sign shall be located on the portion of a building’s façade associated with the business it is advertising, except Projection signs.

#### 4.3 Secondary Signs

- A. Area: The secondary sign shall be no larger than five (5) percent of the facade area on which is located, up to thirty (30) square feet.
- B. Letter Size: The secondary sign maximum letter height of three (3) feet and average letter height of two (2) feet as calculated in [Section 4.2.B.4](#).
- C. A secondary sign shall be located on the portion of a building’s façade associated with the business it is advertising, except Projection signs.

#### 4.4 Additional Signs

Additional Signs are provided in addition to the Primary and Secondary Signs. Their purpose is to, through the use of small, minor signage, assist pedestrians, bicyclists, and drivers to find businesses as well as add visual interest and variety to the Circulation facility and positively contributes to its character. Additional signage also provides a business flexibility in advertising their business during the period when street trees are growing and may not be sizeable enough to be limbed up. Unless specifically allowed in the standards for the individual sign, Additional Signs shall be non-electrical and non-illuminated.

- 4.5 Address Signs:** (See Excepted signs Section 3.3.A of this Appendix).
- A. As a Primary Sign: Address signs shall not be used as Primary Signs.
  - B. As a Secondary Sign: Address signs shall not be used as Secondary Signs.
  - C. As an Additional Sign: The numerals of an address may be larger than the exception size when designed as an integral part of the building’s design and imagery.

**4.6 Reserved**

**4.7 Awning Signs**

- A. As a Primary and Secondary Sign: The area of the copy and/or logo shall be used in determining the sign area as allowed by other sections of this Appendix. The awning may be externally illuminated with appropriate lighting; no internal illumination which would be visible through or above the awning will be allowed. Awnings shall maintain a minimum clearance of 8 feet.
- B. As an Additional Sign: To encourage weather protection for pedestrians beyond that provided at the business or building entry and to ensure pedestrians can identify a business, a business that provides an awning which offers reasonable protection for pedestrians is allowed the following additional awning signs:
  - 1. If the business did not use the awning for primary signage: For each awning, the business name or logo only, in letters or sign area no more than six (6) inches tall on the awning edge parallel to the façade.
  - 2. If the awning has a solid side panel, the side panel closest to each façade edge of the business, may have the business name or logo only, in letters no more than six (6) inches tall. A business which selects this may have no more than two side panel signs per façade.
  - 3. In this case “reasonable protection” means at 8 feet above the sidewalk, an awning that extends at least 6 feet over the sidewalk, and up to an awning 12 feet above the sidewalk which extends at least 8 feet over the sidewalk. For heights in between 8 feet and 12 feet above the sidewalk, the minimum extension over the sidewalk shall be extrapolated between 6 feet and 8 feet of extension.

**4.8 Banners** (See Excepted signs Section 3.3.C of this Appendix).

- A. As a Primary Sign: Banners shall not be used as Primary Signs
- B. As a Secondary Sign: Banners shall not be used as Secondary Signs
- C. As an Additional Sign: *For an individual business:* Banners associated with a business may only contain the name of the business and/or its logo. It may not include any information about individual products or the franchise logos or products sold at the business. The banner must be attached to a pole or to the building. Each banner is limited to six (6) square feet in size. Each business may have a banner for each 40 feet of linear street frontage, with a minimum of two (2) banners. (For example, a business with a 30 feet of street frontage could have 2 banners; a business with a 120 feet of street frontage could have 3 banners.) All banners shall maintain a minimum 7 foot clearance to the Circulation facility surface. A business may not have both these banners and the decorative banners allowed by Section 3.3.C.

*For a neighborhood or shopping area:* Banners associated with a neighborhood or shopping area may only contain the name of the neighborhood or shopping area, and/or its logo. It may not include any information about individual products, or the franchise logos, or individual stores. The banner must be attached to a pole (e.g., light pole).

Each banner is limited to ten (10) square feet in size. Only the Property Administrator may apply to install neighborhood or shopping area Banners to ensure locations are appropriate and coordinated. All banners shall maintain a minimum 7 foot clearance to the Circulation facility surface. A neighborhood or shopping area may not have both these banners and the decorative banners allowed by Section 3.3.C.

**4.9 Blade Signs:** See Pedestrian Oriented Sign

**4.10 Canopy Signs**

- A. As a Primary and Secondary Sign: A Canopy Sign shall only display the name of the business, its logo, and address. Letters or logo on a Canopy Sign are allowed on and above the face of the canopy. The area of the copy shall be used in determining the sign areas, per Section 4.2 of this Appendix. The area of the copy may be externally illuminated with appropriate lighting, including front, channel letters, or halo style illumination. No internal illumination which would be visible through or above the canopy will be allowed. If the canopy is mounted on a multi-tenant building, the canopy sign shall be consistent in color, size, material and letter size with all tenants in the building. Canopies shall maintain a minimum clearance of 8 feet.
- B. As an Additional Sign: To encourage weather protection for pedestrians beyond that provided at the building or business entry and to ensure pedestrians can identify a business, a business that provides a canopy which offers reasonable protection for pedestrians is allowed the following additional canopy signs:
  - 1. If the business did not use the canopy for primary signage: For each canopy, the business name or logo only, in letters or sign area no more than six (6) inches tall on the canopy edge parallel to the façade.
  - 2. If the canopy has a solid side edge, the side edge closest to each façade edge of the business, may have the business name or logo only, in letters no more than six (6) inches tall. A business which selects this may have no more than two side edge signs per façade.
  - 3. In this case “reasonable protection” means at 8 feet above the sidewalk, a canopy that extends at least 6 feet over the sidewalk, and up to a canopy 12 feet above the sidewalk which extends at least 8 feet over the sidewalk. For heights in between 8 feet and 12 feet above the sidewalk, the minimum extension over the sidewalk shall be extrapolated between 6 feet and 8 feet of extension.

**4.11 Community Facilities/Religious Facilities Signs**

Each noncommercial use such as churches, schools, city parks, fire stations, police stations, municipal buildings, public libraries, community centers and other similar noncommercial uses may have no more than three (3) signs totaling no more than 24 square feet in area. Such signs shall be set back a minimum of two (2) feet from the property line, and shall not exceed six (6) feet in height. A wall sign shall not exceed twenty-four (24) square feet in area and shall not exceed ten (10) feet in height. Reader boards may be permitted with noncommercial uses, however, a reader board shall count as part of the noncommercial sign square footage and reader boards shall not be backlit. All Community Facilities/Religious Facilities signs shall be unobtrusive, in keeping with the character of the neighborhood and shall be constructed of quality materials. Community Facilities/Religious Facilities bulletin board: see Excepted signs, Section 3.3.G of this Appendix.

## 4.12 RESERVED

### 4.13 Directional & Information Signs (Signs not exceeding four (4) square feet do not require a permit per Section 3.3.J of this Appendix.)

- A. As a Primary Sign: Directional and information signs shall not be used as Primary Signs
- B. As a Secondary Sign: Directional and information signs shall not be used as Secondary Signs
- C. As an Additional Sign:
  1. Directional and information signs are incidental and are necessary for public safety and convenience and generally contain information that is a secondary to the use of the property on which it is located. That said, in a more complete, compact, and connected project, directional and information signs are essential for functionality and Wayfinding as well as civic, education, history, and art purposes. They also contribute to the overall Neighborhood character. Examples directional and information signs include “entrance”, “exit”, “one-way”, “circulation”, “loading only”, “public telephone”, “drive-up window”, “drive through window menu boards”, “restroom”, “open”, “closed”, and other similar directives unless approved by the Designated Official and shall not contain advertising matter beyond that necessary to accomplish their directional or informational purpose. Signs may be single or double faced and shall not exceed twelve (12) square feet per face. Directional signs indicating entrance, exit, one way circulation, drive-up window, etc., and information signs containing no advertising matter beyond that necessary to accomplish their directional or information purpose will not be considered advertising signs.
  2. Structured parking is allowed one informational sign at each entry indicating the status of parking (i.e. open, full, etc.). Signs may provide the status of each level of the multi-stories garage. Additional signs may be provided internally which are not Visible. Changeable copy of letters and/or numbers providing this information are limited to six inches (6”) in height. The Changeable Copy portion of the informational sign, indicating the status of the parking availability, may be electronically lit (e.g., LEDs) and remotely changed. Signs may be single- or double-faced and shall not exceed twelve (12) square feet per face, and shall not contain advertising matter beyond that necessary to accomplish their directional or informational purpose.



### 4.14 Directional Signs, Business and Civic

- A. As a Primary Sign: Business and Civic Directional signs shall not be used as Primary Signs.
- B. As a Secondary Sign: Business and Civic Directional signs shall not be used as Secondary Signs.

C. As an Additional Sign: Business and Civic Directional Signs are allowed on private property or in the Right of Way (off premises) for the purpose of locating business and civic uses including recreation, parks, plazas, trails, government, educational, and similar facilities. Business and Civic Directional Signs design must reinforce the character of the Neighborhood in which they are located by complementing the Neighborhood image and positively contribute to the urban streetscape; see examples below. Business and Civic Directional Signs should be placed at key intersections or decision points, and designed predominately for pedestrians and bicyclists, though the signage should be useful to drivers as well. Business and Civic Directional Signs shall be sited to facilitate use by both pedestrians and vehicles, such as in the planting strip between the curb and sidewalk, and shall take into account car door swings, vehicular sightlines, pedestrian routes, etc., when locating them. Signs may only include maps, business names and logos, directional arrows, distances. Each Business and Civic Directional Sign kiosk shall include space for at least one civic directional sign. Individual signs for a business or civic use shall have letters no larger than five (5) inches in height and a sign for each business or civic use within the kiosk is limited to .75 square feet. A kiosk containing the Business and Civic Directional Signs may also include a sponsor's name and logo which are limited to six (6) inches in height, one per each side of the kiosk; on circular kiosks two name/logos will be permitted. The Property Administrator is encouraged to look for opportunities to incorporate advances in technology to improve community or business information available through the kiosk. Only the Property Administrator may apply to install a Business and Civic Directional Signs to ensure locations are appropriate and coordinated. The Property Administrator is responsible for maintenance and inspection of the Business and Civic Directional Signs once installed.



**4.15 Flags** (See Excepted signs Section 3.3.K of this Appendix).

- A. As a Primary Sign: Flags shall not be used as Primary Signs
- B. As a Secondary Sign: Flags shall not be used as Secondary Signs
- C. As an Additional Sign: Country, state, city and other governmental body flags not exceeding twenty-five (25) square feet are excepted per Section 3.3.K of this Appendix. For flags larger than 25 square feet a permit is needed. The Designated Official will review the permit based on the location and size of the flag so as to not be distracting to drivers and a nuisance to nearby property owners, businesses, or residents (e.g., noise, visual impacts). The Designated Official may also allow up to one (1) flag with the

businesses name or logo, if flown with at least one governmental flag. The business flag is limited to twenty-five (25) square feet which may not be modified.

#### **4.16 Franchise Signs**

A. As a Primary or Secondary Sign: One franchise sign is permitted per business provided the Designated Official determines that the sign meets one of the following conditions:

1. The applicant must show that the sign is characterized and documented as original or extraordinary by the standards of the advertising industry or any industry or organization that designs, creates or reviews signs;
2. The sign is similar and consistent in style with the building's architectural character, and documented as such with photographs and/or drawing examples of buildings and signs in the same style or character; or,
3. The sign is, or its design replicates, a sign that is at least 30 years old and in good condition; or is considered to be historic or of historic value by the advertising industry or any industry or organization that designs, creates or reviews signs. However, such an opinion of historic value may not come from an entity that was involved in the design or production of the sign being reviewed, and must be jointly selected by the City and Property Administrator.

A franchise sign permitted under the above conditions shall be considered either the primary or secondary sign of the business and shall be governed by Section 4.1 thru 4.3 of this Appendix.

B. As an Additional Sign: Franchise Signs shall not be used as Additional Signs

**4.17 Free Standing Signs**: See "Monument Signs" or Section 9.6, Case by Case Modifications.

#### **4.18 Interpretive Markers**

Pedestrian-oriented signs that provide wayfinding throughout the Project, including signs marking critical areas, trails, and stormwater detention facilities. Signs may be single or double faced and shall not exceed four (4) square feet per face for information for pedestrians. Interpretive Markers not exceeding four (4) square feet are excepted per Section 3.3.J of this Appendix.

#### **4.19 Marquee Signs**

A. As a Primary Sign: Marquee signs are limited to schools, movie and performing arts theaters, and theatrical playhouses. Such signs may be painted on or attached flat against the surface of, but not extending beyond or below or attached to the underside of the overhang. Letter sizing may not exceed twelve (12) inches in height on the changeable portion of any marquee. The maximum height of the area of the sign itself shall be ten (10) feet. One sign allowed per street frontage, not to exceed two (2). A minimum clearance of eight (8) feet shall be required or as determined by the International Building Code.

B. As a Secondary Sign: Marquee Signs shall not be used as Secondary Signs

C. As an Additional Sign: Marquee Signs shall not be used as Additional Signs

**4.20 Memorial Sign**: See Excepted Signs Section 3.3.Q of this Appendix.

A. As a Primary Sign: Memorial Signs shall not be used as Primary Signs.

B. As a Secondary Sign: Memorial Signs shall not be used as Secondary Signs.

- C. As an Additional Sign: As a permitted Additional Sign, Memorial Signs must meet the same criteria established for them in Excepted Signs and shall not be electrified though they may be externally illuminated; however, as a permitted Permanent sign they shall:
  - 1. Contain only the building name
  - 2. Be no larger than 28 square feet with a maximum letter size of 2 feet.
  - 3. Limited to one (1) Memorial sign per building façade facing a Public Space.
  - 4. The Excepted Memorial sign with the building date may be used in combination with the Permitted Memorial sign with the building name.

**4.21 Monument Signs (Free-standing signs)** See Section 9.6, Case by Case Modifications

**4.22 Movable Signs, Commercial**

- A. As a Primary Sign: Movable signs shall not be used as Primary Signs
- B. As a Secondary Sign: Movable signs shall not be used as Secondary Signs
- C. As an Additional Sign: Display of Commercial A-frame movable signs shall be restricted to the business' hours of operation. Only one (1) movable sign is permitted per business. Commercial A-frame movable signs shall not exceed six (6) square feet in size per face and shall not be more than four (4) feet in height. These signs shall be placed only on private property or within a Circulation facility excluding alleys. Movable signs that are unsafe to pedestrians or motorists may be removed pursuant to the provisions of this Appendix. Location and allowable distance for signs may be modified, in conjunction with Permitting (Appendix L) by the Designated Official.

**4.23 Multi-Business Wall Sign**

- A. As a Primary Sign: Multi-business wall signs shall not be used as Primary Signs
- B. As a Secondary Sign: Multi-business wall signs shall not be used as Secondary Signs
- C. As an Additional Sign: A multi-business wall sign may identify the building name and/or address of a multi-business development, followed by tenant listings. The sign shall not exceed sixteen (16) square feet in area and shall not extend higher than six (6) feet above the ground. The sign shall not be illuminated; it may be externally lit. A multi-business development with more than one (1) street frontage may have a maximum of two (2) multi-business wall signs. Combined dimensions of the two signs must be within the maximum allowable area (sixteen (16) square feet).

**4.24 Neighborhood Identification Sign**

A Neighborhood may provide a Monument Sign as long as it meets the following conditions:

- A. Each entrance to a Neighborhood may have a Neighborhood Identification Sign.
- B. The sign is limited to thirty-two (32) square feet.
- C. The sign is limited to ten (10) feet in height including the frame or structure on which it is mounted.
- D. The sign is limited to the name of the neighborhood and a Neighborhood logo.
- E. The sign may have exterior illumination only.
- F. Neighborhood Identification Signs for each Neighborhood will be consistent in size, material, color, mountings and text style.

**4.25 Non-Commercial Use Signs:** see Community Facilities/Religious Facilities.

**4.26 Painted Wall Murals**

- A. As a Primary or Secondary Sign: Only the portion of a painted wall mural which contains a logo, trademark or other commercial message shall be governed by the requirements of this Appendix. That portion of the mural which contains a logo, trademark, or other commercial or advertising message shall be governed by Section 4.27, Painted Wall Signs. Wall preparation, anti-graffiti coating, ultra violet coating and plastic coating for murals with southern exposure shall be required. Maintenance shall be required for any portion of the painted mural that is unreadable or unsightly due to weather, sunlight or graffiti.
- B. As an Additional Sign: Painted Wall Murals may not be used as Additional Signs

#### **4.27 Painted Wall Signs**

- A. As a Primary or Secondary Sign: A painted border shall not be included in the overall dimensional size limitations. Any such sign shall be painted out within thirty (30) days of change in occupancy. Exceptions may be granted to landmark and mural signs that may be preserved and maintained if they no longer pertain to the present use of the premises. Maintenance shall be required for any portion of the painted wall sign that is unreadable or unsightly due to weather, sunlight or graffiti.
- B. As an Additional Sign: Painted Wall Signs may not be used as Additional Signs

#### **4.28 Pedestrian-Oriented Signs (including Blade Signs)**

- A. As a Primary Sign: Pedestrian Oriented/Blade Signs shall not be used as Primary Signs; see Projection Signs.
- B. As a Secondary Sign: Pedestrian Oriented/Blade Signs shall not be used as Secondary Signs.
- C. As an Additional Sign: All pedestrian-oriented signs shall be limited to one (1) sign per business for each façade facing a Circulation facility excluding alleys without pedestrian entries to the business associated with the Pedestrian-Oriented sign.
  1. Pedestrian-oriented shall be limited to four (4) square feet maximum per sign face;
  2. Pedestrian-oriented may be externally illuminated; no internal illumination is allowed.
  3. Pedestrian oriented shall be in character with adjacent land use.
  4. Pedestrian oriented that hang or otherwise project over sidewalk or other pedestrian way:
    - a. Minimum clearance shall be eight (8) feet;
    - b. Minimum setback shall be two (2) feet from curb or edge of vehicular surface;
    - c. No projection beyond the awning, canopy, or marquee, if any; and
    - d. No higher than twelve (12) feet.
  5. A business in a multi-business development may display a pedestrian-oriented/blade sign on a wall other than their tenant space when all these conditions apply:
    - a. The tenant's pedestrian entrance is not visible from the Circulation facility;
    - b. The pedestrian-oriented/blade sign is displayed on the multi-business development wall most adjacent to the tenant's pedestrian entrance; and,
    - c. The tenant has approval of multi-business development property owner/manager.

#### **4.29 Projection Signs**

- A. As a Primary Sign: If the two sides of a projection sign are parallel or the interior angle of the “V” sign is 90 degrees or less, then only one side of the sign is counted to the maximum sign size; if the interior angle of the “V” sign is greater than 90 degrees, then both sides of the sign are counted to the maximum sign size. If the projection sign is mounted on a multi-tenant building, the projection sign shall only be adjacent to that floor of the building where the business is located, unless the building owner provides written permission to the Designated Official allowing the sign to extend beyond the business’ leased space. Projection signs shall not extend above the parapet or eave unless the projection sign is for a cinema or theater when it will be limited to 65 feet. Projection signs may extend outward up to seventy-five (75) percent of the width of the abutting sidewalk but no more than six (6) feet from the wall it is mounted on. Minimum clearance of a projection sign from a pedestrian facility shall be eight (8) feet. Thirty (30) percent of the face of a projection sign may rotate.
- B. As a Secondary Sign: The sides of a Secondary Projection Sign must be parallel. Secondary Projection signs may extend outward up to seventy-five (75) percent of the width of the abutting sidewalk but no more than six (6) feet from the wall it is mounted on and may be no more than fifteen (15) square feet in sign area. Minimum clearance of a projection sign shall be eight (8) feet.
- C. As an Additional Sign: Projection Signs may not be used as Additional Signs; see Pedestrian Oriented Signs.

**4.30 Public service signs** - See Service Organization Sign.

**4.31 Residential Neighborhood Identification Signs** - See Monument Signs, Section 9.6 of this Appendix.

#### **4.32 Service Organization Signs**

Service Organizations signs may be allowed in parks, plazas, and other public gathering areas, either on public right-of-way or on private property. Service Organization signs shall not be permitted in residential uses and shall contain no advertising except community events and announcements. Each organization sign, symbol or emblem on a public service sign shall not exceed four (4) square feet in sign area. The signs shall be limited to a maximum of fifty (50) square feet on any one side and shall not exceed ten (10) feet in height.

#### **4.33 Wall Signs**

- A. As a Primary and/or Secondary Sign: Signs standing out horizontally from a mansard roof are considered wall signs; however, they may not extend vertically above the top of the mansard. No part of the sign shall extend above the roof.
- B. As an Additional Sign: Only Business Identification signs, Section 3.3.E, may be used as an Additional Signs.

#### **4.34 Window signs; Permanent indoor**

- A. As a Primary and/or Secondary Sign: Permanent indoor window signs are those which identify the business, products or services and are intended to be in place more than thirty (30) days.

1. The combination of all window signs, temporary and permanent, shall not exceed twenty five (25) percent of the total window area. The combination of additional graphics, artwork, photos, decorations shall not exceed an additional twenty five (25) percent, for a total of fifty (50) percent window area, except when a space is empty, unoccupied, or under construction. Then its windows may be fully obscured though art, decoration, graphics etc. Window signs such as open/closed, store hours, address, and other necessary direction and information signs shall be exempt from total area limitations.
  2. Businesses are encouraged to group signage for maximum window exposure.
- B. **As an Additional Sign:** For each window that a business has facing a Public Space or Circulation facility excluding alleys, and which has not been used as a Primary or Secondary sign, the business may have a Window sign, containing only the business name or its logo; however, the maximum number of Window Signs (primary, secondary, and/or additional) shall not exceed the façade's linear footage divided by 20. (For example, a 60 feet façade could have up to three window signs:  $60 \text{ linear feet of façade} \div 20 \text{ per window sign} = 3 \text{ window signs}$ ) Maximum letter or logo height for Additional Window Signs is twelve (12) inches. The Additional Window Signs contribute to the window coverage calculation specified in Section 4.34.A.

## 5.0 Temporary Signs

### 5.1 Area, Height Limit & Setback

Individual temporary signs or a series of signs intended to be read or viewed as one (1) sign shall not exceed thirty-two (32) feet in area and six (6) feet in height. Temporary signs shall be set back a minimum of two (2) feet from the property lines of the property on which it is located if such setback is available. The location of temporary signs shall not hinder sight distance for motorists from either intersections or driveways, block pedestrian and bicycle ways. Temporary signs are non-electrical and non-illuminated unless specified otherwise below. Unless listed as Excepted in Section 3.3, all Temporary signs require a permit.

### 5.2 Location

Temporary signs must be placed on the subject property. Temporary signs are not allowed on or above City street right-of-way unless excepted by Section 6.3 of this Appendix. Signs shall not create a hazard to either pedestrians or motorists as determined by the Designated Official. No Temporary Signs may be placed higher than 65 feet above surrounding grade.

### 5.3 Time Limit Generally

Temporary signs not otherwise limited in time within the provisions of this Appendix will be limited to a period of one hundred and twenty (120) consecutive days within a Calendar Year.

**5.4 Balloons-** See Excepted Signs Section 3.3.B of this Appendix.

**5.5 Banners -** See Excepted Signs Section 3.3.C of this Appendix.

**5.6 Construction Purpose, Contractor, and “Coming Soon” signs** (Signs not exceeding eight (8) square feet do not require a permit per Excepted Signs, Section 3.3.H of this Appendix.)

Construction Purpose, Contractor, “Coming Soon” signs shall be limited to one (1) per street frontage of site under construction. Signs associated with commercial or mixed uses shall not exceed thirty-two (32) square feet and signs associated with residential only uses shall not exceed eight (8) square feet. The height of any of these signs shall not exceed ten (10) feet. The signs may be posted for the duration of the construction period, which is defined by having an active building permit. The sign(s) must be set back a minimum distance of five (5) feet from the street frontage and ten (10) feet from adjoining properties unless exceptions are made by the Designated Official.

**5.7 Event signs for nonprofit organizations:** See Special or one-time events sign, Section 5.16 of this Appendix.

**5.8 Garage/Yard Sales Signs -** See Excepted Signs Section 3.3.L of this Appendix.

**5.9 Grand Opening Events**

Grand openings are allowed for both new business openings and for new ownerships. The following regulations shall apply to all grand opening events:

- A. All signs not exempted by Section 3.3 of this Appendix shall be briefly described on a single permit for the grand opening period.
- B. All signs shall be located on or above private property.
- C. All signs specifically approved as part of the grand opening event shall be deemed temporary signs per this Appendix and the time period the sign may be displayed will be determined by the Designated Official. A grand opening event period shall not exceed 30 days.
- D. During the period of a grand opening, the total surface area of all signs may equal up to three hundred (300) percent of that which would be allowed as Primary and Secondary signage. There is no limit as to the number of individual signs; provided, however, the restrictions contained in Section 7 of this Appendix (Prohibited Signs and Devices) shall remain in effect.
- E. Flags, clusters of lights and banners are allowed for grand openings.
- F. Search lights, laser lights and large inflatable objects may be allowed with grand opening events with a special events permit issued by the City.
- G. No more than one grand opening event, for the purpose of this definition, may occur for any one business location within any twelve (12) month period, provided that each separate business location within a complex of two or more businesses shall be entitled to a grand opening event separate from the grand opening event for the complex as a whole.

**5.10 Holiday Decoration Sign -** See Excepted Signs Section 3.3.M of this Appendix.

**5.11 Movable sign, Special events A-frame**

Special events A-frame movable signs may be allowed to advertise any event for which a “special events permit” has been issued by the City, such as Salmon Days, and to give directions to the event or to event parking. Special events A-frame movable signs shall not exceed six (6) square feet per face and shall not exceed four (4) feet in height. The location of the sign, where allowed by the permit, shall not create a hazard to either pedestrians or

motorists by blocking vision or movement of people or vehicles. The location and number of Movable signs shall be described in the permit. The signs may be placed on City property if appropriate but they may not be located in sidewalks, pedestrian facilities, or bikeways. Movable A-frame signs shall be maintained in an aesthetically good condition. Movable signs which are hand-written, have irregular letting, or are on cardboard are prohibited. The signs shall be removed promptly.

### **5.12 Outdoor Commercial Signs**

- A. All temporary outdoor signs shall be wall signs except as allowed by this Appendix.
- B. All temporary outdoor commercial signs shall be located on the side of the building which faces the street frontage.
- C. No more than one (1) temporary outdoor commercial sign may be displayed at any one time by a single business.
- D. Temporary outdoor commercial signs shall not exceed five (5) percent of the individual business' building face on the street frontage or thirty two (32) square feet, whichever is less.
- E. Any single business shall be permitted a total display period for temporary signs not to exceed sixty (60) days in any one (1) Calendar Year.
- F. An exception may be granted at the discretion of the Designated Official from regulations contained in subsections "a" and "b" of this Section consistent with criteria in Section 9.5, though a modification is not required.

### **5.13 Outdoor Vendor Signs**

This section does not apply if a special event or grand opening permit has been issued.

- A. Outdoor Vendor, carts and trucks (individual or multiple): A vendor cart or truck is permitted a maximum of two primary signs having a combined sign area not exceeding twenty (20) square feet. The signage may be attached to the cart or truck and to any awning, umbrella, or tent providing weather protection for the cart or truck. The design of the signage shall be integrated with the design of the cart or truck, and have a maximum letter size of 18 inches. Separate, detached signs are not permitted.
- B. Outdoor Vendors, yard activities (e.g., Christmas tree lots, fruit stands, farmer's market): An Outdoor Vendor may have either:
  - 1. One (1) sixteen (16) square feet sign and one (1) movable A-frame sign; or
  - 2. A maximum of two (2) movable A-frame signs.Movable A-frame signs allowed by Section 5.13 may be displayed only during the hours of 6:00 AM to 9:00 PM or closing, whichever is earlier, on days the vendor displaying such sign(s) is open for business. Temporary outdoor vendors signs must be located on private property. The signs are limited to a maximum of six (6) square feet per face and a height limit of four (4) feet. Such signs are permitted for a duration of not more than sixty (60) days and not more than one hundred twenty (120) days within a one (1) Calendar Year. If a group of vendor carts and/or trucks are located together, each cart or truck may have the signs allowed by Section 5.13.A and may not have the A-frame signs.

### **5.14 Political signs**

Permit requirements and conditions for political signs are shown on Table 1 below. The owner of any political sign is responsible for its removal and compliance with all other provisions of this chapter, or any other law or ordinance regulating the same. The "owner" of a political sign is the permittee, private property owner, or candidate or organization

sponsoring the sign message.

- A. Locating Political Signs on the Right-of-Way:
1. Political signs located on the public right-of-way shall comply with the requirements of Table 1 below and the restrictions contained in IMC [18.11.450](#), Placement.
  2. No political sign shall be suspended across any portion of a public right-of-way.
  3. Political signs are not permitted on railroad rights-of-way or lands that were previously railroad rights-of-way and now used for public purposes, including where railroad rights-of-way overlap street rights-of-way.
- B. Removal of Political Signs:
1. Ballot Measure/Election: For those political signs promoting a ballot issue or election, political signs must be removed within seven (7) days after the election or event for which the sign is displayed, except that signs promoting the successful candidate in a primary election may remain displayed until seven (7) days following the immediate subsequent general or special election.
  2. Public Issue: Political signs promoting a public issue that is not connected to an election or ballot measure and that are required to have permit must be removed one hundred twenty (120) days after initial installation unless the permit is renewed.

**Table 1 Political signs: Ballot measure/election and public issue**

Conditions	Political Signs That DO NOT Require a Permit		Political Signs That Require a Permit
	On Public Right-of-Way	On Private Property	On Private Property
Sign Size	Maximum up to 4 sq. ft. per face		Greater than 4 sq. ft. per face and not larger than 32 sq. ft. per face
Sign Height	Not more than 6 feet in height		
Two-Sided Signs	Two-sided signs are permitted		
Safety Provisions	Shall not impede vehicular or pedestrian movement or line of sight, pose a safety hazard, or be located on public fences, public retaining walls, utility poles or street sign poles (IMC 18.11.480(W))		Shall not impede vehicular or pedestrian movement or line of sight, pose a safety hazard, or be located on public fences, public retaining walls, utility poles or street sign poles (IMC 18.11.480(W))
Lighting	Signs shall not be lighted		
Moving Signs	Signs shall be stationary		
Location	See IMC 18.11.410(A)		Shall meet safety provisions and be located with property owner's consent
Removal	Ballot Measure/Election: Within 7 days of the election.		
	Public Issue: Removed within 120 days of installation		Removal not required

**5.15 Real estate signs, on premises (For Sale/Lease/Rent)** (Signs not exceeding six (6) square feet do not require a permit per Excepted Signs, [Section 3.3](#) of this Appendix.)

- A. Residential Property: Signs advertising the commercial sale of lots and/or houses in a subdivision or units (condominiums) may be located on land which is part of the subject development at the entrance of the development; provided, that not more than one (1) such sign no larger than thirty-two (32) square feet in area, and ten (10) feet in height, may be installed at one time at any one entrance. The display of such signs shall be limited to a twelve (12) month period. Prior to the end of the twelve (12) month period, the applicant may request extensions of time, each of which may not exceed six (6) months, otherwise the sign shall be removed.
- B. Commercial Property: Signs advertising commercial or industrial property shall be limited to one (1) single or double faced sign per street frontage. Signs may be displayed only while the building or a portion thereof is actually for sale, rent or lease. The sign(s) may not exceed thirty-two (32) square feet in surface area. If V-shaped, the total surface area shall not exceed thirty-two (32) square feet in area. If freestanding the sign may not exceed six (6) feet in height. Maximum height for wall sign shall be ten (10) feet. Sign shall be located more than ten (10) feet from any intersection of two Circulation facilities, and wholly on the property for sale or rent. Apartment building “for rent” signs are governed by Subsection A of this Section. Commercial for sale/rent/lease signs shall be limited to a twelve (12) month period. Any extensions shall require a new sign permit.

**5.16 Special or One-time Events Sign**

Temporary signs promoting a one-time or intermittent drive or event sponsored by a political, civic, seasonal, cultural, philanthropic, educational or religious event or organization are permitted for a period not to exceed thirty (30) days in a six (6) month period. Maximum height for freestanding sign is six (6) feet. See also “Movable sign, Special events A-frame.”

Special or One-time Events Signs shall comply with all restrictions applicable to movable signs as set forth herein.

- A. All signs not exempted by Section 3.3 shall be briefly described on a single permit for the one-time event period.
- B. All signs specifically approved as part of a Special or One-time Event shall be deemed Temporary per this Section 5.0, and are limited to two (2) weeks preceding the event and ten (10) days following the event.
- C. During the period of a one-time event, the total surface area of all signs, banners, and flags may equal up to 300 percent of that which would be allowed as permanent signage. Each banner or flag is limited to thirty-two (32) square feet. There is no limit as to the number of individual signs, banners or flags; provided, however, the restrictions contained in Section 7.0 of this Appendix (Prohibited Signs) shall remain in effect.
- D. Banners must be attached to light standards and may only contain the name and dates of the event and artwork or a logo associated with the event.
- E. Banners may not span the street, unless under special circumstances.

**5.17 Temporary Signs For Nonprofit Organizations** See: Special or one-time event sign and Movable sign, Special events A-frame.

**5.18 Window Signs, Temporary Indoor.** See Excepted Signs Section 3.3.CC of this Appendix.

### **5.19 Model Home and Sales, Rental or Leasing Offices**

Model home, sales, rental or leasing office signs, flags and banners shall be permitted on the premises which serves said purpose.

## **6.0 Signs on Public Rights-of-way and Private Street Corridors**

### **6.1 Scope**

Nothing in this Appendix shall be interpreted as controlling public information signs placed on the public rights-of-way or private street corridors by any governmental agency or public utility.

### **6.2 Placement**

Public service directional signs for public buildings, such as public schools, libraries, hospitals and other similar public service facilities, may be placed entirely on public rights-of-way or private street corridors. No sign shall be allowed in traffic islands, roundabouts, or medians.

### **6.3 Exceptions**

No sign shall be placed on or above the public rights-of-way or within private street corridors with the following exceptions:

- A. Signs defined in Section 6.0 of this Appendix (R-O-W Scope and Placement for public service and governmental agency signs);
- B. Awning signs, per Section 4.7 of this Appendix;
- C. Banners, per Sections 3.3.C and 4.8 of this Appendix;
- D. Flags, per Sections 3.3.K and 4.15 of this Appendix;
- E. Canopy signs, per Section 4.10 of this Appendix;
- F. Grand Opening Event Signs per Section 5.9 of this Appendix;
- G. Marquee signs, per Section 4.19 of this Appendix;
- H. Monument signs per Section 9.6 of this Appendix;
- I. Movable sign, Special Events A-frame per Sections 4.22 and 5.11 of this Appendix;
- J. Outdoor Vendors (carts and trucks or yard activities) per Section 5.13 of this Appendix; however, Outdoor Vendors in public right-of-way shall obtain a Special Use Permit.
- K. Pedestrian oriented/Blade signs per Section 4.28 of this Appendix.
- L. Political signs per Sections 3.3.S and 5.14 of this Appendix;
- M. Projection signs per Section 4.29 of this Appendix;
- N. Real estate signs, off premise residential (residential open-house signs) per Section 3.3.X of this Appendix;
- O. Real estate signs, off premise directional arrows per Section 3.3.Y of this Appendix;
- P. Special or One-time Event Signs per Section 5.16 of this Appendix;
- Q. Wall signs not extending more than twelve (12) inches over the public rights-of-way or private street corridors on structures located on or within twelve (12) inches of the public rights-of-way or private street corridors. This exception applies only eight (8) feet or more above the grade of the public rights-of-way or private street corridors per Section 4.33 of this Appendix.
- R. Permanent Signs allowed on public street right-of-way by an approved Right-of-way Use Permit as described in Circulation (Appendix D). Signs in Private Street Corridors through an approved Sign Permit.
- S. Directional Sign, Business and Civic per Section 4.14 of this Appendix.

## **6.4 Insurance & Indemnity**

Any sign(s) which are allowed to be placed on or over the public right-of-way must comply with the provisions of the City's Sidewalk Use District IMC 12.05, if amended to incorporate the Lakeside Village.

## **7.0 Prohibited Signs & Devices**

### **7.1 Listing of Specifically Prohibited Signs and Devices**

The following signs or devices are specifically prohibited and violators shall be subject to the penalty provisions set out in Issaquah Municipal Code 1.36.030:

- A. Abandoned signs
- B. Billboards
- C. Blinking or flashing lights. Any sign illuminated by or containing blinking, flashing, intermittent, or moving light or lights, except the time and temperature portion of a sign.
- D. Changeable image signs.
- E. Fuel price signs, movable.
- F. Internally illuminated/backlit awning and canopy signs where light shines through the material.
- G. Illuminated signs that allow beams and illumination upon a street, highway, sidewalk, or that may constitute a traffic hazard or public nuisance.
- H. Large inflatable objects (except with a special events permit or as a holiday sign for a recognized public holiday).
- I. Laser lights and search lights (except with a special events permit)
- J. Monument signs exceeding ten (10) feet in height.
- K. Natural features & Street furniture: Signs, balloons or devices affixed or painted on street furniture, trees, rocks, or other natural features, which do not have a permit as a Permanent Sign.
- L. Parked vehicles, trailers or carts with signs. Signs pertaining to or associated with any business along a public right-of-way which are attached, painted or otherwise affixed to parked vehicles, trailers or carts and are visible from a public right-of-way are prohibited except when the vehicle/trailer is:
  - 1. An authorized government vehicle; or
  - 2. Being temporarily loaded or unloaded; or
  - 3. On private property where the business is located; and:
    - a. Within one hundred (100) feet of the space occupied by the business being promoted; and
    - b. Is parked for a period not exceeding twenty-four (24) consecutive hours; and
    - c. Is promoting a business with a valid City business license.
  - 4. An Outdoor Vendor consistent with the provisions of this Appendix and Temporary Uses in Appendix C (Land Uses).
- M. Posters not associated with music performances, cultural events, movies and live or playhouse theaters.
- N. Readerboards, except for those allowed with noncommercial signs and marquee signs and those which are already in place and are legal nonconforming.
- O. Readerboards, portable.
- P. Real estate; Off premises Commercial, including movable open house signs and directional arrows located on private property or public rights-of-way.

- Q. Reflective material in signage including highly reflective metallic finishes, sequin studded materials or fluorescent colors.
- R. Revolving signs or signs with movable parts except barber poles and numerical signs indicating parts of clocks or thermometers, and except as allowed on Projection Signs Section 4.29.
- S. Roof Signs, except as otherwise allowed in this Appendix.
- T. Strings of pennants, ribbons, streamers, spinners, mylar balloons, or other similar moving or fluttering devices, or moving or revolving devices of a carnival like nature.
- U. Traffic hazard or public nuisance created by signs including:
  1. signs with advertising copy which imitate official traffic signs, or signals or use such words as "stop," "look," "danger," "caution," "warnings" or "go slow";
  2. signs that may confuse motorists or detract from any legal traffic control device as determined by the Designated Official; and,
  3. any sign placed in such a manner that it obscures the vision of a motorist as determined by Designated Official.
- V. Utility or Public street feature; Signs, balloons or devices affixed to or painted on, including: utility poles, street sign poles, traffic signal equipment and poles, garbage receptacles, benches, bridges, railings, and railing supports, boardwalks, fences, retaining walls, bus shelters (except for those activities and signs allowed under Sections 3.3.D and 3.3.BB) and other types of street furniture, with the following exceptions: Political signs may be located on privately owned fences and privately owned retaining walls in residential areas.
- W. Any off premises sign, including any sign located on any property other than that property on which the business is located, except off premises signs permitted on public right of way per Section 6.0 of this Appendix.

## **8.0 Non-Conforming Signs**

### **8.1 Classification**

Signs in existence at the effective date of this Development Agreement that do not comply with the standards of this Appendix J (Signs) and which were legal when erected shall be deemed legally non conforming. Legal non-conforming status may not apply to signs that have received notice of infraction prior to the effective date of the Development Agreement. No non-conforming signs may remain in Neighborhood A following the adoption of this Development Agreement.

### **8.2 Legal Non-conforming Signs**

- A. Nothing in this Section shall relieve the owner or user of a legal non-conforming sign or owner of the property on which such non-conforming sign is located, from the provisions of this Appendix regarding safety, maintenance and repair of signs; provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more non-conforming or the sign may lose its non-conforming status.
- B. Cleaning and Maintenance: Legal non-conforming signs may be removed for cleaning and routine maintenance, i.e. repainting, cleaning, changing of lighting and wiring, and may be replaced without being brought into conformance with this Appendix. Legal non-conforming signs may continue to exist, except as follows, when the sign shall be brought into conformance immediately with this Appendix:

1. Any legal non-conforming sign that undergoes a name change, or has 20% or more of the sign face (except billboards) or structure changed.
2. Any legal non-conforming sign that is damaged in excess of 50% of the original value of the sign.
3. Any legal nonconforming sign that is relocated or replaced.
4. When any or all of Neighborhoods B-F notify the City, per Appendix M, that they are no longer mining, all signs in that Neighborhood(s) must come into conformance with this code.

## **9.0 Administration & Enforcement**

### **9.1 Maintenance and Removal**

No sign shall hereafter be erected or re-erected except as provided by this Appendix and a permit for same has been issued by the Designated Official unless such sign is excepted under Section 3.3 of this Appendix.

- A. **Unsafe or Poorly Maintained Signs:** All signs, together with all of their supports, braces, guys and anchors, shall be kept in repair and in proper state of preservation including ensuring signs are safe and secure. Furthermore, the display surface of all signs shall be kept neatly painted or posted at all times. If the Designated Official finds that any sign regulated by this Appendix is unsafe, not properly secured, or not maintained and repaired, he/she shall give written notice to the named owner of the sign and the named owner of the land on which the sign is erected, who shall remove or repair the sign within a specified time from the date of the notice. If the sign is not removed or repaired, the Designated Official shall revoke the permit issued for such sign, as provided in this Appendix, and shall notify the City Attorney's office for appropriate legal action. The situation may additionally be remedied by the City via sign repair or removal, and the sign owner shall be billed for the cost of their removal. The Designated Official may cause any sign which he determines to be a source of immediate peril to persons or property to be removed summarily without notice.
- B. **Expired Signs:** Any sign existing on or after the effective date of this Appendix, which no longer advertises an existing business conducted or product sold on the premises, shall be removed by the owner of the premises upon which such is located after notice. The Designated Official, upon determining that such sign exists, shall notify the owner of the premises in writing to remove the sign within 30 days from the date of such notice. Upon application, the Designated Official may extend the removal requirement for a period not to exceed 90 days.
- C. **Other Violations:** In the event of a violation of any other provisions of this Appendix the Designated Official shall give written notice, specifying the violation, to the holder of the sign permit, or, if no permit exists, to the named owner of the land where the sign is erected, to correct the violation or remove such a sign. Non-conforming temporary signs located on public right-of-way may be removed without notice.

### **9.2 Recovery of Removed Signs**

All signs removed by the City shall be available for recovery by the owner of such sign for a period of two (2) weeks, after which they will be destroyed.

- A. Recovery of any sign removed by the City shall be subject to payment of a sign recovery fee in accordance with the City's adopted fee schedule
- B. The City shall not be responsible for damages or loss during removal or storage.

### 9.3 Violations of this Appendix

Violations of any portion of these sign standards shall be subject to the code enforcement and penalty provisions set out in Issaquah Municipal Code, Chapter 1.36.

### 9.4 Administration

- A. Responsibility: The ultimate responsibility for any sign shall be borne by the legal owner of the property on which the sign is located. The Designated Official may require when necessary that the property owner or agent be party to or applicant for any required sign permit.
- B. Inspections:
  - 1. All signs controlled by this Appendix shall be subject to periodic inspection by the Designated Official. Records of all such inspections shall be kept in the files of the Permit Center.
    - a. Prior to mounting the sign on the building elevation, an applicant shall contact the Permit Center for a sign inspection to determine that the sign(s) is the same as that shown on the approved plan.
    - b. Signs requiring phased assembly should be inspected once fully mounted on the wall.
  - 2. Footing inspections shall be made by the Designated Official for all signs having footings.

### 9.5 Administrative Modification of Standards

Adjustments to specific provisions of this Appendix shall be through an Administrative Modification, pursuant to Permitting (Appendix L).

- A. Specific Criteria for an Administrative Modification to this Appendix: This chapter may be adjusted administratively when the Designated Official determines all the following Criteria are met:
  - 1. The modification will be equal to, or superior in, fulfilling the purpose and intent of the sign regulations, Goals (Appendix A), and Design Guidelines (Appendix B);
  - 2. The granting of such modification will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property;
  - 3. No modification may be granted that would increase the number of signs allowed by this Appendix or that would allow a type of sign which is prohibited by this Appendix.
  - 4. The proposal does not negatively impact any safety features of the project nor create any hazardous features.
- D. Conditions: Conditions may be imposed upon the grant of any Administrative Modification. Unless otherwise specified, the Administrative Modification shall be subject to all plans, specifications, and conditions set forth in the application.

### 9.6 Case by case modifications: The following potential modifications were identified for consideration on a case by case basis:

- 1. **Extension of Time Limits for Grand Opening or Special/One-time Event signs:** Sections 5.9 and 5.16. The Designated Official may allow the extension of these sign permits based on the length and significance of the event.

2. **Removal of Signs:** The Designated Official may consider allowing certain business signs, such as Corporate Identification Signs or other Permanent Primary signs, to remain when a business no longer occupies a space, contrary to other provisions of this Appendix. The purpose of allowing the signs to remain past the date when they are to be removed would be to maintain the appearance of a Neighborhood in the Project and to encourage economic activity in the Neighborhood, prior to the occupancy of the space, especially when the business or building faces major roads. The signs related to unoccupied spaces shall not remain indefinitely.
3. **Monument/Freestanding Signs:** Monument Signs will be reviewed on a case-by-case basis. While these signs are necessary, they are not always consistent with the Project vision. In a dense, mixed use community, there isn't usually the land available or need for these signs. An Applicant may apply to use Monument Signs with an accompanying Narrative describing how these signs: 1) Comply with each element in Section 1.0 Purpose of this Appendix; and 2) Are consistent with and implement the relevant Design Guidelines in Appendix B. This will be the basis for their approval or denial. These signs shall comply with all the Permanent Sign standards listed in Section 4.
  - a. **Individual Business:** An individual business located on a separate lot and not legally part of a multi-business development may use one monument sign as either a primary sign or a secondary sign; it will not be allowed as an Additional Sign. The sign may not be located closer than two feet from any property line. The overall height of the sign shall not exceed ten (10) feet. No more than one (1) monument sign may be erected for any one (1) business. No sign may obstruct the view of motor vehicle operators entering or leaving any parking area, service drive, private driveway, street, alley or other thoroughfare.
  - b. **Multi-Business Development:** Monument signs are permitted for the purpose of identifying the development and the tenant or occupants of any multi-business development. A development shall mean one or more buildings under a common development scheme or common ownership. One (1) monument sign may be erected for the purpose of identifying the development and some or all of the tenants or occupants of the development at each point of vehicle entrance from public right-of-way to such development. A monument sign shall not exceed ten (10) feet in height and one hundred (100) square feet total for all faces with a maximum of fifty (50) square feet for any one face. Neither the portion of the sign structure providing support nor the frame shall be counted in determining the square footage of the sign. Information displayed for any individual business shall not exceed the business name and logo. The area of the monument sign shall be deducted when calculating the area allowed for wall mounted signs for the development or business; it will not be allowed as an Additional sign. Each sign shall be located at least two (2) feet from any vehicle entrance. No sign shall obstruct the view of motor vehicle operators entering or leaving any parking area, service drive, private driveway, street, alley, or other thoroughfare.
  - c. **Multi-family Areas Identification signs:** For multi-family residential areas, other than duplexes, one (1) permanent externally illuminated building identification sign consistent with the Project character and landscape as established in the Design Guidelines (Appendix B) shall be permitted for each street frontage. These signs may be up to two (2) square feet in size for each residential unit, but in no case may a sign area be greater than thirty-two (32) square feet and shall not exceed ten (10)

feet in height. The sign shall not be located in the right-of-way or pose a traffic visibility problem, shall not be closer than two feet to the property line or back of curb, whichever is farther, shall only have the name of the project, a logo or graphic, and/or an address. Natural features such as boulders may be used.

- d. Lighting: Lighting for freestanding/monument signs shall be consistent with the Design Guidelines (Appendix B) and Lighting (Appendix I).

## APPENDIX K – Utilities

<b>Section 1.0</b>	<b>Purpose and Intent</b>
<b>Section 2.0</b>	<b>Water</b>
<b>Section 3.0</b>	<b>Sewer</b>
<b>Section 4.0</b>	<b>Stormwater</b>
<b>Section 5.0</b>	<b>Administrative Modification of Standards</b>
<b>Section 6.0</b>	<b>Master Drainage Plan</b>
<b>Attachment K- 1</b>	<b>Master Drainage Plan</b>

### 1.0 Purpose and Intent

The purpose of this Appendix K (Utilities) is to establish standards for the design, configuration and performance of Utility Service within the project. Utility service encompasses all public and private facilities necessary to provide potable and reclaimed water supply, sanitary sewer service and stormwater service. These services are intended to:

- A.** Ensure adequate safe and reasonable supply of potable water for public consumption, fire protection and irrigation;
- B.** Ensure the adequate, safe and reliable collection of sewage or contaminated water and the conveyance of that sewage to off-site treatment systems;
- C.** Achieve compliance with the SEPA Conditions;
- D.** Ensure the collection, treatment and conveyance of stormwater to prevent public nuisances or hazards, protect the environment and preserve resources;
- E.** Allow for flexibility in the design, location and operation of utility systems to minimize construction and maintenance costs, respond to market needs and take advantage of opportunities to improve efficiency and maintain effectiveness;
- F.** Minimize the impact of utility systems on the public and minimize the intrusion of utility systems into the sociable public realm;
- G.** Accommodate incremental development;
- H.** Minimize the detrimental impacts of paved surfaces, maximize the beneficial impacts of greenscapes, landscaping and public gathering areas; and,
- I.** Provide all residents within the City with utility systems that are owned and operated by the City or the District.

### 2.0 Water

**2.1** The Property Administrator shall provide water facilities for the project at its cost. The Project may be served by the City, the District, or a combination of the two. The water purveyor will be identified prior to the time of Land Use Permitting for each neighborhood.

**2.2** All new water system facilities shall be designed and constructed in accordance with currently-adopted Policies and Standards (2012) if part of the City system (except as noted in Section 2.7); or, as determined by the District if not served by the City. All water system improvements will become a part of either the City's system upon

acceptance by the Designated Official; or, the District's system upon acceptance by the District. No water services will be turned-on until the facilities serving them are deemed substantially complete. Partially-completed facilities may be utilized if it can be demonstrated to the appropriate permitting authority that public safety and welfare are not compromised.

- 2.3** If the City is the water purveyor, the Property Administrator shall connect to the existing water transmission and distribution system in two geographically and physically separate locations. Easements may be required to provide connections and these shall be obtained by the Property Administrator.
- 2.4** All connections to the public's system shall pay the Regional Facility Connection Charge (RCFC) in effect at the time of connection, and any other regional charges, but not local Connection Charges if connected to the City system. Metro and Cascade Water Alliance connection charges will be determined at the time of permit issuance. If served by the District, all applicable fees will be charged, as determined by the District.
- 2.5** Prior to approval of the first Implementing Permit, the Property Administrator shall acquire and provide proof of a Certificate of Water Availability. If water is provided by the District, a Certificate shall be provided to the City. If service is provided by the City, the City shall issue a Certificate of Water Availability, in letter format, following completion of one of the following three actions by the Property Administrator;
- a.** Payment to the City (see Section 2.2 of the Agreement),
  - b.** Build, or cause to be built, 400,000 gallons of standby storage in the 297 pressure zone. This volume of storage shall be available to the potable water system using existing pumping and transmission pipelines,
  - c.** Build, or cause to be built, a new pump station from the 297 pressure zone to the 742 pressure zone. The pump station must be built to City standards, be located as determined by the Designated Official and include transmission pipelines.
- 2.6** If water service is provided by the City, development within the project must be below elevation 625 without additional water system improvements and a revised Certificate of Water Availability that recognizes the potential need for additional supply or storage in the 742 pressure zone.
- 2.7** If water service is provided by the City, the design criteria for water service shall include the following values:
- Average Day Demand – 198 gallons per day per ERU
  - Standby Storage Requirement – 266 gallons per ERU
  - Commercial Fireflow – 3,500 gpm
  - Multi-family Fireflow – 2,500 gpm (may be delivered through pressure reducing valves)

**2.8** All phases of the project shall incorporate water conservation planning.

### **3.0 Sewer**

**3.1** The Property Administrator shall provide sewer facilities for the project at its cost. The Project may be served by the City, the District, or a combination of the two. The sewer purveyor will be identified prior to the time of Land Use Permitting for each neighborhood.

**3.2** All sanitary sewer facilities needed for the Project shall be provided by the Property Administrator. This includes all on-site collection systems, and all improvements off-site to provide capacity in the existing City sewer system and to connect to the regional conveyance system. Any easements or property acquisition necessary to make the off-site connection shall be provided by the Property Administrator.

**3.3** All new sewer system facilities shall be designed and constructed in accordance with all State and currently-adopted City (2012) or District policies and Standards, as appropriate, and will become a part of the public's system upon acceptance.

### **4.0 Stormwater**

**4.1** All stormwater facilities (collection, conveyance, treatment, detention and outfall) needed to serve the Project shall be provided by the Property Administrator. As parcels are converted from Mining (Appendix M), the provisions of this Section 4.0 shall apply.

#### **4.2 Goals**

**4.2.1** The Master Drainage Plan is designed to:

- a.** Protect aquifer water quality. All stormwater that is infiltrated in infiltration systems must be designed and operated in a manner that result in compliance with State and local standards.
- b.** Minimize degradation to water quality in Lake Sammamish by discharging stormwater that meets the Sensitive Lake Water Quality Treatment Standards. Ecology has defined several treatment technologies that meet this standard and by using these technologies the stormwater will be considered in compliance with the Sensitive Lake requirements.
- c.** Maximize infiltration. Runoff from non-pollution generating surfaces (for example roof runoff) shall be directed to infiltration facilities or surface water discharge to the extent that these discharge are in compliance with the water quality requirements of this Appendix.
- d.** To the extent feasible, separate roof runoff from runoff from pollution generating impervious surfaces (i.e., clean and dirty stormwater systems) so that treatment processes can be optimized.
- e.** Maintain surface water and groundwater quality and quantities consistent with the requirements of the City of Issaquah 2011 Addendum to the 2009 King County Surface Water Design Manual (Issaquah Stormwater Manual).

- f. Prevent adverse changes in stream temperature in North Fork Issaquah Creek.
- g. Minimize the adverse impacts of stormwater runoff from impervious surfaces by reducing the amount of pollution generating impervious surfaces and incorporating low impact development techniques into stormwater design.
- h. Support incremental development that allows individual phases to be constructed and permitted independently and individually but also work together as a single, integrated system at the completion of all development.
- i. Use excess capacity in the treatment, detention and discharge systems (including infiltration) to support mining or development on adjacent parcels.

### 4.3 Design and Construction Standards

**4.3.1** Stormwater facilities must be provided consistent with the Standards in the City of Issaquah Municipal Code and the published Engineering (Development Extension) Standards except as modified in this Development Agreement. Municipal Code Standards are in *Title 13, Chapter 13.28, Surface Water Runoff Policy*. (The Municipal Code references the 2011 City of Issaquah Addendum to the 2009 King County Surface Water Design Manual and those standards are incorporated by reference).

**4.3.2** All stormwater facilities shall meet current City, state and Federal regulations in effect at the time of application of the Implementing Permit. Stormwater facilities must also comply with the Western Washington Phase II NPDES Municipal Stormwater Permit issued by Ecology and those standards as are periodically modified by Ecology. Modifications or updates to those standards are binding on site development.

**4.3.3** Where there are conflicts between standards and codes, they shall apply as follows (standards listed above shall prevail over those listed below):  
 Western Washington Phase II NPDES Municipal Stormwater Permit  
 Master Drainage Plan  
 City Code (Chapter 13.28) and 2011 City of Issaquah Addendum to the 2009 King County Surface Water Design Manual  
 City Development Extension Standards

### 4.4 Required Facilities

The stormwater facilities necessary for the Project will consist of the following major elements:

#### 4.4.1 Collection

Pipelines within public rights-of-way, easements or private property that connect impervious surfaces to treatment, detention or outfall are “Collection Pipes”. Collection Pipes shall be designed in accordance with City Standards.

#### **4.4.2** Conveyance

Conveyance pipelines do not accept stormwater directly from the collection system (such as outfall pipes). Conveyance pipelines shall be designed in accordance with the Master Drainage Plan.

#### **4.4.3** Detention

Detention is used to modify the release rates of stormwater to outfall or discharge facilities. The modification may be necessary to meet predevelopment release rates, maintain environmental protections or comply with the design of the downstream outfall or discharge systems. Detention facilities shall be designed in accordance with the MDP.

#### **4.4.4** Treatment

Treatment is required for runoff from all pollution generating impervious surfaces that might come in contact with motorized vehicles (cars, trucks, buses, motorcycles, etc.) including roads, parking lots, parking strips, alleys, loading docks, etc. Runoff from non-pollution generating pervious surfaces and impervious surfaces that do not include motorized vehicle contact are not required to be treated as long as those surfaces are covered by BMPs that assure clean runoff. In certain cases, treatment of runoff from pollution generating pervious surfaces may be required (e.g., landscaped areas subject to fertilizer and pesticide use). Treatment facilities shall be designed in accordance with the MDP.

#### **4.4.5** Outfall/Discharge

Stormwater shall be treated to the appropriate levels before being discharged to the on-site wetland, the North Fork Issaquah Creek or to infiltration facilities. Outfalls and Discharges shall be designed in accordance with the MDP. Stormwater shall be infiltrated to the maximum extent feasible. North Fork Issaquah Creek discharges shall be minimized except to maintain base flows in accordance with the MDP. The MDP identifies the criteria for Sub-Basin and neighborhood discharge to North Fork Issaquah Creek on a phase by phase basis. North Fork Issaquah Creek discharges shall be combined where feasible, and new discharge points will be minimized (maximum 3).

### **4.5** Sub-Basin Facilities

#### **4.5.1** Sub Basin A (Neighborhood A)

Sub Basin A will collect, treat, detain and discharge stormwater from Neighborhood A. Discharge shall occur to North Fork Issaquah Creek matching predevelopment flows. As an alternative, Sub-Basin A may discharge to the existing conveyance pipe in Highlands Drive and the Detention/Treatment Pond on Black Nugget Road to the extent that there is excess capacity in those facilities (or the facilities can be modified to increase capacity). Connection to existing City facilities requires a use agreement executed between the benefitting party and the City. Sub-Basin A may discharge, on a temporary basis, to infiltration facilities under a monitoring and testing program in order to identify the capacity or performance of those infiltration systems. Runoff from Green Roofs in Sub-Basin A may be discharged directly to North Fork Issaquah Creek without detention or treatment as long as BMPs are in place to ensure the roof has not been treated with fertilizers or pesticides. At a minimum, 30% of the stormwater runoff, from this Sub-Basin, must be treated and discharged in LID facilities. As an alternative, other Sub-Basins may compensate for the 30% LID requirement in future phases.

#### **4.5.2 Sub-Basin B (Neighborhood B)**

Sub Basin B will collect, treat, detain and discharge stormwater from Neighborhood B. Discharge may occur to North Fork Issaquah Creek matching predevelopment flows or to infiltration facilities (after those facilities have been permitted and certified by the City). As an alternative, Sub-Basin B may discharge to the existing conveyance pipe in High Street and to the Lower Reid Detention/Treatment Pond if shown that there is excess capacity in those facilities (or the facilities can be modified to increase capacity). Connecting to existing City facilities requires a use agreement executed between the benefitting party and the City. Sub-Basin B may not discharge to the Lower Reid Infiltration Gallery or to any facilities that eventually discharge to the Lower Reid Infiltration Gallery. At a minimum, 30% of the stormwater runoff, from this Sub-Basin, must be treated and discharged in LID facilities. As an alternative, other Sub-Basins may compensate for the 30% LID requirement in future phases.

#### **4.5.3 Sub-Basins C, D, E and F (Neighborhoods C thru F)**

Sub-Basins C, D, E and F will collect, treat, detain and discharge stormwater from each associated neighborhood. Discharge may occur to infiltration facilities, North Fork Issaquah Creek, LID facilities, or any combination of those facilities as long as the predevelopment flows are maintained in North Fork Issaquah Creek in accordance with the MDP. At a minimum, 30% of the stormwater runoff, from these Sub-Basins (and any compensating area for Sub-Basin A if appropriate), must be treated and discharged in LID facilities within each Sub-Basin, excluding

Sub-Basin A. Discharge to infiltration facilities is the preferred discharge location and must be maximized to the maximum extent feasible.

**4.6** Technical Information Reports (TIRs)

A Technical Information Report (TIR) is required for each Sub-Basin prior to development. TIRs shall be in conformance with the MDP.

**4.7** *Reserved*

**4.8** Modeling

A conceptual stormwater model of the site and stormwater system was developed as part of the MDP. This model must be updated by the Property Administrator into a full comprehensive stormwater model using Western Washington Hydrologic Model (WWHM), or other model as approved by the Designated Official, at the first and each subsequent land use permit or utility permit and the updated model must be delivered to the City prior to the commencement of work under that permit. Prior to completion of the last phase of the project, an updated model reflecting the as-built condition of each facility and sub-basin must be delivered to the City. The model must include 30% of all stormwater discharges being accommodated in LID facilities. The infiltration analysis for the Project will account for infiltration from the Lower Reid Infiltration Gallery (LRIG) (owned by the City on property to the south of the Project), whether the facility is operational or not during on-site infiltration testing. If the facility is not operational during testing, the testing program must compensate for the anticipated impacts of the LRIG through modeling. The modeling program must be approved by the City prior to testing.

**4.9** Material Restrictions

Uncoated copper and galvanized materials cannot be utilized as building materials unless no practical alternative exists. (see MDP)

**4.10** Monitoring

Refer to the MDP for Monitoring details. All improvements (except infiltration facilities) described in the MDP are prescriptive and are exempt from monitoring except for proof of compliance with the approved designs, which generally occurs within the one-year guarantee period and is provided by the Contractor of that facility.

Infiltration facilities must be designed and operated based on the approved monitoring plan and compliance criteria listed in the MDP.

**4.11** Joint Use

Stormwater facilities are encouraged to be multi-purpose facilities and may be used as recreational spaces and public amenities and it is not the intent of this Development Agreement to limit the purpose of these facilities solely to stormwater uses. Ponds may be fenced with low, split-rail type fencing, but otherwise, should be open for viewing by the public and be designed as an integral part of the community. Stormwater from adjacent contiguous properties may use excess capacity in the Project stormwater facilities.

**5.0 Administrative Modifications of Standards**

The provisions of this Appendix may be modified pursuant to the Flexibility Objectives and the provisions of Appendix L (Permit Processing) of this Agreement.

**6.0 Master Drainage Plan**

The Master Drainage Plan, attached hereto as Attachment 1 to this Appendix K (Utilities), is an integral and binding component of this Development Agreement and applies to all properties under this Development Agreement. It does not apply to properties cover under the provisions of the Mining regulations (Appendix M). Should text in the MDP and text in this Appendix K (Utilities) conflict, the text in this Appendix will prevail.

**Attachment K-1 Master Drainage Plan**

*(not provided at this time)*

# APPENDIX L –Processing of Implementing Approvals & Modification of Standards (Permitting)

- Section 1.0 Purpose and Intent
- Section 2.0 Application Procedures & Establishment of Authority
- Section 3.0 Land Use Permits
- Section 4.0 Construction Permits
- Section 5.0 Appeals
- Section 6.0 Modification of Standards
- Exhibit L-1 Notice Requirements

## 1.0 Purpose & Intent

The process described in this Appendix establishes permit application review and the processes for modification of Development Agreement Standards and Guidelines. The goal is to facilitate future project approvals so long as they are within the SEPA Project Envelope and consistent with this Development Agreement.

### 1.1 Permit Establishment

The Project is governed by the following permits:

- Land Use Permits
- Utility Permits
- Building Permits
- Other Permits

#### Land Use Permits

The occupation or utilization of land as allowed by the City of Issaquah, upon issuance of written governmental approval. Land Use Permits include Site Development Permits, the division or consolidation of property, Home Occupations and Boundary Line Adjustments.

#### Utility Permits

The broad category of permits used to construct non-building improvements. Utility Permits include: clearing, grading, landscaping, plaza construction, street construction, trail construction, the construction of parking, etc.

#### Building Permits

The governmental approval necessary to construct a building or other significant structure, as required under IMC 16.04

#### Other Permits

Any permit or decision not described by the above-listed categories. Other permits include, but are not limited to: Sign Permits, Critical Area Studies, Administrative Decisions, etc.

### 1.2 Process Objectives

The preferred process for reviewing and approving the Designated Official's portion of land use and construction permits for the Project is one that is intended to eliminate the submittal/ design review/ redesign/ review redesign process. The preferred process is consensual, collaborative, interactive, adaptive, accessible, reasonable, creative in

problem solving, innovative, non-bureaucratic, and therefore more efficient. The goal is to create a team of City and applicant members, who through the involvement of key decision-makers, open mindedness, communication, innovation, and exploration are able to develop a synergy that achieves the vision of the project. This develops from early contact with the Designated Official to discuss the process and project, as well as early meetings with the Designated Official, such as the recommended optional meetings described below. The applicant's choice to not fully utilize the meetings described below may result in a less efficient review process and the inability of the Designated Official to meet the proposed review process objectives described in the first two sentences above.

## **2.0 Application Procedures & Establishment of Authority**

### **2.1 Pre-Submittal Meeting**

Applicants must hold a project feasibility meeting with the Designated Official prior to each land use permit submittal. The meeting should take place prior to detailed work by an engineer, architect, or planner. The purpose of this meeting is to eliminate as many potential problems as possible in order for the application to be processed without delay or undue expense. At this meeting, the Designated Official shall make available all pertinent information as may be on file relating to the Project. Discussion topics at this meeting should include policies, agreements, and regulations related to the Project, including but not limited to:

- Features of the proposed development, and the rationale behind them;
  - The Lakeside Development Agreement and all amendments;
  - The City of Issaquah Comprehensive Plan;
  - Master Drainage Plan;
  - Applicable Administrative Minor Modifications and Action Memos
  - Utility Standards for sewer, water, and, roads;
  - Confirming water availability;
  - Applicable City or other regulations;
  - Required environmental documents;
  - Required City or other permits.

### **2.2 Architectural Review Committee**

As with other projects zoned Urban Village and governed by a detailed development agreement, this Project is governed by the Lakeside Architectural Review Committee (ARC), as established through the CC&Rs dedicated on this property. The ARC is a private group which consists of design professionals, residents, and business people that are appointed by the Property Administrator and one (1) representative appointed by the Mayor, per the Declarations of CC&Rs who review all land use and some construction permit applications. Membership of the ARC shall avoid conflicts of interest, e.g., current residential parcel builder reviewing the work of another current residential parcel builder and shall strive to provide an objective view of each project.

The ARC shall make decisions based on a set of Architectural Standards. The Property Administrator shall provide a copy of the draft Guidelines to the Designated Official for

review and comment. The City shall have 30 days to provide comment on the draft Standards. The Property Administrator will provide the City with a roster of current ARC members on an annual basis.

The ARC's approval letter or stamp, including the conditions of approval, must be submitted to the Designated Official when the application is submitted for City review and approval. Upon prior written approval by the ARC and the Designated Official, concurrent review by the two entities may be permitted, if both the ARC and the Designated Official agree that concurrent review will not impede their review. Enforcement of the ARC's standards, conditions, and suggestions are the responsibility of the Master Association and its ARC, as applicable.

### **2.3 Commission**

A public Commission comprised of members appointed by the Mayor and organized and managed by the Designated Official, shall make decisions and/or recommendations as specified in this Appendix L. The Commission reviews subsequent development standards and guidelines not adopted as part of the Development Agreement. The Commission will also be included in any major administrative revisions to the Guidelines that may occur after their adoption.

They conduct a planning-level review of specified land use actions within the projects for conformance with policies, goals and objectives contained in City of Issaquah's Comprehensive Plan and in the adopted development agreement. These reviews shall result in a decision or recommendation by the Commission in accordance with Section 3.14. Commission procedures and membership shall be governed by a set of bylaws or rules.

### **2.4 Designated Official**

As defined in Attachment 2 and Section 28 (Definitions) of the Main Body of this Agreement.

### **2.5 Plan Required**

For all improvements authorized and/or regulated by this Agreement, the Property Administrator or its designee will submit a plan and application for permit. The submittal requirements will be on file with the Designated Official and will be made available upon request. All plans shall be prepared by a professional qualified in the design of the improvements desired, as determined by the Designated Official. The submittal shall include all permanent surficial, below ground and above ground features including necessary utilities such as vaults, pedestals, and fire hydrants. If landscaping is required as part of a proposed project, the Landscape Plan must be applied for with the Land Use or Construction Plans, as applicable.

### **2.6 Submittal of Applications**

## 2.6.1 Submittal Types

Type	Submitted to:	Administered by:
Land Use	Permit Center	Designated Official
Building Permits	Permit Center	Building Official
Utility Permits	Permit Center	Designated Official
Other Permits	Permit Center	Designated Official

## 2.6.2 Complete Application Decision

### 2.6.2.1 Basis

As used in this Appendix, “complete” shall mean the materials submitted that are sufficiently complete to allow continued processing and review by the City, even though additional information may be requested or modifications may be subsequently requested. The determination that an application or modification request is complete shall not preclude the City from requesting additional information or studies, nor does a determination of completeness mean that the City necessarily agrees with the conclusions and recommendations included in the application or modification materials. If the application or modification request is deemed complete under Section 2.6.2.2, review by the Building Official (if Building Permit) and Designated Official shall begin.

### 2.6.2.2 Completeness Decision

Within fourteen (14) calendar days of receiving a land use application or modification request, the Designated Official shall determine if the information contained in the application or modification request submitted by the applicant is complete, including the necessary SEPA documents. If the application or modification request is deemed incomplete, it shall be returned to the applicant within fourteen (14) calendar days with written documentation of the inadequacies. Once the application is resubmitted, the City will have fourteen (14) calendar days to deem the re-submittal complete.

If the Designated Official does not notify the applicant within fourteen (14) calendar days of receipt of an application or modification request, it shall be deemed complete, and review shall proceed. The timelines listed in Section 2.8 shall only commence once the application has been deemed complete.

## 2.6.3 Public Notice

### 2.6.3.1 Required

For any permit that the City of Issaquah ordinarily requires to have public notice as identified in Exhibit L-1 (Noticing Requirements), a public hearing, or meeting shall be required. Applications for permit or decisions pursuant to this Appendix L (Permitting) shall be posted on the City’s webpage, as determined by the Designated Official.

### **2.6.3.2 Not Required**

Public notice is not required on the following applications or similar type applications, as determined by the Designated Official: Lot Line Adjustments, Lot Consolidations, Administrative Minor Modifications, Confirmation of Applicant Elections, Home Occupations. Public notice is also not required for Building Permits, Utility Permits, or Other Permits (see Exhibit L-1).

### **2.6.3.3 Requirements**

The determination that public notice is required shall be consistent with the Issaquah Municipal Code requirements, unless otherwise specifically modified through this Agreement (Exhibit L-1). Public notice, when determined to be required, shall meet the requirements (e.g., number, type, location, etc.) established by the Issaquah Municipal Code in effect at the time of this Agreement adoption, unless those requirements are superseded by State or Federal regulations.

## **2.6.4 Comment Letter**

### **2.6.4.1 Timing**

For any application allowed by this Appendix, the Designated Official must, following the determination that an application is complete, conduct and complete his or her review, and furnish the applicant with written comments (Comment Letter). Until the applicant provides acceptable written response to all comments, the review timeline is placed on hold.

If a SEPA determination is required for any application, that determination shall be part of the administrative review, and the applicable subsequent time periods per the Issaquah Municipal Code governing the SEPA action shall be followed.

If requested by the Designated Official or the applicant, a meeting shall be held no later than a seven-day period following the issuance of the Comment Letter. At this meeting the Designated Official shall indicate the basis and/or reasoning for each written comment and shall accurately set forth any oral commitments made to the applicant.

If no comments are provided, or conditions or additional information are requested by the City, then no Comment Letter is necessary.

### **2.6.4.2 Contents**

The Comment Letter required for Land Use and Construction Permits shall address the following:

1. Conformance of the application materials with the policies, agreements, guidelines, standards, and regulations relating to the Project;

2. Any additional conditions that must be satisfied, and any corrections and additional information that must be provided for review of the proposed development; and
3. Any recommendations that the Designated Official believes will assist the project in meeting the goals, guidelines, and vision of the Project.

**2.6.4.3 Preparation**

The Comment Letter is prepared by the Designated Official or in the case of Building Permits, by the Designated Official and Building Official for their respective portions.

**2.7 Studies and other subsidiary activities and Review Timelines**

**2.7.1** Critical Areas Studies (as defined in Appendix G, Critical Areas Regulations) and specialty studies are handled with the following timelines:

**2.7.1.1** Critical areas or specialty studies independent of an application will be processed as an Administrative Action except that the number of days to the Comment Letter will be 21 days, except in the following situations, when the time will be negotiated between the Designated Official and applicant:

- the study area is greater than one acre; or,
- review of the study requires consultants with specialized technical expertise that are not currently under contract with the City or Property Administrator.

**2.7.1.2** The timelines and review process for other subsidiary activities, such as studies other than geotechnical or critical area, are established by the permit with which they are connected.

**2.7.1.3** Critical Area studies shall be noticed on the City webpage.

**2.8 Review Timelines**

Permit	Hearing	Decision Body	ARC Review	Review Target*
Short Plat	No	Designated Official	No	45 days
Site Development Permit (≤ 3 acres)	No	Designated Official	Yes	45 days
Site Development Permit (> 3 acres)	Yes	Commission	Yes	90 days
Preliminary Plat	Yes	Hearing Examiner (with rec. from Commission)	No	120 days
Lot Line Adjustment	No	Designated Official	No	45 days

Lot Consolidation	No	Designated Official	No	45 days
Critical Area Studies	No	Designated Official	No	21 days
Home Occupations (IMC 18.07.470)	No	Designated Official	No	45 days
Final Plat	No	Hearing Examiner	No	40 days
Administrative Modification	No	Designated Official	As determined	21 days
Major Modification	Yes	City Council (with rec. from Commission)	No	160 days
Sign Permit	No	Designated Official	Yes	16 days
Utility Permits	No	Designated Official	depends on Permit	40 days
Building Permit	No	Building Official	Yes	Varies

\*All timelines are in Calendar days and do not include the 14-day Completeness Review

## 2.9 Permit Decision

Applications shall be approved if consistent with the provisions of this Agreement and may only be denied if outside the approved envelope or inconsistent with the Development Agreement Guidelines or Standards.

Following review of the permit, the Designated Official and/or Building Official shall issue a written decision for approval, approval with conditions, or denial of the application or modifications, within the time periods and procedures specified above. As part of this process, the Designated Official and/or Building Official shall route applications to other City Departments that may have an interest in the application and assume responsibility for coordination of comments.

The written decision shall indicate the basis and reasoning for any denial of an application or for the imposition of any condition and shall be transmitted to the applicant within three (3) working days of its issuance. If a SEPA determination is required for any Administrative Action, the provisions of Appendix P (SEPA) Section 3.2 shall be followed.

Following a written decision, a 14-day Appeal Period shall be observed.

## 2.10 Time Periods

**2.10.1** Any permitting time period can be extended through mutual agreement between the applicant and the Designated Official. Unless specified otherwise, all times given in this Appendix shall be calendar days. If the deadline for a particular action falls on a weekend or holiday, the deadline shall be moved to the following business day. The City shall not be subject to damage claims or liability for

missing the timelines set forth in this Appendix I, but rather the Property Administrator's sole remedy shall be a refund of fees for the delinquent permit. The Property Administrator shall be deemed to have waived the refund if the Property Administrator fails to request the refund within 30 days after the deadline is missed.

- 2.10.2** If in response to a City comment or request for additional information, conditions, or corrections, the applicant submits materials or responses that are beyond the scope of the comment or request, then the decision time period shall begin anew as a new application, as to those materials or responses that are beyond the scope of the comment or request. If the material submitted is substantially or wholly changed, the resubmittal will be treated as an entirely new application.
- 2.10.3** Land Use permit approvals shall be in effect for the duration of the Buildout Period of the Development Agreement.
- 2.10.4** Other agencies having authority over some portions of implementing approvals that can impact development, e.g., Department of Health, Department of Ecology, Department of Natural Resources, Department of Transportation. The City does not and cannot control these other agencies, their needs, and their review times; the applicant has to obtain the approval from these other agencies in a timely manner. In no way will the impacts of the lack of approvals or their impact on an applicant's schedule, be the responsibility of the City.

## **2.11 Maintenance, Securities & Guarantees**

### **2.11.1 Public & Private Improvements**

- A.** All Utility Permits, prior to their issuance, require the applicant to post with the City a performance guarantee in a form approved by the Designated Official, equal to 150 percent of the total costs of the improvements permitted; or, equal to 150 percent of the estimated cost to restore the site should construction not be completed per the terms of the permit.
- B.** The performance guarantee shall be replaced with a maintenance guarantee for public improvements once the construction has been deemed complete by the Designated Official. The maintenance guarantee shall represent 50% of the project value and will be posted for 1 year to cover defects.
- C.** Corrective Measures: If any portion of the guaranteed improvements is found to be defective during the maintenance period, the Designated Official shall notify the applicant of the required corrective action. If the applicant fails to take corrective measures within 60 days, the Designated Official may utilize the posted guarantee to correct the damaged or defective improvements.
- D.** At the end of the maintenance period, the Designated Official shall return the remaining guarantee to the applicant.

### **2.11.2 Landscaping (non-Critical Areas)**

- A.** All landscaping and necessary irrigation systems shall be installed per approved plan in a safe, healthy and attractive manner. To insure this occurs,

the applicant shall provide a performance guarantee, in a form approved by the Designated Official, equal to 150 percent of the total costs of the improvements permitted. This guarantee shall be provided prior to permit issuance.

- B. Following installation to insure that all plant material is maintained in a healthy and attractive manner through its establishment period, the applicant shall provide a surety in the amount of 50% of the value of the plant material and irrigation installed for a period of three (3) years.
- C. Corrective measures: If any portion of the approved landscaping dies or is not maintained in a healthy manner, the Designated Official shall provide the applicant with a correction letter. If corrective actions are not taken within 60 days, the Designated Official may utilize the guarantee provided to restore which may include the replacement of landscaping, weeding, litter removal or other activities deemed necessary by the Designated Official to restore the area to permit condition.
- D. At the end of the establishment period, the Designated Official shall return the remaining deposit to the applicant.
- E. All landscaping permitted through this Agreement shall be maintained in perpetuity, unless removed per the provisions of Appendix E (Landscaping); or, replaced though subsequent permit approval.

### **2.11.3 Critical Area Improvements**

Refer to [Section 16](#) in Appendix G (Critical Area Standards) for bonding requirements.

### **2.11.4 Optional Project Guarantee**

At the request of the Property Administrator, the Designated Official may consider other forms of project guarantee. Optional guarantees have been approved for Issaquah Highlands and Talus.

### **2.11.5 Surety Reduction or Release**

The Designated Official may relieve or retire portions of performance bonds when portions of facilities have been completed and no longer pose a completion or performance risk for the City. Partial release is at the sole discretion of the Designated Official and is subject to the appropriate maintenance sureties being in place and will not be unreasonable withheld.

## **2.12 Fees**

Applicants shall pay all City permitting fees due at the time of application. A list of current permit fees is available at the City's Permit Center.

## **2.13 Enforcement**

Unless otherwise specifically provided in this Agreement, all necessary Enforcement actions caused by violations of this Agreement shall be subject to the applicable code enforcement and penalty provisions set forth in the Issaquah Municipal Code at the time of infraction.

## **2.14 Plan Revision**

All significant revisions to an approved Permit shall be shown on a revised Permit application and submitted to the Designated Official. Plan revisions shall include the same level of detail as in the approved plan. Minor plan revisions may be processed as a part of the approved plan set. Significant revisions shall require the submittal of a new permit application. A revised plan must be approved prior to construction of the revised plan elements.

## **3.0 Land Use Permits**

Land Use Permits are required for all planned, above-grade structures or improvements occupying land within the Project not covered by other permits. Land Use permits may, as determined by the Designated Official, be processed concurrently with either Building or Utility Permits.

## **4.0 Construction Permits**

### **4.1 Building Permits**

Building permits are reviewed by both the Designated Official and the Building Official as well as other appropriate City departments as determined by either the Designated Official and/or the Building Official. Building Department review timelines are based on staffing and permit workload. The applicant is encouraged to schedule a pre-submittal meeting with the Building Department a minimum of six (6) months prior to anticipated Building Permit submittal.

### **4.2 Utility Permits**

#### **4.2.1 Procedures**

The time periods and procedures for the submittal and review of Utility Permits are specified in [Section 2.0](#) of this Appendix.

#### **4.2.2 Utility Structure Construction**

Utility structures that are facilities with regular entry permitted to persons, such as pump stations and similar structures, require a Utility permit and a Building Permit as well as a Site Development Permit (SDP). The Utility Permit and the SDP may be applied for and reviewed concurrently, at the discretion of the Property Administrator.

#### **4.2.3 Permit Issuance for Utility Permits**

Once the plans have been approved by the Designated Official, the permit shall be issued within seven (7) calendar days. The permit consists of an approved set of drawings that have been signed by the Designated Official and other relevant members of the City; any permit conditions will be written onto the approved drawing set.

#### **4.2.4 Field Change**

After a Utility Permit has been issued, changes in the field to the approved plans may be permitted. Field changes are allowed when, in the opinion of the Designated Official's site representative (i.e., field engineer, landscape inspector, etc.), the change is:

1. Consistent with the approved design intent;
2. Allowed by the Engineer in Responsible Charge;
3. Will not involve a change in cost to the Applicant or is approved in writing by the Applicant;
4. Does not impact and does not need to be reviewed by other City disciplines (i.e., engineering, landscape architecture, planning, or administration);
5. Does not require the Architectural Review Committee's approval, and
6. Will not negatively impact any adjacent properties.

#### **4.2.5 Design Change**

After a Utility Permit has been issued, any changes to the approved plans that do not meet all the criteria for approval as a Field Change, require the submittal and approval of a Design Change by the Designated Official. Design Changes shall be processed in 5 days following ARC sign off (if necessary), unless additional information is requested to render a decision.

#### **4.2.6 As-builts**

For the following types of Utility Permits, As-builts that comply with the City's requirements must be furnished by the applicant and accepted by the Designated Official prior to the City accepting the facility: roads, water, sewer, stormwater, landscape (e.g., associated with public roads, trails, parks), or other utility facility (e.g., reservoir, pump station). As-builts must be provided to the City at a scale and a format determined by the Designated Official. [Section 4.3](#) (Electronic Information) of this Appendix for related information.

### **4.3 Electronic Information**

All utility as-builts and the Project stormwater model, as well as some land use permits, must be submitted to the City in an electronic format for inclusion in the City's mapping. Electronic records are necessary for project completion and surety release. The following types of approved land use permits must be provided to the City at a scale and a format determined by the Designated Official: short plat, administrative site development permit, site development permit, lot line adjustment, lot consolidation, preliminary plat, and final plat. The Designated Official may add other types of permits to this list if they are necessary for City mapping and record keeping. See [Section 4.2.6](#) of this Appendix for information on as-builts.

## **5.0 Appeals**

### **5.1 Appeals of Building Permits**

Appeals of any building permits shall be to the Hearing Examiner per the current City code in effect at the time of the appeal.

### **5.2 Appeals of Utility or Other Permits**

There shall be no administrative appeal of any Utility or Other permits authorized by this Appendix. Any appeal or review of construction permits shall be governed by applicable state law.

### 5.3 Appeals of Land Use Permits

#### 5.3.1 Criteria

Appeals of any land use decision are permitted to be filed only by the applicant, the Designated Official, property owners within three hundred (300) feet of the proposed action, or other persons claiming to be directly harmed by the proposed action. Any appeal shall be in writing and shall clearly and specifically:

- a. Include specific statements as to how the requested approval is inconsistent with or beyond the Project Envelope established through the Development Agreement;
- b. Identify the decision being appealed and the alleged errors in that decision;
- c. State specific reasons why the decision should be reversed or modified;
- d. State the harm suffered or anticipated by the appellant as a result of the decision, and the relief sought; provided that if the appellant is a group or organization, the harm to any one or more members of the group or organization must be stated; and
- e. State the desired outcome of the appeal.

The scope of the appeal hearing and decision shall be based solely on matters or issues raised in the statement of appeal.

Within fourteen (14) calendar days after the date of filing of an appeal, the Hearing Examiner (except when the Hearing Examiner's decision is being appealed, then the review of criteria shall occur at the appeal's hearing) shall determine whether the statement of appeal satisfies the four requirements for a valid appeal stated above and whether the appropriate fees, if any, have been paid. If the Hearing Examiner determines that the appeal requirements have been met and the requisite fees have been paid, then the appeal shall be accepted and a date assigned for an appeal's public hearing. If the Hearing Examiner determines that a statement of appeal does not satisfy the above criteria; or, that the requisite fees have not been paid; or, that the appeal period has expired, then the Hearing Examiner shall dismiss the appeal and issue a written notice and mail it to the appellant, the applicant, and the Designated Official.

#### 5.3.2 Timelines and Decision Makers

The following table briefly identifies the entity that will hear the appeal. More specific information describing timelines and process are provided below.

<b>ORIGINAL DECISION MAKER</b>	<b>APPEALS DECISION MAKER</b>	<b>APPEAL FILING PERIOD</b>	<b>APPEAL DECISION PERIOD</b>	<b>SUBMIT TO</b>
Designated Official	Hearing Examiner	14 days	30 days*	Permit Center
Building Official	Hearing Examiner	14 days	30 days*	Permit Center
Commission	Hearing Examiner	14 days	30 days*	Permit Center
Hearing Examiner	City Council	14 days	40 days**	City Clerk
City Council	Superior Court	21 days	NA	Superior Court

- \* After the hearing.
- \*\* After filing of the appeal.

### **5.3.3 Fees**

All appeals must be accompanied by payment of any required appeal fee. Appeal fees are available in the Permit Center. Failure to pay the fee at the time of appeal submittal or prior to the final date of appeal submittal as specified below, will result in the dismissal of the appeal. If an appeal is rejected, the pro-rated portion of the fee not utilized by the City will be returned to the applicant.

### **5.3.4 Process**

All appeals must meet the following timelines and processes. Public notice shall be provided as specified in the Issaquah Municipal Code. Before being considered a valid appeal, any appeal of a land use permit must meet the criteria established in this Appendix.

#### **5.3.4.1 Appeals of Administrative Land Use Permit or Building Permit**

**Actions:** A statement of appeal of all or any portion of a permit must be filed with the Permit Center within fourteen (14) calendar days after the Designated Official/Building Official issues the decision; or, within fourteen (14) calendar days of a Commission decision. An open- or closed-record public hearing, as appropriate, to be conducted and decided pursuant to Issaquah Municipal Code regulations governing open-record appeal hearings, shall be held by the Hearing Examiner or the City Council, as appropriate. The Hearing Examiner shall issue his or her decision within ten (10) Calendar days after the hearing.

**5.3.4.2 Appeals of Hearing Examiner Actions:** An appeal of all or any portion of a Hearing Examiner decision must be filed with Permit Center within fourteen (14) calendar days after the Hearing Examiner issues his or her decision and mails it to the applicant. The City Council shall decide the appeal, at a closed record hearing, within thirty (30) days after the appeal is filed. The closed record will be that created before the Hearing Examiner.

**5.3.4.3 Appeals of City Council Actions:** The Council's decision shall be final, unless a timely appeal is filed in superior court. Any appeal of an action governed by the Land Use Petition Act, CH. 36.70C RCW, must be filed in superior court within the time provided in that act. An action not governed by the Land Use Petition Act must be appealed by filing a petition for a writ of review in superior court within twenty-one (21) days after the date of the City Council's decision on the appeal or action.

**5.3.4.4 Appeals of SEPA Decisions:** Appeals of SEPA decisions shall be regulated by the Issaquah Municipal Code.

## **6.0 Modifications To Development Standards And Design Guidelines**

Adopted Development Standards and Design Guidelines may be modified by the Property Administrator and the City using the following processes:

### **6.1 Action Memos**

The purpose of an Action Memo is to document an action or interpretation of the Designated Official to provide a record or direction for future actions. By way of example, an Action Memo may be used in the following situations:

- a. Clarify or interpret the intent of an existing Development Agreement standard or guideline; or,
- b. Resolve a conflict between existing standards and/or guidelines; or,
- c. Resolve a conflict between existing standards and/or guidelines and City standards when a City standard is invoked; or,
- d. Document administrative rules and procedures; or,
- e. Document a specific decision-making process or rationale used with an application, for reference as future policy; or,
- f. Other changes that the Designated Official determines are consistent with the intent of Action Memos, as established above.

Action Memos are Administrative Decisions issued by the Designated Official and are the functional equivalent of Interpretations issued pursuant to IMC 18.01.050. General Action Memos that are applicable both to current and future use of the Development Agreement shall be distributed to all parties (i.e., current and future Project Builders) and Property Administrator. Action Memos regarding specific applications or situations shall be distributed to the affected parties, as well as the Property Administrator, though broader distribution is permissible if appropriate. A comprehensive catalogue of all Action Memos shall be maintained by the Designated Official, and be made available to interested parties. Action Memos and Administrative Decisions issued pursuant to this Agreement shall have the same effect and be enforceable as a provision of IMC Chapter 18.

### **6.2 Administrative Modifications**

Any modification that does not meet the description of an Action Memo as described above, or meets the criteria as described below in [Section 6.3](#) (Major Modification that require Council approval), will be considered an Administrative Modification.

#### **6.2.1 Authority**

Unless otherwise specified, the Designated Official may vary the specific requirements of the Development Agreement as an Administrative Modification, pursuant to the procedures set forth in this Appendix so long as the proposed amendment is consistent with any specifically-identified criteria and the vision described in Appendix A (Goals) and Appendix B (Design Guidelines) of this Agreement.

#### **6.2.2 Purpose**

The purpose and intent of Administrative Modification is to provide for flexibility that is compatible with the Project character and vision

established in the Goals (Appendix A) and Design Guidelines (Appendix B), without permitting an adjustment that negatively impacts the Project or surrounding uses. The proposed modification will be reviewed against the Criteria established in the Appendix in which the provision to be modified is located, or if no Criteria are provided in the Appendix, then against the Flexibility Objectives located in the Main Body, Section 21.1.

### **6.2.3 Process**

Through Administrative Review the Designated Official with concurrence from the Property Administrator has the authority to make decisions regarding Administrative Modification. The Designated Official shall consider the application information regarding the approval criteria which has been provided by the applicant. The Designated Official's decision on the Administrative Modification of standards is final unless appealed, as provided in Appendix L (Permitting) of this Agreement.

## **6.3 Major Modifications**

Any Major Modification to the Development Agreement shall be decided by the City Council and must have the concurrence of the Property Administrator. Major Modifications shall be limited to the following requests:

- Increase in Entitlement (beyond 1,200 ERUs)
- Changes to Project Boundaries
- Changes to approved land uses and density targets
- Increase in building height
- Change to the Term
- Changes to the procedures listed in this Appendix L (Permitting)
- Changes to Required Project Elements (Section 2 of the Main Body)
- Relocation, or altering the vision, of the Village Square or Village Center

## Exhibit L-1 Noticing Requirements

	AMM	SDP	LLA	PP	FP	SP
Notice of Application - Adj Property Owners & Parties of Record	no	Yes	Yes	Yes	yes	Yes
Notice of Meeting – Adj Property Owners & Parties of Record	No	yes	no	yes	yes	No
Notice of Decision – Adjacent Property Owners	no	no	no	no	no	No
Notice of Decision – Parties of Record	yes	yes	yes	yes	yes	Yes
Notice of Decision – Applicant	yes	yes	yes	yes	yes	Yes
Legal Notice to Paper	no	yes	no	yes	yes	No
Site posting	no	yes	no	yes	no	No
Notice on website	yes	yes	yes	yes	yes	yes

**AMM – Administrative Minor modification**

**SDP – Site Development Permit**

**LLA – Lot Line Adjustment**

**PP – Preliminary Plat**

**FP – Final Plat**

**SP – Short Plat**

**CAS – Critical Area Studies (Notice shall be provided on the City webpage)**

**SEPA – revisions to the SEPA Project Envelope will be noticed similar to a SDP**

## APPENDIX M – Mining and Grading

- Section 1.0 Purpose and Intent
- Section 2.0 Mining Standards
- Section 3.0 Reclamation Standards
- Section 4.0 Grading Standards
- Section 5.0 Administrative Modification of Standards
- Exhibit M-1 Mining Plan
- Exhibit M-2 Reclamation Plan

### 1.0 Purpose and Intent

The purpose of this Appendix M (Mining and Grading) is to provide a framework for the continued mining of the Project site and to provide a mechanism to transition that activity to one of urban development through the thoughtful reclamation of the Property. The sequencing of activities is: 1) Mining; 2) Reclamation; and, 3) Grading. The standards contained in this Appendix are aimed to control, limit and manage erosion and sedimentation as part of both mining and grading activities; to protect and maintain the hydrologic balance of watersheds and watercourses, preserve wildlife and aquatic habitat and to protect the life and property of individuals in and adjacent to the Project; and, to provide for a safe development of the Property to urban uses. The provisions of this Appendix M (Mining and Grading) are necessary to ensure that the Property is operating consistent with most current State standards; and is consistent with the expectations of the City.

### 2.0 Mining Standards

Mining activities are allowed in Neighborhoods B through E. No mining activities are allowed in Neighborhood A. The mining provisions contained in this Appendix M (Mining and Grading) are not limited by the Buildout Term of this Agreement. The provisions of Appendix E (Landscaping), are not applicable to portions of the Project so long as the Mining Standards are in effect.

#### 2.1 Objectives

The provisions of this Section are intended to allow for the continued mining operations of the Project; and, to provide some certainty in the reclamation of the property to accommodate the future urban development that is described in this Agreement. The existing mining permit (DNR Permit Number 70-010113) has been incorporated into this Agreement for the ease of City Administration and is not intended to relinquish any of the obligations of that permit to expand any of its rights. This Section is also included to acknowledge development and occupancies of adjacent properties and to provide some level of mitigation for these neighbors.

#### 2.2 Construction Practices

The following construction practices shall apply to all mining activities:

2.2.1 BMPs as identified in *Best Management Practices for Reclaiming Surface Mines in Washington and Oregon* (WSDNR 1997, as amended) shall be implemented;

- 2.2.2 Unless otherwise approved by the Designated Official, hours of operation shall be limited to 6:00 a.m. to 7:00 p.m., Monday through Friday, and 6:00 a.m. to 7:00 p.m. on Saturdays.
- 2.2.3 Night operations shall not include operation of the crushing plant or wash plant.
- 2.2.4 The Property Administrator shall abide by the regulations of the Puget Sound Clean Air Agency (PSCAA).
- 2.2.5 All vegetation may be removed within the mining area.
- 2.2.6 All critical areas and mining boundaries, as shown on the Mining Plan, shall be staked/flagged during the operation of the mining activities.
- 2.2.7 TESC facilities necessary for mining operations shall meet City standards and shall be consistent with the provisions of the SEPA decision for this Project. Existing TESC pods (shown on Exhibit M-1) may be used by the Project Administrator until such time as they are removed as part of either mining or restoration activities. Prior to their removal, the Property Administrator shall have alternate TESC facilities operational.
- 2.2.8 Non-galvanized perimeter fencing with gates may be erected by the Property Administrator to deter public access during mining and grading, but shall be removed entirely (except for the adjacent edge to the industrial activity) as soon as possible when neighborhoods are developed.
- 2.2.9 Hauling activities may require dust control or street sweeping, as directed by the Designated Official.
- 2.2.10 All mining activities will be consistent with Exhibit M-1, Mining Plan.
- 2.2.11 Truck trips to the west are limited based on the *Baseline Truck Trip Generation* report dated 3 February 2012 without additional mitigation and potential street improvements, as determined by the Designated Official.
- 2.2.12 Mining operations will comply with all safety provisions of the Mine Safety Health Administration (MSHA).
- 2.2.13 Prior to any mining within 100 feet of the outer edge of the buffer for the North Fork or the Class 2 wetland, construction fencing and silt fencing will be installed to protect the critical area.

### **2.3 Noise**

- 2.3.1 All work shall comply with the provisions of King County Ordinance 3139, relating to noise control. All work must comply with noise control standards in King County Code Chapter 12.88.20, modified by 12.88.030.
- 2.3.2 At the discretion of the Designated Official, the Property Administrator may be required to conduct noise monitoring to determine compliance with Section 2.3.1. Mitigation measures may be required to ensure compliance.
- 2.3.3 Strobe lights or other means shall be used in lieu of truck back-up alarms during nighttime operations.
- 2.3.4 Provide DNR Inspection Reports and other pertinent documents to the designated Official at periodic intervals (Main Body, Section 22.1.4).
- 2.3.5 Provide a sign visible from Highlands Drive/9<sup>th</sup> Avenue indicating to drivers the driveway on this road is private property and is a dead end.

## 2.4 Termination

The Property Administrator, at their sole discretion, may terminate mining activities on any portion of the Property. Termination will be through written correspondence to the Designated Official. In absence of a termination notice, the provisions of this Section 2 shall remain in effect until the Parties choose to terminate its authority. However, should these provisions continue beyond Buildout, the Parties agree to resume a 5-year review of the mining activities and the City may choose to apply additional operational measures at that time.

## 3.0 Reclamation Standards

- 3.1 Reclamation activities of the mining site will generally conform to the plan provided in this Appendix (Exhibit M-2). This Plan may be amended from time to time by the Property Administrator, with approval by the Designated Official.
- 3.2 The Property Administrator may mine and/or fill concurrently to achieve consistency with Exhibit M-2.
- 3.3 Prior to 31 December 2013, the Property Administrator shall provide the Designated Official a geo-technical evaluation of the anticipated stability of the final reclamation plan to support future urban development, as entitled through this Agreement.
- 3.4 Slopes shall generally not exceed 2:1, unless the Parties agree a steeper slope provides community benefit (i.e. exposed geologic feature).
- 3.5 All fill operations that are conducted after mining (i.e. after conversion from mining operations to development activities) shall be pursuant to a Grading Permit. The Grading Permit must be approved by the City with the objective that all of the developable areas shown in *Figure 3* will be suitable for structural development. The permit must include the intended finished grade, the interim or transitional grades (most likely as a result of staged fill activities), groundwater and surface water control, and compaction and testing requirements.
- 3.6 The Property Administrator will submit to the City, for archive purposes, a yearly report (due by end of year each year) which summarizes that year's fill activities and complies with the conditions in the Grading Permit for compaction and testing. The report must be signed and sealed by a Registered Professional Engineer and include detailed compaction and testing reports. The reports will be maintained by the City and available to support future building and utility permits in compliance with the Grading Permit.
- 3.7 Prior to January 2014, the Property Administrator will provide evidence to the Designated Official that DNR either has, or is in the process of, approving the Reclamation Plan (Exhibit M-2).

## 4.0 Grading Standards

The following Grading standards shall be applied to the Project:

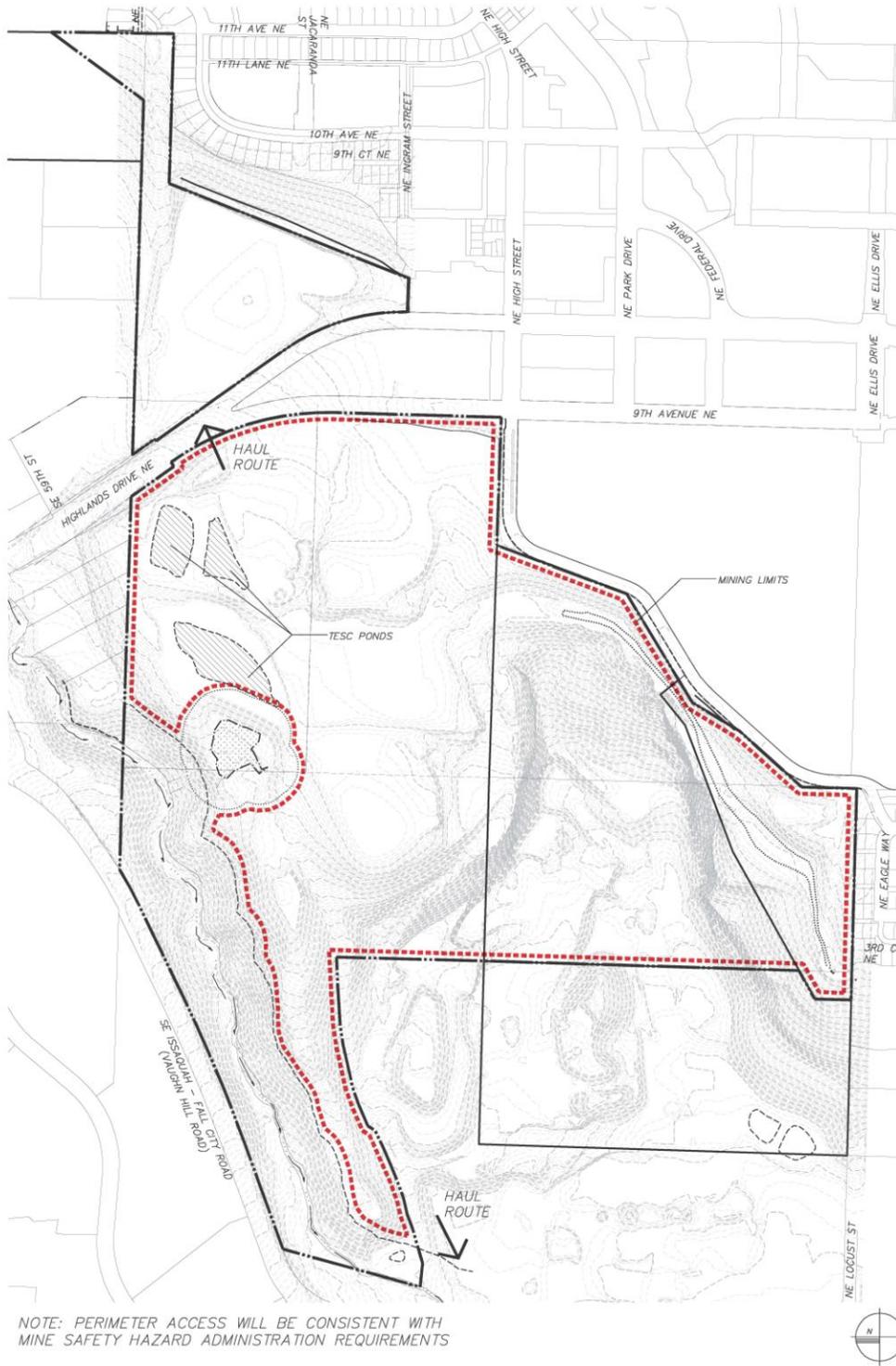
- 4.1 Unless a more stringent provision is included in this Appendix M (Mining and Grading), the Provisions of IMC 16.30 (Erosion Control) shall apply;
- 4.2 No grading shall occur on the Project in advance of an approved Land Use Permit for that property; and, certification that prior reclamation activities, as modified through proposed grading, will support the proposed development and Land Use Permit;
- 4.3 Exposed soils that are not part of an active construction project, as determined through six (6) months of inactivity, shall be revegetated as specified in the SEPA decision for this Project; and,
- 4.4 No final grading shall occur that deviates from the Reclamation Plan (Exhibit M-2 by more than 10 feet (vertically) without modifying the Exhibit through an Administrative Modification (Appendix L, Processing).
- 4.5 All mining flagging/staking of boundaries shall stay intact during grading activities.
- 4.6 No retaining wall shall be taller than 15 feet of exposed wall. See Appendix B, Section 2.1.26. Stacked retaining walls will be separated by a minimum of 10 horizontal feet.

## **5.0 Administrative Modification of Standards**

Approval must be based on a determination that the modification is consistent with the purpose and intent of this Appendix M (Mining and Grading) and Appendices A and B (Goals and Design Guidelines, respectively). The following criteria will be used in conjunction with Appendix L (Permit Processing), to determine whether an administrative Modification shall be granted:

- 5.1 The modification(s) will be equal to, or superior in, fulfilling the intent and purpose of this Appendix;
- 5.2 The modification(s) does not result in an adverse nuisance impact to adjacent properties;
- 5.3 The modification(s) does not result in adverse impacts on public service; and,
- 5.4 The granting of the modification(s) does not create any hazardous features or conditions, as defined by accepted engineering practices.

# Exhibit M-1 Mining Plan



NOTE: PERIMETER ACCESS WILL BE CONSISTENT WITH MINE SAFETY HAZARD ADMINISTRATION REQUIREMENTS



## APPENDIX N – Affordable Housing

Section 1.0	Purpose and Intent
Section 2.0	Affordable Housing Options
Section 3.0	On-site Private Market Rate Housing Option
Section 4.0	Fee-In-Lieu Payment Option
Section 5.0	Dedication of Land Option
Section 6.0	Affordable Housing Agreement
Section 7.0	Definitions

### 1.0 Purpose and Intent

#### 1.1 Community Vision

Appendix A (Project Goals) identifies the vision to provide housing for a diversity of income groups, including low and moderate income groups, and *contribute to* meeting the City’s goal of preserving and promoting a culturally and economically diverse population and to provide housing for those who live or work in the community

Housing is vital to the success of the mixed use Urban Village model. The model calls for a balance of strong businesses, neighborhood amenities, access to transportation choices and housing opportunities for people of varying incomes.

#### 1.2 City Comprehensive Plan

The following housing goal was adopted by the City Council in the Comprehensive Plan: **Housing Goal:** *"Encourage the availability of housing for all economic segments of the population..."* (Page H-15)

Following are some of the key policies adopted in the Comprehensive Plan regarding the provision and location of affordable housing:

- Encourage through the private market and through public resources sufficient numbers of housing units to meet the needs of all economic segments of the population...(Policy H-2.1)
- Seventeen percent of new housing units should be targeted for moderate income households (50-80 percent of King county median household income). (Policy 2.1.1)
- Twenty four percent of new housing should be targeted for low income households with incomes below 50 percent of King County median household income. (Policy 2.1.3)
- Promote the provision of a reasonable proportion of affordable housing by private sector residential developments of a significant size and scale. (Policy 2.2.2)
- Promote housing opportunities for residents with special housing needs such as senior housing, group homes and foster care facilities.
- Locate affordable housing in close proximity to services, including public transportation, shopping, medical and childcare. (Policy 2.2.1 & 2.2.2)
- Suitable affordable housing opportunities should be dispersed with other residential and mixed uses, rather than concentrated, to blend into the surrounding community. (Policy 2.2.4)

### **1.3 Objective**

The intent is to offer flexibility in the development of the Project, while meeting the City's goal of preserving and promoting a culturally and economically diverse population and to provide housing for those who live or work in the community. Both market rate and affordable housing are needed in the Project. Affordable housing is designed for people and families that earn more than 30% of the median income for King County and below 80% of median income for King County— an income strata that represents a large bulk of the housing necessary to accommodate the local work force.

The following affordable housing objectives will help achieve the community vision described above and are consistent with the affordable housing policies adopted in the City's Comprehensive Plan. The Affordable Housing provisions of this Agreement are intended to implement these objectives.

- 1.3.1 Promote housing for a diversity of income groups by incorporating a variety of options and strategies for providing affordable housing opportunities.
- 1.3.2 Provide flexibility for the Project to meet the affordable housing objectives.
- 1.3.3 Create affordable housing opportunities that are substantially below market value as a result of increased development capacity in the Project.
- 1.3.4 Provide Affordable Housing Units that are similar in appearance and configuration to the market rate housing by using similar building designs and the same grades of building material for exterior finishes.
- 1.3.5 Encourage developments that include affordable housing and that combine local incentives provided by the City with resources available from other public and private sources.

### **2.0 Affordable Housing Requirement and Options**

**2.1** The Property Administrator shall provide a minimum of 50 units (or its equivalence) of Affordable Housing for households earning incomes at less than 80% of Median Income. The Affordable Units will be provided through one or a combination of options, as described below. The affordable housing options identified may be used alone or in combination to achieve affordable housing requirements. Some or all of the Affordable Housing Units may be built with public and/or private financing. However, the Property Administrator is responsible for meeting the Affordable Housing Unit requirements regardless of the availability of public financial assistance and the intent of using public financial assistance is to increase affordability levels beyond the minimum provisions of this Appendix N. Although there are three options provided in this Section 2.1, the Parties will explore incentives aimed at resulting in an option, or combined option, that gives preference to the land set aside or integration of affordable units into the Project over providing the cash payment.

2.1.1 On-site Affordable Housing. Affordable housing may be incorporated into private market rate housing within the Project.

2.1.2 Fee In-lieu Payment. A fee-in-lieu payment, in the form of a one-time payment, or series of payments related to specific proposed development that is dedicated for affordable housing may be paid to the City to meet affordable housing goals.

2.1.3 Land Dedication. Land may be dedicated for affordable housing.

**2.2** The Property Administrator may assign affordable housing obligations to one or more Parcel Builders, but the Property Administrator remains responsible to ensure that provisions regarding the overall amount of Affordable Housing required in Sections 2.1 are satisfied.

**2.3 Timing**

Prior to approval of the First Implementing Permit, the Property Administrator must provide the Designated Official with a plan for satisfying the obligations of this Appendix. The Affordable Housing Plan will indicate to the City which option, or options, (Sections 3.0 thru 5.0 of this Appendix N), will be utilized to satisfy the affordable housing obligation. Should Section 3.0 be chosen, the Property Administrator will identify which Neighborhood, or Neighborhoods, will be utilized; and, the number of affordable units per Neighborhood. Should Section 4.0 be selected, the latest the Property Administrator will make payment will be prior to issuance of Land Use Permit for the 301<sup>st</sup> ERU.

Payments will be adjusted for inflation as provided in this Agreement (Section 2.0); and/or, may be adjusted due to the provision of affordable units under Section 3.0 or Section 5.0 of this Appendix N. Should the Property Administrator select Section 5.0 to satisfy the affordable housing obligation, the property shall be encumbered through a recorded covenant prior to issuing the First Implementing Permit. The covenant may be relocatable, with approval from the Designated Official.

The Affordable Housing Plan may be modified from time to time as development occurs. The Designated Official will approve revisions to the Plan so long as the Purpose and Intent of this Appendix may be fulfilled with the revision. However, the City may suspend the issuance of permits if the Project is deemed out of compliance with the Plan.

**3.0 On-site Private Market Rate Housing Option**

**3.1 Affordable Housing within Market Rate Housing**

Affordable housing may be incorporated into private market rate housing (On Site Option). Any Affordable Housing provided through the On Site Option shall at a minimum meet the definition of Moderate Income Affordable Housing, and shall also be substantially below market as described in Section 3.2.2 of this Appendix N. Any individual property proposed for the On Site Option shall not result in the Affordable Housing Units being more than twenty-five percent (25%) of the overall units in the individual property without approval by the Designated Official.

**3.2 General Provisions.**

The following requirements shall be met for all Affordable Housing created through the On-Site Option;

- 3.2.1 Affordability Covenant. The Affordable Housing Units will be governed by a covenant restricting the sales prices and resale or rental price of each encumbered unit which covenant shall be in a form pursuant to the provisions of Section 6.0 of this Appendix N.
- 3.2.2 Substantially Below Market. At the time the maximum price or rent is calculated for an Affordable Unit provided through the On Site Option, the developer of the parcel shall provide evidence of the Affordable Unit's market value (price or rent level). The market value shall be determined by appraisal and submitted to the Designated Official for review, provided however, the Designated Official may determine that an appraisal is not required to establish market value of an Affordable Unit if there are comparable market rate units in the vicinity that can be used to establish market value. If the maximum price or rent of an Affordable Unit is not Substantially Below Market Value, then the maximum initial rent or sales prices will be adjusted downward to insure that its price or rent is Substantially Below Market Value. Substantially Below Market Value is defined as the sales price or rent of an Affordable Unit is less than 90% of its market value as determined in this section. If the maximum initial rent or sales price is reduced in order to be Substantially Below Market Value, then for those Affordable Units the long term affordability levels established in the Resale Covenant or Rental Covenant will be based on the Substantially Below Market Value of those Affordable Units. (For example, if the substantially below market value rent level for an Affordable Unit translates to being affordable at 65% of Median Income, then that Unit's long term affordability level would be set at 65% of Median Income
- 3.2.3 Duration Affordable housing units that are provided through the On Site Option shall remain as affordable housing for a minimum of 50 years from the date of initial owner occupancy for ownership affordable housing units and for the life of the project for rental affordable housing units. At the sole discretion of the Designated Official, a shorter affordability time period, not to be less than 30 years, may be approved by the City for ownership affordable housing units, in order to meet federal financial underwriting guidelines.
- 3.2.4 Designation of Affordable Housing Units. Prior to the issuance of any permit(s) for parcels providing Affordable Housing through the On Site Option, the city shall review and approve the location and unit mix of the Affordable Housing Units consistent with the following standards:
- a) Location. The location of the Affordable Housing Units shall generally be intermingled with all other dwelling units on the parcel.
  - b) Tenure. The tenure of the Affordable Housing Units (ownership or rental) shall be the same as the tenure for the rest of the housing units in the development.
  - c) Size (bedroom). The Affordable Housing Units shall consist of a range of number of bedrooms that are comparable to overall units on the parcel.

d) Size (square footage). The size of the Affordable Housing Units, if smaller than the other units with the same number of bedrooms in the development, must be approved by the Designated Official. If smaller than the other units in the development, in no case shall the Affordable Housing Units be less than 10 percent smaller than other units of the development having the same number of bedrooms, and not less than 500 square feet for a studio unit, 600 square feet for a one bedroom unit, 800 square feet for a two bedroom unit, or 1000 square feet for a three bedroom unit.

e) Design. The exterior design of the Affordable Housing Units must be compatible and comparable with the rest of the dwelling units in the development and must comply with any design standards for the Project. The interior finish and quality of construction of the Affordable Housing Units shall at a minimum be comparable to entry level rental or ownership housing in the city.

3.2.5 Timing/Phasing. For any development using the On-site Option, the Affordable Housing Units shall be available for occupancy in a time frame comparable to the availability of the rest of the dwelling units in the specific parcel. The Affordable Housing Agreement provided for in Section 6.0 shall include provisions describing the phasing of the construction of the Affordable Units relative to construction of the overall housing. This can allow for sequencing of construction of the affordable units to be interspersed with construction of the overall housing units on the parcel.

## **4.0 Fee-In-Lieu Payment Option**

### **4.1 Amount of In-Lieu Payment**

A one-time payment, or series of payments dedicated for affordable housing may be paid by the Property Administrator to the City. In the event a single in-lieu payment is made, the amount of the in-lieu payment will be one million dollars (\$1,000,000), assuming a payment in 2013, or if at a later date, adjusted for inflation based on an index identified in Section 2.0 of the Agreement. In the event the Property Administrator elects to combine the In Lieu payment with either the on-site or land dedication options, the amount of the in-lieu payment will be reduced by \$20,000 for each affordable housing unit provided through the On Site Option. The \$20,000 figure will also be adjusted for inflation using the same methodology used to adjust for inflation the amount of the in-lieu payment. The reduction for land conveyance will be determined based on size of property conveyance.

### **4.2 Use of In-Lieu Payment**

Any payment made to the City under the Fee in lieu option will be used by the City only for the subsequent provision of Affordable Housing.

## **5.0 Dedication of Land Option**

The Property Administrator may dedicate a specific parcel of land for affordable housing per the provisions of this Section 5.0.

### **5.1 Parcel Identification**

Aside from Parcel A-2, the Property Administrator shall have discretion to propose the specific location of any proposed parcel within the Project for dedication for Affordable Housing subject to approval of the Designated Official which shall be based on the criteria of this Section 5.0. Unless otherwise approved by the Designated Official, the minimum parcel size for this Dedication of Land option is 1.5 acres and shall be suitable for the construction of at least 50 units of Affordable Housing. The parcel shall have no significant constraints (e.g., odd shape, steep slopes, wetlands) that affect the ability to construct the Affordable Units. The parcel shall have available access adjacent to the site for all utilities needed to serve the site. The site shall also have vehicular access. The Property Administrator shall be responsible for constructing the utility connections, capacity in the Project's stormwater system, and vehicular access at its cost and expense.

## **5.2 Dedication of Site to City**

Upon mutual agreement by the Property Administrator and the City on a specific parcel, the property Administrator shall convey, once a legal parcel is created, the parcel at no cost to City in satisfaction of the Affordable Housing requirements of this Appendix N. The City will not be required to pay any reimbursement to the Property Administrator for any utility or other improvements associated with providing utility, access or other community improvements that serve the parcel or the broader Project. The City shall be responsible for construction of the utility improvements within the Parcel. Unless otherwise approved by the Designated Official, there shall be no other utilities located on the parcel that are serving other parcels in the Project.

## **5.3 City Assignee**

The City may assign its rights to the approved parcel to another development entity (assignee) for the purposes of providing affordable housing on the parcel. It is anticipated that any assignee will be a developer(s) experienced with financing and operating Affordable Housing (e.g., non-profit corporation, housing authority). The City or Assignee may seek other forms of public funding assistance to increase the affordability levels of housing provided on the parcel. The Property Administrator shall cooperate with the City in its effort to develop affordable housing on the parcel, which may include assisting with development of the property.

## **5.4 Conveyance and Condition of Title**

Any parcel approved by the City to be dedicated for affordable housing shall be conveyed by the Property Administrator to City by statutory warranty deed in form approved by City, free and clear of all liens, liabilities and encumbrances, except for the matters disclosed in the preliminary title commitment (i) to which City does not object, or (ii) to which City objected, but subsequently waived its objections after Owner's notice of nonremoval. At closing, the property Administrator shall remove from title all monetary encumbrances, and the Property Administrator shall cause to be delivered to City an ALTA standard coverage owner's form title policy in the amount of the Parcel's value, insuring fee simple absolute title to the Parcel, subject only to exceptions or conditions, if any, acceptable to City pursuant to this Section. The title insurance policy shall also insure City against any mechanic and materialmen's liens against the Parcels. Taxes and assessments for the Parcels shall be prorated as of the Closing Date. The Property

Administrator shall pay the premium for the policy of title insurance required pursuant to the terms of this Section. The parties shall each pay one-half of the escrow fees and the fees for recording the conveyance instruments.

## **6.0 Affordable Housing Agreement.**

Prior to issuing any building permit for a project that provides Affordable Housing as required in this Appendix N, an agreement in a form approved by the Designated Official shall be recorded with King County Department of Records and Elections. This agreement shall address price restrictions, homebuyer or tenant qualifications, phasing of construction, monitoring of affordability, duration of affordability, and any other applicable topics of the Affordable Housing Units. This agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant. The City may, at its sole discretion, agree to subordinate any affordable housing regulatory agreement for the purpose of enabling the owner to obtain financing for development of the property. The City reserves the right to establish in the Affordability Agreement required by this section, monitoring fees for the Affordable Housing Unit(s). The purpose of any monitoring fee is for the review and processing of documents to maintain compliance with income and affordability restrictions of the Affordability Agreement.

## **7.0 Definitions**

Affordable Housing : Housing reserved for occupancy by eligible households and affordable to households whose annual income does not exceed the following percent of the Median Income, adjusted for household size, and no more than thirty percent of the monthly household income is paid for monthly housing expenses. (Housing expenses for ownership housing includes mortgage and mortgage insurance, property taxes, property insurance, and homeowners dues. Housing expenses for rental housing includes rent and appropriate utility allowance.)

Moderate Income Affordable Housing. For rental housing, moderate income affordable housing is defined as affordable at 70% of Median Income, adjusted for household size. For ownership housing, moderate income affordable housing is defined as affordable at 80% of Median Income adjusted for household size.

Low Income Affordable Housing. For rental housing, low income affordable housing is defined as affordable at 50% of Median Income, adjusted for household size. For ownership housing, low income affordable housing is defined as affordable at 60% of Median Income adjusted for household size.

Pursuant to the authority of RCW 36.70A.540, the City finds that the higher income levels specified in the definition of Affordable Housing in this Appendix rather than those stated in the definition of “low-income households” in RCW 36.70A.540, are needed to address local housing market conditions in the city.

Median Income means the median income for the Seattle MSA as most recently determined by the Secretary of Housing and Urban Development under Section 8(f)(3) of the United States Housing Act of 1937, as amended. or if programs under said Section 8(f)(3) are terminated,

median income determined under the method used by the Secretary prior to such termination. In the event that HUD no longer publishes median income figures for the Seattle MSA or King County, the Director may estimate the King County median income, adjusted for household size, in such manner as the Director shall determine.

Household Income. All income from all household members over the age of 18 residing in the household. Household income consists of all income that would be included as income for federal income tax purposes (e.g., wages, interest income, etc.) for household members over the age of 18. Income of dependents who reside within a household for less than three months of the year will not be counted toward household income.

## APPENDIX O –Sustainability

<b>Section 1.0</b>	<b>Purpose &amp; Intent</b>
<b>Section 2.0</b>	<b>Goals</b>
<b>Section 3.0</b>	<b>Foundation</b>
<b>Section 4.0</b>	<b>Tools</b>
<b>Section 5.0</b>	<b>Guiding Principles</b>
<b>Section 6.0</b>	<b>Sustainability Review</b>

### 1.0 Purpose & Intent

The purpose of this Appendix is to establish a strategy for developing the Project as a sustainable development – a development that conserves property adjacent to critical areas, rural lands, forest lands and properties important to the City for public spaces through use of Transfer of Development Rights (TDRs), and that transforms previously mined resource lands into productive urban development consistent with the sustainable land use envisioned by the Growth Management Act and the City’s Comprehensive Plan. Effective sustainable development contemplates the carrying capacity of natural systems and the social and economic challenges facing humanity.

The City places a high priority on sustainability, and is known regionally for its innovative approach to achieving sustainability goals. Specific areas of focus include protection of Issaquah and Tibbetts Creeks, the local aquifer, provision of affordable housing and quality local human services, and reducing the City’s 2007 carbon emissions (established as 281,000 metric tons of CO2 equivalent by the City’s draft Energy/Carbon plan) by 80% by 2050. Building operations account for about 40% of CO2 emissions nationally, and about 30% comes from transportation. The Property sits next to a hub of sustainability innovation within the City. The YWCA Family Village achieved a Built Green Five Star rating and included numerous innovations, including a substantial rainwater cistern and solar electric and solar thermal heating systems. The Issaquah Highlands Park and Ride includes a number of electric vehicle charging stations and is a fully structured parking facility. zHome, the first zero net energy/carbon neutral multi-family community in the United States, has provided an international example of practical partnerships in achieving deep green goals. It is fitting that the Project continue and extend this tradition of innovation in achieving a high level of sustainability.

The City and the Property Administrator have demonstrated their commitment to sustainability and for setting an example for resource conservation, green building and sustainability at large. To that end, the parties agree on the following:

- the sustainability field is a dynamic influence on the development community and one that is evolving rapidly;
- the Project should look to address the three constituent parts of sustainability identified above (environmental, economic, and social); and
- a continued evaluation process during the Term of this Agreement that will allow the City and the Property Administrator to improve the effectiveness of sustainability-related components of the Project and the Community over the course of its buildout.

## 2.0 Goals

- 2.1 Energy Efficiency and Carbon Reduction. Make buildings more energy efficient and deliver energy with renewable technologies to reduce carbon emissions, consistent with the City's carbon emissions goals.
- 2.2 Waste Reduction. Reduce waste, reusing where possible, and striving for zero waste to landfill.
- 2.3 Sustainable Materials. Use sustainable products, with low embodied energy, made from renewable, sustainably harvested, or waste resources.
- 2.4 Sustainable Water. Use water more efficiently in buildings and landscaping; manage stormwater and landscaping to prevent pollution and to reduce potable water demand.
- 2.5 Sustainable Mobility. As described in Appendix D, encourage low-carbon and mass modes of transport to reduce emissions. Provide a transit, pedestrian, and bicycle oriented community that results in significant reduction in vehicle miles traveled, lowering CO2 emissions and improving air quality.
- 2.6 Land Use and Wildlife. As described in Appendix G, protecting and restoring biodiversity and natural habitats of the North Fork of Issaquah Creek through appropriate and efficient land use and integration into the built environment.
- 2.7 Urban agriculture and gardening. Provide opportunities for gardening and food production for residents without yards.
- 2.8 Salmon Protection. Salmon are the icon of Issaquah and their protection is a paramount community concern. As described in Appendix K, stormwater runoff impacts to the Issaquah Creek should be minimized and mitigated.
- 2.9 Affordable Housing. As described in Appendix N, a range of affordability will be provided.
- 2.10 Health and Happiness. Encourage active, sociable, meaningful lives to promote good health and well being.
- 2.11 Economics. Success is enhanced when it is economically practical to implement sustainable techniques.
- 2.12 Innovation. Use creative, cost effective solutions to achieve significant reductions in environmental impacts.
- 2.13 Education. Teach residents and visitors about sustainability techniques and goals for the Lakeside project.

## 3.0 Tools

### 3.1 Transfer of Development Rights

The use of TDRs is a significant component of the Project’s sustainability strategy. Over 40 percent of the allowable development is to be achieved through the purchase of TDRs, effectively preserving from development the sensitive critical areas, rural lands, forest lands, and properties that are important to the City for public spaces that comprise TDR sending sites. This action significantly advances the City’s contributions to the Cascade Agenda, appropriately locating development with TDRs within the City. This tool is addressed by the Main Body of this Development Agreement.

### 3.2 Land use; proximity to Transit; pedestrian, bicycle, and transit orientation

The Project is a compact, urban pedestrian development adjacent to a regional transit center, and this Development Agreement addresses providing pedestrian connections to the transit center as well as adjacent areas. In addition, it requires bicycle facilities and routes. This orientation inherently supports less driving, a high sustainability priority. These tools are found in Appendix C.

### 3.3 Building form

The Project predominantly consists of multi-family housing, which is inherently more sustainable, due to the energy and materials efficiency of shared walls and infrastructure. These unit types are established in Appendix B.

### 3.4 Sustainable Building

#### 3.4.1 Overall

At the time of the adoption of this Agreement, the City was in the process of considering a number of sustainability related regulations, for items such as electric vehicle infrastructure, bike commuter showers, and water conserving plumbing. If adopted, these regulations will lag this Agreement by a short period. Therefore, any City sustainability related regulations adopted within twelve months of the effective date of this Agreement shall apply to the Project. Normal vesting rules shall apply to these regulations if development applications are received prior to their adoption.

#### 3.4.2 Community-wide Innovation

The Master Developer shall provide one significant sustainability-related innovation associated with project infrastructure, drawn from the following list:

- Inclusion of microturbines in the stormwater pipe for electrical production;
- Inclusion of ground source heat pump piping during quarry backfill;
- Extensive reuse of stormwater for irrigation of hanging gardens and water features;
- Funicular or gondola to facilitate pedestrian movement from plateau to valley floor;
- Equivalent innovation as determined by the Designated Official.

The Community-wide innovation shall be completed prior to the issuance of the building permit for the 600<sup>th</sup> ERU, or its completion bonded, in which case the innovation shall be completed prior to submittal of a land use permit for the final

neighborhood of the Project. Any operational costs of the innovation should be offset by their financial benefit or revenue generation. Any City acceptance of ownership of the innovation shall be at the sole determination of the City.

#### 3.4.3 Neighborhood-level Innovation

Development within each neighborhood shall include a minimum of three sustainability innovations. Such innovations shall be focused on techniques and technologies which are tested but not commonplace, and which would benefit from demonstration to accelerate their more widespread use. As determined by the Designated Official, use of innovations shall be extensive enough to clearly demonstrate the technology but are not necessarily required throughout the neighborhood. This may require additional educational measures to ensure visibility/access of innovation to residents and visitors.

Applicable innovations include:

- Heat pumps for heating and/or hot water
- Heat recovery ventilators
- Significant increase in insulation (such as insulation outboard of shear wall)
- Triple paned windows
- Individual unit energy monitors
- Solar hot water
- Solar electric panels
- Rainwater reuse for all irrigation and/or interior uses
- FSC wood use (50% minimum by cost)
- Less toxic vinyl alternatives for stormwater pipe or electrical conduits
- Community garden
- Other innovations as determined by the Designated Official

This list shall be updated with each regular review. During the intervening period, if a specific innovation becomes standard practice, as determined by the Designated Official, it shall be removed from the list.

#### 3.4.4 Neighborhood A

The Parcel developer will provide a five dollar/square foot of occupied space budget for achieving sustainability goals 2.1 – 2.4, as well as the innovations required by Section 3.4.3. This budget is over and above costs associated with meeting the building code, the other chapters of this Development Agreement, and any other regulations. The budget will be used for the sustainability of the buildings and any site features associated with improving the sustainability of the buildings. Use of the budget will be mutually developed and agreed to by the Neighborhood A developer and the City. The developer shall provide an initial outline of items and associated costs to achieve the five dollars/square foot at the time of building permit submittal and shall provide associated invoices/receipts prior to occupancy; such accounting shall be subject to City review/verification. The five dollars/square foot shall include any associated sales taxes and soft costs and applicable certification costs.

If a development permit for Neighborhood A is not filed within three years of the effective date of this Agreement, the requirements for Neighborhood B-F shall apply.

#### 3.4.5 Neighborhoods B-F

Development in the Neighborhoods B-F shall be developed to Built Green 4 Star or LEED Silver standards, using the standards in effect at the time of building permit submittal. In the event that neither program exists at the time of parcel development, an equivalent level of sustainability shall be provided. Buildings shall also achieve a minimum energy use reduction of 30% from the Energy Code in effect at the time of building permit submittal. This energy use reduction requirement shall be reevaluated for any Energy Code revisions adopted subsequent to the Code in effect at the time of the adoption of this Agreement. The Designated Official shall reduce this requirement to the degree it is determined the relative cost of achieving such an energy use reduction has increased from the adoption of this Agreement.

## 4.0 Sustainability Review

### 4.1 Purpose

The Property Administrator shall prepare a Sustainability Review at a frequency established below. The purpose of the review is to look at how the permitted and/or proposed development meets the intent of the Goals and determine if sustainability related requirements require modification. The Sustainability Review is to describe how the goals have been incorporated into the project over the reporting period; what changes can be made to ensure all principles are being incorporated; what opportunities might be taken in subsequent proposals to improve or advance the sustainability of the Project; and, how successful this approach has been in the development of the Project.

### 4.2 Schedule

The Sustainability Review will be combined with the Project Examination required by Section 22.1.4 of the Main Body of this Agreement.

### 4.3 Contents

The review shall be written for the general public and will be a format chosen by Lakeside and agreed upon by the Designated Official. At a minimum, the review should contain the following points:

- Narrative description of how the permits issued or applied for during the plan period meet the intent of the Principles;
- Quantitative measures available to support the narrative;
- Summary of key findings; and
- Proposed areas for improvement based on new sustainability techniques and measures and appropriate modifications to the sustainability requirements of this Chapter.

## **APPENDIX P –SEPA Compliance for Implementing Approvals**

### **Section 1.0 Project Envelope Defined**

### **Section 2.0 Implementing Approvals Defined**

### **Section 3.0 SEPA Process for Project Implementing Approvals**

### **Exhibit P-1 Mitigation Measures**

#### **1.0 Project Envelope Defined**

The Project and impacts analyzed in the Mitigated Determination of Non-Significance (SEP12-00001) Hillside Village Rezone, Comprehensive Plan Amendment and Development Agreement include all permitting, approvals, and construction that are part of the Project Envelope. The “Project Envelope” means and includes:

- A. Allowable Development within the Project area and construction of any combination of uses permitted in Appendix C (Land Use), at the maximum densities and intensities allowed under this Agreement subject to the following limitations;
  - a. PM Peak Traffic Trips may not exceed 809 without additional street improvements and/or mitigations; and,
  - b. Additional traffic review is required if before any of the following may occur:
    - i. Single-Family residential exceeds 100 units
    - ii. Multi-Family residential exceeds 600 units
    - iii. Non-residential exceeds 600,000 square feet
- B. Continued mining activity on the western property as authorized under Appendix M (Grading and Mining Standards);
- C. Property Administrator’s Authorized Modifications under Appendix L (Permitting);
- D. Project mitigations as identified in the Main body, excluding Section 2.8 (if constructed in the North Fork buffer), and this Appendix P;
- E. Project infrastructure including all water, sewer and stormwater facilities necessary to serve the Property; and,
- F. All off-site improvements outside the Hillside Village Property that are proposed as elements of the Project; or, that are required by the City or other governmental entity with jurisdiction in order to mitigate impacts of the Project that have been disclosed and discussed in the Project MDNS.

#### **2.0 Implementing Approvals Defined**

The Implementing Approvals for the Project mean and include any permit, license, or other approval issued by the City in order to develop the Project in accordance with this Development Agreement and that have been analyzed in the Project MDNS, including but not limited to: preliminary and final plats, grading and other site clearing approvals for the residential and nonresidential development, site development permits, installation of on-site and off-site infrastructure as described in this Agreement and the Exhibits, and building permits up to the maximums within the Project. These permits and approvals are collectively denominated “Implementing Approvals” for the buildout of the Project.

### **3.0 SEPA Process for Project Implementing Approvals**

Upon receipt of any application for an Implementing Approval within the Project, the City shall undertake SEPA compliance in accordance with SEPA, RCW 43.21C.031(1), and applicable SEPA implementing regulations, WAC Ch. 197-11, and IMC 18.10.010 through 18.10.330, and, to the extent not inconsistent with such laws and regulations, as follows:

#### **3.1 Step 1 – Project Envelope Determination**

The Designated Official shall determine if the requested Implementing Approval is within the Project Envelope. The Designated Official may request the applicant to provide reasonable information to the extent needed to determine whether the requested Implementing Approval is within the Project Envelope.

- A. If the requested Implementing Approval is so determined as being within the Project Envelope, then the existing Project SEPA Decision shall be utilized, the City shall issue a DNS in conjunction with the land use permit and no further SEPA checklist or threshold determination is required (*see* WAC 197-11-600(4)(a)):
- B. If the application is beyond the Project Envelope, then a threshold determination shall be required under Step 2 below.

#### **3.2 Step 2 – Threshold Determination**

If the requested Implementing Approval exceeds the Project Envelope, then the City shall prepare a new SEPA threshold determination, taking into account the existing Project MDNS and the governing Development Standards under this Agreement which address environmental mitigation for the Project. Any studies or other information requested by the City from the applicant shall relate only to those potential adverse impacts not adequately covered by the existing SEPA Decision. The City shall, to the fullest extent possible, issue a determination of nonsignificance (DNS) or a revised mitigated DNS (MDNS) if new information is presented. However, if a requested implementing proposal is believed to be a significant change and beyond the established Project Envelope, and is likely to cause potential significant adverse environmental impacts, a new Threshold Determination will be required. The City's approval of "Administrative Minor Modifications" under Appendix O (Permitting) shall not be deemed a significant change requiring any new SEPA threshold determination.

#### **3.3 Step 4 – Modified Development Standards**

If the new Threshold Determination discloses that additional mitigation is required to avoid imminent public health and safety hazards, then the Development Standards applicable to the Project may be modified pursuant to the procedure set forth in Appendix L (Permitting).

## Exhibit P-1 SUMMARY OF MITIGATION MEASURES

Mitigation Measures	Prior to Construction	During Construction	Post Construction
1. The MDNS does not replace the decision for the Severed Pit (PUB09/00141) or the DNR Permit Number 70-010113, those Mitigations measures are incorporated into this decision by reference. Following approval of the development agreement, the applicant shall update any non-City permits to reflect the approvals contained in this action.	√	√	√
2. Prior to the approval of any implementing Land Use Permits, the applicant shall submit a phasing plan to the Development Services Department for review and approval which clearly identifies that the proposed phase is viable as a project; and, that clearly describes the specific sequence of all construction activities necessary for the phase.	√		
3. Appropriate measures shall be taken to ensure that construction operations do not result in erosion and sedimentation impacts on water quality and on nearby drainage courses. The applicant shall comply with the City's TESC and wet weather construction requirements. At a minimum, erosion control measures shall include the installation of temporary and permanent erosion control improvements, and appropriate stabilization of filled and graded areas which are not immediately developed.		√	
4. Aside from permitted mining operations, no fine grading (setting road, installing retaining walls or setting building grades) shall occur in advance of an approved Land Use Permit		√	
5. BMPs, per DNR Permit Number 70-010113, will be incorporated into the continued mining activities on the western property to ensure no impacts occur to the Class 2 wetland or its buffer; or, the North Fork of Issaquah Creek or its buffer.		√	
6. The following condition previously applied to the severed pit shall apply to all hauling operations on Highlands Drive: <ul style="list-style-type: none"> <li>i. No truck trips will be allowed during the PM Peak hour;</li> <li>ii. Truck trips shall be limited to a maximum of 30 trips per hour; and,</li> <li>iii. No queuing shall be allowed.</li> </ul>		√	
7. Prior to the issuance of a demolition permit, the applicant must verify whether asbestos is, or is not, present in the site structure(s) to be removed. If asbestos is present, the asbestos must be removed and disposed of in strict accordance to guidelines established by the Puget Sound Air Pollution Control Agency and the Washington Department of Ecology.	√		
8. The applicant shall minimize impacts to existing roads and residents during grading and filling activities. Prior to the issuance of grading permits, the applicant must furnish a prepared route and schedule for hauling fill material to and from the site. If, in the opinion of the Development Services Department, such hauling will adversely impact the street network, additional hauling limitations to those described in Condition 6 may be applied.	√		
9. The City shall seek to ensure that land not be developed or otherwise modified in a manner which will result in or significantly increase the potential for slope slippage, landslide, subsidence or substantial soil erosion. Prior to approval of any development	√		

Mitigation Measures	Prior to Construction	During Construction	Post Construction
plans (Land Use Permits) for any portion of the western property that will load the resulting engineered slope, the applicant will provide a geo-technical report to the City's satisfaction that the resultant property can support urban development. The applicant will pay for the City to conduct a double peer review of the study prior to its approval.			
10. Final grades for the western property should balance the quantity of import/export of soils with the urban design benefits of having a site with a positive relationship to adjacent streets (i.e. 9 <sup>th</sup> Avenue and High Street).		√	
11. The contractor shall be required to water the site, as necessary, to reduce dust emissions as a result of construction activity. The contractor shall also be responsible for sweeping of public streets which may become soiled as part of construction or hauling activities. These actions shall be governed as directed by the Development Services Department.		√	
12. Access to transit and non-vehicular system improvements will be provided as part of site designs.			√
13. Aside from the activity allowed through the mining provisions, all exposed soils will be revegetated within 3 months from completion of construction activities; or, after 6 months of inactivity. Revegetation of areas intended for development will include groundcover and plants to discourage the establishment of invasive species and add nutrients into the topsoil. Large regraded areas that are intended as green spaces will be revegetated with trees, shrubs and groundcover. A performance bond will be required with clearing and grading activities to ensure adequate revegetation occurs. The bond will cover subsequent enhancements to areas to meet the intent of this condition.			√
14. Stormwater improvements shall be in place prior to approval of implementing land use permits tributary to those facilities.	√		
15. With the development agreement, complete, and receive approval for a Master Drainage Plan (MDP), meeting SWM regulations, that defines uniform development regulations for the entire property. The MDP will provide imperious calculations and an evaluation of the potential impacts of infiltration (increase or decrease) on the North Fork Issaquah Creek and the Lower Issaquah Valley Aquifer.	√		
16. Prior to approval of any implementing permits for the western basin, perform additional monitoring, as necessary, to verify the infiltration assumptions used in the Checklist. Specifically, the level of treatment proposed will meet Ecology anti-degradation criteria in the aquifer (as measured at the property line), that long-term infiltration at the rates proposed will not create a nuisance on downstream property owners and, infiltration at the rates proposed will not create a groundwater mound that compromises the tertiary treatment capability of the in-situ soils.	√		
17. Prepare, and receive approval for, a long-term monitoring plan that measures potential impacts to the aquifer and an action	√		

Mitigation Measures	Prior to Construction	During Construction	Post Construction
plan that mitigates those forecast impacts.			
18. Use the existing conveyance piping and City detention facilities as much as practical, assuming excess capacity exists, to minimize the size and impact of new facilities.		√	
19. Permanent stormwater detention and treatment facilities may not be combined with facilities serving the existing adjacent mining or processing operation without additional SEPA analysis.	√		
20. Design the stormwater conveyance facilities so there is minimal risk of an overflow or failure that discharges stormwater to steep slopes. This might include using curbed roadways as emergency conveyance/overflow routes or building redundant stormwater pipelines.	√		
21. To the maximum extent practical, use stormwater as a site design feature and community amenity. This might include surface streams or a waterfall that form organizing design elements or provide visual interest.		√	
22. Complete an analysis that reconciles site reclamation requirements as a result of a previous King County compliant reclamation plan and the hydro-geotechnical recommendations necessary to implement the proposed urban development. The analysis should examine and comment on any divergent technical information and propose methods to either comply with or modify the previous reclamation plan.	√		
23. Permanent stormwater facilities may not be used for TESC control unless the facilities are reclaimed to as-new condition after construction is complete.		√	
24. The applicant shall reduce the size of the stormwater detention ponds necessary to serve proposed development by a minimum of 30% through the use of Low Impact Development (LID) techniques. Dispersed infiltration should be pursued where stable.	√		
25. Prior to issuance of the permit for the western area stormwater facilities, consider removal of the abandoned structures from the North Fork buffer and provide vegetated restoration, as directed by a qualified professional. A Critical Area Study will be required to place a retaining wall in excess of 4 feet at the buffer edge for the pond(s). The Study shall address the impacts of this action, the amount of buffer to be disturbed, and the restoration. The plan shall identify appropriate goals and objectives for removing the structure and allowing the temporary, construction encroachments necessary for the stormwater ponds and the structure removal. In addition, the report will address monitoring requirements and how to measure the success of the critical area mitigation project.	√		
26. Consider providing an evaluation of the health of the North Fork corridor, as it is located on this project site. The report could identify water quantity and quality issues and include recommendations for improvements.	√		

Mitigation Measures	Prior to Construction	During Construction	Post Construction
27. Prior to issuance of Building Permits, the proponent shall provide to the Responsible Official an operations and maintenance program for all public or private, shared storm water facilities including, but not limited to, conveyance, storage and treatment facilities. This program is to include procedures and a schedule for maintaining all shared or public storm water facilities and shall indicate the party or parties responsible for said maintenance. The program shall also include an agreement signed by all property owners utilizing the shared storm water facilities that they agree to abide by the operations and maintenance program. This agreement and program shall be attached, binding and running with the titles of the properties which utilize the shared storm water facilities.	√		
28. The applicant shall provide the City with an inspection and maintenance easement for any private storm drainage facilities. The easement shall be prepared and submitted for City review and approval prior to the issuance of permits to construct private facilities.		√	
29. The City shall seek to minimize surface water quality degradation and the sedimentation of creeks, streams, rivers, ponds, lakes and other water bodies; to preserve and enhance the suitability of such water bodies for contact recreation and fishing and to preserve and enhance the aesthetic quality of such waters by requiring the use of current Best Management Practices for control of stormwater and non-point runoff. No untreated stormwater from unclean surfaces shall enter the North Fork of the Issaquah Creek.		√	
30. Measures will be incorporated to ensure stormwater runoff does not increase water temperature of the North Fork of Issaquah Creek.		√	
31. Summer flows to the North Fork will be incorporated into the design of the Master Drainage Plan if it is determined to be beneficial.	√		
32. The purpose and intent of the following condition is to discourage the uncontrolled intrusion of humans into the North Fork and wetland area, provide a passive recreation opportunity and to ensure long-term protection. The following information and improvements shall be provided: <ul style="list-style-type: none"> <li>a. Prior to mining activities occurring within 100 feet of a wetland or stream Critical Area Buffer, the applicant shall install TESC and Orange Construction fencing to demark the edge of the critical area.</li> <li>b. Signs shall be installed and maintained as part of the critical area buffer perimeter. These signs shall indicate the critical area boundaries, the role in the ecosystem and restrictions related to the use of the area.</li> <li>c. The on-property critical areas shall be encumbered by a public open space, conservation easement granted to the City. The easement shall state that any uses within the easement shall be as approved by the Development Services Department. The uses shall be consistent with the critical area purposes and the general benefit to the public. Evidence that the easement has been recorded will be required.</li> <li>d. A vista point will be provided either adjacent to or within the</li> </ul>		√	√

Mitigation Measures	Prior to Construction	During Construction	Post Construction
eastern North Fork Buffer that will serve as the terminus of a community trail. If the point is in the buffer, Mitigation for the vista point will include replacement buffer at a 1:1 ratio and will not exceed 1,200 square feet without further SEPA review. The vista point will include fall protection as determined by the Designated Official.			
33. Except as provided for in Condition 37, all disturbed areas will be restored with native plants and guaranteed through a 3-year establishment period.			√
34. Provide a minimum of 12 inches of amended topsoil in all planting areas. Look for opportunities to incorporate salvaged plant material into natural planting areas.		√	
35. Provide a landscaped transition zone as a buffer between the Hillside Village and the mining operations to the west. Prior to the issuance of building permits for any structures in the western neighborhood, the applicant shall submit a professionally-prepared landscaping plan for review and approval by the Development Services Department. The plan will incorporate trees and vegetation to 1) meet the Design Guidelines incorporated into the development agreement; 2) partially or fully screen the mining industry from the structures above; and, 3) discourage the establishment of invasive species.		√	
36. Except as provided for in Condition 37, plant the transition zone between the Hillside Village and the mining operations to provide habitat for birds and small mammals. Remove or modify fencing that would block animal movements.		√	
37. Consider the incorporation of an exposed geologic amenity as part of the grading and revegetation of the hillside area.		√	
38. Incorporate green building materials and construction practices to reduce the energy needs of this development.		√	
39. Minimize the height or visual impact of exposed retaining walls.	√		
40. Incorporate pesticide and herbicide restrictions and sustainable practices into the CC&Rs.			√
41. A mix of land uses will be provided to reduce vehicular trips and promote walkability.	√		
42. Remove TESC and construction fencing within 3 months following construction or 1 <sup>st</sup> occupancy of any site.			
43. Land use densities will allow for more dense development proximate to the park-and-ride garage with lesser densities along the western portion of the site.			
44. Incorporate affordable housing into this project through development obligation; land set aside; or, through the payment of in lieu of fees to ensure additional affordable housing is made available in the community.			
45. Incorporate aesthetic requirements in the proponent's Architectural Guidelines (part of the development agreement) that consider off-site visual impacts.			
46. Limit height of buildings on the far-western portion of the site.			
47. Varied building materials, particular to the western neighborhood, shall be incorporated into the development agreement to create an interesting view of this reclaimed slope.			
48. All lighting shall be designed to minimize light spill and glare to			

Mitigation Measures	Prior to Construction	During Construction	Post Construction
and from surrounding areas. Street lighting shall incorporate full cut-off fixtures. Illumination levels for streets will be designed according to the density of housing and commercial located in this area.	√		
49. To mitigate for the additional residents and employees to the area, the applicant will provide on-site recreational amenities and pay park impact fees.		√	
50. Should any items of potential cultural or historic significance be encountered during construction activities, work must be halted in an area large enough to maintain integrity and the State Office of Archeology and Historic Preservation and the Muckleshoot Indian Tribe, as appropriate, shall be immediately consulted.		√	
51. The applicant shall minimize impacts to existing roads and residents during hauling, grading and construction activities.		√	
52. The following voluntary measures will be incorporated into the development agreement and are expected to result in vehicle trip reduction from this project and City street network improvements: <ul style="list-style-type: none"> <li>i. Providing non-vehicular mobility opportunities throughout each neighborhood;</li> <li>ii. Providing non-vehicular connections to Issaquah Highlands neighborhoods;</li> <li>iii. Providing a non-vehicular connection to the valley floor;</li> <li>iv. Working with Port Blakely Communities to attain vehicular access to NE High Street, west of 9<sup>th</sup> Avenue;</li> <li>v. Providing improvements to the Highlands Drive pedestrian bridge to facilitate pedestrian more direct access to the Park &amp; Ride garage from the east neighborhood; and,</li> <li>vi. Providing transportation Fees or network improvements as determined in the Development Agreement.</li> </ul>			√
53. Elementary school age children will be part of an elementary school capture area with capacity, as determined by the Issaquah School District. School impact fees will be required.			√
54. The applicant shall pay appropriate impact fees for parks, police, fire, and general government services.		√	
55. All water improvements shall be in place, or guaranteed to the satisfaction of the Responsible Official, prior to issuance of land use permits relying on those improvements.	√		
56. All sewer improvements shall be in place, or guaranteed to the satisfaction of the Responsible Official, prior to issuance of land use permits relying on those improvements.	√		
57. Include an appendix in the development agreement to address protections and standards for continued mining operations and subsequent grading for development.	√		
58. Include design guidelines or considerations for the western property to account for noise emanating from the adjacent industrial use.	√		