

**STUDY SESSION**

**DES MOINES CITY COUNCIL**  
21630 11<sup>th</sup> Avenue South, Des Moines, City Council Chambers

April 4, 2013 – 7:00 p.m.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**COMMENTS FROM THE PUBLIC**

Note: *Comments must be limited to the items of business on the Study Session Agenda per Council Rule 10.* Please sign in prior to the meeting and limit your comments to three minutes.

	<b>DISCUSSION ITEM</b>	<b>DISCUSSION LEADER</b>	<b>GOAL</b>	<b>EST. TIME</b>
Page 1	1. LED STREETLIGHT CONVERSION PROJECT	Acting Director of Public Works Dan Brewer	Direction	20 Minutes
Page 9	2. COUNCIL PROCESS	Mayor Dave Kaplan	Direction	30 Minutes
Page 11	3. PACIFIC RIDGE ZONING & PERMITTED USES POLICY DISCUSSION	Management Consultant Grant Fredricks	Direction	60 Minutes

**NEXT MEETING DATE**

April 6, 2013 City Council Retreat

**ADJOURNMENT**



**AGENDA ITEM**

BUSINESS OF THE CITY COUNCIL  
City of Des Moines, WA

SUBJECT: LED Streetlight Conversion Project

FOR AGENDA OF: April 4, 2013

DEPT. OF ORIGIN: Planning, Building & Public Works

DATE SUBMITTED: March 28, 2013

ATTACHMENTS:

- 1. City of Des Moines Streetlight Map

CLEARANCES:

- Legal *pl*
- Finance *pl*
- Marina N/A
- Parks, Recreation & Senior Services N/A
- Planning, Building & Public Works DJB
- Police N/A
- Courts N/A

APPROVED BY CITY MANAGER FOR SUBMITTAL: *[Signature]*

**Purpose and Recommendation:**

The purpose of this agenda item is to seek direction from the Council as to move forward with a project to convert a significant amount of the existing High Pressure Sodium (HPS) streetlights within the City to energy efficient Light Emitting Diode (LED) streetlights.

**Suggested Motion**

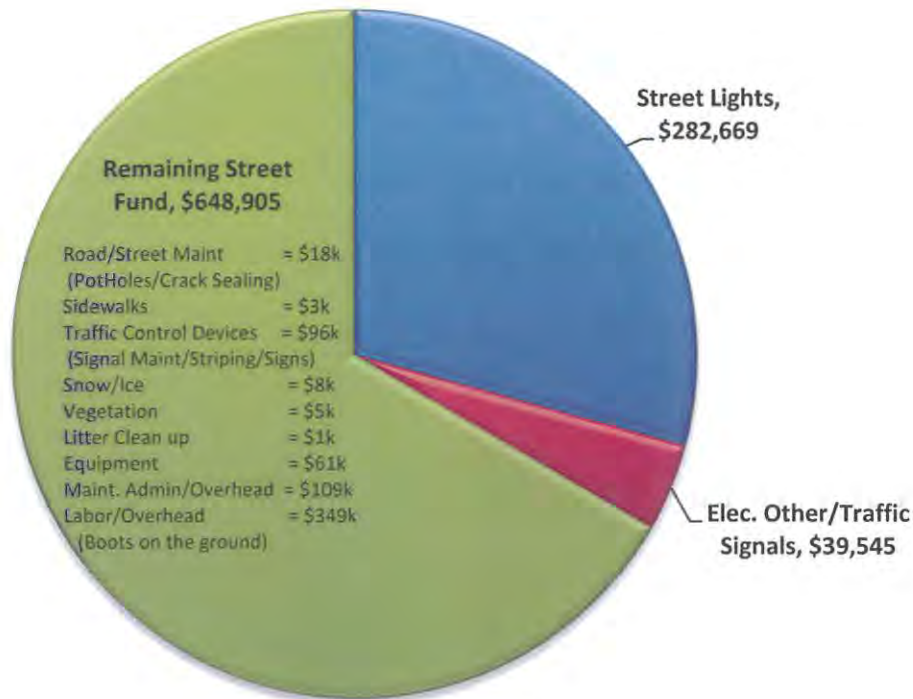
MOTION: "I move to direct staff to initiate the conversion process with PSE of the 1,036 100Watt High Pressure Sodium streetlights to energy efficient 54Watt LED type lights within the City over the next 3 years creating an additional annual cost of approximately \$44,075 to the Street Fund for years 2013, 2014, and 2015."

**Background:**

The current City of Des Moines annual Street Fund expenditures are just under 1 million dollars a year. In 2012, the City spent \$971,119 total in the Street Fund. This fund includes costs for road and street maintenance, sidewalk repairs, snow and ice removal, vegetation maintenance, signal and all City traffic control maintenance, the labor and management of the street maintenance division, as well as

paying for the electricity and maintenance of street lights and traffic signals. Last year, of the \$971,119 total, the City spent \$282,669 (approximately 30% of the total Street Fund expenditures) on street light maintenance and electricity.

Below is graph with a breakdown of these expenses.



With the exception of streetlights at signalized intersections, all of the streetlights installed in the City are the property of Puget Sound Energy (PSE). The City pays a monthly electric bill to PSE which includes both the electricity and a maintenance charge of each light. As of our last streetlight inventory, there were 1,655 streetlights within the City (see map in Attachment 1). All of these streetlights are High Pressure Sodium (HPS) type of lights. The current monthly cost for a 100 watt HPS light is \$12.02 per month or \$144.24 per year. Additionally, with inflation and costs of maintenance it is anticipated that over time the maintenance and electricity costs from PSE will continue to rise.

With such a large percentage of the Street Fund going to street lighting electricity and maintenance, staff is looking at ways to reduce these costs. Two of these ways staff is currently implementing are; 1) To limit the number of new residential installations by doing a thorough evaluation of the light request and determine if there is truly a good transportation or engineering reason why the roadway in question should need additional street lighting, and 2) The City is planning to take on ownership of new Transportation corridor improvement project lights such as the current 216<sup>th</sup> Phase 2 project under construction (216<sup>th</sup> between 18<sup>th</sup> and 24<sup>th</sup>). The maintenance of these project specific lights will be the responsibility of the City which will save a significant amount of money from the alternative option of

having PSE maintain the lights. In addition, the type of lights being installed will be energy efficient Light Emitting Diode (LED) type which use about 50% less electricity. Having City owned and maintained street lights will reduce the annual costs by about 80% versus the PSE owned and maintained option. There will be a relatively small increase in the annual WSDOT signal maintenance expenses as they have been contracted to also now maintain these new lights on South 216<sup>th</sup> Street when completed.

In the last few years the move towards LED type lights has grown. Several years ago the City changed out the traffic signal light bulbs (red, yellow, green) from HPS to LED. Getting robust and reliable LED street lights to the market has taken longer due to the complexities related to the design and function of street lights. In recent months, following a lengthy review and evaluation, PSE selected a LED street light manufactured by General Electric (GE) which would be suitable for converting older existing HPS street lights. This light will have a similar look to the existing HPS cobrahead style light throughout most of the City. Below is an image of the GE light selected by PSE:



GE Evolve LED Roadway Light – ERS1

In addition to PSE selecting a manufacturer for LED roadway lights, PSE also received approval from the Washington State Utilities and Transportation Commission to update their Electric Tarriff which in turn provided an additional schedule of rates for LED street lights. As an example, the current rate for a 100 watt HPS street light is \$12.02 per month which includes electricity and maintenance. The rate for a 54 watt LED (which would be the 100 watt HPS equivalent) is \$8.38 per month which includes electricity and maintenance, a savings of approximately 30%. For Cities (customers) such as Des Moines, PSE has stated a one-time cost of \$191.33 per light to change an existing 100 watt HPS to a 54 watt LED light.

In the City of Des Moines, out of the 1,655 lights, 1,036 of these are 100 watt HPS cobrahead style lights, nearly 63% of the lights in Des Moines. These lights are typically on local roads throughout the City. If the City were to convert all 1,036 lights to LED, the City would realize an annual savings of **\$45,253** per year indefinitely. This is a 16% reduction in the overall street light bill and a 30% reduction in the annual cost of the existing 1,036 lights. Currently, PSE is offering a grant or rebate style incentive of \$63.70 per light to convert from HPS to LED. This lowers the one-time cost to \$127.63 per light. At \$127.63 per light to change out, 1,036 lights would have an initial cost of \$132,225. By saving \$45,253 per year, the simple payback on an initial cost of \$132,225 would be just under 3 years ( $\$132,225/\$45,253 = 2.9$  years)

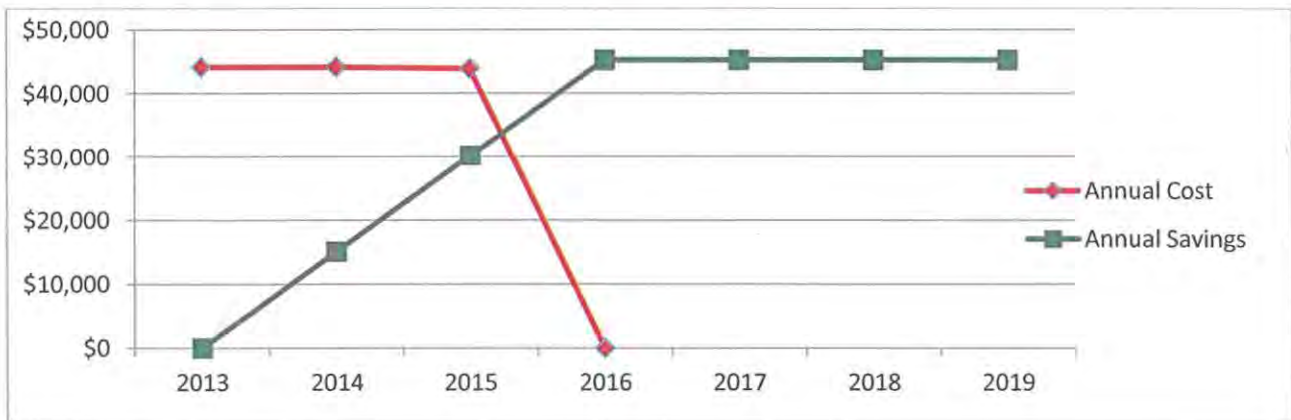
Changing out the remaining 619 higher wattage lights has not been looked at in detail as of yet, however, it is assumed there would be cost savings in converting the additional lights which are at varying wattages other than 100 watt. Specific corridors such as the lights on Pacific Highway South

would need more extensive research and analysis as they were installed and “designed” specifically for the lighting needs of that corridor.

### **Discussion:**

Converting street lights from HPS to LED is a step toward reducing the City’s ongoing costs associated with street lights. LED street lights also have a much longer life cycle, industry experts believe LED street lights should last nearly 20 years as compared to the 8 year life of a HPS fixture. By converting to energy efficient street lights the City is also practicing good stewardship of electricity consumption. If staff were directed to move forward with this proposal the biggest challenge would be funding the initial cost of conversion. PSE would provide the physical labor of the change outs. Staff brought the conversion idea forward to the PS&T committee on March 7<sup>th</sup> and was given direction to bring the item forward to the full Council. Staff is proposing the following:

Phase in the conversion over 3 years using the existing Street Fund “Fund Balance” creating an additional cost of about \$44,075 for 2013, 2014, and 2015. The “Fund Balance” would be restored fully in year 4 (2016), see graph below:



Note: staff could continue to explore grant opportunities to accelerate the conversion process and offset local costs if those opportunities presented themselves.

### **Alternatives:**

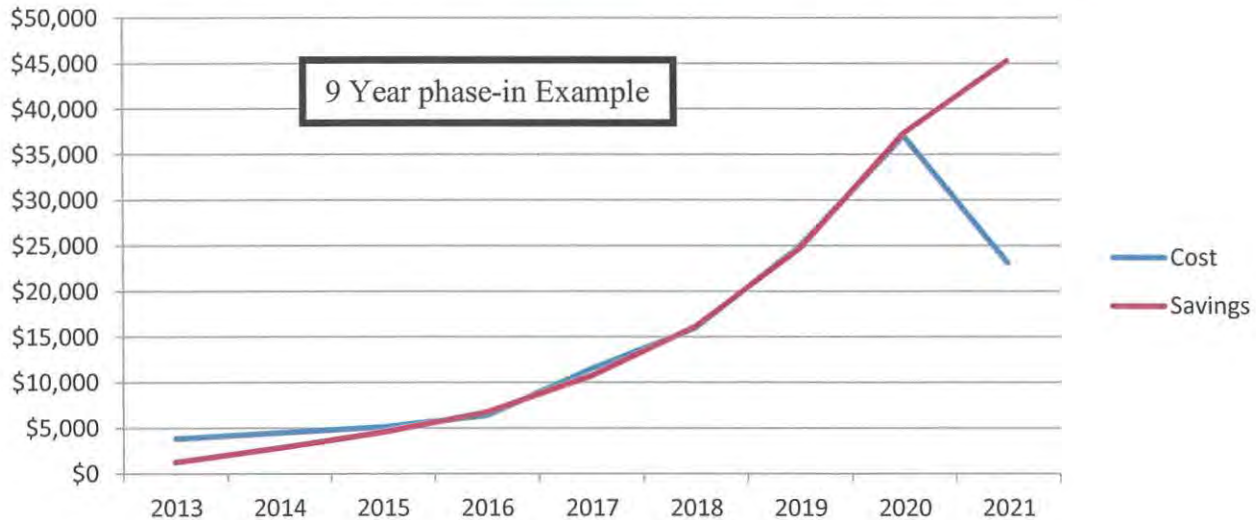
Some alternative options to fund a conversion include:

1. Borrow initial costs: There may be the possibility of a Public Works Trust Fund Loan under the Energy/Water Efficiency Loan Program. Currently the loan application process is closed. Available loan funds will be dependent upon decisions in the current session of the Washington State Legislature and the State’s adopted budget beginning July 1, 2013.
2. Wait for a future Energy Grant: The State Department of Commerce has awarded grants to cities in the past. The last cycle closed in January. It is unknown if there will be a new round

of grants, again available funds depends upon decisions in the current session of the Washington State Legislature and the State's adopted budget beginning July 1, 2013.

3. Change out the 1,036 lights in one year using the existing Street Fund "Fund Balance" creating an additional cost in the 2013 operating budget of \$132,225. The projected 2013 ending "Fund Balance" is currently about \$270,000 would then be restored in the annual energy savings over the next 3 years. In year 4 the City would realize the \$45,253 annual savings indefinitely.
4. Phase in the conversion of the 1,036 lights over a longer period of time. An example below shows a 9 year plan which keeps the annual cost capped around \$5,000 a year. In this scenario, the amount of lights converted starts out smaller and the number increases each year as the savings of the previous conversions are realized. The break-even year would occur in 2021.

Year	# of lights	Total # of	Cost	Savings	Net	Net Running
2013	30	30	\$3,829	\$1,310	-\$2,519	-\$2,519
2014	35	65	\$4,467	\$2,839	-\$1,628	-\$4,146
2015	40	105	\$5,105	\$4,586	-\$519	-\$4,665
2016	50	155	\$6,382	\$6,770	\$389	-\$4,276
2017	90	245	\$11,487	\$10,702	-\$785	-\$5,061
2018	125	370	\$15,954	\$16,162	\$208	-\$4,854
2019	195	565	\$24,888	\$24,679	-\$209	-\$5,062
2020	290	855	\$37,013	\$37,346	\$334	-\$4,728
2021	181	1,036	\$23,101	\$45,252	\$22,151	\$17,423



Note: Under option 4, staff could continue to explore grant opportunities to accelerate the conversion process and off-set local costs if those opportunities presented themselves.

### **Financial Impact:**

A 3-year conversion project has an annual cost of roughly \$44,075. The annual savings would be based on the number of lights converted. By year four, the City would potentially be saving approximately \$45,252 per year at the current PSE electricity and maintenance rates.

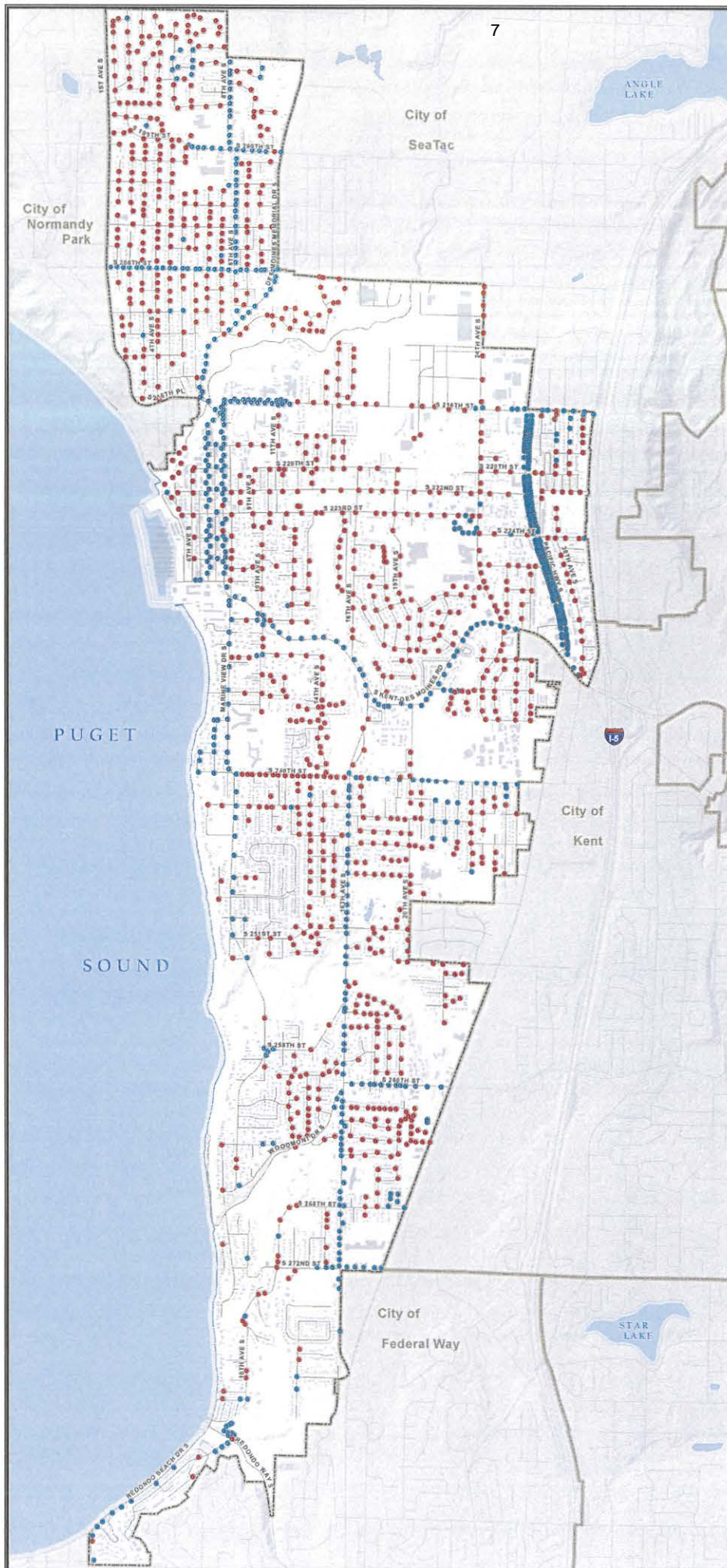
**Recommendation/Conclusion:**

Administration recommends the suggested motion. Staff would bring back to the Council a budget amendment to authorize the new expenditure, as well as any contract documents with PSE if needed for signature authority.

**Concurrence:**

The Planning, Building & Public Works, Finance, and the Legal Departments concur.





**City of Des Moines  
& Vicinity  
Streetlight Map**

**Streetlight Features**

- 100 Watt Cobra Head
- Other

100 Watt Streetlights: 1,036  
Streetlight Total: 1,655




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& Public Works**  
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*City Manager's Office*

June 25, 2002

To: Department Directors  
From: City Manager   
Re: City Council Agenda Items

In order to provide the City Council with more detailed information for their use in making policy decisions, I have decided to change the format for agenda items. Below is an outline of the format I would like us to use. As you can see, we will break the Summary Statement section into several sub-sections. I believe this will make our agenda items easier to follow and understand and will add information that has been missing or not developed fully in the past. Please start using this format for the items you are putting together for the July 11 meeting.

A. Purpose and Recommendation

The first paragraph should always state the purpose of the report. This would be followed by a brief recommendation or at statement of the decision to be made. The recommendation should be more fully developed at the end of the report. An example of an opening paragraph might be:

"The purpose of this report is to seek City Council approval of the purchase of three parcels of property for the Pacific Highway South project."

A suggested motion and alternative motions should be included in this section.

B. Background

In this section, the background of the situation is briefly explained. This is where the origin of the issue or problem is described.

C. Discussion

This section is used to analyze the issue and begin development of the solution. This section should generally lead into the alternatives.

D. Alternatives

Viable alternatives are briefly discussed in this section. A capitalized subtitle may be used at the first line of each alternative to identify it. If appropriate, the financial impact and operational benefits or consequences of each alternative can be briefly discussed within the section presenting that alternative.

The alternative of taking no action should be discussed from the standpoint of any financial or operational impacts which would result.

If one or more of the suggested alternatives would substantially alter existing City policy, this should be pointed out within the discussion of the alternative.

E. Financial Impact

Where financial impact or benefits are not discussed in the alternatives or where additional discussion appears necessary, a separate section on financial impact should be used.

F. Recommendation (or Conclusion)

This is the paragraph in which the recommendation and the action requested from the City Council are discussed. In reports where no recommendation is appropriate, a conclusion should be stated at this point.

G. Concurrence

If several parties are involved in the issue, concurrence or disagreement should be stated at this point. The concurrence of City Council committees, citizen committees or other City departments, if any, should be stated here.

TP:sb

## A G E N D A   I T E M

### BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Pacific Ridge Zoning &  
Permitted Uses Policy Discussion

FOR AGENDA OF: April 4, 2013

DEPT. OF ORIGIN: Community Development

DATE SUBMITTED: March 29, 2013

**ATTACHMENTS:**

1. Annotated Chapter 18.31, Pacific Ridge Zone, with possible changes
2. "Clean Read" copy of Chapter 18.31 if changes in Attachment 1 are made.
3. Map of Pacific Ridge Zone now and with proposed changes
4. Chapter 11, Pacific Ridge Element, Des Moines Comprehensive Plan
5. Summary of 12/1/13 tour and developer meeting.
6. Finance & Economic Development Committee minutes of January 3, January 26, February 26 and February 28, 2013

**CLEARANCES:**

- [X] Community Development DEL  
 [X] Public Works DJB  
 [X] Economic Development WPP  
 [X] Legal RB

APPROVED BY CITY MANAGER FOR  
SUBMITTAL: 

**Purpose and Recommendation:**

The City has been working to transform Pacific Ridge into a new urban community since 2000 with a major public investment in Pacific Highway South and a few commercial projects by private investors. For the most part, the City's redevelopment dream has not been realized. The purpose of tonight's City Council policy discussion is to explore a number of ideas offered by property owners and developers and agree what, if any, changes to Chapter 18.31, Pacific Ridge Zone should be incorporated into an ordinance to help accelerate the transformation of the Pacific Ridge neighborhood. No formal Council action is requested at this meeting but policy direction is desired.

**Background:**

Des Moines City Councils since 2000 have been working to transform Pacific Ridge into a new urban community that takes advantage of its geographic location, local and regional transportation linkages, stable soils, and view potential. It is hoped that the transformation of Pacific Ridge will include replacement of lower-scale, existing buildings with new structures that will dramatically enhance the

appearance, character, economics, and safety of the area. Pacific Ridge will contain buildings and open spaces designed for pedestrians as well as the motorist. Pacific Ridge is expected to be an area of multi-story businesses and residences that make Pacific Ridge inviting to residents and businesses, increase economic development, complement other areas of Des Moines, and foster community pride.

The *Pacific Ridge Neighborhood Improvement Plan* was established to foster redevelopment of properties that had developed incrementally since the 1930's and prior to annexation into the City of Des Moines. During the development of this plan and associated development regulations, the City adopted the goal of transforming Pacific Ridge into a new urban community which would be an attractive, safe, and desirable area to work and reside. One of the cornerstones of this vision was the establishment of higher building heights and as a result, Pacific Ridge was the first neighborhood in the City of Des Moines history that was zoned to allow for mid-rise and high rise construction.

During the establishment of the Pacific Ridge Zone in 2000, the City understood that the primary purpose of its development standards was to ensure that the City achieved its ultimate goal of the redevelopment of Pacific Ridge into a new urban community. This understanding was documented in the first sentence of the Purpose Section of the Pacific Ridge Zone codified as DMMC 18.31.010:

*The principal objective and purpose of this zone and its application is to implement the City of Des Moines Comprehensive Plan, Pacific Ridge Neighborhood Improvement Plan, and other adopted policies for the commercial and residential areas of Pacific Ridge. Furthermore, it is the objective and purpose of this zone to provide development regulations that will promote redevelopment of Pacific Ridge properties in order to create attractive, safe, and desirable areas to work and reside. ...*

The City's continuing commitment to review existing development regulations established in Chapter 18.31 DMMC – to ensure that the regulations implement both the *Pacific Ridge Neighborhood Improvement Plan* and the *Pacific Ridge Design Guidelines* and foster redevelopment of the area – is evident over the last seven years. Beginning in May of 2006, the City Council called for a review of the Pacific Ridge Vision. While there was not complete agreement that changes needed to be made to the Pacific Ridge Zone, the general consensus of the Council was that reviewing the Vision was appropriate, given that six years had passed since adoption.

In June of 2006, the City Council began discussions of the Vision and what, if anything, more should be done to achieve it. To that end, Mayor Sheckler sent letters to 24 prominent developers in October 2006 which ultimately led to a number of developers or their representatives attending a March 2007 City Council Study Session to share ideas on Pacific Ridge redevelopment.

During that Study Session, the Council received comments from developers, contractors, planners, and real estate professionals regarding what changes to the Pacific Ridge Zone were needed to facilitate redevelopment of the neighborhood. Since that date, City staff continued to receive suggestions from the development community on how to facilitate the redevelopment potential of the neighborhood.

The Pacific Ridge Zone code was modified by Ordinances 1405 and 1410 in 2007 and again by Ordinance 1513 in 2011 and Ordinance 1559 in 2012.

In December, 2012, the City Council's Finance and Economic Development Committee (F&ED) hosted a Pacific Ridge tour and meeting with six property owners and development professionals. Notes from that meeting are included as Attachment 3. On February 26<sup>th</sup>, the F&ED Committee met with four additional developers to further explore the need for and desirability of further changes to Chapter 18.31, DMMC. The Committee met again on February 28<sup>th</sup>, again with a developer and his architect in attendance.

The Committee met again on March 26<sup>th</sup> to finalize its positions with regard to Pacific Ridge Zone code changes and to provide policy direction to staff on a parallel approach on complementary changes to the Parking Code (Chapter 18.44, DMMC) and the Sign Code (Chapter 18.42, DMMC) to support Chapter 18.31 changes. The Committee agreed to bring the proposed Pacific Ridge Zone material forward for a full Council policy discussion on April 4<sup>th</sup> with separate policy discussions on the Parking Code and Sign Code at future Council meetings.

### **Discussion:**

Heavy traffic of the two highways that border the Pacific Ridge Neighborhood is one of several factors that have made residential uses less attractive and kept housing rent low, particularly in contrast to the quiet wooded and waterfront neighborhoods available to the west. However, from a commercial (economic, tax revenue) perspective, highway traffic could be considered the redeeming feature of the area, as the high traffic counts on both Pacific Highway South and I-5 equate to the built-in customer base that commercial property values.

As a result of continued conversations with developers, architects, and property owners, the City has gained a better understanding of how the current DMMC adversely affects investment decisions and the viability of the City's redevelopment vision. Staff has concluded that there would be considerably more economic re-development and enhanced City revenues if the City was more flexible with commercial development standards and allowed the market place to define and develop to the highest and best use of Pacific Ridge residential and commercial properties. To that end, staff is asking Council for policy direction on drafting an ordinance that could:

1. Consolidate PR-C1 and PR-C2 and expand the Commercial zone to I-5 between 216<sup>th</sup> and 221<sup>st</sup> except for that portion between 29<sup>th</sup> Avenue South, South 216<sup>th</sup> Street, South 219<sup>th</sup> Street and I-5 would remain PR-R.
2. Expand the permitted uses in both the PR-C and PR-R and allow commercial uses in the PR-R zone while protecting single family residences.
3. Increase unrestricted and restricted building heights.
4. Reduce or remove dimensional, use percentages, parking restrictions, building placement requirements and grandfather dates with the belief that the market place is better able to determine these.
5. Eliminate unnecessary language covered elsewhere in the DMMC.
6. Make the purpose of the zone more positive and add Economic Development as an explicit purpose in the chapter.

Staff will begin drafting the ordinance effecting changes the Council is willing to consider in conjunction with the required public hearing with the City Council pursuant to DMMC 18.56.180. As required by DMMC 18.60.120, the public hearing is required to be set by resolution. The proposed

amendments will modify the City development regulation; therefore amendments are required to be forwarded to the Department of Commerce for review and comment by the Department and other State agencies. Pursuant to RCW 36.70A.106, this review period is a minimum of 60 days; during which a local jurisdiction cannot adopt proposed amendments to its development regulations.

**Alternatives:**

The City Council has three alternatives:

1. Decline to consider amendments to the Pacific Ridge Zone at this time. (No action).
2. Further study these policy changes for possible future action.
3. Direct staff to incorporate one, some or all of the possible changes into an ordinance for public hearing later this spring.

**Financial Impact:**

No financial impact is foreseen by having this policy discussion, but it is hoped that policy changes will facilitate the redevelopment of Pacific Ridge and increase City revenues.

**Recommendation/Conclusion:**

Administration recommends that the City Council provide policy direction on which changes to include in one or more ordinances and/or remand certain policies back to the F&ED Committee for further study.

**Concurrence:**

The Economic Development Manager and the Community Development, Public Works and the Legal Departments concur.



**Staff's Working Comments/Changes (3/26/13)**

**Chapter 18.31  
PACIFIC RIDGE (PR) ZONE**

Sections

18.31.010 Purpose.

18.31.020 Subareas within Pacific Ridge zone.

18.31.030 PR-R – Permitted uses.

18.31.040 PR-C1 – Permitted uses.

**Comment [gf1]:** PR-C1 and PR-C2 proposed to be consolidated and expanded.

~~18.31.050 PR-C1 – Uses allowed in conjunction with a permitted use.~~

~~18.31.060 PR-C2 – Permitted uses.~~

~~18.31.070 PR-C2 – Uses allowed in conjunction with a permitted use.~~

18.31.080 Environmental performance standards and general limitations.

18.31.090 Dimensional standards.

18.31.100 General site design requirements.

18.31.110 General building design requirements.

**18.31.010 Purpose.**

**Comment [gf2]:** Rewritten to emphasize economic development and be more positive.

The principal objective and purpose of this zone and its application is to implement the City of Des Moines Comprehensive Plan, Pacific Ridge Neighborhood Improvement Plan, the City's Economic Development Plan and other adopted policies for the commercial and residential areas of Pacific Ridge.

Furthermore, it is the objective and purpose of this zone to provide development regulations that will promote redevelopment of Pacific Ridge properties in order to create attractive, safe, and desirable areas to work and reside, and to improve the City's economy. Redevelopment of Pacific Ridge is appropriate because this area has excellent access to road, transit and air transportation facilities, potential views of Mount Rainier, Puget Sound and the Olympic Mountains opportunities, and higher-density development on under-developed and older properties which can help Des Moines meet or exceed population and employment growth targets specified by the countywide planning policies for King County and capitalize on economic development potential. ~~Also, redevelopment of Pacific Ridge properties is appropriate~~

**Staff's Working Comments/Changes (3/26/13)**

~~because many of the existing structures and land uses have resulted in social problems such as: high crime rates (especially major felony crimes); declining property values; unsafe and undesirable housing conditions; insufficient building and property maintenance; absentee property ownership/management; violation of zoning, construction, and health codes; transient residency; and marginal businesses.~~

A related consideration is to make it possible to efficiently and economically plan for, design, finance, and provide public services, light rail and other capital facilities, and utilities for the populations and activities within this zone while significantly raising property values. For all of the above reasons, the purpose of this chapter is to promote public health, safety, ~~and~~ welfare and commercial development through redevelopment of Pacific Ridge properties. [Ord. 1267 § 2(part), 2000.]

**18.31.020 Subareas within Pacific Ridge zone.**

(1) Except as provided below, properties within the Pacific Ridge zone are located within one of ~~three-two~~ subareas as illustrated by the zoning map designated by DMMC 18.80.010. The ~~three-two~~ subareas, hereafter referred to as zones, have unique land use and development regulations, and some general regulations apply to each zone. The ~~three-two~~ Pacific Ridge zones are as follows:

(a) PR-R, Pacific Ridge Residential.

~~(b) PR-C1, Pacific Ridge Commercial 1;~~

~~(c) PR-C2, Pacific Ridge Commercial 2;~~

(b) PR-C, Pacific Ridge Commercial

~~(2) Other zones may be applied to existing and planned public facilities, parks, utilities, and similar land uses.~~

~~(3)~~ For application of the general provisions of this title, PR-R is a multifamily residential zone while ~~PR-C1 and PR-C2 are~~ is a commercial zones. [Ord. 1267 § 2(part), 2000.]

**Comment [gf3]:** PR-C1 and PR-C2 proposed to be combined into single PR-C expanded zone. That part of the old PR-C1 zone from 216<sup>th</sup> to 221<sup>st</sup> is proposed to be expanded to the east to the I-5 right of way except for the area between 29<sup>th</sup>, I-5, 216<sup>th</sup> and 219<sup>th</sup> which will remain PR-R.

## Staff's Working Comments/Changes (3/26/13)

### 18.31.030 PR-R – Permitted uses.

Only those uses listed below, and uses similar in nature as determined by the planning, building and public works city manager or designee director, are permitted in the PR-R zone. Uses are more fully described in the "North American Industrial Classification System." Listed uses may be otherwise conditioned in this code. The numbers in parentheses following each of the following listed uses refer to North American Industrial Classification System (NAICS) code numbers:

(1) Uses permitted in PR-C zone when part of a contiguous PR-C development under single ownership.

(2) Multifamily dwellings (no NAICS code);

(23) Religious organizations (813110);

(34) Nursing care facilities (623110) and community care facilities for the elderly (6233);

(45) Public utility facilities and appurtenances necessary for the distribution of utility services to final customers within the immediate area;

(56) A mix of non-residential and commercial uses compatible with residential uses. Mixed-use (no NAICS code), subject to the limitations below and the limitations provided in DMMC 18.31.090, Environmental performance standards and general limitations:

~~(a) Total nonresidential floor area shall not exceed 15 percent of the total floor area of the individual building and a minimum of 25 percent of commercial space must be located along the ground floor;~~

**Comment [gf4]:** Allows the market place to decide what these ratios should be. If we don't like what's happening, we can change it in the future.

~~(b) Permitted nonresidential uses shall be limited to the following:~~

~~(ia) Retail trade (44-45), limited to the following:~~

~~(Ai) Food and beverage stores (445);~~

~~(Bij) Health and personal care stores (446);~~

## Staff's Working Comments/Changes (3/26/13)

(~~ii~~b) Real estate and rental and leasing (53), limited to the following:

(~~A~~i) ~~Lessors of residential buildings and dwellings (531110);~~

(~~ii~~) Offices of real estate agents and brokers (531210);

(~~B~~ii) Real estate property managers (531311);

(~~C~~iv) Offices of real estate appraisers (531320);

(~~D~~v) Other activities related to real estate (531390); and

(~~E~~) ~~Video tape and disc rental (53223);~~

(~~iii~~c) ~~Professional, scientific, and technical services (54);~~

(~~iv~~d) ~~Management of companies and enterprises (55);~~

(~~iii~~e) Health care and social assistance (62), ~~limited to the following except for temporary shelters (624221);~~

(~~A~~) ~~Ambulatory health care services (621) except blood and organ banks (621991); and~~

(~~B~~) ~~Child care facilities (6244);~~

(~~v~~i) ~~Arts, entertainment and recreation (71);~~

(~~iv~~g) Food services and drinking places (72), ~~further~~ limited to the following:

(~~A~~i) Full service restaurants (722511); and

(~~B~~ii) Limited-service ~~eating places~~restaurants (7222722513);

(~~iii~~) ~~Cafeterias, grill buffets and buffets (722514); and~~

(~~iv~~) ~~Snack and nonalcoholic beverage bars (722515).~~

(~~v~~h) Other services (81), ~~further~~ limited to the following:

(~~A~~i) Footwear and leather goods repair (811430);

(~~B~~ii) Personal care services (8121);

(~~C~~iii) Dry-cleaning and laundry services (812320); ~~and~~

ATTACHMENT 1

## Staff's Working Comments/Changes (3/26/13)

~~(Div)~~ Photofinishing (81292);

~~(Ev)~~ Religious organizations (813110);

~~(Fvi)~~ Civic and social organizations (813410);

~~(Gvii)~~ Business associations (813910);

~~(Hviii)~~ Professional organizations (813920);

~~(lix)~~ Labor unions and similar labor organizations (813930);

~~(Jx)~~ Other similar organizations (813990);

~~(vi7)~~ Public administration (92), ~~limited to police protection (92212);~~

~~(6)~~ Botanical gardens (712130);

~~(78)~~ Public parks (no NAICS code);

~~(89)~~ The following buildings, structures and uses are allowed when accessory to a use otherwise permitted by this chapter:

(a) Ancillary and incidental indoor storage and maintenance facilities related to on-site buildings and uses;

(b) Telecommunication facilities as allowed by Title 20 DMMC;

(c) Recreation facilities for use by residents of the property;

(d) Child and adult day care as regulated and licensed by the Washington State Department of Social and Health Services, or its successor agency;

(e) Home occupation, subject to the following limitations:

(i) The occupation shall be conducted entirely within the dwelling;

(ii) The occupation shall not require structural features that are not customary or incidental in a dwelling;

(iii) No signs identifying or advertising the home occupation, or other exterior evidence of the home occupation is allowed;

(iv) A business license as provided by Title 5 DMMC is granted by the city for the home occupation;

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(v) In authorizing a home occupation, the city manager may impose conditions of approval as necessary to ensure the activity is compatible with the surrounding uses;

(vi) In the event the city manager determines that the home occupation has resulted in adverse land use impacts, the city manager is authorized to impose additional conditions of approval as necessary; and

(viii) In the event the nature or extent of the home occupation changes so that the adverse land use impacts cannot be satisfactorily mitigated, the city manager may revoke all approvals and licenses related to the home occupation. [Ord. 1406 § 1, 2007; Ord. 1267 § 2(part), 2000.]

### 18.31.040 PR-C1 – Permitted uses.

Only those uses listed below, and uses similar in nature as determined by the ~~community development director, city manager or designee~~ are permitted in the PR-C1 zone. Uses are more fully described in the "North American Industrial Classification System." Listed uses may be otherwise conditioned in this code. The numbers in parentheses following each of the following listed uses refer to North American Industrial Classification System (NAICS) code numbers:

(1) Retail trade (44-45), ~~except exclusive used car dealers (441120), except the following:~~

- ~~(a) Automobile dealers (4411);~~
- ~~(b) Other motor vehicle dealers (4412);~~
- ~~(c) Tire dealers (44132);~~
- ~~(d) Manufactured (mobile) home dealers (45393);~~
- ~~(e) Heating oil dealers (454311); and~~
- ~~(f) Other fuel dealers (454319);~~

~~(2) A maximum of one gasoline station (447) is permitted within the PR-C1 zone. Buildings containing only a gasoline station are not subject to the minimum building height provisions contained in this chapter;~~

~~(3) Taxi (485310) and limousine service (485320) when primarily contained within an enclosed structure;~~

**Comment [gf5]:** Any type of retail trade under NAICS 44 or 45 is allowed if this change is made including new car dealers and used car sales in conjunction with new car dealers. Exclusively used car dealers would still not be permitted.

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- ~~(43)~~ Postal service (491110);
- ~~(54)~~ Couriers and messengers (492110);
- ~~(65)~~ Information establishments (51), ~~except telecommunication (5133), which is regulated by Title 20 DMMC;~~
- ~~(76)~~ Finance and insurance (52);
- ~~(87)~~ Real estate and rental and leasing (53), ~~except the following mini-warehouses and self storage units (53113) may not front on SR99.:~~
- ~~(a) Lessors of miniwarehouses and self-storage units (53113);~~
  - ~~(b) Automotive equipment rental and leasing (5321); and~~
  - ~~(c) Commercial and industrial machinery and equipment rental and leasing (5324);~~
- ~~(98)~~ Professional, scientific, and technical services (54), ~~except off-premises signs (billboards) which are regulated by chapter 18.42 DMMC;~~
- ~~(109)~~ Management of companies and enterprises (55);
- ~~(1110)~~ Administrative and support services (561XX), ~~except the following:~~
- ~~(a) Repossession services (561491);~~
  - ~~(b) Services to buildings and dwellings (5617); and~~
  - ~~(c) Waste management and remediation services (562);~~
- ~~(1211)~~ Educational services (61);
- ~~(1312)~~ Health care and social assistance (62), ~~subject to the following limitations:~~
- ~~— (a) The following uses are prohibited:~~
    - ~~(i) Outpatient mental health and substance abuse centers (62142);~~
    - ~~(ii) Hospitals (622);~~
    - ~~(iii) Residential mental retardation, mental health, and substance abuse facilities (6232);~~

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(b) Permitted nursing and residential care facilities (623) and community care facilities for the elderly (6233) are allowed only within the residential portion of a mixed-use building;

(1413) Arts, entertainment, and recreation (71) except that adult entertainment facilities and adult motion picture theaters (no NAICS code) are prohibited within 500 feet of the property lines of churches, common schools, day care centers, public facilities, or other adult entertainment facilities or adult motion picture theaters; subject to the following limitations:

(a) The following uses are prohibited:

(i) Spectator sports (7112);

(ii) Amusement, gambling, and recreation industries;

(b) Adult entertainment facilities and adult motion picture theaters (no NAICS code) are prohibited within 500 feet of the property lines of churches, common schools, day care centers, public facilities, or other adult entertainment facilities or adult motion picture theaters;

(1514) Accommodation and food services (72), limited to the following:

(a) Hotels (72111), that contain a minimum of 75 guest rooms; subject to the following:

(i) Casino hotels and motels are prohibited; and

(iii): and Hotels and resort hotels are further allowed as follows:

(A) Hotels and resort hotels shall contain a minimum of 125 guest rooms; and

(B) Hotels and resort hotels shall contain meeting room facilities; and

(C) A maximum of six hotel and/or resort hotel developments shall be allowed within the PR-C1 zone; and

(D) A maximum of 1,500 guestrooms shall be allowed within the PR-C1 zone;

(b) Food services and drinking places (722), however, mobile food services (72233) are also regulated by chapter 5.57 DMMC; subject to the following provisions:

Comment [gf6]: Minimum size is the only limitation with this change. The market place will control the rest.



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~~(i) Fast food restaurants (722211) are allowed only in conjunction with a permitted use;~~

~~(ii) Mobile food services (72233) are regulated by chapter 5.57 DMMC;~~

~~(iii) Drive-through facilities are prohibited;~~

~~(iv) Buildings containing only a full-service restaurant (72211) are not subject to the minimum building height provisions contained in this chapter;~~

**Comment [gf7]:** Minimum building heights are eliminated in 18.31.090 (7)

~~(1615) Other services (81), subject to the following limitations:~~

~~(a) The following uses are prohibited:~~

~~(i) Carwashes (811192), except automotive detail shops;~~

~~(ii) Other automotive repair and maintenance (811198);~~

~~(iii) Death care services (8122);~~

~~(iv) Industrial launderers (812332); and~~

~~(v) Commercial parking lots and garages (812930);~~

~~(ba) Automobile body, paint, interior, and/or glass repair (81112), general automotive repair (811111), automotive exhaust system repair (811112), automotive transmission repair (811113), and automotive oil change and lubrication shops (811191) shall be allowed in the PR-C4 zone; provided, that all of the following requirements shall be met:~~

~~(i) The proposed use shall be located within a building constructed on or before October 30, 2009, and said building is or has been previously used for such use; and~~

~~(ii) The proposed use shall be fully located within an enclosed building area; and~~

~~(iii) Any building or structure that the proposed use is located or proposed to be located within shall not be expanded or enlarged in gross floor area or volume after October 30, 2009; and~~

~~(iv) Any business owner proposing to use a building or structure that the proposed use is located or proposed to be located within shall demonstrate to the city of Des Moines, South King Fire and Rescue, and Puget Sound Clean Air~~

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Agency that quantities, storage, and transport of hazardous materials are properly managed, work areas provide adequate containment to avoid pollution runoff, and facilities are equipped with proper pre-treatment devices to avoid discharge of pollutants to the air or public drainage systems;

~~(c) Pet boarding (812910) is allowed only in conjunction with a permitted use;~~

~~(1716) Public administration (92), except correctional institutions (92214) the following:~~

~~(a) Correctional institutions (92214); and~~

~~(b) Parole offices and probation officers (92215);~~

~~(17) Single purpose multi-family dwellings (no NAICS code) except for properties fronting on SR 99 and South 216<sup>th</sup> Street, and properties north of South 216<sup>th</sup> Street.~~

**Comment [gf8]:** Single purpose multi-family allowed except for old PR-C2 zone and properties on arterials.

~~(18) Mixed use (no NAICS code), except when dwellings are located above the second story of the building~~

~~(i) In that part of PR-C fronting on SR99 and South 216<sup>th</sup> Street, dwellings must be located above the second story of the building.~~

~~(ii) No mixed use is permitted north of South 216<sup>th</sup> Street; and~~

~~(iii) When a project fronting SR 99 or South 216<sup>th</sup> Street contains more than one building, on of those building may be a single purpose multi-family building.~~

~~(19) Public parks (No NAICS code); and~~

~~(20) Public utility facilities and appurtenances necessary for the distribution of utility services to final customers within the immediate area. [Ord. 1467 § 1, 2009; Ord. 1267 § 2(part), 2000.];~~

~~18.31.050 PR-C1 – Uses allowed in conjunction with a permitted use.~~

**Comment [gf9]:** This section eliminated in its entirety since there is no longer a need for "uses allowed in conjunction with a permitted use" because of the expanded permitted uses.

~~The uses listed below, and uses similar in nature as determined by the community development director, are only allowed in the PR-C1 zone when located within the same building as a permitted use. Uses are more fully described in the "North American Industrial Classification System." Listed uses may be otherwise conditioned in this code. The numbers in parentheses following each of the following listed uses refer to North American Industrial Classification System (NAICS) code numbers:~~

~~(1) Fast food restaurants (722211);~~

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(2) Pet boarding (812910). [Ord. 1267 § 2(part), 2000.]

18.31.060 PR-C2 — Permitted uses.

Only those uses listed below, and uses similar in nature as determined by the community development director, are permitted in the PR-C2 zone. Uses identified in this section are more fully described in the "North American Industrial Classification System." Listed uses may be otherwise conditioned in this code. The numbers in parentheses following each of the following listed uses refer to North American Industrial Classification System (NAICS) code numbers:

(1) Except for the uses listed below, uses permitted in the PR-C1 zone are permitted in the PR-C2 zone:

(a) Hospitals (622);

(b) Nursing and residential care facilities (623);

(c) Community housing services (62422);

(d) Hotels and motels (72111);

(e) Mixed use (no NAICS code);

(f) Adult entertainment facilities and adult motion picture theaters (no NAICS code);

(2) Tire dealers (44132);

(3) Gasoline stations (447);

(4) Automotive repair and maintenance (8111). [Ord. 1267 § 2(part), 2000.]

18.31.070 PR-C2 — Uses allowed in conjunction with a permitted use.

The uses listed below, and uses similar in nature as determined by the community development director, are only allowed in the PR-C2 zone when located within the same building as a permitted use. Uses are more fully described in the "North American Industrial Classification System." Listed uses may be otherwise conditioned in this code. The numbers in parentheses following each of the following listed uses refer to North American Industrial Classification System (NAICS) code numbers:

(1) Fast food restaurants (722211);

(2) Pet boarding (812910);

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(3) Light manufacturing, processing, and assembly of goods sold onsite at retail (no NAICS code). [Ord. 1267 § 2(part), 2000.]

### 18.31.080 Environmental performance standards and general limitations.

Every use permitted within the PR zone shall conform to the following general limitations and standards:

#### (1) Provisions applicable to all PR zones:

(a) Accessory uses are permitted that are customarily appurtenant or incidental to the principally permitted uses.

(b) Landscaping and screening are required in accordance with chapter 18.41 DMMC.

(c) Off-street parking and loading areas are required in accordance with chapter 18.44 DMMC.

(d) Mixed-use development shall conform to the following limitations and standards:

(i) Within a mixed-use building, nonresidential building area shall be located at or near street level, and shall be visible from the public right-of-way;

(ii) Within the PR-C1 zone, structures containing only residential uses are allowed on corner and through lots when a commercial or mixed-use structure is located along the Pacific Highway South frontage in the PR zone; except for properties fronting on SR 99 and properties fronting on South 216th Street; and

(iii) On-site multifamily recreation area is required for developments with four or more dwelling units as provided by chapter 18.45 DMMC, except the minimum area of common recreation space per dwelling unit shall be 50 square feet and the private recreation space per dwelling unit shall be 40 square feet for buildings over 35 feet.

(e) Capital Facilities, Utilities, and Public Services.

(i) All capital facilities, utilities, and public services must be adequate to support the proposed land use or structure, including but not limited to drainage; street and walkway systems, both on-site and off-site; sewer and water systems; fire protection; police service; electrical power; and telecommunications.

Comment [gf10]: Already reduced from 200sf to 50sf for common and from 60sf to 40sf for private as required by 18.45 DMMC. Note that 18.45 allows developer to buy out of the common recreation space requirement.

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Improvements to capital facilities, utilities, and public services shall conform to adopted plans, policies, and regulations.

(ii) All development shall be required to install or pay for a proportional share of any new facilities or utilities required to serve the development. Mechanisms such as latecomer's agreements and impact fees may be used to equitably distribute the cost of required improvements.

(iii) Except for high-voltage (i.e., 115 kV) transmission circuitry, all preexisting and newly installed utilities on site and within the abutting rights-of-way shall be placed underground.

### ~~(f) Nuisances:~~

~~(i) As provided by chapter 9.64 DMMC, no use, activity, or equipment shall be permitted that creates a nuisance or is offensive, objectionable, or hazardous by reason of creation of odors, noise, sound, light or glare, steam, vibrations, dust, dirt, smoke, or other pollutants, fumes or gases (toxic or nontoxic), radiation, explosion or fire hazard, or by reason of the generation, disposal, or storage of hazardous or dangerous wastes or materials in a manner(s) inconsistent with Title 70 RCW as presently constituted or as may be subsequently amended.~~

~~(ii) In addition to the uses, activities and equipment deemed a nuisance under the provisions of subsection (1)(f)(i) of this section, the following are declared to be nuisances in all PR zones: all houses, housing units, other buildings, premises or places of resort where controlled substances identified in Article II of chapter 69.50 RCW and not authorized by that chapter, are manufactured, delivered, or possessed, or where any such substance not obtained in a manner authorized by chapter 69.50 RCW is consumed by ingestion, inhalation, injection, or any other means.~~

~~(iii) Any person, firm or corporation found by a court of competent jurisdiction to be keeping or maintaining a nuisance as provided in this chapter shall be liable for all costs and expenses of abating the same, when the nuisance is abated by any officer of the city, and the costs and expenses shall be taxed as part of the cost of said prosecution against the party liable, to be recovered as other costs are recovered. In addition to other powers given in the Des Moines Municipal Code and other applicable law to collect such costs and expenses, the city may bring suit for the same in any court of competent jurisdiction against the person, firm or corporation allowing, creating, enabling, keeping, maintaining or otherwise failing to correct the nuisance so abated.~~

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### ~~(g) Hazardous Substances.~~

~~(i) No use permitted in this chapter, with the exception of public utility and service facilities, shall store any hazardous substance, except that for the purposes of this chapter the following substances shall be exempt:~~

~~(A) Heating oil stored in an underground tank sufficiently contained so as to preclude soil and ground water contamination;~~

~~(B) Gasoline stored in an approved Underwriters Laboratory container;~~

~~(C) Prepackaged retail quantities of fertilizers, pesticides, and auto and home care products only for home use.~~

~~(ii) Failure to comply with any of the requirements of this section shall be deemed a violation and shall result in enforcement by civil penalty as set forth in DMMC 18.72.060 and/or civil violation enforcement penalties or abatement procedures as established in chapter 1.28 DMMC. Any person or business who fails to comply with the provisions of this chapter, or allows a violation to continue after receiving written notice of violation from the community development director, shall be deemed to be causing or permitting a public nuisance and shall be liable in an action for abatement filed by the city in superior court.~~

~~(hf) In reviewing a proposed permitted use, the community development director/city manager or designee or may include minimal conditions of approval as may be reasonably needed to ensure that the use is consistent with the purpose of the PR zone, and to minimize the likelihood of adverse impacts.~~

## (2) Provisions Applicable to the PR-R Zone.

~~(a) Parking and loading areas within the PR-R zone are further allowed as follows: but parking spaces not within a parking garage structure shall be subject to maximum lot coverage limitations.~~

~~(i) For land uses with more than 20 required off-street parking spaces, a minimum of 70 percent of the total off-street spaces provided shall be located within a parking garage structure;~~

~~(ii) Parking spaces not within a parking garage structure shall be subject to maximum lot coverage limitations.~~

~~(b) Multifamily recreation area is required in accordance with chapter 18.45 DMMC, except that the minimum area of common recreation space per dwelling unit~~

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shall be 50 square feet and the private recreation space per dwelling unit shall be 40 square feet for buildings over 35 feet.

(eb) New construction shall conform to applicable Federal Aviation Administration regulations, including Part 77, Federal Aviation Regulations, Objects Affecting Navigable Airspace, as presently constituted or as may be subsequently amended.

### ~~(3) Provisions Applicable to the PR-C1 Zone:~~

~~(a) Off-street parking not within a parking garage structure shall occupy not more than 35 percent of the building site.~~

**Comment [gf11]:** Note that 35% off street parking maximum is proposed to be eliminated.

### (43) Provisions Applicable to the PR-C1 and PR-C2 Zones.

(a) All uses shall be primarily contained within an enclosed structure except the following:

- (i) Outdoor seating and dining;
- (ii) Signs;
- (iii) Loading areas;
- (iv) Motor vehicle fuel pumps;
- (v) Retail nursery and garden centers (44422) in the PR-C2 zone;
- (vi) ~~Minor and incidental~~ incidental outdoor display areas for merchandise sold on site as approved through the design review process;
- (vii) Play/recreation areas; and
- (viii) Miscellaneous storage when limited to 10 percent of the site area and when perimeter landscaping and fencing is provided as approved through the design review process.

(b) Automobile repair, automobile service stations, and similar uses shall conform to the following limitations and standards:

- (i) Automobile repair and the installation of automobile parts and accessories shall be primarily contained within an enclosed structure;
- (ii) Unless specifically authorized by the ~~community development director~~ city manager or designee, views into automobile service bays from Pacific Highway South shall be diminished by building orientation, screening, or other means;

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(iii) Unless specifically authorized by the ~~public-works director~~ city manager or designee, vehicular access shall be limited to one driveway per street frontage;

(iv) Motor vehicle fuel pump islands shall be set back a minimum of 15 feet from property lines;

(v) A six-foot-high, 100 percent sight-obscuring fence shall be provided along property lines that abut residential properties as designated by the ~~Greater-Des Moines Comprehensive Plan~~; and

(vi) Vehicle storage shall be limited to those vehicles contracted for repair or service.

(c) Social service facilities shall conform to the following limitations and standards:

(i) Outdoor play/recreation areas for children shall be set back a minimum of five feet from property lines; and

(ii) Unless specifically authorized by the ~~community development director~~ city manager or designee, passenger loading and unloading areas shall be provided on site. [Ord. 1410 § 1, 2007; Ord. 1267 § 2(part), 2000.]

### 18.31.090 Dimensional standards.

(1) Lot Area. Every lot shall have a minimum area of 7,500 square feet.

(2) Lot Width. Every lot shall have a minimum width of 75 feet.

(3) Front Yard.

(a) In the PR-R zone, ~~not less than 15 feet except that no front yard is required provided that the project is at least 55 feet~~ every lot shall have a front yard of not less than 15 feet.

(b) In the PR-C1 and PR-C2 zones, no front yard is required.

(4) Side Yard.

(a) In the PR-R zone, every lot shall have a minimum 10 foot side yard on each side of the lot ~~when abutting a single family residence, except no side yard is required if the project is a least 55 feet and not abutting a single family residence. The side yards shall have a width of not less than 10 feet.~~

**Comment [gf12]:** The 55 foot requirement is to prevent additions to existing underdeveloped residential properties in transitional areas.



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(b) In the PR-C1 and PR-C2 zones, no side yard is required.

(5) Rear Yard. Every lot shall have a rear yard of not less than 15 feet.

(6) Measurement of Building Height.

(a) PR-R zone: Building height shall be measured from average finish grade.

~~(b) PR-C1 zone: Building height shall be measured from mean sidewalk grade of Pacific Highway South.~~

(c) PR-C2 zone: Building height shall be measured from mean sidewalk grade as follows:

(i) Building height for properties abutting ~~Pacific Highway South SR99~~ is measured from ~~Pacific Highway South SR99~~.

(ii) Building height for properties ~~abutting 24th Avenue South extending from SR99 to 24th Avenue South~~ is measured ~~from 24th Avenue South SR99~~.

(iii) Building height for properties north of South 216<sup>th</sup> Street that do not abut Pacific Highway South or 24th Avenue South is measured from South 216th Street.

~~(iv) Building height shall be measured from average finish grade for properties not abutting SR 99 or South 216<sup>th</sup>.~~

Comment [gf13]: This will allow potentially taller buildings in the old PR-C2 zone than previously allowed.

## (7) Minimum Building Height

(a) Except for buildings containing only a full-service restaurant or a gasoline service station, and other instances specifically authorized by the city manager or designee in writing, no building shall be less than the height specified below:

(i) PR-R zone: 35 feet.

~~(ii) PR-C1 zone: 35 feet.~~

(iii) PR-C2 zone: No minimum building height.

(b) For the purposes of this subsection, minimum building height shall not include decorative towers or appurtenances, roof slopes out of character with the building's architecture, or other contrivances provided solely for achievement of the required minimum building height. In calculating minimum building height, the city manager or

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designee shall include regular architectural features enclosing functional, occupiable building areas.

**(8) Maximum Building Height.** Buildings and structures may be built to the height specified unless restricted by (9) below:

(a) PR-R zone: ~~35-75~~ feet. Buildings may be built to a height of ~~120-200~~ feet with ~~approval of a condominium height bonus or with~~ approval of a floor area clustering height bonus as provided by this chapter.

(b) PR-C4 zone:

(i) Except as provided by subsection (8)(b)(ii) and (iii) of this section, 55 feet.

(ii) In that portion of the PR-C4 zone east of ~~Pacific Highway SR99~~: 85 feet.

(iii) ~~In that portion of PR-C zone north of South 216th~~: 85 feet

(c) PR-C2 zone: 55 feet.

**(9) Building Height Limitation Adjacent to Single-Family.** When an abutting property is designated single-family residential by the Des Moines comprehensive plan and being used as such, building height shall be limited as follows:

(a) Within 20 feet of the abutting single-family residential property, maximum building height shall be 35 feet.

(b) Within 40 feet of the abutting single-family residential property, maximum building height shall be 45 feet.

(c) During the design review and environmental review, the city manager or designee may impose other conditions of approval in order to mitigate potential height, bulk, and scale impacts upon adjacent single-family residents not sufficiently mitigated by existing regulations.

~~(10) Condominium Building Height Bonus. In the PR-R zone, the city manager or designee may authorize buildings 36 to 120 feet in height when a condominium declaration which satisfies chapter 64.34 RCW is recorded for all dwellings within the building.~~

**Comment [gf14]:** Original language restored to make it clear that 35 foot is the unrestricted maximum height unless there is an approved FAR clustering plan per 18.31.110 (3) (a).

**Comment [gf15]:** Changed to be consistent with (11) below.

**Comment [gf16]:** F&ED has asked for this to be reviewed so that there will be lower building heights west of SR99 so that views are not obstructed

**Comment [gf17]:** Eliminated to reflect current and anticipated market conditions in which condo ownership in this area is unlikely for the foreseeable future and rental property is in high demand.

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**(1110) Floor Area Clustering Building Height Bonus.** In the PR-R zone, the city manager or designee may authorize buildings up to 200 feet in height when all of the following provisions are met:

~~(a) A condominium height bonus was granted pursuant to the condominium building height bonus established by subsection (10) of this section.~~

~~(b) The total floor area of the building does not exceed the total maximum floor area of a building that could have been built under the condominium building height bonus established by subsection (10) of this section.~~

(ea) The minimum building site area is 43,560 square feet.

(eb) Useable pedestrian plazas and open space are provided.

**(1211) Height Allowance for Enhanced Design of Distinctive Rooflines.** In the PR-C1, PR-C2 and PR-R zones, a portion of a building may exceed the maximum building height; provided, that the following provisions are met:

(a) The purpose of the additional height for the building is to provide a roofline that is of distinctive form through the use of design elements such as pitched roofs, sloped roofs, vertical offsets or other similar roof features that achieve the goals of Pacific Ridge Design Guideline 2.B.2.

(b) The maximum building height established in subsections (8) and (9) of this section shall only be increased by a maximum of 10 percent.

(c) Architectural features associated with the distinctive roofline shall be used to emphasize significant architectural elements of the building such as the main entrance of the building or the building's orientation to a corner, or to provide for pitched or sloped roofs for the building.

(d) Height allowed for distinctive rooflines under this section shall not be used to determine the building height for the purposes of establishing the maximum gross floor area under DMMC [18.31.110\(3\)](#).

(e) The building area or amount of building structure extending above the maximum height established in subsection (9) of this section shall be limited to 30 percent of the building roof deck area. When multiple building rooflines exist at different building levels or stories, the 30 percent requirement shall only apply to the area of the roof deck of the tallest portion of a building.

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### (1312) Placement of Buildings.

(a) ~~Where a building site abuts the public right-of-way of Pacific Highway South, at least one of the main buildings on the site shall be placed as follows:~~

**Comment [gf18]:** This eliminates all set back requirements for commercial projects fronting on SR99

~~(i) Except as provided below, the building shall abut, or be in close proximity to, the public right-of-way of Pacific Highway South. (ii) Through the permit review process, the city manager or designee may determine it is in the public interest to allow the proposed building to be set back from the right-of-way. In considering a request for setback, the director shall consider matters such as adopted land use policies, vehicular and pedestrian circulation, sight distances, landscaping, existing site improvements, adjacent site improvements, easements or other encumbrances, and public benefit features such as plazas and public artwork.~~

(ba) The distance between a building containing dwelling units and any other building shall be not less than 10 feet.

(eb) On the rear third of an interior lot, accessory buildings not containing dwellings may be built to the side lot lines and the rear lot line ~~;~~ ~~provided, not less than 10 feet of the rear lot line shall be free and clear of buildings.~~

(ec) On the rear one-third of a corner lot:

(i) Accessory buildings not containing dwellings may be built to the interior side lot line and the rear lot line.

(ii) Where a setback from the street is required for the adjoining lot, no building shall be erected closer than 10 feet to the street side lot line.

(ed) On the rear third of a reverse corner lot:

(i) Accessory buildings not containing dwellings may be built to the interior side lot line.

(ii) Where a setback from the street is required for the adjoining lot, no building shall be erected closer than 10 feet to the street side lot line.

(iii) No building shall be erected closer than five feet to the rear lot line. [Ord. 1559 § 1, 2012; Ord. 1513 § 1, 2011; Ord. 1405 § 1, 2007; Ord. 1267 § 2(part), 2000.]

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### 18.31.100 General site design requirements.

(1) Design Guidelines. ~~Design guidelines shall be adopted for new construction within Pacific Ridge.~~ All development proposals shall demonstrate substantial compliance, as determined by the ~~community development director~~city manager or designee, with the adopted Pacific Ridge design guidelines. The guidelines shall provide objectives and techniques for ensuring that new construction provides lasting benefit to the community; minimizes incompatibility among land uses; and promotes crime prevention. Design guidelines shall address site design issues including, but not limited to, the following:

- (a) Placement and orientation of buildings and building entrances;
- (b) Vehicular access, parking, and circulation;
- (c) Pedestrian orientation and access;
- (d) Orientation to transit;
- (e) Placement and screening of service and loading areas;
- (f) Landscaping;
- (g) Freestanding signage;
- (h) Screening of parking and other site features;
- (i) Placement and design of open space;
- (j) Crime prevention; and
- (k) Exterior lighting. [Ord. 1267 § 2(part), 2000.]

### 18.31.110 General building design requirements.

(1) Design Guidelines. ~~Design guidelines shall be adopted for new construction within Pacific Ridge.~~ All development proposals shall demonstrate substantial compliance, as determined by the ~~community development director~~city manager or designee, with the adopted Pacific Ridge design guidelines. The guidelines shall provide objectives and techniques for ensuring that new construction provides lasting benefit to the community; minimizes incompatibility among land uses; and promotes crime prevention. Design guidelines shall address building design issues including, but not limited to, the following:

**Staff's Working Comments/Changes (3/26/13)**

- (a) Building height, bulk, and scale;
  - (b) Building modulation and fenestration;
  - (c) Building silhouette and roof design;
  - (d) Placement and orientation of building entrances, common areas, activity areas, balconies, and other features;
  - (e) Exterior building materials;
  - (f) Window and door detailing;
  - (g) Continuity/variety in building design;
  - (h) Orientation to transit;
  - (i) Wall signage;
  - (j) Crime prevention;
  - (k) Awnings, covered walkways, and other weather protection; and
  - (l) Placement and screening of mechanical equipment.
- (2) Minimum floor-to-ceiling height for dwellings. Dwellings shall have a minimum floor-to-ceiling height of eight feet, six inches.

**Staff's Working Comments/Changes (3/26/13)**

**(3) Maximum Gross Floor Area.**

(a) The maximum gross floor area for buildings within Pacific Ridge neighborhood shall be determined by multiplying the lot area of the site by the floor area ratio number established in the following table:

**Comment [gf19]:** Allow larger floor area ratios and allow buildings to be less skinny (and more economical)

Building Height	PR- <del>C1</del> and PR- <del>C2</del> and PR-R FAR	PR-R FAR
35 Feet or Less	2.8	<del>2.8</del>
35 – 50	3.5	<del>3.5</del>
50 – 60	4	<del>4.0</del>
60 -70	4.5	<del>4.5</del>
70 – 80	5	<del>5</del>
80 – 90	5.5	<del>5.5</del>
90 – 100	<del>Not Applicable</del> 6.5	<del>6.5</del>
100 – 110	<del>Not Applicable</del> 7.5	<del>7.5</del>
110 – 120	<del>Not Applicable</del> 9	<del>9</del>
> 120	<del>Increases by 0.5 per floor above 120 feet</del> Not-Applicable	<del>9</del>

(b) Gross floor area shall include the total square footage of the enclosed building; provided, that:

(i) For properties located adjacent to Pacific Highway South, the area of parking garages constructed below the adjacent sidewalk grade on Pacific Highway South shall not be included in the calculation of gross floor area.

### Staff's Working Comments/Changes (3/26/13)

(ii) For all other properties in the Pacific Ridge neighborhood, the area of parking garages constructed below the lowest sidewalk grade adjacent to the property line shall not be included in the calculation of gross floor area.

(4) Within the PR-C1 and PR-C2 zones, structural encroachments into the right-of-way, such as cornices, signs, eaves, sills, awnings, bay windows, balconies, facade treatment, marquees, etc., shall conform to the provisions set forth by Title 12 DMMC, the Uniform-International Building Code, and the following provisions:

(a) Structural encroachments into the right-of-way shall be capable of being removed without impact upon the structural integrity of the primary building;

(b) Structural encroachments into the right-of-way shall not result in additional building floor area than would otherwise be allowed;

(c) Except for awnings, signs, and marquees, the maximum horizontal encroachment into the right-of-way shall be two feet;

(d) The maximum horizontal encroachment in the right-of-way by signs shall be four feet;

(e) The maximum horizontal encroachment in the right-of-way by awnings and marquees shall be six feet;

(f) The minimum horizontal distance between the structural encroachment and the curbline shall be two feet;

(g) Except for awnings over the public sidewalk which may be continuous, the maximum length of each balcony, bay window, or similar feature that encroaches the right-of-way shall be 12 feet;

(h) Structural encroachments into the right-of-way shall maintain adequate distance away from utility, transportation, or other facilities as determined by the community development director/city manager or designee in consultation with the public works director;

(i) The applicant shall demonstrate proof of public liability insurance and consent to a public place indemnity agreement;

(j) Owners of structural encroachments into the right-of-way must clear the public right-of-way when ordered to do so by city authorities for reasons of public health or safety; and

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**Staff's Working Comments/Changes (3/26/13)**

(k) In reviewing a proposed structural encroachment into the public right-of-way, the ~~community development director~~city manager or designee may include conditions as may be reasonably needed to ensure that the structure is consistent with the purpose of the PR zone, and to minimize the likelihood of adverse impacts. The ~~community development director~~city manager or designee shall deny the request if it is determined that adverse impacts cannot be mitigated satisfactorily. [Ord. 1513 § 2, 2011; Ord. 1267 § 2(part), 2000.]

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**Staff's Working Comments/Changes (3/26/13)  
with proposed changes incorporated**

**Chapter 18.31  
PACIFIC RIDGE (PR) ZONE**

Sections

18.31.010 Purpose.

18.31.020 Subareas within Pacific Ridge zone.

18.31.030 PR-R – Permitted uses.

18.31.040 PR-C– Permitted uses.

18.31.080 Environmental performance standards and general limitations.

18.31.090 Dimensional standards.

18.31.100 General site design requirements.

18.31.110 General building design requirements.

**18.31.010 Purpose.**

The principal objective and purpose of this zone and its application is to implement the City of Des Moines Comprehensive Plan, Pacific Ridge Neighborhood Improvement Plan, the City's Economic Development Plan and other adopted policies for the commercial and residential areas of Pacific Ridge.

Furthermore, it is the objective and purpose of this zone to provide development regulations that will promote redevelopment of Pacific Ridge properties in order to create attractive, safe, and desirable areas to work and reside, and to improve the City's economy. Redevelopment of Pacific Ridge is appropriate because this area has excellent access to road, transit and air transportation facilities, potential views of Mount Rainier, Puget Sound and the Olympic Mountains, and higher-density development on under-developed and older properties which can help Des Moines meet or exceed population and employment growth targets specified by the countywide planning policies for King County and capitalize on economic development potential.

A related consideration is to make it possible to efficiently and economically plan for, design, finance, and provide public services, light rail and other capital facilities, and utilities for the populations and activities within this zone while significantly raising property values and providing housing choices. For all of the above reasons, the

**Comment [gf1]:** Rewritten to emphasize economic development and be more positive.

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## **Staff's Working Comments/Changes (3/26/13) with proposed changes incorporated**

purpose of this chapter is to promote public health, safety, welfare and commercial development through redevelopment of Pacific Ridge properties. [Ord. 1267 § 2(part), 2000.]

### **18.31.020 Subareas within Pacific Ridge zone.**

(1) Except as provided below, properties within the Pacific Ridge zone are located within one of two subareas as illustrated by the zoning map designated by DMMC [18.80.010](#). The two subareas, hereafter referred to as zones, have unique land use and development regulations, and some general regulations apply to each zone. The two Pacific Ridge zones are as follows:

- (a) PR-R, Pacific Ridge Residential;
- (b) PR-C, Pacific Ridge Commercial

(2) For application of the general provisions of this title, PR-R is a multifamily residential zone while PR-C is a commercial zone. [Ord. 1267 § 2(part), 2000.]

**Comment [gf2]:** PR-C1 and PR-C2 proposed to be combined into single PR-C expanded zone. That part of the old PR-C1 zone from 216<sup>th</sup> to 221<sup>st</sup> is proposed to be expanded to the east to the I-5 right of way except for that part extending from 29<sup>th</sup> to I-5 and 216th to 219<sup>th</sup> which should remain PR=R.

### **18.31.030 PR-R – Permitted uses.**

Only those uses listed below, and uses similar in nature as determined by the city manager or designee, are permitted in the PR-R zone. Uses are more fully described in the "North American Industrial Classification System." Listed uses may be otherwise conditioned in this code. The numbers in parentheses following each of the following listed uses refer to North American Industrial Classification System (NAICS) code numbers:

- (1) Uses permitted in PR-C zone when part of a contiguous PR-C development under single ownership.
- (2) Multifamily dwellings (no NAICS code);
- (2) Religious organizations (813110);
- (3) Nursing care facilities (623110) and community care facilities for the elderly (6233);
- (4) Public utility facilities and appurtenances necessary for the distribution of utility services to final customers within the immediate area;

**Staff's Working Comments/Changes (3/26/13)  
with proposed changes incorporated**

(5) A mix of residential and nonresidential uses compatible with residential, subject to the limitations below and the limitations provided in DMMC [18.31.090](#), Environmental performance standards and general limitations:

(a) Retail trade (44-45), limited to the following:

(i) Food and beverage stores (445);

(ii) Health and personal care stores (446);

(b) Real estate and rental and leasing (53), limited to the following:

(i) Lessors of residential buildings and dwellings (531110);

(ii) Offices of real estate agents and brokers (531210);

(iii) Real estate property managers (531311);

(iv) Offices of real estate appraisers (531320)

(v) Other activities related to real estate (531390); and

(c) Professional, scientific, and technical services (54);

(d) Management of companies and enterprises (55);

(e) Health care and social assistance (62), except for temporary shelters (624221);

(f) Arts, entertainment and recreation (71);

(g) Food services and drinking places (722), further limited to the following:

(i) Full service restaurants (722511);

(ii) Limited-service restaurants (722513);

(iii) Cafeterias, grill buffets and buffets (722514); and

(iv) Snack and nonalcoholic beverage bars (722515).

(h) Other services (81), further limited to the following:

(i) Footwear and leather goods repair (811430);

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**Staff's Working Comments/Changes (3/26/13)  
with proposed changes incorporated**

- (ii) Personal care services (8121);
  - (iii) Dry-cleaning and laundry services (812320);
  - (iv) Photofinishing (81292);
  - (v) Religious organizations (813110);
  - (vi) Civic and social organizations (813410);
  - (vii) Business associations (813910);
  - (viii) Professional organizations (813920);
  - (ix) Labor unions and similar labor organizations (813930);
  - (x) Other similar organizations (813990).
- (i) Public administration (92);
  - (j) Public parks (no NAICS code);
- (7) The following buildings, structures and uses are allowed when accessory to a use otherwise permitted by this chapter:
- (a) Ancillary and incidental indoor storage and maintenance facilities related to on-site buildings and uses;
  - (b) Telecommunication facilities as allowed by Title 20 DMMC;
  - (c) Recreation facilities for use by residents of the property;
  - (d) Child and adult day care as regulated and licensed by the Washington State Department of Social and Health Services, or its successor agency;
  - (e) Home occupation, subject to the following limitations:
    - (i) The occupation shall be conducted entirely within the dwelling;
    - (ii) The occupation shall not require structural features that are not customary or incidental in a dwelling;
    - (iii) No signs identifying or advertising the home occupation, or other exterior evidence of the home occupation is allowed;

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### **Staff's Working Comments/Changes (3/26/13) with proposed changes incorporated**

(iv) A business license as provided by Title 5 DMMC is granted by the city for the home occupation;

(v) In authorizing a home occupation, the city manager may impose conditions of approval as necessary to ensure the activity is compatible with the surrounding uses;

(vi) In the event the city manager determines that the home occupation has resulted in adverse land use impacts, the city manager is authorized to impose additional conditions of approval as necessary; and

(viii) In the event the nature or extent of the home occupation changes so that the adverse land use impacts cannot be satisfactorily mitigated, the city manager may revoke all approvals and licenses related to the home occupation. [Ord. 1406 § 1, 2007; Ord. 1267 § 2(part), 2000.]

#### **18.31.040 PR-C – Permitted uses.**

Only those uses listed below, and uses similar in nature as determined by the city manager or designee are permitted in the PR-C zone. Uses are more fully described in the "North American Industrial Classification System." Listed uses may be otherwise conditioned in this code. The numbers in parentheses following each of the following listed uses refer to North American Industrial Classification System (NAICS) code numbers:

- (1) Retail trade (44-45);
- (2) Taxi (485310) and limousine service (485320);
- (3) Postal service (491110);
- (4) Couriers and messengers (492110);
- (5) Information establishments (51);
- (6) Finance and insurance (52);
- (7) Real estate and rental and leasing (53), except mini-warehouses and self storage units (53113) may not front on SR99;
- (8) Professional, scientific, and technical services (54);
- (9) Management of companies and enterprises (55);

**Comment [gf3]:** Any type of retail trade under NAICS 44 or 45 is allowed if this change is made including car dealers.

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## Staff's Working Comments/Changes (3/26/13) with proposed changes incorporated

(10) Administrative and support services (561XX),

(11) Educational services (61);

(12) Health care and social assistance (62);

(13) Arts, entertainment, and recreation (71) except that adult entertainment facilities and adult motion picture theaters (no NAICS code) are prohibited within 500 feet of the property lines of churches, common schools, day care centers, public facilities, or other adult entertainment facilities or adult motion picture theaters;

(14) Accommodation and food services (72), limited to the following:

(a) Hotels (72111) that contain a minimum of 75 guest rooms;

(b) Food services and drinking places (722), however, mobile food services (72233) are also regulated by chapter 5.57 DMMC;

(15) Other services (81)

(a) Automobile body, paint, interior, and/or glass repair (81112), general automotive repair (81111), automotive exhaust system repair (81112), automotive transmission repair (81113), and automotive oil change and lubrication shops (81119) shall be allowed in the PR-C zone; provided, that all of the following requirements shall be met:

(i) The proposed use shall be fully located within an enclosed building area;  
and

(ii) Any business owner proposing to use a building or structure that the proposed use is located or proposed to be located within shall demonstrate to the city of Des Moines, South King Fire and Rescue, and Puget Sound Clean Air Agency that quantities, storage, and transport of hazardous materials are properly managed, work areas provide adequate containment to avoid pollution runoff, and facilities are equipped with proper pre-treatment devices to avoid discharge of pollutants to the air or public drainage systems;

(16) Public administration (92), except correctional institutions (92214).

(17) Single purpose multi-family dwellings (no NAICS code) except for properties fronting on SR 99 and South 216<sup>th</sup> Street, and properties north of South 216<sup>th</sup> Street.

**Comment [gf4]:** Minimum size is the only limitation with this change. The market place will control the rest. Further changed per 2/28 meeting

**Comment [gf5]:** Minimum building heights are eliminated in 18.31.090 (7)



## **Staff's Working Comments/Changes (3/26/13) with proposed changes incorporated**

(18) Mixed use (no NAICS code), except

(i) In that part of PR-C fronting on SR99 and South 216<sup>th</sup> Street, dwellings must be located above the second story of the building and the ground floor must be designed to accommodate commercial uses;

(ii) No mixed use is permitted north of South 216<sup>th</sup> Street; and

(ii) When a project fronting SR 99 or South 216<sup>th</sup> Street contains more than one building, one of those buildings may be a single purpose multi-family building.

(19) Public parks (No NAICS code); and

(20) Public utility facilities and appurtenances necessary for the distribution of utility services to final customers within the immediate area. [Ord. 1467 § 1, 2009; Ord. 1267 § 2(part), 2000.];

### **18.31.080 Environmental performance standards and general limitations.**

Every use permitted within the PR zone shall conform to the following general limitations and standards:

#### **(1) Provisions applicable to all PR zones:**

(a) Accessory uses are permitted that are customarily appurtenant or incidental to the principally permitted uses.

(b) Landscaping and screening are required in accordance with chapter [18.41](#) DMMC.

(c) Off-street parking and loading areas are required in accordance with chapter [18.44](#) DMMC.

(d) Mixed-use development shall conform to the following limitations and standards:

(i) Within the PR-C zone, structures containing only residential uses are allowed except for properties fronting on SR 99 and on South 216<sup>th</sup> Street; and

ii) On-site multifamily recreation area is required for developments with four or more dwelling units as provided by chapter [18.45](#) DMMC, except the minimum area of common recreation space per dwelling unit shall be 50 square feet and

**Comment [gf6]:** Already reduced to 50sf from 200sf for common and from 60sf to 40sf for private as required by 18.45 DMMC. Note that 18.45 allows developer to buy out of the common recreation space requirement.

**Staff's Working Comments/Changes (3/26/13)  
with proposed changes incorporated**

the private recreation space per dwelling unit shall be 40 square feet for buildings over 35 feet.

(e) Capital Facilities, Utilities, and Public Services.

(i) All capital facilities, utilities, and public services must be adequate to support the proposed land use or structure, including but not limited to drainage; street and walkway systems, both on-site and off-site; sewer and water systems; fire protection; police service; electrical power; and telecommunications. Improvements to capital facilities, utilities, and public services shall conform to adopted plans, policies, and regulations.

(ii) All development shall be required to install or pay for a proportional share of any new facilities or utilities required to serve the development. Mechanisms such as latecomer's agreements and impact fees may be used to equitably distribute the cost of required improvements.

(iii) Except for high-voltage (i.e., 115 kV) transmission circuitry, all preexisting and newly installed utilities on site and within the abutting rights-of-way shall be placed underground.

(f) In reviewing a proposed permitted use, the city manager or designee or may include minimal conditions of approval as may be reasonably needed to ensure that the use is consistent with the purpose of the PR zone, and to minimize the likelihood of adverse impacts.

**(2) Provisions Applicable to the PR-R Zone.**

(a) Parking and loading areas within the PR-R zone are further allowed but parking spaces not within a parking garage structure shall be subject to maximum lot coverage limitations.

(b) New construction shall conform to applicable Federal Aviation Administration regulations, including Part 77, Federal Aviation Regulations, Objects Affecting Navigable Airspace, as presently constituted or as may be subsequently amended.

**Staff's Working Comments/Changes (3/26/13)  
with proposed changes incorporated**

**(3) Provisions Applicable to the PR-C Zone.**

(a) All uses shall be primarily contained within an enclosed structure except the following:

- (i) Outdoor seating and dining;
- (ii) Signs;
- (iii) Loading areas;
- (iv) Motor vehicle fuel pumps;
- (v) Retail nursery and garden centers (44422) in the PR-C zone;
- (vi) Incidental outdoor display areas for merchandise sold on site as approved through the design review process;
- (vii) Play/recreation areas; and
- (viii) Miscellaneous storage as an accessory use when limited to 10 percent of the site area and when perimeter landscaping and fencing is provided as approved through the design review process.

(b) Automobile repair, automobile service stations, and similar uses shall conform to the following limitations and standards:

- (i) Automobile repair and the installation of automobile parts and accessories shall be primarily contained within an enclosed structure;
- (ii) Unless specifically authorized by the city manager or designee, views into automobile service bays from Pacific Highway South shall be diminished by building orientation, screening, or other means;
- (iii) Unless specifically authorized by the city manager or designee, vehicular access shall be limited to one driveway per street frontage;
- (iv) Motor vehicle fuel pump islands shall be set back a minimum of 15 feet from property lines;
- (v) A six-foot-high, 100 percent sight-obscuring fence shall be provided along property lines that abut residential properties as designated by the Des Moines Comprehensive Plan; and

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### **Staff's Working Comments/Changes (3/26/13) with proposed changes incorporated**

(vi) Vehicle storage shall be limited to those vehicles contracted for repair or service.

(c) Social service facilities shall conform to the following limitations and standards:

(i) Outdoor play/recreation areas for children shall be set back a minimum of five feet from property lines; and

(ii) Unless specifically authorized by the city manager or designee, passenger loading and unloading areas shall be provided on site. [Ord. 1410 § 1, 2007; Ord. 1267 § 2(part), 2000.]

### **18.31.090 Dimensional standards for new development.**

(1) Lot Area. Every lot shall have a minimum area of 7,500 square feet.

(2) Lot Width. Every lot shall have a minimum width of 75 feet.

(3) Front Yard.

(a) In the PR-R zone, not less than 15 feet except that no front yard is required provided that the project is at least 55 feet.

(b) In the PR-C zone, no front yard is required.

(4) Side Yard.

(a) In the PR-R zone, not less than 10 feet when abutting a single family residence, except that no side yard is required if the project is at least 55 feet and not abutting a single family residence.

(b) In the PR-C zone, no side yard is required.

(5) Rear Yard. Every lot shall have a rear yard of not less than 15 feet.

(6) Measurement of Building Height.

(a) PR-R zone: Building height shall be measured from average finish grade.

(c) PR-C zone: Building height shall be measured from mean sidewalk grade as follows:

(i) Building height for properties abutting SR99 is measured from SR99.

**Comment [gf7]:** The 5 story requirement is to prevent additions to existing underdeveloped residential properties in transitional areas.

### Staff's Working Comments/Changes (3/26/13) with proposed changes incorporated

(ii) Building height for properties extending from SR99 to 24th Avenue South is measured from SR99.

(iii) Building height for properties that do not abut Pacific Highway South or 24th Avenue South is measured from South 216th Street.

(iv) Building height shall be measured from average finish grade for properties not abutting SR 99 or South 216<sup>th</sup>.

#### (7) Minimum Building Height.

(a) Except for buildings containing only a full-service restaurant or a gasoline service station, and other instances specifically authorized by the city manager or designee in writing, no building shall be less than the height specified below:

(i) PR-R zone: 35 feet.

(ii) PR-C zone: No minimum building height for commercial projects and 55 feet for residential or mixed use projects in PR-C zone.

(b) For the purposes of this subsection, minimum building height shall not include decorative towers or appurtenances, roof slopes out of character with the building's architecture, or other contrivances provided solely for achievement of the required minimum building height. In calculating minimum building height, the city manager or designee shall include regular architectural features enclosing functional, occupiable building areas.

**Comment [gf8]:** Policy Question: Should minimum heights be raised in PR-R to encourage 5/2 construction and more density?

**(8) Maximum Building Height.** Buildings and structures may be built to the height specified unless restricted by (9) below:

(a) PR-R zone: 75 feet. Buildings may be built to a height of 200 feet with approval of a floor area clustering height bonus when the minimum building site area is 43,560 square feet and useable pedestrian plazas and open space are provided.

(b) PR-C zone:

(i) Except as provided by subsection (8)(b)(ii) and (iii) of this section, 55 feet.

(ii) In that portion of the PR-C zone east of SR99: 85 feet.

(iii) In that portion of PR-C zone north of S. 216th: 85 feet

**Comment [gf9]:** F&ED has asked for this to be reviewed so that there be lower building heights west of SR99 so that views are not obstructed

**Staff's Working Comments/Changes (3/26/13)  
with proposed changes incorporated**

**(9) Building Height Limitation Adjacent to Single-Family.** When an abutting property is designated single-family residential by the Des Moines comprehensive plan and being used as such, building height shall be limited as follows:

- (a) Within 20 feet of the abutting single-family residential property, maximum building height shall be 35 feet.
- (b) Within 40 feet of the abutting single-family residential property, maximum building height shall be 45 feet.
- (c) During the design review and environmental review, the city manager or designee may impose other conditions of approval in order to mitigate potential height, bulk, and scale impacts upon adjacent single-family residents not sufficiently mitigated by existing regulations.

**(10) Floor Area Clustering Building Height Bonus.** In the PR-R zone, the city manager or designee may authorize buildings up to 200 feet in height when all of the following provisions are met:

- (a) The minimum building site area is 43,560 square feet.
- (b) Useable pedestrian plazas and open space are provided.

**(11) Height Allowance for Enhanced Design of Distinctive Rooflines.** In the PR-C, and PR-R zones, a portion of a building may exceed the maximum building height; provided, that the following provisions are met:

- (a) The purpose of the additional height for the building is to provide a roofline that is of distinctive form through the use of design elements such as pitched roofs, sloped roofs, vertical offsets or other similar roof features that achieve the goals of Pacific Ridge Design Guideline 2.B.2.
- (b) The maximum building height established in subsections (8) and (9) of this section shall only be increased by a maximum of 10 percent.
- (c) Architectural features associated with the distinctive roofline shall be used to emphasize significant architectural elements of the building such as the main entrance of the building or the building's orientation to a corner, or to provide for pitched or sloped roofs for the building.

## **Staff's Working Comments/Changes (3/26/13) with proposed changes incorporated**

(d) Height allowed for distinctive rooflines under this section shall not be used to determine the building height for the purposes of establishing the maximum gross floor area under DMMC [18.31.110\(3\)](#).

(e) The building area or amount of building structure extending above the maximum height established in subsection (9) of this section shall be limited to 30 percent of the building roof deck area. When multiple building rooflines exist at different building levels or stories, the 30 percent requirement shall only apply to the area of the roof deck of the tallest portion of a building.

### **(12) Placement of Buildings.**

(a) The distance between a building containing dwelling units and any other building shall be not less than 10 feet.

(b) On the rear third of an interior lot, accessory buildings not containing dwellings may be built to the side lot lines and the rear lot line (c) On the rear one-third of a corner lot:

(i) Accessory buildings not containing dwellings may be built to the interior side lot line and the rear lot line.

(ii) Where a setback from the street is required for the adjoining lot, no building shall be erected closer than 10 feet to the street side lot line.

(d) On the rear third of a reverse corner lot:

(i) Accessory buildings not containing dwellings may be built to the interior side lot line.

(ii) Where a setback from the street is required for the adjoining lot, no building shall be erected closer than 10 feet to the street side lot line.

(iii) No building shall be erected closer than five feet to the rear lot line. [Ord. 1559 § 1, 2012; Ord. 1513 § 1, 2011; Ord. 1405 § 1, 2007; Ord. 1267 § 2(part), 2000.]

**Comment [gf10]:** This eliminates all setback requirements for commercial projects fronting on SR99

## **Staff's Working Comments/Changes (3/26/13) with proposed changes incorporated**

### **18.31.100 General site design requirements.**

**Design Guidelines.** All development proposals shall demonstrate substantial compliance, as determined by the city manager or designee, with the adopted Pacific Ridge design guidelines. The guidelines shall provide objectives and techniques for ensuring that new construction provides lasting benefit to the community; minimizes incompatibility among land uses; and promotes crime prevention. Design guidelines shall address site design issues including, but not limited to, the following:

- (a) Placement and orientation of buildings and building entrances;
- (b) Vehicular access, parking, and circulation;
- (c) Pedestrian orientation and access;
- (d) Orientation to transit;
- (e) Placement and screening of service and loading areas;
- (f) Landscaping;
- (g) Freestanding signage;
- (h) Screening of parking and other site features;
- (i) Placement and design of open space;
- (j) Crime prevention; and
- (k) Exterior lighting. [Ord. 1267 § 2(part), 2000.]

### **18.31.110 General building design requirements.**

**(1) Design Guidelines.** All development proposals shall demonstrate substantial compliance, as determined by the city manager or designee, with the adopted Pacific Ridge design guidelines. The guidelines shall provide objectives and techniques for ensuring that new construction provides lasting benefit to the community; minimizes incompatibility among land uses; and promotes crime prevention. Design guidelines shall address building design issues including, but not limited to, the following:

- (a) Building height, bulk, and scale;
- (b) Building modulation and fenestration;

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**Staff's Working Comments/Changes (3/26/13)  
with proposed changes incorporated**

- (c) Building silhouette and roof design;
- (d) Placement and orientation of building entrances, common areas, activity areas, balconies, and other features;
- (e) Exterior building materials;
- (f) Window and door detailing;
- (g) Continuity/variety in building design;
- (h) Orientation to transit;
- (i) Wall signage;
- (j) Crime prevention;
- (k) Awnings, covered walkways, and other weather protection; and
- (l) Placement and screening of mechanical equipment.

**(2) Minimum floor-to-ceiling height for dwellings.** Dwellings shall have a minimum floor-to-ceiling height of eight feet, six inches.

Comment [gf11]: Is this needed?

**Staff's Working Comments/Changes (3/26/13)  
with proposed changes incorporated**

**(3) Maximum Gross Floor Area.**

(a) The maximum gross floor area for buildings within Pacific Ridge neighborhood shall be determined by multiplying the lot area of the site by the floor area ratio number established in the following table:

Building Height	PR-C and PR-R FAR
35 Feet or Less	2.8
35 – 50	3.5
50 – 60	4
60 -70	4.5
70 – 80	5
80 – 90	5.5
90 – 100	6.5
100 – 110	7.5
110 – 120	9
> 120	Increases by 0.5 per floor above 120 feet

**Comment [gf12]:** Allow larger floor area ratios and allow buildings to be less skinny (and more economical).

(b) Gross floor area shall include the total square footage of the enclosed building; provided, that:

(i) For properties located adjacent to Pacific Highway South, the area of parking garages constructed below the adjacent sidewalk grade on Pacific Highway South shall not be included in the calculation of gross floor area.

ATTACHMENT 2

**Staff's Working Comments/Changes (3/26/13)  
with proposed changes incorporated**

(ii) For all other properties in the Pacific Ridge neighborhood, the area of parking garages constructed below the lowest sidewalk grade adjacent to the property line shall not be included in the calculation of gross floor area.

(4) Within the PR-C zone, structural encroachments into the right-of-way, such as cornices, signs, eaves, sills, awnings, bay windows, balconies, facade treatment, marquees, etc., shall conform to the provisions set forth by Title 12 DMMC, the International Building Code, and the following provisions:

(a) Structural encroachments into the right-of-way shall be capable of being removed without impact upon the structural integrity of the primary building;

(b) Structural encroachments into the right-of-way shall not result in additional building floor area than would otherwise be allowed;

(c) Except for awnings, signs, and marquees, the maximum horizontal encroachment into the right-of-way shall be two feet;

(d) The maximum horizontal encroachment in the right-of-way by signs shall be four feet;

(e) The maximum horizontal encroachment in the right-of-way by awnings and marquees shall be six feet;

(f) The minimum horizontal distance between the structural encroachment and the curbline shall be two feet;

(g) Except for awnings over the public sidewalk which may be continuous, the maximum length of each balcony, bay window, or similar feature that encroaches the right-of-way shall be 12 feet;

(h) Structural encroachments into the right-of-way shall maintain adequate distance away from utility, transportation, or other facilities as determined by the city manager or designee in consultation with the public works director;

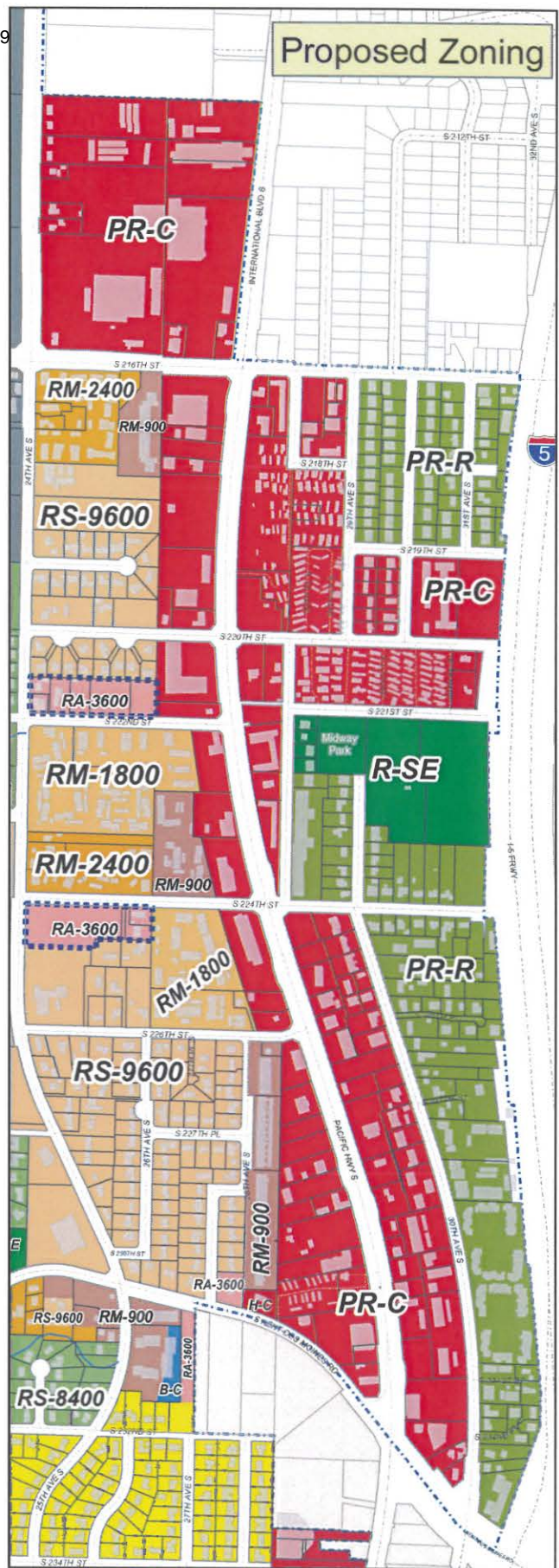
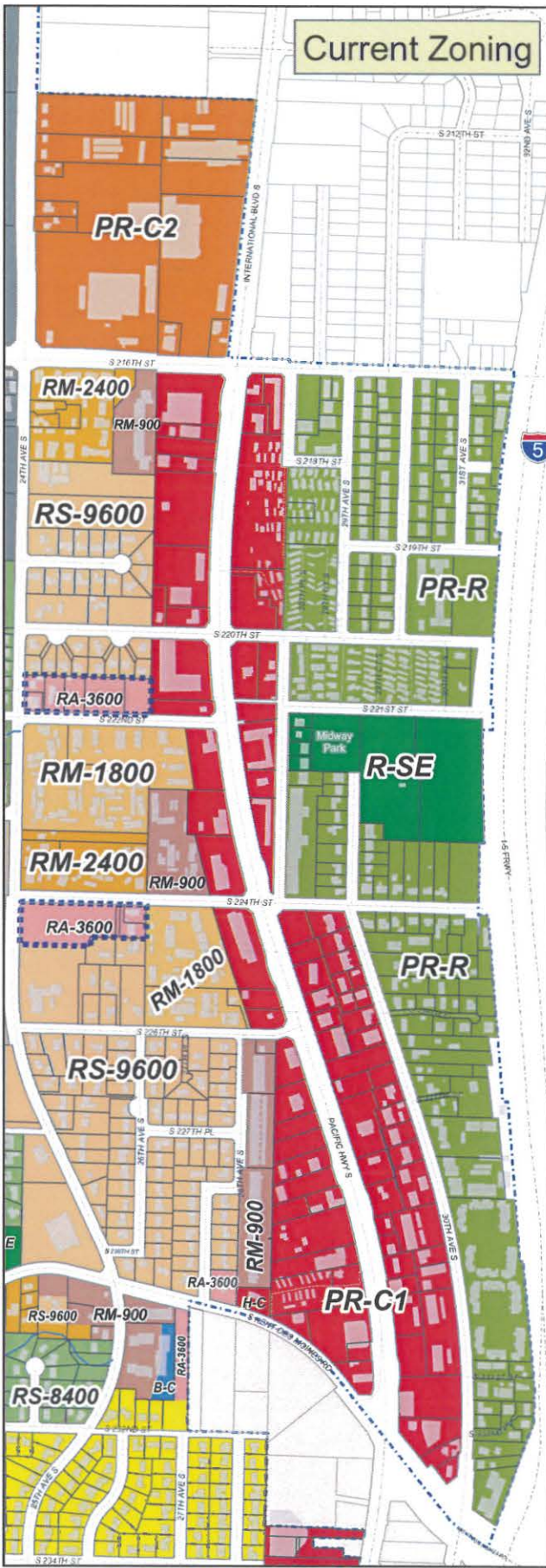
(i) The applicant shall demonstrate proof of public liability insurance and consent to a public place indemnity agreement;

(j) Owners of structural encroachments into the right-of-way must clear the public right-of-way when ordered to do so by city authorities for reasons of public health or safety; and

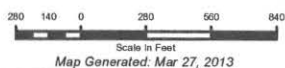
**Staff's Working Comments/Changes (3/26/13)  
with proposed changes incorporated**

(k) In reviewing a proposed structural encroachment into the public right-of-way, the city manager or designee may include conditions as may be reasonably needed to ensure that the structure is consistent with the purpose of the PR zone, and to minimize the likelihood of adverse impacts. The city manager or designee shall deny the request if it is determined that adverse impacts cannot be mitigated satisfactorily. [Ord. 1513 § 2, 2011; Ord. 1267 § 2(part), 2000.]

ATTACHMENT 2



**Pacific Ridge  
Potential Rezone**



**City of Des Moines  
Economic Development**





## CHAPTER 11: PACIFIC RIDGE ELEMENT

### 11-01 GOALS

**11-01-01** The City of Des Moines intends to transform Pacific Ridge into a new urban community that takes advantage of its geographic location, local and regional transportation linkages, stable soils, and view potential. The transformation of Pacific Ridge will include replacement of lower-scale, existing buildings with new structures that will dramatically enhance the appearance, character, economics, and safety of the area. Pacific Ridge will contain buildings and open spaces designed for pedestrians as well as the motorist. Pacific Ridge will be an area of businesses and residences. New buildings may be five to eight stories in height along Pacific Highway emphasizing retail and office uses. Between the development along Pacific Highway and Interstate 5, buildings may be 8 or more stories in height emphasizing residential high-rise home ownership with green open spaces and view corridors. This new community will exhibit superior design features that make Pacific Ridge inviting to residents and businesses, complement other areas of Des Moines, and foster community pride.

### 11-02 BACKGROUND AND CONTEXT

**11-02-01** The Pacific Ridge area is located along Pacific Highway South and between 24<sup>th</sup> Avenue South to the west, Interstate 5 to the east, South 212<sup>th</sup> Street to the north, and Kent-Des Moines Road to the south (see Figure 2-7 within the Land Use Element). Nearby regional transportation facilities (existing and planned) provide excellent access to the area. Pacific Ridge's topography and elevation provide excellent opportunities for views of Mount Rainier, Puget Sound, and the Olympic Mountains.

**11-02-02** Extensive roadway improvements have been completed for this portion of Pacific Highway South. These improvements represent considerable public investment in the area's infrastructure and will improve traffic flow/capacity and vehicular/pedestrian safety, and will significantly enhance the appearance of this area.

**11-02-03** Many Pacific Ridge properties are not improved to the extent presently allowed by the City of Des Moines Comprehensive Plan and the Zoning Code. Many properties are improved with older buildings and are likely to be redeveloped in the near future.

**11-02-04** Due to its location and proximity to several major transportation linkages, age of buildings, other social and economic factors, Pacific Ridge represents an opportunity to increase density without the adverse impacts that may occur elsewhere in the City.

### 11-03 POLICIES

**11-03-01** For commercial properties south of South 216<sup>th</sup> Street, encourage retail and employment uses, but also allow dwellings over street-level commercial uses (mixed use) in this area. Allow multifamily development (with minor and incidental commercial uses) on properties south of South 216<sup>th</sup> Street that do not front upon Pacific Highway South. Allow for limited

townhouse development east of 30<sup>th</sup> Avenue with Council approval. Do not allow residential uses north of South 216<sup>th</sup> Street.

**11-03-02** Encourage developers to take advantage of increased building heights in this neighborhood to enhance land value, promote redevelopment, expand view opportunities, and to accommodate household growth targets specified by the Countywide Planning Policies for King County.

**11-03-03** Encourage land uses that promote long-term residency and activity during both daytime and nighttime hours, such as mixed-use buildings and condominium dwellings.

**11-03-04** Ensure new development includes mitigation measures to offset adverse impacts to the natural and built environment that would otherwise occur. Ensure that new construction does not result in undue adverse impacts upon nearby land uses, and that infrastructure and municipal services are available to serve new land uses.

**11-03-05** Encourage new construction to mitigate adverse impacts relating to displacement of affordable housing. Encourage homeownership, and affordable homeownership, within Pacific Ridge.

**11-03-06** Ensure that development requirements, land use review procedures, and mitigation measures do not unnecessarily hinder redevelopment. Utilize innovative land use review techniques/procedures to minimize timeframes and uncertainty during permit review. Examples of such techniques/procedures include: streamlined environmental review; optional DNS; impact fees, etc.

**11-03-07** Promote redevelopment of Pacific Ridge properties to attract new or expanded businesses and commercial development to Pacific Ridge.

**11-03-08** Ensure that public and private development continues the pedestrian-friendly environment envisioned by the Pacific Highway South Roadway Improvement Project. Ensure compliance with the state Barrier-Free Regulations.

**11-03-09** Expand recreational opportunities in or near Pacific Ridge.

**11-03-10** Encourage use of alternative modes of transportation, including walking, bicycling, carpooling, and mass transit. Coordinate City-sponsored transportation improvements via the Comprehensive Transportation Plan and the Capital Improvement Program.

**11-03-11** Coordinate with Sound Transit and the Cities of Kent, SeaTac and Federal Way on the extension of light rail through Des Moines.

**11-03-12** Promote a pedestrian-friendly sidewalk environment throughout Pacific Ridge. The sidewalk environment may include storefronts near the sidewalk, consolidated and/or shared vehicular access, public open space, attractive landscaping, and integrated signs and lighting. Promote safe and direct pedestrian access between Pacific Highway South and nearby properties.



**11-03-13** Ensure that off-street parking regulations reflect anticipated future demand. Require off-street guest parking for multifamily developments. Continue to allow shared and off-site parking when no adverse parking impacts will result. Ensure that off-site parking is available at the time new uses are authorized.

**11-03-14** Encourage the development and use of gateway features, focal points, and unique design features that contribute to the identity of Des Moines and Pacific Ridge.

**11-03-15** Require that new construction contain and exhibit high-quality design elements and building materials as outlined by the Pacific Ridge Design Guidelines.

**11-03-16** Enhance personal and property safety through development regulation, including use of crime prevention through environmental design (CPTED) guidelines or regulations.

**11-03-17** Encourage new construction to incorporate design elements that provide view corridors, visual interest, pedestrian scale, and features which minimize impacts associated with building height, bulk, and scale. Require the terracing of upper floors of buildings.

**11-03-18** Encourage new development to include public benefit features such as plazas and courtyards with outdoor seating, hill-climbs, overhead weather protection, public art, etc.

#### **11-04**      **STRATEGIES**

**11-04-01** Amend the Des Moines Municipal Code (DMMC) and the City of Des Moines Comprehensive Plan as necessary to maintain consistency with and implement this Element.

**11-04-02** Encourage land assemblage (lot consolidation) so that larger-scale development proposals can be considered, and to minimize instances where “hold-out” properties do not contribute to the emerging character of the area. When new construction is proposed, encourage or require that internal property lines within building sites be removed. Discourage further division of parcels when such proposals are inconsistent with Pacific Ridge policies and/or regulations.

**11-04-03** Do not allow the establishment of new land uses that are inconsistent and/or incompatible with this Element, such as: automobile towing, commercial parking lots, automobile sales, car washes, and drive-through facilities. Allow a limited number of gasoline stations, automobile repair uses, and retail tire sales.

**11-04-04** Encourage or require that new development include mitigation measures relating to displacement of affordable housing. Encourage new residential development to offer owner-occupied dwellings.

**11-04-05** Encourage or require use of shared driveways in order to minimize the number of locations where the sidewalk is interrupted by vehicular traffic. Ensure that land use policies and regulations are consistent with the controlled-access requirements of the Washington State Department of Transportation (WSDOT).

**11-04-06** Encourage transit service to Pacific Ridge, such as nearby park-and-ride lots, direct bus service to light and heavy rail transit stops, bicycle corridors, to and from transit nodes, etc.

**11-04-07** Support a light rail alignment on or east of the SR 99 center median, or along 30th Avenue South, provided a light rail stop is added in the vicinity of South 216th Street; or designate the west margin of Interstate 5 as the light rail corridor through Pacific Ridge. Work with Sound Transit to establish a light rail stop in the vicinity of S 216<sup>th</sup> Street.

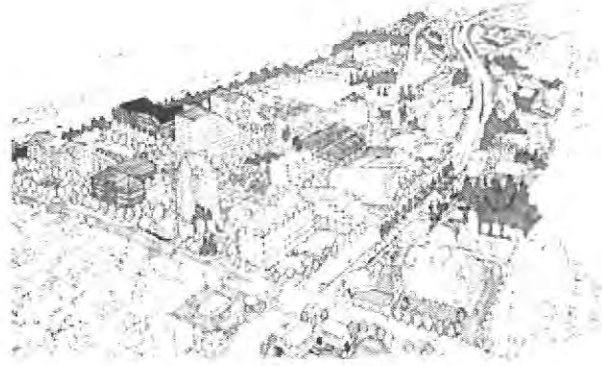
**11-04-08** Ensure that street trees are planted throughout the Pacific Ridge.

**11-04-09** Extend Midway Park to the east, and to the west to Pacific Highway South. Provide pedestrian connections between Midway Park, Pacific Highway South, and the Steven J. Underwood Park complex.

**11-04-10** Align City and outside resources, including in-lieu multifamily recreation fees, to improve and/or expand recreation opportunities and open space in and near Pacific Ridge. Examples of potential improvements include: 1) enlarging Midway Park; 2) improving the Sports Park complex adjacent to Pacific Ridge; and 3) improving pedestrian connections between these facilities.

**11-04-11** Require that the comprehensive plans and capital improvement plans of the special purpose districts that serve Pacific Ridge reflect the build-out conditions specified by this Element and all implementing policies/regulations.

**11-04-12** Coordinate with other agencies/organizations to: 1) attract new businesses in Pacific Ridge; 2) promote development and redevelopment opportunities in Pacific Ridge; and 3) encourage new construction that is consistent with this Element.



*City of Des Moines*  
**Pacific Ridge Window Tour**  
*City Hall Chambers, 21630 11<sup>th</sup> Ave S*  
*Des Moines Wa 98198*

# Meeting Notes and Minutes

## ATTENDEES

**Council Members:** Carmen Scott, Matt Pina, Jeanette Burrage

**Development Consultant:** James Mueller & Assoc. LLC

**Real Estate Community Participants:**

**Mark Johnson, Joe Alhadeff, BJ Bjerneby, Howard Montoure**

**City Manager:** Tony Piasecki

**City Staff:** Denise Lathrop, Robert Ruth, Marion Yoshino



# Meeting Minutes

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On Saturday, December 1<sup>st</sup> the Finance and Economic Development Committee held a tour and round-table discussion on the subject of the Pacific Ridge neighborhood.

- 1. Welcome and Introductions** – 10:05am Committee Chair Matt Pina
- 2. Presentation of the Agenda** – City Manager Piasecki
- 3. Background Briefing** - 10:15am Community Development Director Lathrop
- 4. Policy Questions and Tour Overview** – 10:20am ED Manager Yoshino
- 5. Pacific Ridge Tour via Bus** - 10:30am City Staff et al
- 6. Lunch Break** - 11:30am
- 7. Member Discussion, Q&A** - 12 Noon
  - Current state of the area, future trends
  - Best strategies for addressing development goals

(Please see discussion notes attached)
- 8. Concluding Remarks** – 2:10 pm Committee Chair Pina

Adjourned – 2:15pm  
Respectfully submitted,

Marion Yoshino  
Economic Development Manager



## Discussion Notes

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Tony

“Let’s talk about uses. One example raised is that auto uses are not allowed.”

Mark

“Yes, Dunn has only had ONE VACANCY. Screening can help with auto uses - don’t have to look at cars being repaired.

(Howard, Shannon agree...)

Auto glass, tires, quick oil change

But, we don’t want it to look like old Aurora either.

There is a limit on hotels? Just a small # of rooms?

(80 to 120 rooms)

Tony

Yes, when Garden Suites was being built, and that was the smallest hotel you could build.

Matt

Ok, what should we allow, and what should we NOT allow?

Mark

Don’t let pendulum swing too far (as Robert says). If you open it (uses) too far then cap (capitalization) rate gets even lower.

Matt

We have body of seven & staff, doing our best, what more can be done?

Mark

Storage is not allowed as a separate use, we would like that.

We are looking at apartments also

Jim

It’s hard because what works on Capitol Hill will not work here, where you don’t have density. With 5/2 projects, cost of structured parking is a deal killer.

Denise

King Co has just done ‘rightsized package.’

Carmen  
(Viewpoint apartment project statistics) They have 254 parking spaces!

Everyone  
“Wow”

Jim  
We should think about design standards. Shoreline has done good things and the difference at the border with Seattle is very clear.

Tony  
Yes! Really looks different where you cross over 145<sup>th</sup>, Seattle side is worse

Jim  
Pedestrian friendly stands out. There are reference materials available that talk about a ‘hierarchy of streets. You can look at this, it has already been done.

Robert  
Uncontrolled strip vs overly restrictive – don’t let pendulum swing too far

Jim  
Understand it has already been done – find best example and copy that

Tony  
Do you think that (Shoreline) is the best example? Their lots are much deeper.

Jim  
You have to accommodate your customer

Mark  
Re: parking – Car dealerships put out used cars on sale days to look like customers are there at the sale. Empty/no parking lots look like there is no business. The set back is a huge factor.

Jeanette  
I think that being set back from the street is actually more pedestrian friendly.

Matt  
The Council needs to talk about set back – I agree seeing cars is an indicator of business

Mark



Heritage Plaza owner was very disappointed with not being able to set building back – he has no leasing for retail where you can't see parking.

Carmen

To protect your car from crime, leave it out in view.

Normandy Park Town Center development has dark buildings where you can't see inside. Lake Tapps shopping center has a great example of lots of windows, they chose good anchor tenants there

Joe

No! Tenants chose them!

Matt

(Re: Council meetings and public participation)

The format is not inviting, we need roundtables.

Sometimes the possibilities can make the rumor mill go crazy.

On 7<sup>th</sup> Ave, I asked developer for a plan – he just said 'I'll work on it' but didn't come back with anything. It will be vacant if the PUBLIC doesn't support it. Give me a plan that I can sell to the public.

BJ

I want to say that I am proud of you guys for doing this, and the downtown plan too.

Parking lots between businesses and street just makes sense – and you can see addresses

Denise

But doesn't having design guidelines give a developer predictable positive vision?

Jim

Allow retail & big box on the auto corridor if that works, and then transition back to 'complete streets' behind

Mark

I get that now, you do need some guidelines

Shannon

We tried showing our property for hotel uses, but with mobile home park behind us, the Hyatt is not interested

Matt

The City wants to be a partner – create OPPORTUNITIES. But we don't have development capital. We make changes and then projects don't come.

Jim

Yes, you have to get projects and zoning on 'target' with communication from brokers and business owners.

What is REAL to market? Need a plan

Carmen

The Council can't just make wholesale changes, we need a timeline for decisions required.

Sometimes the request is spot zoning.

Want to make intelligent changes proactively, with good knowledge.

Joe

Congratulations on this meeting. Most Councils hide from public they serve – get public out in front of you! Councils put up barriers to public, leave it to staff. Robert has a book to follow, that's his job.

Jeanette

(re: high cost of fees)

We have to have traffic impact fees to fund roads

Joe

Example of Fife with high sewer fees – 'you are not a Gucci city'

Mark

Traffic impact fees are short-term thinking. You can't afford to give up \$20 million in future revenue for today's cost. The city will be around for decades to come right?

(Again example - death care use not allowed)

Tony

The code does not allow me to be flexible

Matt

We need to focus on win/win. I want to know when something dies because zoning doesn't allow it. Zoning means 'right now you can't do it.'

Tony

Things die when we take them individually. We need to have an overall vision.

Shannon

We are an airport town. You have two cities, one over there and one here. The first step is to get more people – residential to support commercial.

Start building apartment projects and make them green construction.

Electric cars – need cities to provide charging stations

Can't develop businesses first then residential – doesn't work, no support for businesses.

Need *safe* places for people to live

We can't afford to build new residential for the rents that they are getting at the new Viewpoint Project.

Mark

Cost is about \$150k per unit, we are looking at 152 units.

Rush Construction did an analysis for us, capitalization rate is 3.7%

But Des Moines needs a rate of 7% to attract capital, for investment. This is a \$35 million project, and we can't get to a 7% cap rate.

Bellevue can attract capital at that rate because it is a more conservative, proven investment climate.

I can't take a \$4 million loss, worth less the day after I built it than what I paid.



**MINUTES – FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE MEETING**

January 3, 2013

South Conference Room

21630 11<sup>th</sup> Avenue South, Des Moines, WA**Council Members**

Chair Matt Pina

Carman Scott

Jeanette Burrage

**City Staff**

Tony Piasecki – City Manager

Lorri Ericson – Assistant City Manager

Robert Ruth – Planning Manager

Denise Lathrop – Acting Community Dev. Director

Marion Yoshino – Economic Development Mgr

**1. Call to Order**

The meeting was called to order at 7:07 and everyone wished Councilmember Scott a Happy Birthday.

**2. Approval of Minutes**

The October 30, 2012 minutes were approved as amended to clarify that Council Members Burrage and Pina felt the question of parking for a new proposed downtown development should go before the hearing examiner and Councilmember Scott felt it would be better addressed by the council as a whole.

**3. Economic Development Update**

ED Manager Yoshino and CM Piasecki updated the committee on the discussion with the Port of Seattle on the RFP for the DMCBP. ED Manager Yoshino advised that the PMF investment company looking at the Furney property decided not to move forward due to “weak tenant” interest at this time. ED Manager Yoshino also reported that the attorney for the Artemis has advised that all his EB5 applications were at a standstill, and he is working to move them forward. ED Manager Yoshino concluded with an update on the Theater property.

**4. Discussion of Pacific Ridge Tour**

One of the developers who agreed to review the Pacific Ridge Code has been unable to do so yet, but has committed to do it prior to the next Economic Development and Finance meeting. Each councilmember reviewed their notes and shared their thoughts on items that should be addressed.

Councilmember Scott spoke to the placement of the buildings, the parking and the signage as well as the need to acknowledge that HWY 99 is an interstate highway with a high speed limit. She also spoke to the fact that the residential growth designated for that area needs to be off the Hwy 99 frontage. She asked if there was a way to help the property owners understand the real value of their property as developers “back into” the land value.

Councilmember Burrage asked that we address building setbacks in the work plan for 2013. She also believes we should allow more varied uses including relaxing the restrictions on automotive uses. Councilmember Burrage suggested we consider looking at the impact fees for business development and eliminate or reduce them in an effort to help commercial developments pencil out. Discussion ensued.

Chair Pina agreed with the comments about the speed on the road and visibilities of the businesses. He also agreed with the need to change the setbacks. He asked about the possibility of taking a look at some of the residential property to see if it might be viable as commercial property. Although he does not want to see uses that would give the appearance of “downgrading” the quality of businesses on Pacific Highway, he believes we need to consider additional uses as well.

City Manager Piasecki suggested we reconsider the parking requirements and the orientation of the parking toward the building. He also spoke about the need to readdress height limits, particularly as it relates to apartments and floor area ratios. City Manager Piasecki also suggested loosening up the mixed use ratio and minimum height in certain areas.

#### **5. 2013 Finance and Economic Development Work Plan**

There was not time to discuss this in detail. Chair Pina suggested this work plan not be finalized until after the retreat on January 5, 2013. It will be a priority for the next meeting.

#### **6. Committee Member Comments**

There was not time for comments

#### **7. Next Meeting**

Next meeting is February 26, 5:30 – 7:00 p.m. in the South Conference room.

Adjourned at 8:40 p.m.

Respectfully submitted by:

Lorri Ericson, Assistant City Manager

**MINUTES – FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE MEETING**

January 29, 2013

South Conference Room

21630 11<sup>th</sup> Avenue South, Des Moines, WA**Council Members**

Chair Matt Pina  
Carmen Scott  
Jeanette Burrage

**City Staff**

Tony Piasecki – City Manager  
Denise Lathrop – Acting Community Development Director  
Marion Yoshino – Economic Development Mgr  
Pat Bosmans – City Attorney  
Robert Ruth – Planning & Development Manager  
Grant Fredricks – Consultant

**1. Call to Order**

The meeting was called to order at 5:35 pm.

**2. Economic Development Update**

- a. **DMCBP.** Staff mentioned the non-mandatory RFP Information session to be held at Sea-Tac Airport on 2/7 and the importance of funneling all communications from prospective proposers through the Port.
- b. **Pacific Ridge Commercial 2.** Staff mentioned the possibility of a consolidated listing of Furney & Ono properties, the continued commercial interest in the property, the importance of a signalized intersection at about 212<sup>th</sup>, and the need for more zoning flexibility regarding mixed use and building heights.
- c. **Artemis.** Building permits applications are expected to be received on 2/7.
- d. **EB-5.** ED Manager Yoshino briefed on the status of the EB5 application which was reviewed. An appeal hearing is scheduled in March, and the applicants are very confident that the job number concerns can be satisfactorily addressed. The need for applications for other parts of the City was briefly discussed.

**3. Committee Work Plan for 2013**

- e. **Institutional Campus Zoning.** Acting Director Lathrop discussed the upcoming ordinance rezoning Judson Park, Wesley Homes and Highline Community College from their current residential zoning to the newly-created Institutional Campus zone. The Committee agreed that we should wait to rezone Landmark until their ultimate use is determined.
- f. **Short-term/Casual/Monthly Business Licenses.** City Manager Piasecki discussed a request that the City waive the business license requirements for people such as house cleaners that only work intermittently in Des Moines. Changes to current fee levels were also discussed. The Committee agreed that no changes should be made at this time.
- g. **Land Use Review Procedures.** City Attorney Bosmans reviewed a proposed scope of work for outside counsel to review a number of development-related chapters in the DMMC with the goal of cleaning these up so that the DMMC is internally consistent, complies with current state and case law, and reduces the City's legal liability. The proposal is for a firm, fixed price contract with outside counsel drafting ordinances to effect the needed changes.

**4. Discussion of Pacific Ridge Zoning**

Acting Director Lathrop provided handouts of the Comp Plan and Zoning Code, and asked the Committee to reaffirm the vision. Some time was spent discussing Tour comments on permitted uses, lot size, depth of commercial lots, and PR-R use restrictions. Committee asked why SeaTac apartment building has so much parking.

**5. Committee Member Comments**

There was not time for individual Committee comments.

**6. Future Meetings**

Next meeting is Tuesday, February 26, 5:30 – 7:00 p.m. in the South Conference room. Preliminary topics are a staff presentation on the *Des Moines Façade Improvement Incentive Program* (prepared by the UW CEP 460 students) and a proposed draft of an ordinance on Pacific Ridge zoning changes.

Adjourned at 7:00 p.m.

Respectfully submitted by: Grant Fredricks





**MINUTES – FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE MEETING**

February 26, 2013

South Conference Room

21630 11<sup>th</sup> Avenue South, Des Moines, WA

**Council Members**

Chair Matt Pina

Carman Scott

Jeanette Burrage (Joined at 5:50 p.m.)

**Guests**

Tony Hettler, John L. Scott

Cliff Running, Windermere

Ronald Dupard (Joined at 5:55 p.m.)

**City Staff**

Tony Piasecki – City Manager

Lorri Ericson – Assistant City Manager

Robert Ruth – Planning Manager

Denise Lathrop – Acting Community Dev. Director

Marion Yoshino – Economic Development Mgr

Grant Fredricks – Consultant

**1. Call to Order**

Meeting was called to order at 5:35 by Chair Matt Pina

**2. Approval of the January 3, 2013, meeting minute and January 29, 2013 meeting minutes**

Both sets of minutes were approved as submitted.

**3. Economic Development Update**

ED Manager Yoshino provided an update on current the DMCBP RFP and CM Piasecki provided the remainder of the economic update. Artemis application came in at a couple weeks ago and staff will be reviewing the plans later in this week. CM Piasecki also provided an update on the marina floor, detailing a meeting staff had with a citizen last week who had some ideas about a vendor mall that might be a suggestion for the marina floor.

**4. University of Washington School of Architecture Downtown Des Moines Façade Improvement Project**

Acting Community Development Director Lathrop shared the work the UW students did in their class. They built on the storefront studio project from the previous class and developed a true façade enhancement project. Committee consensus was that this would be a good project, but only if grant funds were available as there were other, more pressing needs.

**5. Discussion of Pacific Ridge Zoning Code**

Below are the comments on the proposed zoning code by the guests:

Cliff Running:

- You have to have customers before you can have retail.
- The city needs to expedite the plats in order to get the residential built.
- Agrees with expanding the zoning to I5.

Ronald Dupard:

- There needs to be a critical mass to get things going because no developer wants to be the first.
- Viewpoint Apartments in SeaTac across from Safeway is the comparable for new buildings and was sold and rented at a low price.
- The proximity of the trailer parks and the higher crime rate in the Pacific Ridge area presents a challenge for developers

- He advised he will not be making another call on the property he represents until the City establishes concrete zoning.
- In the past, the city has tried to box developers in and the economics didn't pencil out when the developers were trying to meet the city's vision.
- He feels the parking requirements as they exist are a bit steep and suggested we check with Bothell about parking requirements as they have changed their requirements and are seeing a lot of development.
- He also suggested the height restriction be completely eliminated.

Tony Hettler:

- He stated he envisioned mid priced hotels beginning at Kent Des Moines Road and going north. These hotels would be what supported the retail and restaurants.
- He noted that residential rental rates are fairly strong in Des Moines.
- He believes there will be a housing shortage by 2016.
- Light rail is a gateway into Seattle and we are along that route.

After each of the guests had an opportunity to speak, CM Piasecki led us through a discussion of the proposed changes to the Pacific Ridge Zoning Code one by one. Although we did not get through the entire document, the following specific suggestions were made from committee members:

- Councilmember Burrage suggested we allow the commercial portion of a mixed use building to be on any floor, not necessarily on the bottom floor fronting on Pacific Hwy.

There was considerable discussion around many of the other elements discussed; however, we ran out of time to complete the review and our guests were advised to forward comments via e-mail to ED Manager Yoshino and council members were encouraged to forward questions to staff to be answered at the next meeting.

## **6. Committee Member Comments**

There was not time for comments

## **7. Next Meeting**

Next meeting is February 28, 6:00 – 6:50 p.m. in the South Conference room.

Adjourned at 7:10 p.m.

Respectfully submitted by:

Lorri Ericson, Assistant City Manager

**MINUTES – FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE MEETING**

February 28, 2013

South Conference Room

21630 11<sup>th</sup> Avenue South, Des Moines, WA

**Council Members**

Chair Matt Pina

Carman Scott

Jeanette Burrage (Joined at 5:50 p.m.)

**Guests**

Ronald Dupard

Imad Bahbah, IHB Architects.

**City Staff**

Tony Piasecki – City Manager

Lorri Ericson – Assistant City Manager

Robert Ruth – Planning Manager

Denise Lathrop – Acting Community Dev. Director

Marion Yoshino – Economic Development Mgr

Grant Fredricks – Consultant

**1. Call to Order**

Meeting was called to order at 6:04 by Chair Matt Pina

**2. Discussion of Pacific Ridge Zoning Code**

Grant Fredericks passed out an updated version of the changes and the committee resumed the discussion of staff's proposed changes.

Discussion ensued around allowing storage facilities (not currently allowed). The committee recommended storage facilities now be allowed; however, they not be allowed to front on Pacific Highway.

The committee also agreed to remove the exception to nursing and residential care facilities that requires them to be above the main floor and change the minimum number of rooms in a hotel from 125 to 75.

Councilmember Scott asked that staff review the requirements for the side and back yards and be prepared to speak to this when it comes before the council.

Discussion ensued around the height limits for commercial buildings and staff was asked to work on this and bring more suggestions forward.

Meeting adjourned 6:58 p.m.

**3. Committee Member Comments**

There was not time for comments

**4. Next Meeting**

Next meeting is March 26, 2013 5:30-7:00 p.m. in the South Conference room.

Adjourned at 7:10 p.m.

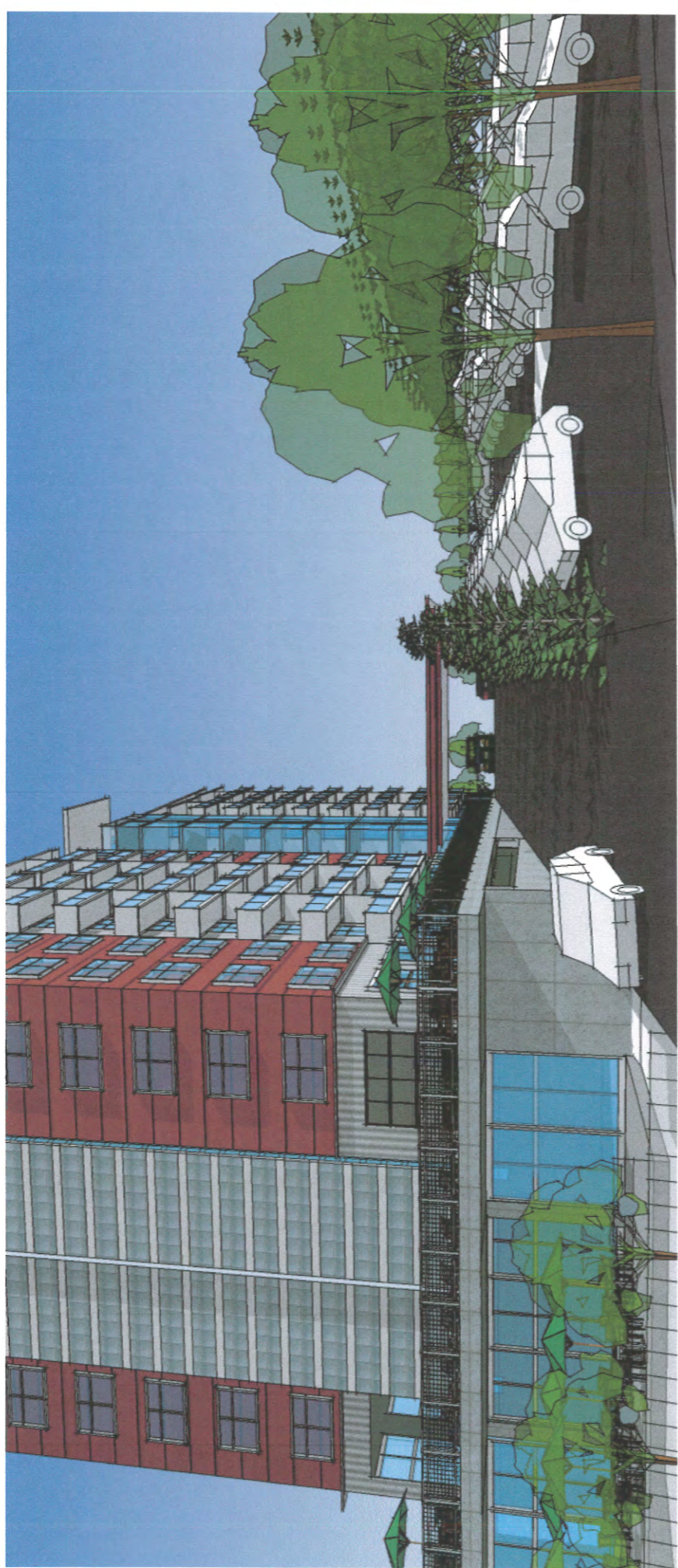
Respectfully submitted by:

Lorri Ericson, Assistant City Manager



**COUNCIL  
MEETING  
HANDOUTS**

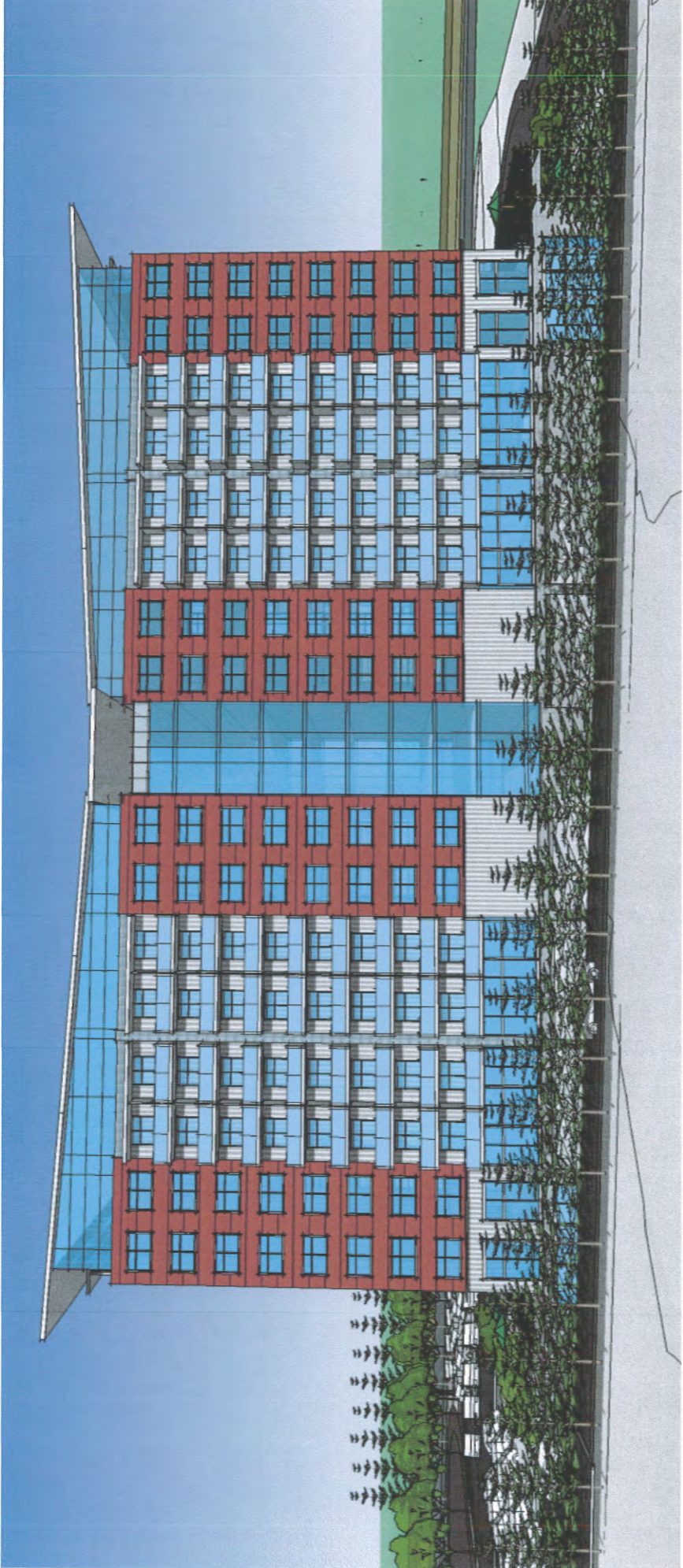












Des Moines City Council  
City of Des Moines  
21630 11th Ave So, Suite A  
Des Moines, WA 98198

Re: Resignation from the Des Moines City Council

Dear Mayor Kaplan and City Council Members:

I regret to inform you of my resignation, effective 4 April, 2013, from the Des Moines City Council due to health reasons. I am unsure that my current condition will allow me to continue to perform the duties necessary to be an effective representative of the City of Des Moines.

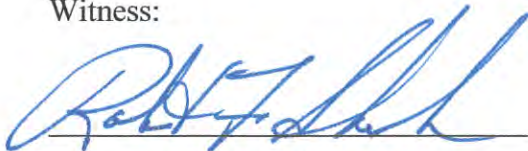
This was not an easy decision for me to make. I've enjoyed working to make Des Moines a great community in which to live and am thankful for the voters who had the confidence in me to elect me to this position.

Respectfully,



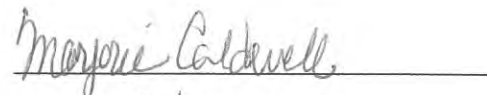
Dan Caldwell  
Des Moines City Councilmember

Witness:

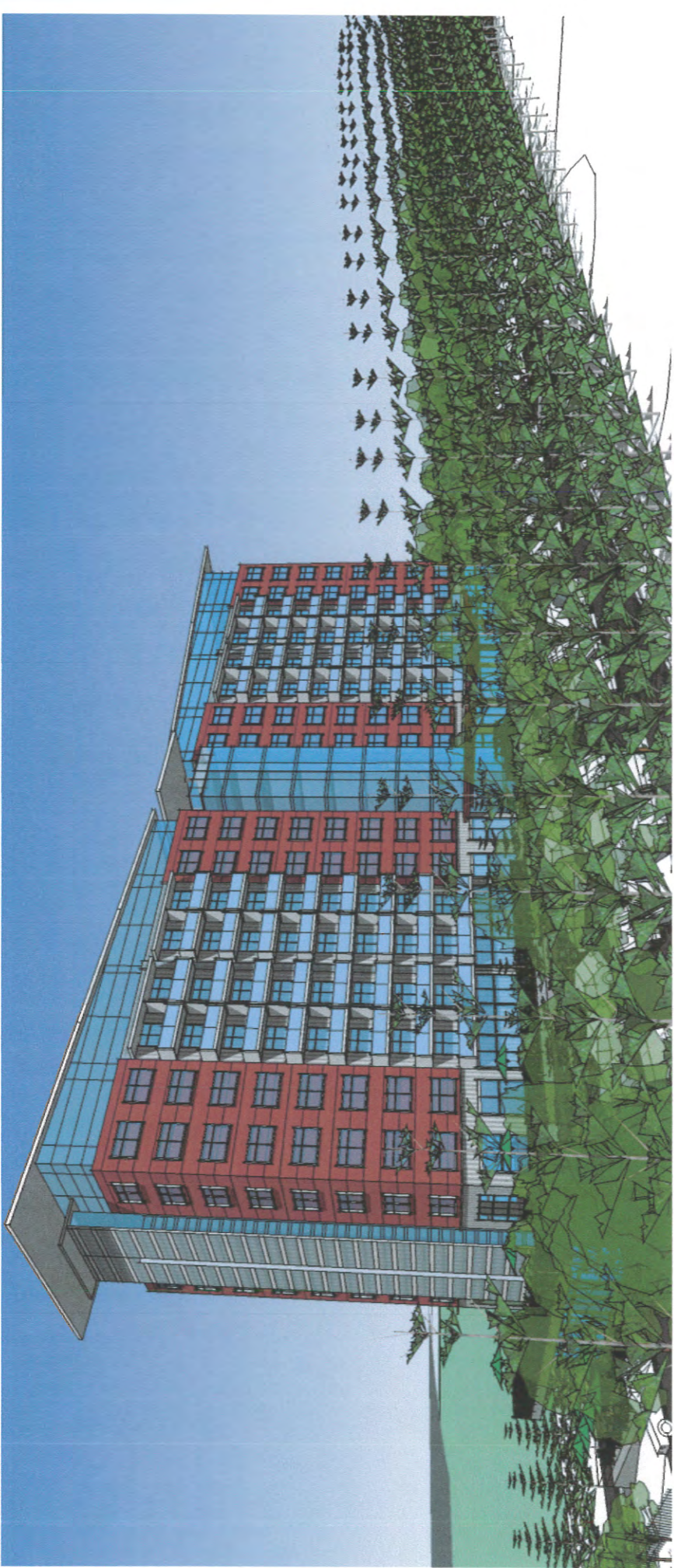


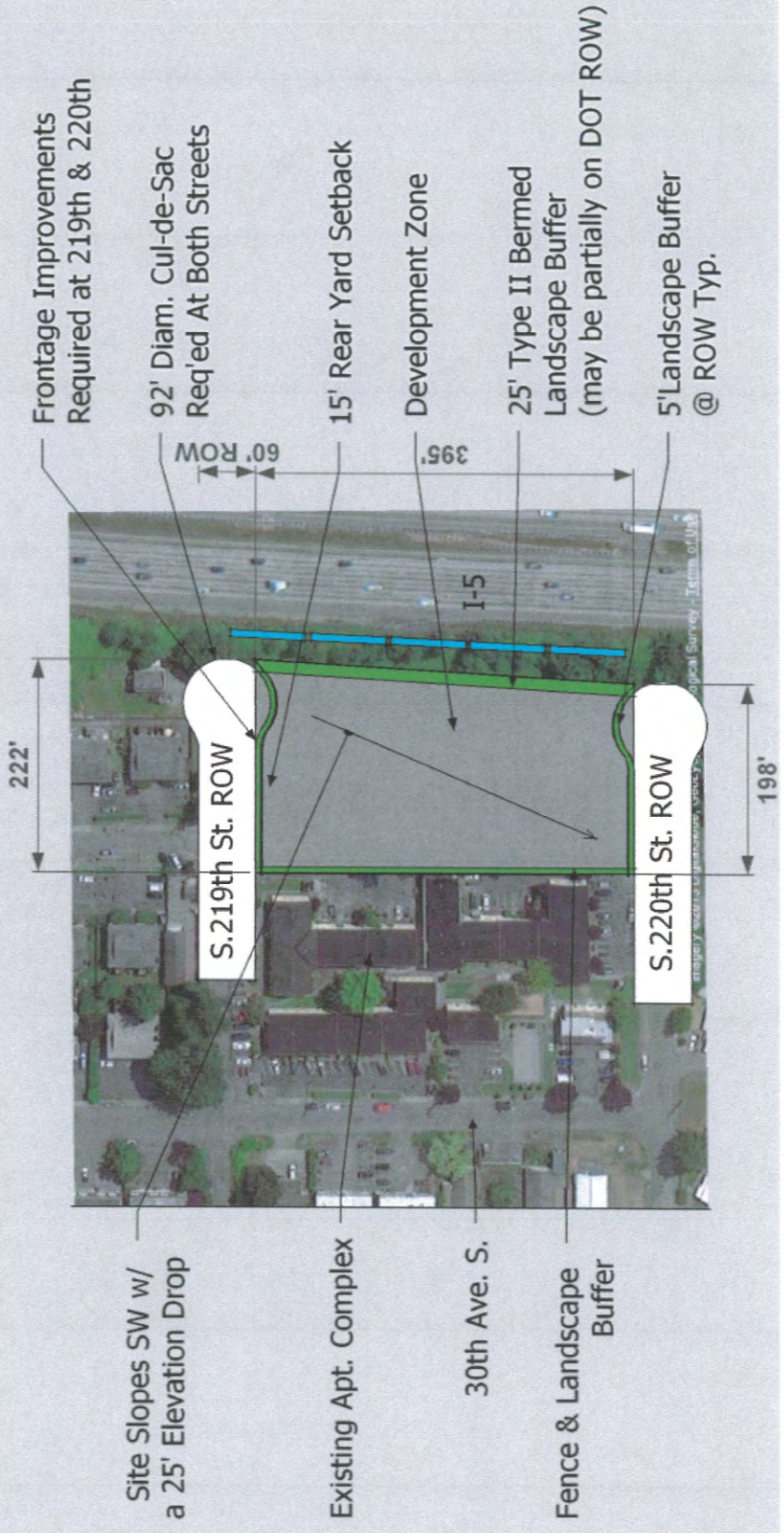
Date: 4-4-13

Witness:



Date: 4/4/13





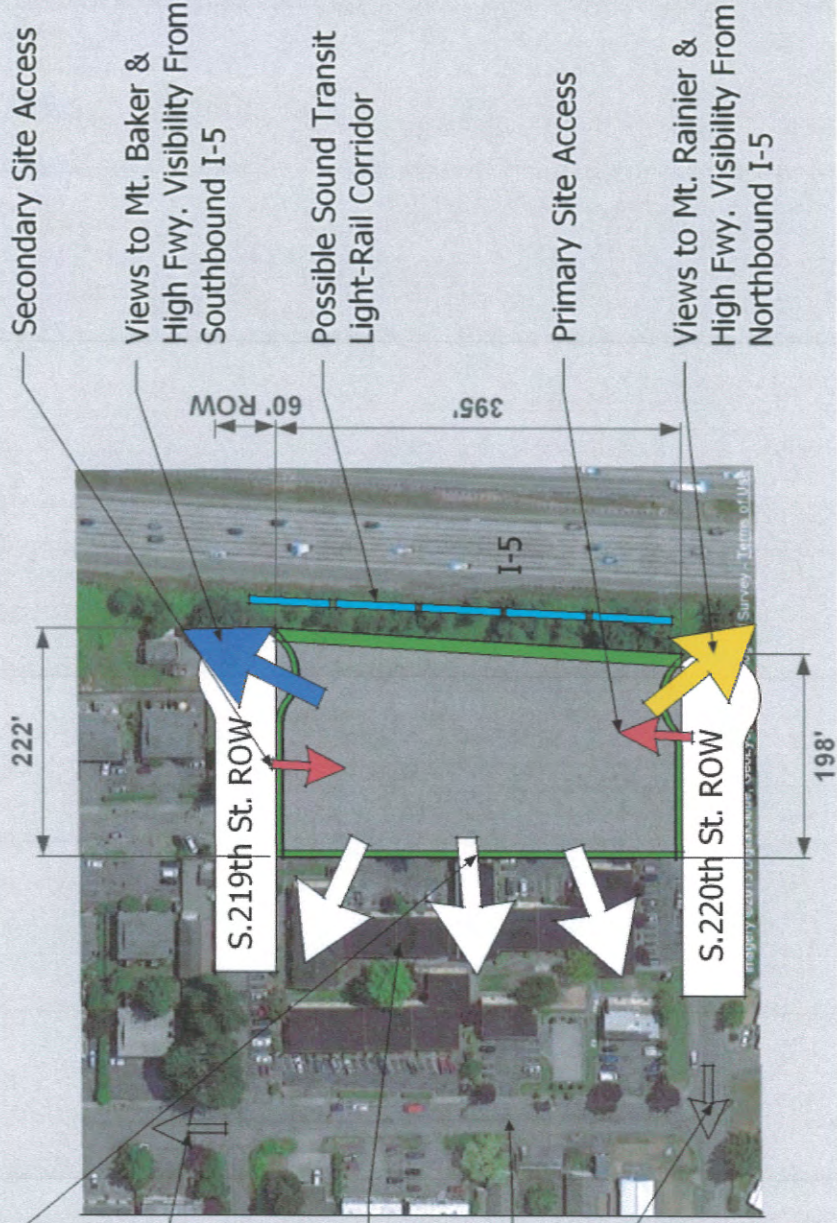
Expansive Westerly Views of Puget Sound & Olympic Mts.

Easy Access to S.216th St., A Major E-W Arterial

Existing Apt. Complex

30th Ave. S.

Easy Access to Hwy 99





Level 10 - Sky Deck

Level 10 - Penthouse Restaurant

Levels 2 - 9 - Hotel Rooms

Sky Lobbies - Every Level

Level 1 - Entry and Amenities

Level 10 - Penthouse Banquet Room Facilities

Vertical Circulation

Indoor Pool Area w/ South Facing Sun Deck

Perimeter Security Fencing & Dense Landscaping

ENTRY BELOW HOTEL

POOL

RETAIL

PARKING

PARKING

Retail Level w/ South Facing Public Sun Deck

PARKING

PARKING

PARKING

PARKING

